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THE GOVERNMENT OF AZERBAIJAN

ARTICLES 7, 8, 16 and 27

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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**

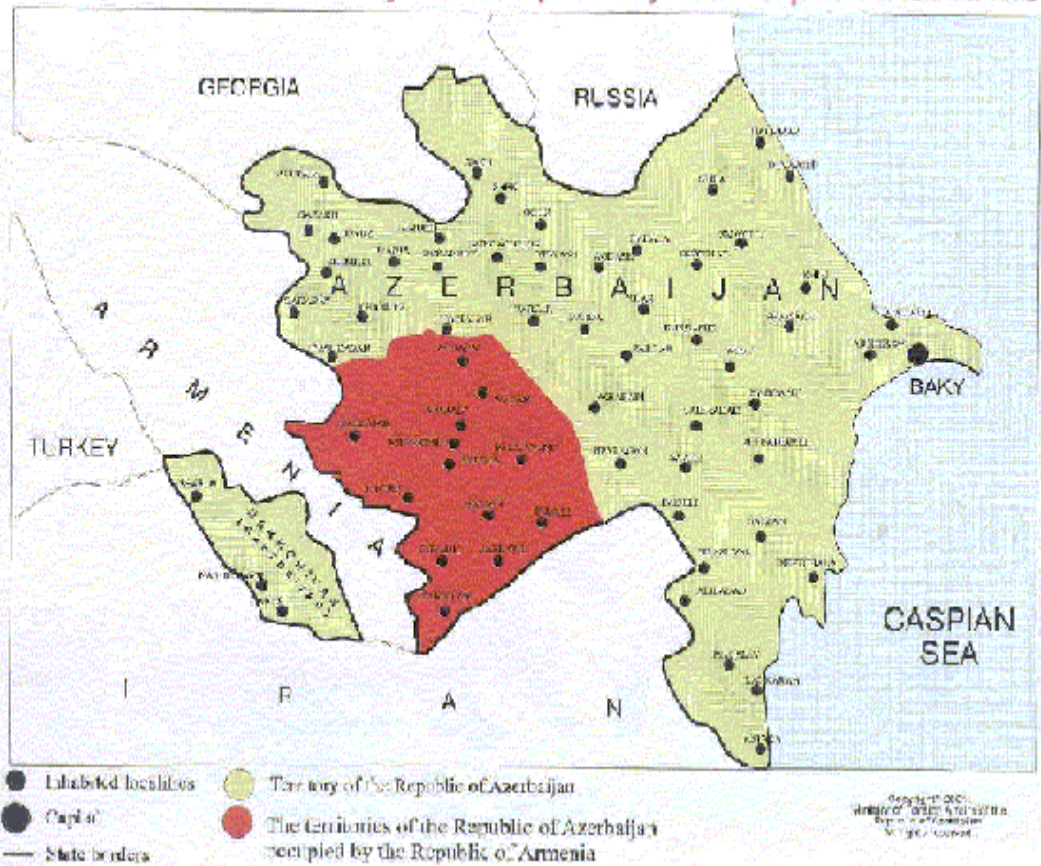
This report also covers the application of such provisions in the following non-metropolitan territories to which, in conformity with Article L, they have been declared applicable: **Republic of Azerbaijan**¹

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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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 recognize 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 young persons under the age of 15

According to Paragraph ğ) of Article 12 of the Labour Code of the Republic of Azerbaijan, non-involvement of children to work which may be detrimental to their lives, health and morality is an employer's primary duty. According to the second part of this Article the employer recruited individuals under the age of 15, involving them in activities which may be detrimental to their lives, health and morality shall be subject to an administrative responsibility. According to the third part of Article 42 of the Labour Code, a person who has reached the age of fifteen may be a party to an employment

contract. According to Article 249 of the Labour Code individuals under the age of 15 shall not be admitted to employment. The prohibition on hiring of children under the age of 15 is applicable to employees who work on both labor contract and civil law contracts.

Continuous works are carried out in the direction of the improvement of the legislation in the field of child labor by the Ministry of Labor and Social Protection of Population (MLSP) of the Republic of Azerbaijan, the drafts prepared are discussed with participation of social partners in the Tripartite Commission on Social and Economic Affairs in the Republic of Azerbaijan, which has been functioning since October 2016.

According to the amendments to Article 17 of the Constitution of the Republic of Azerbaijan in 2009 children who do not have parents or guardians, deprived of parental care are under the state protection. In the country the implementation of children's rights is under the state control.

Part 2 of Article 4 of the Labour Code of the Republic of Azerbaijan also includes individuals performing their work duties in their own house using the material and production means provided by the employer. At present, in the country there is an experience of fulfilling of the work functions at home under the terms of an employment contract in accordance with the Labour Code. For example, there are carpet-weavers working from home under the terms of their employment contracts. Involvement of children in these activities is not excluded. However, monitoring of children`s home-based work is currently not monitored in the country.

