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EUROPEAN SOCIAL CHARTER

8th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF AZERBAIJAN

(Article 7, 8, 16, 27

for the period
01/01/2010 – 31/12/2013)

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CYCLE 2015

THE EIGHTS REPORT

**OF THE REPUBLIC OF AZERBAIJAN ON THE
IMPLEMENTATION OF THE
ARTICLES 7, 8, 16 AND 27**

OF THE EUROPEAN SOCIAL CHARTER REVISED

For the period **01.01.2009 – 31.12.2012** made by the Government of the Republic of Azerbaijan in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was deposited on **02 September 2004**

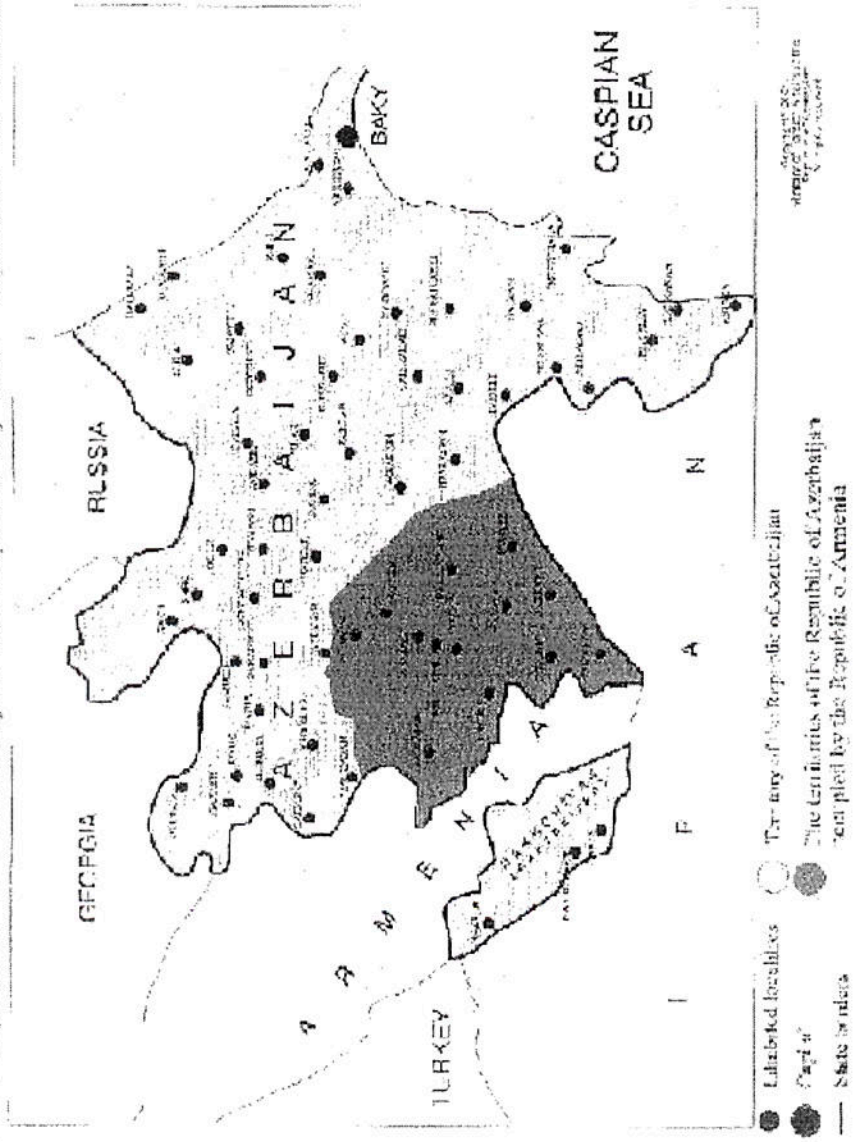
This report also covers the application of such provisions in the following non-metropolitan territories to which, in conformity with Article L, they have been declared applicable: **Republic of Azerbaijan**¹

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to the

- Azerbaijan Trade Unions Confederation
- National Confederation of Entrepreneurs' (Employers') Organizations of the Republic of Azerbaijan

¹ The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of the Charter in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories is attached)

Schematic map of the territories of the Republic of Azerbaijan occupied by the Republic of Armenia



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RESPONSES

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Paragraph 1. Prohibition of the exploitation of the labour of children under the age of 15 years

The Constitution of the Republic of Azerbaijan and the Labour Code of the Republic of Azerbaijan prohibit admission of children under the age of 15 years to employment. As defined in its Article 4, the Labour Code applies to all enterprises, establishments, organizations, as well as workplaces where an employment agreement exists without the establishment of an entity, to all embassies and consulates of the Republic of Azerbaijan operating outside the territory of the Republic of Azerbaijan, to all vessels, offshore installations and other workplaces on the international waters flying the flag of the Republic of Azerbaijan, regardless of their property,

organizational and legal form, and which are established by relevant government bodies, physical and legal persons of the Republic of Azerbaijan. The Labour Code also applies to employees performing jobs in their homes using their employer's goods (materials).

According to the Article 46.4 of the Labour Code, labour contracts can be concluded with the physical persons who reached the age of 15 years. Any labour contract signed with persons under the age of 15 years is null and void, and the employer who concluded such contracts is subject to administrative liability in accordance with the Article 312 of the Labour Code. A labour contract may be concluded with persons aged fifteen to eighteen years with the written consent of one of their parents, adoptive parents, guardians, or persons who are legally authorised by them. The Article 12.ğ of the Labour Code obliges the employer not to engage children in activities that may endanger their lives, health or moral. Employers who fail to uphold this provision are called to appropriate account in the manner established by Legislation.

By virtue of the Article 46.4 of the Labour Code, there is no list of prohibited light duty jobs for children, which are mentioned in the Final Report.

In 2011-2012, a twinning project titled "Support to the State Labour Inspectorate Service in Occupational Health and Safety (OSH) enhancement in the Republic of Azerbaijan" was implemented in the framework of the European Neighbourhood Policy Initiative Programme of the European Union. Foreign experts working for this project and the twinning project titled "Strengthening the capacity of the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan to Promote and Protect the Rights of Vulnerable Families, Women and Children", which is implemented by that Committee, proposed a draft Memorandum of Understanding on Child Labour. In 2013, an Action Plan for the period of 2013-2015 envisaging active cooperation on prevention of exploitation of child labour was signed by the Ministry of Labour and Social Protection of People and the State Committee for Family, Women and Children Affairs. The pertinent state agencies, non-governmental organizations, the Trade Unions Confederation of Azerbaijan, and the Confederation of Entrepreneurs (Employers) Organizations of Azerbaijan, and other labour and employer unions were involved in the realization of the Action Plan.

The Republic of Azerbaijan ratified the UN Convention on the Rights of Children, as well as the International Labour Organization Convention concerning Minimum Age for Admission to Employment and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Presidential Decree of 8 May 2012 on "The rules of state control over realization of the rights of children" identified prevention of employing children in jobs impairing their physical, mental health and moral as the priority task.

According to the Constitution and the Labour Code of the Republic of Azerbaijan the minimum age for admission to employment is 15 years and additional benefits are envisaged for employed people under the age 18 years. The State Labour Inspectorate Service under the Ministry of Labour and Social Protection, which is entrusted with the state control over the compliance with labour legislation, discovered five cases where the rights of employed under the age of 18 years were violated. For violations of the Article 53.9 (Admission persons under the age of 15 years to employment) of the Code of the Republic of Azerbaijan on Administrative Violations, fines for the total amount of 5000 AZN were imposed.

Paragraph 2 - Prohibition of admission of persons under the age of 18 years to employment in occupations regarded as dangerous or unhealthy

The decision of the Cabinet of Ministers of the Republic of Azerbaijan of 24 March 2000, No 58, on "Confirmation of the list of productions, occupations (duties), where labour conditions are harmful and hard, and where employment of persons under the age of 18 is prohibited" entered into force (A copy of the decision is attached).

In the decision, employment of persons under the age of 18 years is prohibited in occupations with harmful and hard labour conditions in the fields of mining, construction of subway, tunnels and underground installations for special purposes, geological exploration, topography-geodesy, metal production, production and transmission of electricity and heating, repair and maintenance of energy related equipment (energy industry).

According to the Article 247.3 of the Labour Code, in concluding employment contracts with persons under the age of 18 years additional conditions and commitments to be fulfilled by the employer should be envisaged aimed at improving the professional skills of the mentioned persons admitted to employment.

