

INTRODUCTION TO THE SOCIAL SECURITY SYSTEM IN THE REPUBLIC OF AZERBAIJAN

The social security system in the Republic of Azerbaijan consists of the following schemes: social insurance and social protection schemes.

The social insurance schemes are covering the following types of insurances: the pension and invalidity insurance, sickness, maternity and the unemployment insurance. They are primarily financed on the basis of social security contributions and are of a professional nature. They are covering professionally active persons (employees, self-employed people, farmers and civil servants), their family members and some assimilated groups.

Social protection schemes are taken care of by the state, and focus upon prevention and coverage of the basic social needs. These schemes are universal in the sense that they cover all citizens and persons residing in the country. Some categorical assistance schemes, providing assistance to specific groups (elderly in need, handicapped, low income families, children, veterans) exist as well.

Health care is provided by the state and private medical establishments. Health care in state medical institutions is provided free of charge. The private sector provides medical services with reasonable costs. Moreover, a private medical insurance system exists to finance expenditures.

The Constitution of the Republic of Azerbaijan declares that one of the intentions is “to provide a worthy standard of life for everybody in conformity with a just economic and social order”. Social protection is considered as one of the core elements of the “Basis of State” (Chapter2). Article 16 expresses that welfare of all people in Azerbaijan is one of the basic goals of the state¹. According to Article 38, right for social protection is guaranteed by law². Article 17 covers family issues, child protection and the role of state³. Reference to the right to family social care is made in Article 34⁴. Right for a social allowance for unemployed persons is guaranteed by Article 35⁵. Furthermore, every citizen is guaranteed the right to health care. Mothers and children are particularly protected⁶.

¹ “ Article 16. Social development and state

Azerbaijani state takes care about improvement of prosperity of all people and each citizen, their social protection and proper living conditions.”

² “Article 38. Right for social protection

I. Everyone has the right for social protection.

II. Most vulnerable persons must get support, in the first place, from members of their families.

III. Everyone has the right for social protection on reaching specific age according to legislation, in case of illness, disability, loss of bread-winner in the family, due to unemployment and in other cases envisaged by legislation.

IV. Minimum sum of pensions and social allowances is specified by law.

V. The state creates possibilities for development of charitable activity, voluntary social insurance and other forms of social protection. “

³ “Article 17. Family, Children, and the State

I. Family as a basic element of society is under special protection of the state.

II. Parents must take care of their children and their education. The state controls implementation of this responsibility.

III. Children who do not have parents or guardians and are deprived of parental care are under the protection of the State.

IV. It is prohibited to involve children in activities that may cause threat to their lives, health, and morality.

V. Children under the age of 15 may not be employed for work.

VI. The State implements children’s rights.”

⁴ “Article 34. Right for marriage

III. Family and marriage are protected by state. Maternity, paternity and childhood are protected by the law. The state provides support to large families.”

⁵ “Article 35. Right to work

VII. Unemployed persons have the right to receive social allowances from the state.”

Every person has a right to apply for social insurance, social protection and health care services, accordingly to the relevant local organizations and establishments (hospitals, polyclinics) of the State Social Protection Fund and the Ministry of Labour and Social Protection of Population and Ministry of Health. If citizens disagree with decisions, or inactiveness of authorized institutions, they can apply to the higher body of the executive administration. The procedures for attaining the rights and the obligations related to health care, social insurance and social protection are laid down in the Law of the Republic of Azerbaijan on the Administrative Execution.

Citizens may invoke the protection of rights determined by the Constitution before the courts, as well as before the Constitutional Court of the Republic of Azerbaijan. The procedures for applications to the courts are regulated by the Administrative Procedural Code of the Republic of Azerbaijan. The first instance court is the Administrative-Economic Court, whereas the second instance court is the Court of Appeal and the third instance is the Supreme Court of the Republic of Azerbaijan.

According to article 34 (Complaints) of the Law of Azerbaijan Republic on Constitutional Court, any person who alleges that his/her rights and freedoms have been violated by the normative legal act of the legislative or executive acts, acts of municipality or court decisions, may submit a complaint to Constitutional Court.

⁶ "Article 41. Right for protection of health

I. Everyone has the right for protection of his/her health and for medical care.

II. The state takes all necessary measures for development of all forms of health services based on various forms of property, guarantees sanitary-epidemiological safety, and creates possibilities for various forms of medical insurance.

III. Officials concealing facts and cases dangerous for life and health of people will bear legal responsibility."