State Program for 2016-2020 on the implementation of the National Strategy for the Development of Information Society in the Republic of Azerbaijan approved by the Decree of the President of the Republic of Azerbaijan No. 2345 dated September 20, 2016 provides for the preparation of proposals on its application mechanism on the study of world experience on telework". .

To ensure the implementation of this measure and to provide the establishment of the legal basis of the fulfillment of the labor function of workers in the form of distant (remote) work or telework the draft law of the Republic of Azerbaijan on "Making Amendments to the Labor Code of the Republic of Azerbaijan" was prepared which provides solution of this issue along with other issues. The draft law envisages an improvement of Article 4§2 and Article 55 of the Labor Code:

"2. This Code applies to individuals performing their work duties from their home using the material and production means provided by the employer or to employees engaged in the form of distant work or telework."

At the same time, Article 55 of the Labor Code is supplemented with Part 2 that reads as follows:

"2. Additional terms of labor conditions associated with the performance of the employment functions at the worker`s own home, as well as in the form

of distance work or telework is specified in the labor agreement with the mutual consent of the parties.”

According to the Decree of the President of the Republic of Azerbaijan No 2760 dated March 17, 2017 "On additional measures to improve regulation of labor relations in the Republic of Azerbaijan" a Commission for Regulation and Coordination of Labor Relations was established for legitimizing employer-employee relationships, improvement of control mechanisms over labor remuneration and more effective co-ordination policies among state agencies in this field.

Prevention of informal employment, ensuring workers' social protection rights as a result of distinguishing of labor and civil relations, stimulation of employers to formalize workers' labor relations, improvement of the mechanism for formalizing and systematizing of labor relations, establishment of a supplementary system for ensuring formalisation of employment relationships is designed in the "Action Plan on the Prevention of Informal Employment in the Republic of Azerbaijan" approved by the Decree of the President No. 3287 dated October 9, 2017.

In order to ensure the implementation of the activities envisaged in the Action Plan a Draft Law of the Republic of Azerbaijan "On Making Amendments to the Labor Code of the Republic of Azerbaijan" was prepared, discussed at the Tripartite Commission on Social and Economic Affairs and submitted to the Cabinet of Ministers for consideration.

A joint conference with the International Labor Organization (ILO) with participation of social partners on "International experience in the field of the improvement of labor legislation to prevent informal labor relations" was held in Baku on May 30-31, 2018". There is an electronic system of employment contracts registration functioning in the Republic of Azerbaijan where the employment contracts of children under the age of 15-18 are also registered. Only a very small number of such short-term labour contracts can be found in the system. Any form of use of child labor in the Republic of Azerbaijan (formal or informal) is declining per year.

The State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan in 2016 made repeated trips to the regions where cases of child labor were registered. As a result of these visits, there was a significant reduction in the cases of child labour in these regions (in total 34 children were detected). It has been identified that, strong and continuous control measures play an important role in prevention of child labor.

According to Article 192.8 of the Code of Administrative Offences of the Republic of Azerbaijan, officials shall be fined in the amount of 1000-1500 manats and legal entities shall be fined in the amount of 3000-5000 manats for hiring an individual under the age of 15. During the years of 2016-2017 and 6 months of 2018 the State Labour Inspectorate Service under the MLSPP imposed fines in the amount of up to 4000 AZN on those employers who violated labour law by hiring individuals

under the age of 15.

Paragraph 2 – Prohibition of employment of individuals below the age 18 in hazardous work or work detrimental to health

The Labor Code of the Republic of Azerbaijan also provides a separate chapter 38 on the characteristics of the use of labor of the workers under the age of 18. According to Article 58 (6) of the Labor Code, employees under the age of 18 may be allowed to hold additional jobs as substitutes if their total daily working hours (at their main and additional workplaces) do not exceed the reduced work hours provided for them in Section 91 hereof. Under the Article 247 of the Labour Code, in view of their working and professional experience, their limited time in employment and their physiological development, special provisions and related safeguards apply to the employment of persons aged under 18. Employers are obliged to fulfil the provisions established under this Labour Code for the employees under the age of 18. While signing labour contract with individuals under the age of 18 employers shall consider additional conditions and make commitments for advancing work and occupational habits of those individuals. Time spent by the employees aged under 18 in vocational training during the working day shall be considered as full day's work.

According to Article 250 of the Labour Code, labour of individuals under the age of 18 is prohibited in workplaces with hard and harmful work conditions, underground tunnels, mines and other underground work, in workplaces which may negatively affect their moral development, such as night clubs, bars, casinos, production, transportation, sale and storage of alcoholic drinks and toxic drugs, as well as circulation of drugs, psychotropic substances and their precursors.

Hiring individuals under the age of 18, to whom the legislation on mandatory general secondary education is extended, is prohibited in cases when this work prevents them from getting full education.

Article 251 of the Labour Code defines the scope of work in which restrictions on lifting heavy loads are imposed on the employees aged under 18. According to the fifth part of Article 251 of the Labour Code the list of production areas with hard and harmful work conditions, occupations, as well as underground work, where the labour of individuals under the age of 18 is prohibited, has been approved by the relevant executive authority.