In cases when violations of the Article 250 of the Labour Code, which prohibits employment of persons younger than 18 years old in jobs with hard and hazardous work conditions, including in underground tunnels, mines and other underground jobs, also in such places as night clubs, bars, and casinos which could be detrimental to development of his/her moral maturity, and also in places where alcoholic beverages, narcotic components and toxic material are carried, kept, or sold, are discovered by the State Labour Inspectorate Service, it imposes fines in the amount of from three thousand to four thousand AZN on persons holding responsible duty and from ten thousand to thirteen thousand AZN on legal persons in line with the Article 53.10 (For admission of children by employer to employments in activities that endanger their lives, health or moral) of the Code of the Republic of Azerbaijan on Administrative Violations.

Paragraph 3 - Existence of ban on employment of children subject to compulsory education

According to the Article 42.3 of the Labour Code of the Republic of Azerbaijan, any person who reached the age of 15 can act as a party to a labour contract. As noted in the Paragraph 1, the Article 42 of the Labour Code requires that a labour contract may be concluded with persons aged fifteen to eighteen years with the written consent of one of their parents, adoptive parents, guardians, or persons who are legally authorised by them. As for compulsory education, the Article 250 of the Labour Code prohibits the admission of persons under the age of 18 years who fall within the scope of the compulsory secondary education to employment which would prevent them from receiving this education in full. The Article 13.14 and 13.2 of the Law of the Republic of Azerbaijan on Education of 19 June 2009, No 833-IIIQ, envisages independent and home (individual) education forms. As for working during the summer breaks, the question of employment of pupils and students during summer breaks will be considered in the draft proposals on improvement of the Labour Code.

Paragraph 4 - Working hours of persons under 18 years of age

The Article 91 (reduced working hours), the Labour Code of the Republic of Azerbaijan requires that persons under the age of 16 years can be employed up to 24 hours per week, and persons from the age of 16 to 18 years can be employed up to 36 hours per week. The Article 53.10 (For admission of children by employer to employments in activities that endanger their lives, health or moral) of the Code of the Republic of Azerbaijan on Administrative Violations envisages fines for violations of the mentioned provision of the Labour Code in the amount of from three thousand to four thousand AZN for persons holding responsible duty, and from ten thousand to thirteen thousand AZN for legal persons.

Paragraph 5 - Fair wage

Young workers

The Article 159.2 of the Labour Code of the Republic of Azerbaijan requires payment of wages for persons working with reduced working hours as defined in the Article 91, including the persons under the age of 18 years, in the same amount as for full-time working hours. According to the Article 253.2 of the Labour Code, the labour of employees under the age of 18 years who are engaged in piecework, shall be paid on the basis of the piece-rate pay determined for adults. Employees under the age of 18 years, whose working hours are reduced in line with the Article 91, shall receive additional payments according to tariff scales for the differences between the lengths of their working hours and those of adults.

According to the Article 176.1 of the Labour Code, total deductions from employee's wage may not exceed 20 percent of the wage and 50 percent in cases envisaged in legislation.

The Development Concept "Azerbaijan 2020: Look into the Future", approved by the Decree No 800, of 29 December 2012, of the President of the Republic of Azerbaijan, envisages that steps will be taken to elevate the minimum wage gradually and dependent on economic development to the level of minimum living conditions and the threshold of 60 percent of average wage applied in European countries in order to secure a worthy lifestyle for working citizens.

Young persons in vocational training

According to the Article 7.4 and 7.5 of the Labour Code, an agreement for training in a new profession and specialty may be concluded on the basis of mutual consent of employer and employee while concluding of a labour contract or in the course of labour relationship. The terms, procedures and duration of employee's training in a new profession or specialty and the parties' obligations shall be governed by an appropriate agreement or employment contract signed upon mutual consent.

Paragraph 6 - Treating the time spent in vocational training as forming part of the working day

In line with the Article 247 of the Labour Code, appropriate specifications for employing persons under the age of 18 and the benefits that they are entitled to are envisaged taking into account their limited work experience, and limited choices for work, and factors related to their physiological development. The Section 2 of the mentioned Article makes provision of the envisaged benefits compulsory. The Section 3 of the same Article requires that during preparing of labour contracts for employees under 18 years of age, additional conditions and commitments to be met by the employer should be included in the contract in order to enable those employees to get more professional and work experience. The time spent by the employees under the age of 18 for vocational training with the consent of the employer is considered as part of normal working hours.

Paragraph 7 - Annual leave with pay

The rights of employees under the age of 18 years for holiday are stipulated in the Labour Code. According to the Article 131.4 of the Labour Code, employees under the age of 18 years shall be eligible to take vacation during their first year of employment regardless of when the labour contract was concluded. According to the Article 133 of the Labour Code, the employees under the age of 18 years may be granted vacations at a time convenient for them. Moreover, the Article 134 of the Labour Code regulates the deferral of vacation, i.e. the postponement of vacation as provided in the order of preference schedule from one month of the current year to the next or from the current to the next year of employment or next calendar year. The Article 135 of the Labour Code prohibits denial of vacation. The employees are paid compensation in the established amount and manner for unused vacation during the relevant employment year.

Paragraph 8 – Prohibition of employing in night work

The duration of the night work has been defined in the Article 97 of the Labour Code. The Article 254 of the Code relates to the issue of engaging the employees under the age of 18 years in night work, overtime, and work on days off. The Article prohibits engaging those persons in night work, overtime, and work on days off, as well as sending them to business trips. For employees under the age of 18 years, the duration of night work means the time slot from 20:00 to 07:00. As noted above, the Labour Code, including this rule, applies to all enterprises, establishments, organizations, as well as workplaces where an employment agreement exists without the establishment of an entity, to all embassies and consulates of the Republic of Azerbaijan operating outside the territory of the Republic of Azerbaijan, to all vessels, offshore installations and other workplaces on the international waters flying the flag of the Republic of Azerbaijan, regardless of their property, organizational and legal form, and which are established by relevant government bodies, physical and legal persons of the Republic of Azerbaijan. The Labour Code also applies to employees performing jobs in their homes using their employer's goods (materials).

Paragraph 9 – Regular medical control

The Article 15 (“Protection of the health of the citizens engaged in specific occupations, and that of the employees under the age of 18 years”) of the Law of the Republic of Azerbaijan on Protection of Public Health states:

“Persons engaged in the certain occupations, the list of which is approved by the relevant authority of the executive power, must undergo compulsory state medical control before employing and regularly during their employment at the expense of the employer to prevent or exclude contagious or job-specific diseases.

The persons under the age of 18 years can be admitted in occupation only after medical control and they shall undergo medical check-up annually at the expense of the employer until they reach the age of 18 years”.

“The list of the hazardous and dangerous production factors that make medical check-ups necessary”, and “The list of occupations that make compulsory check-ups of the employees necessary” were approved by the Decision of the Collegium of the Ministry of Health of the Republic of Azerbaijan dated 13 December 2012, No 46 on “Improving the compulsory medical check-ups”.

Paragraph 10 – Special protection against physical and moral dangers

Protection against sexual abuse

The Republic of Azerbaijan signed the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on December 12, 2000. Azerbaijan ratified those documents on May 13, 2003. Azerbaijan also joined the Brussels Declaration on Preventing and Combating Trafficking in Human Beings of 20 September 2002. Taking into account the provisions of the above mentioned documents, the President of the Republic of Azerbaijan approved National Action Plans on Combating against Trafficking in Human Beings. The first National Action Plan covering the period of 2004-2008 was approved by the Presidential Decree of 6 May 2004, No 2008, and the second National Action Plan covering the period of 2009-2013 was approved with the Presidential Decree of 6 February 2009, No 133.

In line with the Implementation Program for the National Action Plan, the rules for providing shelters for children, who have become the victims of human trafficking, have been identified. Further, the Program on rehabilitation of the children, who have become victims of human trafficking, and their reintegration in society was adopted.

Such children received assistance in line with the Law of the Republic of Azerbaijan on the Rights of Children and the Law of the Republic of Azerbaijan on Elimination of the Neglect for Children and Violation of Their Rights, the UN Convention on Rights of Children, as well as other international document which Azerbaijan is a Party to. Appropriate measures have been taken to protect their rights and interests. The children placed in shelters are given opportunity to continue their education, communicate with their parents (except for the cases where the parents found to be guilty in engaging them in human trafficking). Overall, 70 measures of different sort were realized on other issues related to combating human trafficking.

In line with the National Action Plan, the Criminal Code of the Republic of Azerbaijan was amended with a Law dated 29 June 2012 which added a provision qualifying circulation of child pornography as a crime. The Law of the Republic of Azerbaijan on Social Service, which regulates

the legal, economic and organizational basis for state care for the people living in hard conditions, including the victims of human trafficking and forced labour, entered into force on 16 June 2012.