The "List of production areas with hard and harmful working conditions, occupations, as well as underground work where the labour of individuals under the age of 18 is prohibited" was defined by the Decision № 58 dated March 24, 2000 of the Cabinet of Ministers of the Republic of Azerbaijan. This list has been submitted to the Committee.

According to Article 91 (2) of the Labor Code the reduced working hours must apply to employees up to the age of 16 -24 hours per week; aged 16 to 18, category I and II disabled employees, and pregnant women and women with a child under the age of one-and-a-half - 36 hours per week.

According to Article 253 of the Labour Code employees under the age of 18 who work part time, as stipulated in Article 91 hereof, shall be paid the same wages for the same kind of work as employees over the age of 18.

According to Article 192.9 of the Code of Administrative Offences of the Republic of Azerbaijan, officials shall be fined in the amount of three thousand manats up to four thousand manats and legal entities shall be fined in the amount of ten thousand manats up to thirteen thousand manats for involving children into the labour which may threaten their lives, health or morality.

During the years of 2016-2017 and 6 months of 2018 no administrative fines were imposed by State Labour Inspectorate Service under the Ministry of Labour and Social Protection of Population for the violation of labour legislation with regard to the involvement of children into the labour which may threaten their lives, health and morality.

Paragraph 3 – Prohibition of involvement into labour of children in compulsory education

Article 247 (3) of the Labor Code stipulates additional conditions and obligations to be provided by the employer to increase employment and professional skills of employees under age of 18 while concluding employment contracts with them. Time spent in professional training by the employees under 18 is considered as working time with the employer's consent.

According to the second paragraph of Article 250 of the Labour Code individuals under the age of 18, to whom the legislation on compulsory general secondary education is extended, are prohibited to be admitted to employment which prevents them from getting full education.

The State Agency for Vocational Education under the Ministry of Education of the Republic of Azerbaijan was established by the Decree of the President of the Republic of Azerbaijan No 869 dated April 30, 2016 in order to prepare young people for production, providing them with the first vocational education training, increasing the efficiency of vocational training and ensuring that they are able to compete with the competitive specialties that meet the needs of the labor market.

According to b) part of the 4th part of Article 131 of the Labour Code employees who have not reached the age of eighteen shall be eligible to take vacation during their first year of employment regardless of when they were hired. We consider that this right can be provided during the summer holidays at will of a working child.

According to the

1st sentence of the 1st part of Article 137 of the Labour Code, vacation time may be divided and granted in parts by the will of employer and employee, provided that the duration of one of the divided parts of vacation consists of at least two calendar weeks

School year starts on September 15 and ends on June 14 at general secondary schools in the Republic of Azerbaijan. During the school year, the following holidays are identified: 5-day autumn holidays (16-20 November), 5 days winter vacation (27-31 January), 5-day additional holidays for primary classes (1-5 May), 3 months summer vacation (15 June-14 September). There is no practice of schoolchildren`s working during summer holidays in Azerbaijan. According to Article 19.14 of the Law on Education, general education in the Republic of Azerbaijan is compulsory. That is, students who are graduating the 9th grade (15 years) can work in the same way as they do not continue their education at the next level. Labor vacation of this category is governed by Article 119 of the Labor Code of the Republic of Azerbaijan. According to Article 119 employees under the age of 16 shall be eligible for at least 42 calendar days of vacation per year; employees aged 16 to 18 shall be eligible for at least 35 calendar days. According to the 11 st part of Article 3 Working conditions: the set of terms, the minimum norms that enable an employee to function efficiently and beneficially are the set of industrial, social and economic norms that are provided by Code as well as labour agreement (collective agreement, contract)In accordance with the requirements of Article 43 of the Labor Code, the conditions of worker's working conditions - work and leisure time, wages and salaries, duration of ordinary leave, labor protection, social and other insurance must be specified in the employment contract.

Paragraph 4 – Work time for the individuals under the age of 18

Article 89 of the Labour Code of the Republic of Azerbaijan defines full-time work and working hours. According to this Article normal working time may not exceed 8 hours a day. Accordingly, the normal working time may not exceed 40 hours a week.

According to the 1st part of Article 91 of the Labour Code for certain categories of employees reduced working hours may be determined by this Code, the proper normative Legal Acts, as well as by the terms and conditions of an employment contract and collective agreements taking into consideration their age, health, terms of employment condition, duties, etc.

According to the 2nd part of the same Article the following reduced working hours must apply: employees up to the age of 16 - 24 hours per week; aged 16 to 18, category I and II disabled employees, and pregnant women and women with a child under the age of

one-and-a-half - 36 hours per week. At the same time, collective agreement between the parties may include additional terms with regard to working and leisure times of young people.

Article 254 of the Labour Code prohibits involvement of employees under the age of 18 to night work, extra work, or any work during weekends, or holidays or any other non-working days, as well as, sending those employees on business trips.

According to Article 198.0.5 of the Code of Administrative Offences of the Republic of Azerbaijan a fine in the amount of 1000 up to 2000 manats is set for breaching the rules for normal working and leisure times.

During the years of 2016-2017 and the 6 months of 2018 the State Labour Inspectorate Service imposed 2800 administrative fines for failure to comply with the work and leisure time norms set in the labour legislation.

Paragraph 5 – A Fair payment

According to first part of Article 253 of the Labour Code workers under 18 working reduced hours in accordance with Article 91 of the Code, shall be paid the same wage as fixed for the adult employees working in respective positions and occupations. According to the second part of this Article 253 the labour of the piece-rate workers under 18 is remunerated at the same piece-rates fixed for adult workers with extra pay at the tariff rate for the time by which their hours of work are reduced in accordance with Article 91 of this Code.

Under the 1st part of Article 155 of the Labour Code employees employees are, without discrimination, entitled to receive for their work wages no lower than the minimum wage set by the State..

In accordance with the 1st part of Article 156 of the Labour Code =, salaries shall not be lower than the amount specified in employment contracts or standard salaries agreed upon in collective contracts.

The minimum monthly wage in the Republic of Azerbaijan from January 1, 2017 was 116 AZN and from 1 January 2018 this amount was increased by 12.1% to 130 AZN. Average monthly wage for January-April, 2018 was 532.4 manats.

In the Presidential Decree No. 3545 dated 25 December, 2017 "On increasing of the minimum monthly wage" assignments related to the salaries of employees employed in publicly funded organizations, including as well as improvement of the system of labor compensation for employees regulated by the Unified Tariff Table and preparation of proposals on increasing wages are envisaged. In this regard, a package of projects and proposals developed by the MLSPP will be submitted to the government in order to improve the Unified Tariff Table and to improve the system of sustainable social payments

based on the improvement of the system of labor remuneration and economic risks to increase the real incomes of the population.

At present the minimum wage level in the republic is not regarded as satisfactory and in this regard, the proposals on increasing the minimum wage level to the level of living standards (173 manats) are under consideration.

A draft law on amendments to minimum wage concept defined in part 2 of Article 155 of the Labor Code was discussed at the Social and Economic Tripartite Commission, this concept was harmonized with the ILO Convention No. 131 on the "Setting of Minimum Wage" and was submitted to the Cabinet of Ministers for consideration.

Apprenticeship

In accordance with fourth and fifth part of Article 7 of the Labour Code a contract can be signed for training and acquisition of new qualification with mutual consent of an employer and an employee while signing an employment agreement, as well as during the process of labour relations. The conditions, rules, period and commitments of parties regarding the training and acquisition of new qualification are regulated either by a relevant contract signed on the basis of mutual consent or a labour contract. The amounts of salaries of apprentices are the same as the salaries of adults.

Paragraph 6 – Inclusion of vocational training period into normal work time

In accordance with a supplement to the Part 3 of Article 247 of the Labor Code made by the Law of the Republic of Azerbaijan No 729-IIQD dated 1 September 2004 , time spent by an employee under 18 in vocational training during the working day shall be considered as working time with the consent of the employer.

According to Article 253 of the Labour Code the labour of the piece-rate workers under the age of 18 is remunerated at the same piece-rates fixed for adult workers with extra pay at the tariff rate for the time by which their hours of work are reduced under Article 91 of this Code and the daily working hours of adult employees.

Based on the abovementioned, we note that time spent by the employees under 18 in vocational training is included in their work time and their working time is not increased at the account of this time. There is no record of the law violation in regard to this provision.

Paragraph 7 – Annual Paid Leave

Children's and youth's labour rights includes the right to vacation and the provision of this right and this is also protected by the Labor Code of the Republic of Azerbaijan.

According to Article 131 of the Labour Code employees who have not reached the age of eighteen shall be eligible to take vacation during their first year of employment regardless of when they were hired.

According to the 1st part of Article 119 of the Labour Code employees under the age of 16 shall have right to annual paid leave consisting of no less than 42 calendar days, and employees between the ages of 16-18 shall have right to annual paid leave of no less than 35 calendar days. According to the 2nd part of this Article irrespective of category, reason and period of disability, annual paid leave of no more than 42 calendar days shall be provided for working persons with disabilities and employees with limited health capacity under the age of 18. According to Article 134 of the Labour Code, in case of temporary loss of work ability during leave time employee can request for the postponement of leave time to another time.

During the next leave time (annual or additional leave) payment for temporary loss of ability to work due to sickness or injury is paid for the number of missed work days specified in the sick list according to Paragraph 12 of the "Regulations on calculation and payment of mandatory state social insurance contributions and benefits paid to the employees for temporary loss of ability to work at the expense of insurer" approved with the Decision №189, dated September 15, 1998 of the Cabinet of Ministers of the Republic of Azerbaijan.

According to the part 1 Article 135 of the Labor Code, in accordance with this Code it is forbidden not to give a labor leave to a worker by an employer. According to part 2 of Article 135 of the Labour Code, if an employee does not use his/her annual paid leave for any reason during the current work year, he/she shall be paid a compensation for the unused period of leave for that work year (or years) in accordance with the established rules and amount.