According to the decision of the Cabinet of Ministers of 3 August 2012, No 172, the amount of the monthly compensation paid during reintegration to a victim of the human trafficking was doubled to the amount of 400 AZN.

The draft of the third National Action Plan of the Republic of Azerbaijan on Combating against Trafficking in Human Beings was developed and submitted to interagency vetting and final approval. The draft envisages realization of more than 20 actions aimed at improving assistance to the victims of human trafficking and protection of children, who may potentially be victims of human trafficking.

For implementation of the Council of Europe Convention against Trafficking in Human Beings, the Republic of Azerbaijan made appropriate amendments to its Law on Combating Trafficking in Human Beings on April 19, 2013.

In line with the Law on Combating Trafficking in Human Beings and other relevant legislative acts, conducting courses is envisaged in the curricula of the education establishments aimed at elimination and prevention of human trafficking. The Ministry of Education, the Ministry of Youth and Sports, and Ministry of Labour and Social Protection of People take necessary steps with regard to placing the children, who have become victims of human trafficking, in appropriate boarding and other schools, upon the requests by the Ministry of Internal Affairs or assistance centres for the victims of human trafficking.

In line with the National Action Plan, a Memorandum of Understanding on cooperation was signed between the Ministry of Internal Affairs and the NGO Coalition, which comprises numerous NGOs operating in the field of combating human trafficking. The Memorandum was renewed in 2013. The NGOs, which are members of the NGO Coalition on Combating the Human Trafficking, have displayed great interest in and utmost sensitivity to raising awareness in the public on the substance of the human trafficking and the dangers emanating from it.

Every year, public awareness actions were organized in more than 50 cities and districts of the Republic, and informative lectures were held for the students and teachers in dozens of education institutions. The Ministry of the Internal Affairs awarded 10 NGOs in 2011 and 15 NGOs in 2012 for their efficient activity. Within the last five years, the Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan allocated grants in the total amount of 230 000 AZN for the realization of 33 projects submitted by the NGOs on combating human trafficking.

The National Action Plan on Increasing the Efficiency Protection of Human Rights and Freedoms in the Republic of Azerbaijan, which was approved by the Presidential Decree of 27 December 2011, No 1938, envisages - with a view to combating human trafficking - active propagating healthy lifestyles especially among the children and youth, realization of measures on rehabilitation of drug addicts, alcoholics, persons with HIV/AIDS, as well as taking steps to meet the commitments deriving from the relevant documents of the International Labour Organization and enhancing measures on other relevant issues.

To identify victims of forced labour, the members of the Working Group under the National Coordinator against Trafficking in Human Beings conducted raids in quarries and, held monitoring together with several NGOs in constructions sites of the construction companies which employ both local and foreign workers. Especially, monitoring was conducted in cotton and tobacco plantations in several districts of the Republic to identify cases of forced employment of children in agriculture.

According to the Article 2.10 of "The Rules for repatriation of victims of human trafficking", which was approved by the decision of the Cabinet of Ministers of 10 September 2013, No 252, a risk and threat assessment is conducted with regard to danger of being chased by human traffickers or being victim of human trafficking again after victims of human trafficking are repatriated to their country. The results of such assessment are taken into account while performing repatriation. According to the Article 29 of the Code of the Republic of Azerbaijan on Administrative Violations, as well as the Article 3 of "The Rules for repatriation of victims of human trafficking," the children, who are victims of human trafficking, are not deported from the territory of Azerbaijan as a matter of administrative action. Repatriation of children, who are victims of human trafficking, to their country and family, is allowed only if the probability of their becoming victim of human trafficking again is excluded. Appropriate actions are taken to identify their families or legal representatives. While considering the issue of repatriation of children, who are victims of human trafficking, to their country or returning them to their parents, the view of the children above the age of 10 years is sought and taken into account. If the threat and risk assessment finds repatriation to be not in the interest of the children, who are victims of the human trafficking, then they are not repatriated and necessary actions are taken to enable those children to live legally in the territory of Azerbaijan, including by legalising their stay in the country, providing necessary documents and taking social rehabilitation measures.

In 2010-2013, 7 children were identified as the victims of human trafficking. Two of them were subject to sexual exploitation, one was subjected to forced labour, and four infants were sold.

The 580 facts on crimes involving human trafficking and forced labour that were registered during the past ten years have involved 529 victims of human trafficking. During the last five years, 4 organized networks and 47 criminal groups were neutralised. During the same period, 174 human traffickers were sentenced by courts of the first instance of the Republic of Azerbaijan.

The acts of involving children in prostitution, child pornography, child trafficking, exploitation of child labour and other related malicious acts have been criminalised as distinct forms of crime in the Penal Code of the Republic of Azerbaijan, as defined in the Article 171 (Involving of minor to prostitution, or commitment of immoral actions), Articles 171.1 (circulation of child pornography), 144-1.2.3 (trafficking in minors), and 144-2.2.3 (forcing minors to labour) of this Code.

In connection with the implementation of the Program on Elimination of Social Circumstances Conducive to Human Trafficking, which was approved by the Decision of the Cabinet of Ministers of 20 May 2011, No 81, the Ministry of Education launched in cooperation with the NGO Alliance on the Rights of the Children "the Centre for Psycho-Social Rehabilitation of the Children and Youth, Who Have Become the Victims of Violence and Crime". The Centre started taking tangible steps aimed at assisting neglected children and teenagers, who are surrounded by hazardous environment (drug addicts using injections, families with victims of violence and crime) and who belong to the risk group of human trafficking, psychological counselling for them, engaging them in education, as well as providing medical and social services.

With the aim of helping organize the work more effectively with children, who belong to the risk group, including children exposed to living on streets, restoration their violated rights, the representation of the UNICEF in Azerbaijan, Baku Office of the OSCE and other international institutions organized more than 100 events (conferences, seminars, trainings) with international and national audience, and implemented 10 projects.

The organization of the work with the minors who belong to the risk group has been in the centre of constant attention. The Ministry of Education and "Hilfswerk Austria" signed a grant agreement for the project on "Elaboration of model for cooperation between local authorities and non-government organizations on creating foster family system as an alternative form of care". This document was confirmed by the Decree of the Cabinet of Ministers of 04 May 2010, No 123s. Within the project, elaboration of criteria for selecting foster families and children, mechanisms of their assessment and financing are envisaged. Drafts of "The Standards and rules for foster care", "The Standards and rules for family type small group homes", "The Rules for activity of respite care centre for children with limited health" were prepared with the participation of an international expert hired by "Hilfswerk Austria". Moreover a family type small home was created for 10 children, for whom adoption, guardianship or foster family option were not available. Appropriate actions were started to prepare social workers for implementation of steps aimed at eliminating the causes and cases that create conditions of neglect of children.

Following the recommendations of the relevant human rights institutions of the UN and the Council of Europe, appropriate data bases and statistical data were created to register, analyse all cases of crimes committed against children, including child trafficking, their exploitation, the cases of suicide and attempts to suicide among children, cases of working and begging on streets, and conducting appropriate assessment of the real situation. Those data are submitted for use in practical work.

In 2010, the Council of Ministers of Interior of the states-participants of the Commonwealth of Independent States (CIS) adopted "The Plan-Table for conducting prophylactic measures, operational and prosecution steps and special operations, which have been agreed multilaterally". This document serves the implementation of "The Cooperation program among the CIS states-participants in the field of combating trafficking in human being for the period of 2011-2013". In line with the adopted Plan-Table, the police conducted appropriate operative actions each year under the code name of "Nelegal" for notifying on, discovering and preventing the cases of illegal migration, exploitation of women and children, production and circulation of pornography, as well as discovering and prosecution of the criminal cases of kidnaping, trafficking in human organs and tissues.

All NGOs display utmost interest in and sensitivity to raising awareness in the public on the essence of human trafficking and dangers emanating from it. Explanatory work and appropriate trainings were conducted in the border crossing points and customs stations, diplomatic representations of the target countries in Azerbaijan, tourism companies, and employment agencies that offer jobs abroad.

With the support by the Ministry of Education, the International Migration Organization, and the Swiss Agency for Development and Cooperation, "The Children Union of Azerbaijan" published a booklet "Protect yourself from human trafficking" targeting high-school students and distributed them in schools.

On May 10-17 2011, "The Children Union of Azerbaijan" conducted a public awareness campaign called "The week of combating against human trafficking" jointly with "The Azerbaijan Migration Centre" with the support of the OSCE Baku Office, the representation of the International Migration Organization, and the USA Embassy. During the campaign, appropriate booklets were distributed among the inhabitants of Baku and other awareness raising actions were taken by social workers and volunteers.

Moreover, training and awareness raising events were held on June 26-27, 2011, with the support of the representation of the International Migration Organization and on 22-29 August 2011 with the support of the "Save the Children". The audience of these events, which were held in "Malham" resort in the Shamakhi town, included more than 50 children and teenagers, and addressed the issues of the rights of children, human trafficking and dangers stemming from it.

On September 11, 2011, the employees of the US Embassy in Azerbaijan, volunteers of "The US-Educated Azerbaijani Alumni Association", and students of the British "TISA" School in Azerbaijan, conducted a campaign "Assisting people in need" to support the Child Shelter-Reintegration Centre of "The Children Union of Azerbaijan". The US Embassy employees rendered in kind assistance to the Centre in the form of furniture, education manuals, clothes and bedding.

The "Equity in Education Alliance" regularly implemented projects titled "Actions aimed at monitoring of the existing education problems of the vulnerable children and incentivising of solution of those problems". Within the project, more than one hundred children were educated on the rights of children and dangers of human trafficking.

In January 2011, "The Children Union of Azerbaijan" launched a two-year regional project "No child should be left out from education" in cooperation with the NGO "Georgian Civic Development Institute" of Georgia and with the financial support of the Head Office of the Open Society Institute in Budapest. Within the project, preparation of a module teachers, psychologists, and social workers who are involved in education of 120 children, who had been left out from education, is envisaged.

The youth organization "Hopeful Youth" established in 2007 a "Children Rights Clinics" for protection of the rights of children and rendering legal support for them. Further, it established in 2010 a "Child Hotline" service, and in August 2011 a Social Rehabilitation Centre for children and youth who have become victims of violence. The organization conducted trainings in 20 districts on the topic of "The combating trafficking in human beings and the consequences of human trafficking" for the law-enforcement bodies, and the members of the commissions of local authorities on the work with minors and protection of their rights.

In 2011, the film "Guilty or innocents", which deals with victims of the human trafficking, was presented in the Masazir town of the Absheron district with participation of the US NGO "World Hope" to 9th-11th grade students of the in-exile school No 56 Kelbajar District, which is currently under occupation of Armenia. The "World Hope" supported similar events that were held in Agdam, Agjabadi, Shaki and Imishli districts. In 2010-2013, the NGO "Dan" conducted workshops for children who are about to leave the boarding schools in Baku and Guba on forced labour and exploitation of labour.

Moreover, "The Children Union of Azerbaijan" implemented projects on "Support to awareness raising and protection initiative on combating human trafficking", "Ensuring access for potential victims of human trafficking to legal and psychological counselling", "Ensuring public advocacy

for children and teenagers who have become victims of human trafficking”, and “Effective prevention of the human trafficking and labour exploitation”. The latter was implemented with the financial support of the OSCE.

On August 14, 2010, the Child Shelter-Reintegration Centre started to operate under “The Children Union of Azerbaijan”. The Centre serves for neglected children and teenagers, victims of family violence, and parents who are potential victims of human trafficking. The children and parents harboured at the Centre had been discovered by the police or employees of the centre itself. Up to now, 707 children and teenager, and 132 parents were provided with temporary shelter at the Centre, families of the children were identified and children were handed over to them if appropriate, and parents who have become of victims of family violence received medical, legal, psychological and social support.

The Law of the Republic of Azerbaijan on Social Services No 275-IVQ was adopted on 30 December 2011. The Article 7 of the Law included the children with health impairments, neglected or socially vulnerable minors as in the list of persons with hard life.

The Ministry of Labour and Social Protection of People an appropriate Action Plan and approved it on 4 August 2011 with the Ministerial Ordinance No 11/7-129 with the aim of fulfilling the tasks identified in the “Program on eliminating social problems conducive to human trafficking”, which was adopted by the Decision No 81 of the Cabinet of Ministers of the Republic of Azerbaijan on 20 May 2011.

In the framework of the Action Plan, several actions were implemented in cooperation with non-governmental organizations. Accordingly, of the children and youth who have become victims of human trafficking and who requested assistance of the Ministry of Labour and Social Protection of People, 46 persons received social and legal assistance, 54 persons received social-psychological assistance, 24 persons received medical assistance. Actions were taken to provide 51 persons with jobs, and 36 persons were sent to vocational training courses. Moreover, 17 persons received material support, 15 persons were provided with temporary shelter.

The officers of the Ministry dealing with the victims of the human trafficking participated in the trainings organised by the Baku offices of the OSCE, and the International Organization for Migration, and conducted awareness raising actions at the schools, boarding schools and orphanages on combating human trafficking.

In line with the Law of the Republic of Azerbaijan on “Elimination of neglect and violation of the rights of minors”, social shelters and rehabilitation centres were constructed. As required in the Decree of the President of the Republic of Azerbaijan of 9 January 2013, No 2653, on “Additional measures in the field of providing social services for children with impaired health and socially vulnerable minors”, the Ministry of Labour and Social Protection of Children started with the implementation of a Project on rehabilitation of the children and women who have become victims of violence. As part of the implementation of the Project, the Centre for Assisting Children and Women was established. The Centre inter alia conducted analysis and assessment of the needs of the children, women and their families, prepared individual development programs upon their consent. Specialised assistance was rendered to up to 160 children and youth who have become victims of violence, including family violence, sexual, physical and psychological violence, rape or sexual harassment, beating, as well as forced labour. Within the Project, explanatory meetings were held with the local police stations and other organizations,

efforts were taken to raise awareness on the hotline service, prompt actions were taken, including meetings were held with families in response to calls made to the hotline service.

Protection against misuse of information technology

During the monitoring of the cases of truancy in 2012, the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan discovered that unsupervised use of the internet by children leads to truancy. Snapshot monitorings discovered presence 40 school-age children in 11 internet clubs during school hours. In connection with that, owners of these clubs were informed of the inadmissibility of enabling the use of the internet by children in a manner that leads to truancy. Considering the seriousness of the issue, the Government plans to prepare rules regulating the use of the internet by children.

Protection against other types of exploitation

In 2010-2013, "The Children Union of Azerbaijan" registered 3765 children and teenagers who are neglected, or spend most their time on street, or deprived of parental care. The organization facilitated placement of 135 children and teenagers in orphanages and boarding schools, and helped 36 parents find jobs. 4 parents were provided with jobs in the Centre operating under that Union. 26 minors were sent to "Children's Rights Clinics" for matters of protection of the rights, 2341 children were sent to medical facilities, 3765 persons received psychological counselling, 4123 persons were provided with free clothing and food, 41 neglected children and teenager were sent to a summer resort in Bilgah settlement.

With the support of the US Embassy, which organised the visit of the trainers from Baltimore, the USA, "The Children Union of Azerbaijan" organized trainings on photo-design for 40 teenagers from vulnerable social cleavages. 250 children and parents were supported for getting documents proving their identity.

With support of the Open Society Institute, the Global Fund and the Ministry of Health of the Republic of Azerbaijan, "The Children Union of Azerbaijan" implemented a Project aimed at conducting preventive measures among the persons with risky conduct. Within the Project, neglected street children who were potential victims of human trafficking were detected by the outreach workers, they were proved with opportunity of medical check-up and treatment. Further, steps were taken to sensibilise the media on those issues.

For prevention of engaging persons, especially children in forced labour in cotton and tobacco plantations, monitorings were held in the districts of Saatly, Imishli, Sabirabad, Salyan, Zardab, Ujar, Yevlakh, Barda, Kurdamir, Zagatala and Balakan. Ultimately, no cases of forced labour were detected.

For implementation of the relevant provisions of the UN Convention on the Rights of Children and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the mentioned Convention, the local branches of the pertinent Ministry conducted more than 600 raids and monitorings together with other pertinent state agencies and non-governmental organizations, which revealed more than 150 cases of violations of legislations concerning the sale of alcohol and tobacco products to minors, use of child labour for selling such products, 96 cases were sent to the commissions of local authorities dealing with the rights of children, the

administrative commissions under local authorities, the Labour inspectorate and the tax authorities. Necessary sanctions were imposed on responsible persons.

Following the hints received on engaging of Azerbaijani citizens and foreigners in forced labour in agriculture, monitorings were held in Shamkir, Kurdamir, Quba, Shaki, Ismayilli, Zagatala, Salyan, Barda and Bilasuvar districts, which however, did not reveal any victim of alleged crimes.

The monitoring held by the representatives of the representatives of the US Department of Labour in Agjabadi, Barda and Bilasuvar districts during their visit in Azerbaijan in 2012 did not reveal any cases exploitation of child labour.

Around 100 children from outside the family and school environment and their parents received legal, psychological and other assistance in the "Children's Rights Clinics" and the "Centre for Social Rehabilitation of Children and Youth".