A draft law "On Amendments to the Labor Code of the Republic of Azerbaijan" was submitted to the Cabinet of Ministers for consideration after discussion at the Tripartite Commission on Social and Economic Affairs. In addition to other issues in this draft, adjustment of the Labor Code to the ILO Convention No. 132 on "Paid Vacations", cancellation of compensation for basic leave and absolute use of basic leave during the working year are taken into account.

According to Article 192.5 of the Code of Administrative Offences public officials shall be fined in the amount of one thousand five hundred up to two thousand manats for the violation of the rights of employees to annual paid

leave and for not providing annual paid leave to an employee, as well as for not paying the compensation determined for unused leave time.

During the years of 2016-2017 and 6 months of 2018 employers were fined in the amount of up to 31500 manats by the State Labour Inspectorate Service for the violation of labour legislation and violation of employee rights to annual paid leave by either not granting leave time or providing compensation for the unused leave period.

Paragraph 8 – Prohibition of night time work

According to Article 4 of the Labour Code this Code shall apply to all enterprises, establishments, organizations (hereinafter referred to as "Enterprises"), 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 ships sailing in international waters under the banner of the Republic of Azerbaijan and to all offshore installations and other workplaces, regardless of their property, organizational and legal form, and to relevant government bodies, individuals and entities of the Republic of Azerbaijan, pursuant to the rules specified in this Code.

This Code shall also apply to employees performing jobs in their homes using their employer's goods (materials). According to Article 2 of the Labour Code, the Labour Code of the Republic of Azerbaijan minimum standards and rules safeguarding the labour rights of individuals and ensuring the implementation of such standards and rules. . According to Article 254 of the Labour Code no employee under the age of 18 shall be permitted to work at night or perform overtime work, to work on weekends, holidays, or other days off, or to be sent on assignment. According to this Article the involvement of employee under the age of 18 to night time work is prohibited. According to Article 97 of the Labour Code period from 10:00PM to 6:00 AM is considered to be night time. According to the Article 254 of the same Code for employees under the age of 18, the hours of 08:00 PM till 7:00 AM shall be considered night time.

According to Article 198.0.5 of the Code of Administrative Offences fine in the amount of one to two thousand manats has been established for failure to comply with normal work and rest regime.

During the years of 2016-2017 and 6 months of 2018 2800 manats were imposed by the State Labour Inspectorate Service for the breach of labour legislation and failure to comply with normal work and rest regime.

Paragraph 9 – Regular medical check-up

Under Article 252 of the Labour Code, persons under 18 may be employed only after undergoing a medical examination, and until they reach 18 they should undergo an annual medical check-up, to be paid for by the employer.

According to Part 5 of Article 48 of the Labour Code for purposes of public health and safety employees shall provide medical reference on the state of health when they are admitted to employment in the workplace which is hard, hazardous and detrimental to health, as well as in food industry, catering, healthcare, trade and similar workplaces. The list of those occupations (jobs), as well as the number of those workplaces was approved by the Decision № 1, dated January 3, 2000 of the Cabinet of Ministers of the Republic of Azerbaijan.. The list is available in Azerbaijani at this link <http://www.e-qanun.az/framework/309>.

Paragraph 10 – Special protection against physical and moral dangers

Protection from sexual abuse

Labour functions of employers under paragraph g) of the Article 12 of the Labour Code include establishment of the same work conditions for the employees engaged in the same type of work regardless of their gender, non-application of different administrative penalty to employees for the same violations, undertaking necessary measures for prevention of sexual harassment and discrimination based on sex, and under paragraph ğ) of the same Article - non-involvement of children to work which may be detrimental to their lives, health and morality.

In order to ensure compliance with the European Social Charter the following paragraphs were included to Article 31 of the Labour Code on the content of collective agreements: n) assistance in the explanatory work and provision of information, as well as prevention of cases of mockery, obvious hostile actions and offensive conduct against individual workers at the workplace and undertaking all necessary measures in order to protect employees from these acts; o) assistance in explanatory work and provision of information on sexual harassment in the workplace or in connection with work, prevention of sexual harassment and undertaking all necessary measures regarding the protection of employees from this type of behaviour. With the reference to the above, this commitment shall be included in the collective agreements signed among employers, workers and trade unions in enterprises, institutions and organizations regardless of their organizational-legal form.

Sexual exploitation is defined in Article 1.0.4 of the Law of the Republic of Azerbaijan "On Combatting Human Trafficking" adopted in 2005 as involving a person in

prostitution, sexual slavery, or in production of pornographic materials, benefiting from the sexual exploitation of others. All forms of sexual exploitation of individuals under the age 18 are prosecuted. Thus, in Article 171 of the Criminal Code involvement of minors into prostitution or immoral actions, Article 171-1 child pornography turnover, Article 152 juveniles to commit acts of prostitution or immorality Article 152 sexual relations and other actions of sexual nature with the person under the age of 16, Article 153 criminal liability for immoral acts has been identified, in Article 149 (rape) and Article 150 (Violent actions of sexual nature) the offense committed by a person who has been explicitly exposed to a person under the age of fourteen shall be deemed as a recommendation. In addition to this, in Article 524 of the Administrative Violations Code prostitution (including age 16-18) is defined as an administrative offense and one hundred manat is envisaged in sanction. For this reason, no involvement in criminal liability is envisaged.