As for the findings reflected in the Final Report of the Committee, which indicated existence of 2000 street children in Azerbaijan, it should be mentioned that in 2013 overall 462 minors were detected who were involved in begging and street life.

Article 8 – The right of employed women to protection

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

Paragraph 1 – Maternity leave

Right to maternal leave

According to the legislation the maternity leave is divided into the leave for pregnancy and the leave for birth (i.e. before and after the birth), and paid leave is accorded to the entire period.

The right to maternity pay

“The rules for calculation and disbursing of compulsory state social insurance payouts and compensations paid at the expense of insurer to workers who have become temporarily incapacitated”, which was adopted with the Decision of the Cabinet of Ministers of 15 September 1998, No 189, requires that the pay for pregnancy and birth is calculated against the real earnings of the insured.

In the Article 112 of the Labour Code of Azerbaijan, which defines the types of leaves, the employees shall be entitled to social leave for maternity and child care. According to the Article 140 of the Labour Code, while calculating the amount of pay for leave days, one shall determine the average monthly pay for the 12 calendar months preceding the leave.

According to “The rules for calculation and disbursing of compulsory state social insurance payouts and compensations paid at the expense of insurer to workers who have become temporarily incapacitated”, which was adopted with the Decision of the Cabinet of Ministers of 15 September 1998, No 189, the right to receive pays for temporary incapacitation and pregnancy and child birth is granted to persons who have had social security for the period of at

least six months. In an effort to improve the legislation, the Ministry of Labour and Social Protection of People submitted a proposal to the Cabinet of Ministers to delete the phrase “social security for the period of at least six months”.

Moreover, the draft Law of the Republic of Azerbaijan on the Amendments to the Labour Code of the Republic of Azerbaijan was submitted to the Prime Minister. This draft Law serves bringing the Labour Code in line with the Maternity Protection Convention of 2000, No 183, of the International Labour Organisation, to which the Republic of Azerbaijan acceded by its Law No 1004-IIIQ, of 11 May 2010, the ILO Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities of 1981, No 156, to which the Republic of Azerbaijan acceded by its Law No 1003-IIIQ, of 11 May 2010, and the Revised European Social Charter, as well as the implementation of the Decree of the President of the Republic of Azerbaijan ” of 16 February 2011, No 384, on application of the Constitutional Law of the Republic of Azerbaijan on “Normative legal acts”. In particular, this draft is aimed at excluding any ambiguities and collisions in the Labour Code that may lead to misuse.

To ensure the compliance of the labour legislation of the Republic of Azerbaijan with the provisions of the ILO Convention concerning Minimum Age for Admission to Employment No 138, a draft Law on amendments to certain legislative acts of the Republic of Azerbaijan was elaborated by the Ministry of Labour and Social Protection of People and submitted to the Milli Majlis of the Republic of Azerbaijan. To accelerate the adoption of the mentioned draft Law, draft Laws on Amendments to the Labour Code of the Republic of Azerbaijan and to the Civil Code of the Republic of Azerbaijan were developed, necessary interagency vetting was secured and then the drafts were submitted to the Cabinet of Ministers.

Paragraph 2 –Unlawfulness of dismissal

According to the Article 196 of the Labour Code, if an employee determines that one of the situations listed in Article 195 (Financial Liability of an Employer for Damage to an Employee) thereof is applicable to his situation, he shall apply for compensation. If the relevant authority - agency, office, institute, investigator responsible for investigating financial and economic activities, auditor, auditing company, tax service office or official decides or votes or certifies or a court order (decision) proves his argument, then compensation shall be due the employee.

The Article 9 of the Labour Code defines the basic rights of employees with regard to labour contracts. In particular, the section i) recognizes the right to demand compensation for damage to health or property as a result of the performance of his duties, and the section q) recognizes the right to appeal to a court for protection of his labour rights and to ask for legal protection.

According to the 16.1 of the Labour Code, no discrimination among employees shall be permitted on the basis of citizenship, sex, race, nationality, language, place of residence, economic standing, social origin, age, family circumstances, religion, political views, affiliation with trade unions or other public associations, professional standing, beliefs, or other factors unrelated to the professional qualifications, job performance, or professional skills of the employees, nor shall it be permitted to grant privileges and benefits or directly or indirectly limit rights on the basis of these factors. Employers or other physical persons who permit the discrimination in the course of labour relationship as indicated in the Section 1 of this Article shall bear appropriate responsibility in the manner established by the legislation. A person subject to discrimination may seek recourse in a court.

Paragraph 3 – Providing time off for nursing

According to the Article 244 of the Labour Code, women employees who have children under the age of one and a half year shall be given breaks for feeding (breast feeding) of their children, in addition to their regular lunch and rest breaks. These additional breaks shall be at least 30 minutes and shall be given every 3 hours. If a woman worker has two or more children who are under the age of one and a half years, the duration of such breaks shall be at least one hour. Breaks given for feeding are considered as part of work hours, and the average salary of the worker stays the same. If the women employee wishes to take her feeding breaks at the end of the work day, her work day shall be shortened by time equal to total of the feeding breaks.

Paragraph 4 – Regulation of the employment of women workers in night work

The Article 242 of the Labour Code applies limits to calling women employees for night shift, overtime, and weekend jobs, or business travel. According to the mentioned Article, calling women employees who are pregnant or have children under three years of age for work on night shift, on overtime, or weekend, or a holiday or on a day which is not a work day, or sending them to business trips is prohibited. Calling women employees who have children between ages of 3 and 14, or handicapped children up to age of 16 for work on night shift, on overtime, or weekend, or a holiday or on a day which is not a work day, or sending them to business trips is permitted only by their written consent.

In this regard, it should be mentioned that the draft amendments to the Labour Code that were prepared in connection with the ILO Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities No 156 include a proposal to add the phrase of “the employees who have a child with impaired health, who serve a member of family based on a medical certificate in the manner envisaged in the legislation, and the lone parent who raises a child under the age of 8 years to the Article 98 of the Labour Code.

Paragraph 5 – Prohibition of employment of women in dangerous, hazardous and hard occupations

The Article 241 of the Labour Code prohibits employing women in labour intensive jobs, in hazardous workplaces, and also in underground tunnels, mines, and other underground works. As a rule, employment of women in underground works is permitted in cases involving leadership positions that do not require physical work, also in social works, sanitation and medical services, or in cases which do not require physical work to descend to and ascend from underground.

Employing women for lifting or carrying of heavy items from one place to another beyond the limits specified in this Article is prohibited. Duties of women employees can include manual lifting and carrying of only those heavy objects the weight of which is within the limits specified below:

a) along with performing other duties, lifting by hand and carrying to another place of objects if their total weight is no more than 15 kilograms;

- b) lifting to a height of more than one and a half-metre of an object with a weight no more than 10 kilograms;
- c) lifting by hand and carrying to another place of objects with total weight of no more than 10 kilograms during the entire workday (work shift);
- d) carrying of objects by carts or other vehicles whose lifting require more than 15 kilograms of power.

Employing women who are pregnant or have children under the age of three years in the jobs specified in this Article is prohibited.

The decision of the Cabinet of Ministers of 20 October 1999, No 170, on the "List of hazardous productions, occupations (duties), as well as underground works where employment of women is prohibited" entered into force.

At the same time, a draft Law of the Republic of Azerbaijan on Amendments to the Labour Code of the Republic of Azerbaijan with regard to deleting the Sections 1, 2, 5 and 6 of the Article 241, and Para 4 of the Section 1 of the Article 211 of the Labour Code was prepared and was submitted to the Cabinet of Ministers of the Republic of Azerbaijan.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Family counselling services

According to the Article 1.04.1 of Law of the Republic of Azerbaijan on “Minimal cost of living”, ‘family’ is defined as persons living together who have common household and who are related with each other or possess other type of connection as defined the legislation or single persons.

The State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan is tasked to receive the citizens to listen to their complaints on any problem they may have, direct their appeals to the relevant bodies, and provide legal counselling including by phone and electronically.

Mediation services

The Centres for Supporting Children and Families, which is a type of alternative service designed to develop community services for families. At initial stage two, at the next stage additional 9 such centres were established in various regions. By the Decree of the President of the Republic of Azerbaijan of 15 February 2011, these Centres were transferred to the administrative control of the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan. The Centres for Supporting Children and Families identify the families, which belong to risk groups and vulnerable segments within a community, and conduct keys management work with them.

The Centres works with target groups such as minors with vulnerable social status and their families, the persons who have been victims of violence, children with mental and physical disability, families of the segment of refugee and internally displaced persons. The Centres discover the families belonging to risk groups, conducts psycho-social assessment of their situation, and conducts ‘keys management’ (managing individual cases) work for the family, and take preventive actions, conduct awareness raising and education work in the community aimed at enhancing parental capabilities and child development, and elimination of family violence.