The Labor Code as well as the Criminal Code of the Republic of Azerbaijan, do not stipulate provisions on the application of physical punishment against children.

Citizens of the Republic of Azerbaijan, foreigners and persons without citizenship, who have committed crimes against the peace, war crimes, terrorism, financing of terrorism, stealing of an air ship, capture of hostages, torture, a sea piracy, illegal circulation of narcotics and psychotropic substances, manufacturing or sale of false money, attack on persons or the organizations using the international protection, the crimes connected to radioactive materials, and also other crimes, punish of which stipulated in international agreements to which the Azerbaijan Republic is a party, shall be instituted to criminal liability and punishment under the Code, irrespective of a place of committing a crime.

According to Article 144-1.1 of the Criminal Code trafficking, i.e. recruitment, obtaining, keeping, harboring, transportation, transfer or acceptance of a person with a purpose of exploitation under the threat of violence or using violence, threats or other means of coercion, abduction, fraud, deception by misusing ability to make pressure or helplessness, or providing or receiving material and other values, privileges or benefits to get a consent of the person that exercises control over another person shall be punished by imprisonment for the term of five to ten years. In the "Note" part of this article, "human exploitation" means the use of forced labor (servitude), sexual exploitation, slavery and practices similar to slavery and the resulting dependence, illegal removal of human organs and tissues, conduct of illicit biomedical research on a person, use of a woman as surrogate mother engaging a person in unlawful and criminal activities; Consent life style or immoral behavior of a human trafficking victim shall not be considered as a fact mitigating the penalty for the person guilty in human trafficking offenses.; hooking, purchase, hold, harboring, transportation, transfer or adoption of a minor with a purpose of his exploitation is recognized trafficking even in case of non-application of the

methods specified in Article 144-1.1 of this Code.

The illegal collection or deliberate dissemination of confidential information about a victim of human trafficking —shall be punishable by a fine in the amount of five hundred to one thousand manats, or public works for the term from two hundred forty to four hundred eighty hours, or corrective works for the term of up to one year. In the “Note” part of this article “Confidential information” is defined as any information the dissemination of which constitutes a threat to the lives and health of a person who has suffered from human trafficking, his/her close relatives, as well as the persons who have assisted with combating human trafficking.

Information abuse

According to Article 13-2 of the Law of the Republic of Azerbaijan "On information, informatization and protection of information" posting information about pornography including information on child pornography in the Internet information resource by the owner of its domain name is prohibited. If the owner of the Internet information resource and its domain name finds out forbidden information to disseminate in information resource and or if he gets request on it he provides the removal of such information from the information resource.

In order to prevent the placement of prohibited information in internet information resources, the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan warns the owner of the internet information resource or its domain name or host provider in written form when it discloses the placement of the forbidden information directly or determines it on the basis of reasonable information received from physicals, officials or from public authorities. If the forbidden information is not removed within 8 hours from being notified a request is send to the district (city) court at the location of such body to restrict the use of internet information resources.

Also, in Article 388-1 of the Code of Administrative Offenses an administrative liability is envisaged for the placement of forbidden information in the information resource as well as for infringement of the requirements of the legislation by the owner of its domain name.

The national legislation is being improved by the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan in order to protect children against information technologies and awareness-raising activities are conducted and security software systems are created. According to Article 15 of the Law of the Republic of Azerbaijan "On the rights of the children", the protection of information harmful to children's health and development is regulated by the relevant law. The State Committee has drafted a draft law "On protection from information harmful to children's health and development" and submitted to the Parliament of the Republic of

Azerbaijan. Based on the recommendations of the United Nations Children's Rights Committee, the State Committee for Family, Women and Children Affairs and E-Box company within a project on "Children's Internet Security" work jointly to create the program called "Parent-Internet Security and Control". The software will serve to protect children in the Internet space and to inform parents of the electronic pages visited and the requests made by their children.

Article 8. The right of employed women to protection of maternity

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 maternity leave

Women's maternity leave and maternity leave are governed by Article 125 of the Labor Code. During pregnancy and post-pregnancy period female workers are granted paid leave of 126 calendar days (70 calendar days before childbirth and 56 calendar days after childbirth). In case of difficult childbirth or giving birth to two or more children women are granted paid leave of 70 calendar days for post-pregnancy period. Women engaged in agricultural production are granted the following paid pregnancy and maternity leave:

- a) 140 calendar days in case of normal birth (70 calendar days before childbirth and 70 calendar days after childbirth);
- b) in case of difficult birth 56 calendar days (70 calendar days before childbirth and 86 calendar days after childbirth);

c) in case of giving birth to two or more children 180 calendar days (70 calendar days before and 110 calendar days after childbirth).

In accordance with the “Regulations on calculation and payment of mandatory state social insurance contributions and annual leave paid by insurer to the employees who temporarily lost their ability to work” approved with the Decision № 189, dated September 15, 1998 of the Cabinet of Ministers of the Republic of Azerbaijan only persons who have paid social insurance contributions for at least 6 months are entitled to payments for temporary loss of ability to work and payments for pregnancy and childbirth. **During the assessment of this 6-month period, interruptions in the work of female workers are taken into account.**

According to Article 1.0.2 of the Law of the Republic of Azerbaijan "On Labor Pensions" social insurance record is the sum of the periods of work of other activities (subject to payment of the mandatory state social contributions to the relevant executive authority) as well as other periods included in the insurance record under the relevant legislation that are taken into account when determining the right to a labor pension..

The amount of the benefit calculated for the maternity leave of a woman may not to be less than the minimum wage. In accordance with part 72 of the “Regulations on calculation and payment of mandatory state social insurance benefits and benefits paid at the account of the employer to the employees who temporarily lost their ability to work” approved with the Decision № 189 of the Cabinet of Ministers of the Republic of Azerbaijan, dated September 15, 1998 the maternity benefit in all cases is paid in the amount of 100 percent of the average daily income taken into account in the calculation of temporary disability benefits and without any deadline for application.

The ILO Convention 183 “On the Maternity Protection” was ratified by the Republic of Azerbaijan in 2010. In accordance with paragraph 3 of the part 1 (“Maternity leave”) of the ILO Recommendation 191 in the Republic of Azerbaijan woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.. To ensure full compliance with the Convention a draft "On amending to the Labor Code of the Republic of Azerbaijan" envisages the addition of the following paragraph to Article 125 of the Labor Code:

“3. The portion of the maternity leave before childbirth is prolonged from the date of expected childbirth until the actual date of birth on a paid basis at the rate of previous days and in this case the portion of the leave after the childbirth is not shortened. ”

Paragraph 2 – Unlawful dismissal

According to Article 79 of the Labour Code of the Republic of Azerbaijan the employment contract of the following employees cannot be terminated: pregnant women, as well as women who have children under the age of 3, single fathers with children under the age of 3, employees whose job is their only source of income and who are single parents of children under school-age, employees who temporarily lost their ability to work; employees diagnosed with diabetes or sclerosis; for being a member of trade unions or any other political party; employees with dependents with disabilities under the age of 18 or with I group of disability. According to the second part of this Article the provisions set in the first part of this Article do not apply to cases of termination of employment on the ground of paragraph “a” (dissolution of enterprise) of Article 70 and 73 (termination of fixed term contract).

In the process of labor relations the employer is fully responsible for the damage caused to the worker. In case there is a valid court order (decision) confirming unlawful and groundless termination of labour contract as defined in paragraph a) of the first part of Article 196 of the Labour Code, court, resolving the labour dispute following the examination of lawsuit and the actual circumstances, shall issue resolution on the restoration of employee to his/her position and payment to him/her by the employer who terminated the labour relations with the employee ignoring the provisions established in Article 79 of the Labour Code an amount of days left out of work forcedly or in accordance with the second part of this Article, as well as shall issue resolution on the approval of conciliatory agreement between the parties.

Article 300 of the Labour Code stipulates that the amount of claimed damage caused to the employee shall be paid by employer in accordance with the court resolution. “The amount of caused damage” in this Article means the total amount including average wages during the period out of work due to dismissal, expenses such as payment to lawyer (defender) for protecting rights in the court for taking the individual labour dispute to court, as well as moral damage claimed by the employee’s lawsuit, debt due to unemployment, selling personal objects and other expenses.

The Chamber of the Constitutional Court of the Republic of Azerbaijan adopted a relevant resolution on the protection of labor rights of certain categories of citizens on February 16, 2016. The Chamber concluded that, the prohibition of termination of labor contract of pregrant women or women with children under the age of 3 under the Article 70 of the Labor Code not be construed as contravening any Article of the Labor Code. Thus, the legislator while determining this preferential norm is acting from the position of protection of mother’s and child’s health, protection of their rights, strengthening their material and social welfare, as well as health protection of

some categories and strengthening of social protection of their families. The Chamber has decided that, during the resolving of the issue in the appeal the courts may determine the relevant result taking into account the socially-oriented values set in the Constitution of the Republic of Azerbaijan and provided by the State.