Pilot projects were implemented in 11 regions of the country to assess the needs of the families from risk groups and vulnerable segments. The transfer of the Centres to the subordination of the State Committee builds on the success of those projects.

The Centres for Supporting Children and Families which operate in 11 regions of the country are now financed by the State and provide service for people free of charge. The Centres conduct assessment of the community needs and conducts their activities, which are based on these assessment, in cooperation with relevant local structures.

Overall, the 11 Centres received 1673 appeals in 2011, 1864 appeals in 2012, and 2222 appeals in 2013. Most of the appeals were related to family conflict, family violence, issues related to ascertaining the disability in the sense of social insurance, allocation of wheelchairs and other special equipment to people with disabilities, forcing marriage of minors, forcing persons to marriage with relatives, social support, cases related to children in need of special care.

Upon receiving appeals, the representatives of the Centres pay visits to the families and prepare individual intervention plans based on psycho-social assessment of the family, and render comprehensive support to family. In 2011, 932 visits were paid to families, and 860 individual cases were processed. In 2012, 763 visits were paid to families, and 459 individual cases were processed. In 2013, these figures were 570 and 231 respectively.

The Centres organize active communication courses, psychological counselling, and other courses and activities to spend free time efficiently for vulnerable children. Trainings are organized on the topics of the rights of women and children, early marriage, family violence, healthy lifestyle, harmful habits, and understanding disability for children and youth of the community. The centres take inclusive approach in their activity in this field. Overall number of people who benefited from the activities of those 11 centres was 2834 persons in 2011, and 2899 persons in 2012, and 6900 persons in 2013.

Domestic violence against women

Guided by the relevant laws and other normative acts, the police takes necessary measures to prevent all forms of violence against women, and to resolve crimes committed against them. Special attention is paid to the appeals sent to the Ministry of Internal Affairs and local police organs on violence against women, including family violence. The conflicted families are registered and preventive operative measures are taken involving other relevant agencies. Any family violence related crime is analysed thoroughly by the responsible local police organ, and appropriate legal appraisal is elaborated with the aim of prevention of recurrence of similar crimes.

The Criminal Code of the Republic of Azerbaijan envisages Articles aimed at ensuring the protection of women, including norms on responsibility for sexual violence (Article 108), abetting a person to commit suicide (125), deliberate causing of harms of various degree to health that lead to loss of health and ability to work (Articles 126, 127 and 128), torturing by regularly beating or other violent actions (Article 133), for acts against sexual inviolability and sexual freedom of persons (Articles 149-153).

The Law of the Republic of Azerbaijan on Prevention of Domestic Violence of 22 June 2010 identified clear mechanisms for taking necessary legal, social and other actions for the prevention of domestic violence. According to the Article 7 of the Law, the relevant state entity carrying out examination of criminal cases related to domestic violence shall take the following actions after confirmed occurrence of domestic violence along with duties related to prosecution of crimes defined in the relevant legislation:

- provide an aggrieved person with immediate medical care, temporary shelter in a support centre, clothing and food at public expense, as well as forward information about the aggrieved person to the relevant executive authority for conducting a course of psychological rehabilitation;

- clarify circumstances that have caused and given rise to domestic violence, and take measures to preclude them;
- provide for security of the aggrieved person during the examination;
- assist in normalization of relations between parties and resumption of family affairs during the period of examination;
- ensure registration with preventive purposes of persons who have committed domestic violence, and conduct educational and deterrent works with them;
- explain to family members suffering from domestic violence their rights and the use of remedies established by the state and determined by this Law;
- to take measures for issuance of a protective order for the aggrieved person;
- if a complaint received is not related to criminal prosecution, forward the complaint to the relevant executive authority as per its competence;
- as necessary, assist other state entities conducting examination of complaints on domestic violence.

Over the past period, the Ministry of Internal Affairs has engaged more than 3500 police officers of middle and senior rank working in the fields of public order, investigation and inquiry, working with minor in initial preparation courses, professional training courses and regional seminars held in the Police Academy and other education-training facilities.

In the mentioned courses, the participants received trainings on the Law of the Republic of Azerbaijan on Prevention of Domestic Violence with the topics such as “Practical application of new institutional mechanisms” identified by that Law, “Activity of police in cases of domestic violence”, “Activity of police in cases intra-family violence”, “Practical application of the Law on Prevention of Domestic Violence”.

In cooperation with the Baku Office of the OSCE, within this activity projects on “The role police in protection of the rights of women from intra-family violence”, “Support for implementation of the Law of the Republic of Azerbaijan on Prevention of Domestic Violence” were implemented and police inspectors involved in field work and working with minors, as well as investigators were engaged in trainings, and regional seminar-consultations were organised. Moreover, 200 police trainer-officers with special skills were prepared.

All criminal cases where women are either accused or aggrieved party are thoroughly analysed, the causes that lead them to commit crime are examined with a view to eliminating them, and appropriate inquiries and proposals are sent to pertinent agencies.

As part of the continuous reforms that are conducted in the system of Ministry of Internal Affairs, the contacts and exchange of information between the police and public are regularly improved. The call centre system “102”, “Safe city” Service, Info Portal, email and hotline services of the Ministry started their operations with the aim of timely prevention of crimes, including acts of domestic violence, and taking operative actions.

Appropriate proposals were presented to higher and central authorities with regard to amendments to the existing normative-legal acts regulating the fulfilling tasks relating the activity of the police. Those proposed amendments were reflected in “The Rules on compiling and maintenance of the data base on domestic violence”, “The Rules on prophylactic registration of persons who committed domestic violence and carrying out preventive education work with them”, (December 2011), “The Rules on considering complaints on domestic violence which lack elements of crime” (February 2012), “The Rules on operation of centres for supporting persons

who have become victims of domestic violence” and “The Rules on accreditation of non-governmental centres for supporting the persons who have become victims of domestic violence”.

During the past four years (2010-2013), overall 23344 criminal facts (2010-6507, 2011-6705, 2012-5478, 2013-4654), including 13790 (2010-4489, 2011-4280, 2012-3218, 2013-1803) crimes involving violence against women were registered. In comparison to 2010, a decrease was observed in their dynamics.

Overall, 24 percent or one-fourth of the crimes (5597 of the total 23344) has occurred in the context of intra-family conflict. The cases of 14 014 (4312 persons in 2010, 3953 in 2011, 3274 in 2012, 2475 in 2013) persons who were found to be responsible in the preliminary investigations within those criminal cases were transferred to consideration of the courts.

The Law of Prevention of Domestic Violence is an important mechanism serving the elimination of the factors that lead to violation of the rights of women, and creating impediments to their development, and protection of the victims of violence. Seven other Laws were amended to provide compatibility with that Law and to ensure its implementation. Furthermore, the Cabinet of Ministers adopted “The Rules on compiling and maintenance of the data base on domestic violence”, “The Rules on prophylactic registration of persons who committed domestic violence and carrying out preventive education work with them”, “The Rules on considering complaints on domestic violence which lack elements of crime” “The Rules on operation of centres for supporting persons who have become victims of domestic violence” and “The Rules on accreditation of non-governmental centres for supporting the persons who have become victims of domestic violence”.

The state entities display utmost care to the issue of restoration of the rights of persons, especially women and children, whose rights have been violated as a result of domestic violence. The government has accredited seven non-governmental centres for supporting the victims of domestic violence. All those centres are operating now. This mechanism enables effective protection of the rights of women in regions. As a result of those preventive measures, a decrease was observed in the number of the complaints sent to state organs on domestic violence. Namely, in 2011 4280 cases, in 2012 3218 cases and in 2013 1803 cases were registered. However, due to the latent character of family violence the state increases its efforts to combat it.

Currently, the National Strategy for Prevention of Domestic Violence in Azerbaijan is being drafted.

For improving the interagency cooperation, and cooperation with international partners, the State Committee for Family, Women and Children Affairs organized a conference together with the Baku Office of the OSCE on the topic of “Prevention of Domestic Violence: informing the public and support for legislative initiatives” on 25 November 2009. Members of parliaments, state officials, representatives of international organizations took part at the conference.

On 25 November 2010, a round table was held on the topic of “Implementation of the Law on Prevention of Domestic Violence, Exchange of experience” to commemorate the International Day on elimination of the violence against women. The main goal of the event was to raise public awareness on the Law on Prevention of Domestic Violence, day-to-day implementation of the Law and exchange of experience. Ms. Françoise Gillot, the vice-prosecutor of the Higher Instance

Court of Paris (France), Ms. Inge Beridze, the President of the Georgian Association of “Leaders for Democracy”, members of the Milli Majlis (Parliament), representatives of state entities and international organizations took part at the event.

On 19-25 May 2009, upon the initiative of the State Committee for Family, Women and Children Affairs and with the support of the Heydar Aliyev Foundation and the UN Population Fund, lectures were held on the theme of human rights by the representatives of the State Committee and other experts for the pupils and students in 8 districts of the Republic. During the lectures, video footages dedicated to the rights of women were demonstrated.

Lectures on the same topic were held for pupils of the schools located in Baku and other regions were held in February-May 2010.

In July-September 2010, regional meetings were held in Baku, Sumgait and other regions on the topic of “Strengthening the internal culture as the key factor against violence in 21st century”. During those meetings, issues of domestic violence that women encounter in their daily life, early marriage, preventing women from education and other related violation of the rights, as well the tasks of the local authorities in prevention of violations of the rights of women, especially helping the women who do not know their rights.

In February-March 2011, a workshop was organized in Ganja, Goranboy and Naftalan together with the NGO “Third Sector” on the topics of implementation mechanisms for the Law on Prevention of Domestic Violence, and elimination of gender stereotypes in education for NGOs, education employees, for women who hold the positions of deputy in local executive authorities. Within the Project, booklets, calendars and banners were prepared on domestic violence.

On 25 May 2011, a round table on the topic of “Role of the media in elimination of the domestic violence” was organized together with the UN Population Fund. The event was attended by members of parliament, state entities, NGOs and the media.

On 9-10 June 2011, an international conference was organized by the Ministry of Internal Affairs and the Baku Office of the OSCE on the Project “The police with community support”, which was implemented within the OSCE Program of “Support for the Police”. The aim of the Project is to increase the number of women in the police, and achieving a more successful intervention in the violations such as domestic violence and trafficking in human beings.

Throughout the year, series of events were held together with the Baku Office of the OSCE on the subject of “Role of communities in prevention and prophylactic of the domestic violence”.

The photo exhibition “Unshakeable Will” was organized on 2 December 2011 by the UN High Commissariat for Refugees, the UN Population Fund, UN Development Program and “Women’s Society for Rational Development” within the campaign of “The 16-day activeness against gender-based Violence” in 2011. Members of parliament, representatives of state entities, academic and education institutions took part at the event.

At the end of 2011, a two-year Project “Awareness Raising Campaign on Domestic Violence” was launched by the NGO “Gender Equality and Women Initiatives”, State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan, the European Commission, the Human Rights and Administration Program of the Open Society Institute (Hungary). Within the Project, Gender and Development Centres, which consist of members of the NGO network

operating in the field of gender issues, was established in various regions. Also, a hotline service was launched.

In May 2012, a "Training of Trainers" event was held in Baku for NGO specialists. Trainings and psychological and legal counselling services have been offered for women since April 2012.

An awareness raising campaign titled "We shall say No to violence against women" started in 2012 by the UN Population Fund, UN High Commissariat for Refugees and the women NGO "For Rational Development" within the Project of "Eliminating violence among internally displaced persons, refugees and persons seeking shelter". Within the campaign, a booklet called "Domestic Violence: 50 answers to 50 questions" was published.

Economic protection of families

Family aid

In 2011, 120478 families with 544666 members, in 2012 133613 families with 586804 members, in 2013 143337 families with 625808 members were entitled to and received targeted social assistance. The amounts of per capita and per family social aid were respectively 106.45 AZN and 23.54 AZN in 2011, 114.98 AZN and 26.18 AZN in 2012, 125.53 AZN and 28.75 AZN. In the state budget, 190 million AZN were allocated for that purposes. The figures for 2012 and 2013 were 207 million and 206.2 million AZN respectively.

The Ministry of Labour and Social Protection of People started the Program "Self-Support" in 2011. This program, which envisages rendering one-time assistance, serves the goals of creating and strengthening sustainable social protection system, providing the families with full state support, creating conditions for their rehabilitation by engaging in work. The program envisages paying to families the annual amount of the social aid, which they are entitled to, in just one tranche so that they can use it for engaging in small entrepreneurial activity and other type of efficient employment. At the initial stage, totally 111 families were selected from Masally, Ismayilli, Khachmaz, Nizami (Baku) districts. Sungait city and 8 frontier districts (Dashkasan, Agstafa, Gazakh, Tovuz, Agjabadi, Baylagan, Fuzuli, Aghdam) joined as pilots to the Project and 160 families were selected and engaged in this program. As agreed in the Mutual Social Contract signed between the families and the Ministry of Labour and Social Protection of People, monitorings were held every three months in the selected low-income families.

15 percent of 271 families that were selected for participation at the Self-Support Program were engaged in individual labour on production of goods and services and 85 percent were engaged in development of auxiliary farming.

In total, 355460 AZN were spent for that program and the program was completed in August 2013. The analysis of the results showed that 92 percent (249 families) of the families who were engaged in the mentioned program fulfilled conditions of the "Social Contract" signed with the person representing the family, and those of the "Action Plan of the Family". Of the remaining 22 families who did not fulfil the conditions set forth in the "Social Contract", 13 failed for the reasons beyond their control (e.g. death of farm animals). 9 families failed to fulfil the conditions for incorrect spending of the amount they had received.

The Centre for Economic Researches implemented a Project with a title of “Monitoring of the implementation of the “Self-Support” – Onetime social aid program and supporting increased access for low-income families to employment opportunities”. The Project was implemented with the technical support of the Ministry of Labour and Social Protection of People and the financial support of the Council on State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan. Within the Project, monitoring of the implementation of the program in Khachmaz and Nizami rayons were conducted, interviews were held with responsible persons and families engaged in the program, and assessment survey was conducted among those families. The results of the study and the recommendations that were developed were presented to public in a round table that was held on 28 August 2013 with participation of representatives of the government bodies, Milli Majlis (parliament), local and foreign NGOs, embassies of foreign countries and the media.

For creation of necessary legal basis for implementation of the “Self-Support” program in the entire territory of Azerbaijan, a draft Law on Amendments to the Law on Addressed Social Aid was developed to the Cabinet of Ministers and the Office of the President in February 2013 and March 2013 respectively. The draft Law was re-submitted to the Office of the President in February 2014. Once the draft Law is adopted, necessary changes will be made to the Decision of the Cabinet of Ministers of 2 February 2006, No 32 on adoption of the “The Rules on requesting for, defining, rendering and declining the rendering of social aid” and “The Rules for calculation of average monthly income of family”.

According to the Decree of the President of the Republic of Azerbaijan of 2 July, No 2320, on “Establishing Presidential Stipend for Participants of the Great Patriotic War of 1941-1945”, a monthly stipend was established for the persons of the mentioned category.

With the Law of the Republic of Azerbaijan on Amendments to the Law on Social Benefits, which was adopted on 31 May 2013 to adapt the Law on Social Benefits to the Constitutional Law on the Benefits of the Ex-Presidents of the Republic of Azerbaijan, a new type of social benefit payable to the spouse of or the child under custody of the deceased former President of the Republic of Azerbaijan was added to the general list of the social benefits, as defined in the above mentioned Constitutional Law. By the Law of the Republic of Azerbaijan on Amendments to the Law on Social Benefits, which was adopted on 29 October 2013, the women who have more than five children were accorded with a new type of social benefit effective from 1 January 2014. Per Decree of the President of 27 December 2013, No 72, the amount of that benefit was defined as 30 AZN per child.

For improving the welfare and strengthening the social protection of the people, the amount of certain types of monthly and one-time social benefits, including one-time social aid paid for child birth, monthly benefits paid in line with relevant Decrees to persons for partially-paid social leaves accorded for childcare, the food aid payments for the internally displaced persons were increased as of 1 September 2013, by the Decree of the President of the of the Republic of Azerbaijan of 29 August 2013, No 973 on “Increasing the amount of social benefits”. According to the relevant Decree of the President, the amount of the Presidential stipend paid to families of persons who were killed in action, persons who were disabled in war, National Heroes of Azerbaijan, and the stipends paid to persons for holding certain honorary titles was increased.

Equal treatment of foreigners and stateless persons in the field of family allowances

The Article 52.1 of the Migration Code of the Republic of Azerbaijan states: “Foreigners and stateless persons temporarily residing at least 2 years in the territory of the Republic of Azerbaijan on the grounds set forth in the Articles 45.0.1 and 45.0.7 of this Code on the basis of a relevant permit can submit application to obtain permit for permanent residence on the territory of the Republic of Azerbaijan”. The grounds set forth in the mentioned Articles of the Migration Code are the followings:

“Article 45. Cases when permit for temporary residence in the territory of the Republic of Azerbaijan is issued to foreigners and stateless persons

45.0. Except the cases set forth in Article 50 of this Code, foreigners and stateless persons are issued permit for temporary residence in the Republic of Azerbaijan in the following cases:

45.0.1. In case they are in close relationship with a citizen of the Republic of Azerbaijan;

45.0.2. In case they invest at least 500 000 AZN in the economy of the country;

45.0.3. In case they possess real estate which is worth at least 100 000 AZN on the territory of the Republic of Azerbaijan or funds in the same amount in the banks of the Republic of Azerbaijan;

45.0.4. In case they are highly qualified specialists in the spheres of economy, industry, defence, science, culture, sports, etc.;

45.0.5. In case they are family members of foreigners and stateless persons temporarily or permanently residing on the territory of the Republic of Azerbaijan;

45.0.6. In case they hold positions of head or deputy head in the branch or representation of a foreign juridical person in the Republic of Azerbaijan;

45.0.7. In case they engage in entrepreneurship activity in the Republic of Azerbaijan”.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1. to take appropriate measures:
 - a. to enable workers with family responsibilities to enter and remain in employment, as well as to reenter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
 - b. to take account of their needs in terms of conditions of employment and social security;
 - c. to develop or promote services, public or private, in particular child daycare services and other childcare arrangements;
2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;
3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Paragraph 1 – Participation in work life

Employment, career and training

The State Employment Service implements active labour market programs aimed at supporting unemployed citizens and those in search of job, including persons who left the job market due to family commitments, to get integrated in job market. Within those programs, offering job-related services, organization of professional development courses, engagement in public works are of great importance.

In addition, the task on “Preparation of modular training programs” within the Project “Development of Social Protection” was fulfilled.

The Ministry of Education of the Republic of Azerbaijan approved 32 modular training programs as basic teaching programs, which were prepared by a group of professional advisors on the basis of the ILO methodology. Also, 8 modular trainers were prepared. Each module includes training program package, training elements, an aide-memoire for trainee, an aide-memoire for trainer, and selection table for modular blocks.

The task on “Preparation of professional standards and appropriate training standards in line ISCO 88/08” was completed.

Working conditions, social protection

The Article 23.2 of the Law of the Republic of Azerbaijan on Employment states: "The amount of the benefit paid to persons who have children in their custody under the age of 18 years is increased by 10 percent for each child but not more than 50 percent of the benefit". It also states: "The amount of the benefit paid to an unemployed person who has a child under the age of 18 years is increased by 10 percent for each child but not more than 50 percent of the benefit".

Furthermore, proposals were elaborated for improving the Law of the Republic of Azerbaijan on Employment, and were submitted to the Cabinet of Ministers of the Republic of Azerbaijan. Currently, efforts are made to improve other normative-legal acts.

According to the relevant Articles of the Labour Code, the period of paid social leave and partially-paid social leave granted for caring for children is counted towards the employee's seniority in social insurance, and is taken into account in the emergence of the right for pension. Other periods are not included in the employee's seniority in social insurance, since social insurance fee is not paid in such cases.

Daytime child care services and other measures

With the support of the Ministry of Labour and Social Protection of People, a daytime child care centre started its operation under the Saray Boarding School. Based on the experience acquired by the "United Aid For Azerbaijan" in the field of transformation into alternative services, proposals were prepared to transform the Saray Boarding School into a Daytime Care Centre in line with the requirements of the State Program on "De-Institutionalising and Alternative Care".

In addition, as part of the implementation of the State Program on "Transfer of the children from state child institutions to families (de-institutionalisation) and alternative care for the period of 2006-2015", 38 children from the Saray Boarding School No 7 for Children with Physical and Mental Disabilities, 35 children from the Saghan Boarding School No 3 for children with physical and mental disabilities were transferred to permanent custody of families.

With the support by relevant international, government, and non-government organizations, and taking into account the fact that several daytime care centres were established in various cities and districts with the aim of supporting families and children with difficult life and preventing the children from being placed in state institutions, and that positive results were achieved from this experience, additional daytime care centres were established in 8 cities and districts in line with the Decree of the President of the Republic of Azerbaijan of 09 January 2013 No 2653 on "Additional measures for social services to children with impaired health and socially vulnerable minors" to prevent children from being placed in state child institutions and enabling access for families to social services. During the period of July-December, 240 children received social services in those centres. These services include providing food to children, engaging them into creative clubs based on their interests, organizing their free time meaningfully, helping them with their homework, training daily life habits, supporting their emotional and physical development and social adaptation and developing their apprehension skills.

Paragraph 2 - Parental leave

In the Labour Code of the Republic of Azerbaijan three Articles are included on social leave of women. According to the Article 125 of the Labour Code, woman shall be granted pregnancy and

maternity leave of 126 days, starting 70 calendar days prior to childbirth and ending 56 calendar days after childbirth. According to the Article 126, women who have adopted children under two months of age or who are raising them without adoption shall be entitled to the 56 calendar days of social leave specified for after birth, as well as to additional leave defined in Article 117 and partially-paid leave defined in Article 127 thereof. The Article 117 entitles women with children to additional leaves. The right to partially-paid social leave is accorded to a single parent or another family member who is directly caring for a child until the child is three years old. An employee caring for a child may use the partially-paid social leave completely or in part at his or her discretion. During the partially paid social leave a monthly benefit in the amount of 30 AZN is paid until the child is one and half years old. A monthly benefit in the amount of 15 AZN is paid until the child reaches three years. According to the Article 130 of the Labour Code, based on the opinion of a medical board, one of the parents of a chronically ill child or another family member directly engaged in child care is entitled to unpaid leave until the child reaches the age of four.

All women under labour contract, who go on social leave for pregnancy or maternity, or partially-paid social leave, are entitled to return to their places of employment after the end of the leave except for cases set forth in the legislation (in cases the termination of the term of the labour contract or abolishment of the enterprise where the concerned woman used to work).

Paragraph 3 -Unlawfulness of dismissal on the grounds of family responsibilities

According to the Article 79 of the Labour Code, the employer shall be prohibited from terminating the employment contracts of pregnant women and women with children under the age of three, for men employees who raise alone a child under the age of three, employees whose only source of income is the enterprise where they work and who are bringing up children under school age alone.

The Article 296 of the Labour Code defined periods for claims for resolving individual labour disputes. According to this Article, an employee shall have three months to appeal to the body responsible for reviewing individual labour disputes, after he realizes that his rights have been violated. An employee may also appeal to court for the settlement of an individual labour dispute within one calendar month of determining that his rights have been violated. The day on which the employee realizes that his rights have been violated shall be the day on which the related notice, order (instructions, decision), labour book, accounting documents (book, list, check) is submitted to the employee and the day on which the employer intentionally violates without proper documentation the basic terms of the employment contract protected by the Labour Code. To resolve labour disputes pertaining to money and other property claims, as well as disputes pertaining to damages, an employee may appeal to a court within one year of the day on which his rights were violated. These terms do not apply to claims pertaining to damages inflicted upon the lives and health of the employees.

The Article 300 of the Labour Code defines the legal consequences of an employer's failure to comply with the rules for terminating an employment contract. According to this Article, if an employer terminates employment relations with an employee in violation of Articles 68 (grounds for terminating an employment contract), 69 (termination of an employment contract at the initiative of the employee), 70 (grounds for termination of an employment contract at the employer's initiative), 73 (procedures for terminating a term employment contract), 74 (grounds for termination of an individual employment contract in cases not depending on the will of the parties) and 75 (termination of employment contracts in cases provided therein), or does not

comply with the provisions of Articles 71 (necessary terms and rules to be considered when an employer terminates an employment contract) and 76 (limitations on employment contract termination) or disregards the provisions of Article 79 (employees whose employment contracts may not be terminated), the court which deals with labour disputes shall, upon a petition on the claim and upon investigating the facts of the case, adopt a decision on the reinstatement of the concerned employee by retaining his salary for the period of absence from work or by approving the parties' reconciliation agreement. In its decision, the court can also order payment of compensation to the employee by the employer for the amount of damage caused to the employee as stipulated in his claim.

According to the Section 2 of the Article 300, if employee and employer manage to sign a reconciliation agreement on the basis of mutual consent during the court's consideration of the individual labour dispute, the judge shall pass a decision ordering fulfilment of the terms of that agreement.

The term "the amount of damage caused" used in Section 1 of the Article 300, means the sum of the average salary of an employee for the period when he was unemployed as a result of his dismissal, the amount of expenses incurred to an employee for hiring a lawyer (defender) for the protection of his rights at court relating to the consideration of the individual labour dispute by the court, as well as the amount for compensation of moral damage as demanded by the employee in his application; the total amount of costs incurred by the employee from borrowing money and selling personal items as a result of his unemployment, and other expenses.