Paragraph 3 – Interruptions due to breastfeeding

According to Article 244 of the Labour Code of the Republic of Azerbaijan women with children aged under 1.5 years old shall be provided with additional rest break for breastfeeding, besides the general rest and lunch break at work. These breaks shall at least be 30 minutes each and provided every 3 hours. In case woman has two or more children under 1.5 years old, the length of each break shall be no less than 1 hour. The break time related to breastfeeding shall be included to working time and average wage shall be kept. At request of female worker breaks for breastfeeding can be summed up and added to the rest and lunch break, as well as provided either at the start or end of the working day (shift). If female worker wants to sum up the breaks for breastfeeding purposes and use it at the end of the working day, then her work day shall be shortened as much as the length of breaks. Article 245 of the Labour Code defines cases of part-time work for women and maintains that during medical check-up salaries shall be maintained. According to this Article employers shall provide part-time employment (part-day or part-week) with salary commensurate with the amount of time worked at request of pregnant women or women with children under 14 years old or with disabilities, as well as women taking care of a sick family member on the basis of medical reference. In this case the daily or weekly amount of work time of the woman shall be defined by mutual consent of the parties. Average salaries of pregnant women and women with children under the age of 3 shall be maintained during women's or their children's prophylactic or outpatient medical examination in hospitals and their consultations with doctors. Employer shall certainly provide necessary conditions for pregnant women for this kind of check-ups.

Paragraph 4 – Regulations on night-time work

Article 242 of the Labour Code defines the limits of involvement of female workers to night-time work, overworking, and work during weekends, as well as during their vacation period. It is not allowed to involve pregnant women and mothers having children under the age of 3 to night-time work, overwork, work at weekends, or on holidays or other non-working days, as

well as to send them on business trip. Women having children aged 3-14 years old, as well as women having children with disabilities are allowed to be involved in overwork, work during weekends, holidays or other non-working days and to be sent on business trips only with their consent.

Article 127 of the Labour Code defines partially paid social leave right and terms of use of this leave. One of the parents directly involved in nursing the child or any other family member is entitled to partially paid social annual leave in the amount established in the legislation for caring for the child up to 3 years old. The employee attending to a child can use his/her right to partially paid social leave as a whole or in parts through written request. Mothers who are on partially paid social leave shall be paid 44 manats monthly for a child up to 1.5 years old and 28 manats monthly for the child aged 1.5 to 3 years old starting March 1, 2018.

One of the innovations in this period was the fact, years according to the Law of the Republic of Azerbaijan No. 252-VQD dated May 17, 2016 "On Amendments to the Labor Code of the Republic of Azerbaijan" shorter working time has been established no more than 36 hours for women who raise their children up to 3 years with women who are pregnant or with children under the age of 1,5.

Putting of women workers who are pregnant or have children up to age of one and a half years on light duty is determined according to Article 243 of the Labor Code. According to this article, in case of women workers with children under the age of 3 years are also provided with a day-to-day working regime that is lighter than the night time regime.

Paragraph 5 – Prohibition of hazardous, harmful and arduous work

Article 241 of the Labour Code of the Republic of Azerbaijan defines workplaces and type of jobs where female labour is prohibited. According to this Article female labour is prohibited in arduous and hazardous work, as well as underground tunnels, mines and other underground workplaces.

As a rule, female workers are allowed to do relevant underground work from time to time while not being engaged in manual labour, working in leading positions or providing social, sanitary-medical services, as well as going up and down to underground workplaces without doing manual work. It is prohibited to involve them into work requiring lifting and moving objects heavier than the norms defined in this Article.

This provision reflected in the Labor Code complies with the requirements of the Convention of the ILO № 45 on the "Application of Women Labor in Underground Work in All Kinds of Mines" ratified by the Republic of Azerbaijan on 19 May in 1992.

Taking into account our national commitment to the Council of Europe that our national legislation will comply with the fundamental principles and

provisions of the European Social Charter and the views of the European Committee on Social Rights, amendments to Article 211 and 241 of the Labor Code require that this Article be aligned with the requirements of Articles 20 and 8 of the Charter and this issue along with other issues, was also reflected in the draft law "On Amendments to the Labor Code of the Republic of Azerbaijan" prepared and submitted to the Cabinet of Ministers.

There has been a need for a new edition of parts 1, 2, 5 and 6 of Article 241 and paragraph 4 of the part 1 of Article 241 of the Labor Code of the Republic of Azerbaijan.

If the proposed project is accepted, the decision No 170, dated 1999 of the Cabinet of Ministers on "Approval of list of jobs, occupations (positions), including underground workplaces with harmful and arduous work conditions in which female labour is prohibited" will be void and it will be necessary to prepare a list of production, occupations (positions), as well as underground work, which is prohibited to use labor of women who are pregnant and those who have children not reached the age of 1,5 and its approval by the Cabinet of Ministers of the Republic of Azerbaijan.

In connection with the foregoing, it is expected that Article 241 of the Labor Code will be in the following edition:

1. It is forbidden to employ women who are pregnant or have a child under the age of 1,5 in workplaces where labor conditions are heavy, harmful as well as underground tunnels, mines and other underground works.

2. Individuals who are not engaged in physical work, working in senior positions or rendering social, sanitary and medical services as well as underground workplaces without physical considerations, allowing appropriate underground work by women who are pregnant or have not reached their age and half Parts 3 and 4 are removed.

5. engagement of women who are pregnant or have children under the age of 1,5 to any of the activities described in this article, in works that are unsafe for danger, health and weight, in areas of activities such as lead, benzene, ionizing radiation, high temperatures, vibrations, or areas of activity that are at risk of being exposed to virus carriers is forbidden.

5. engagement of pregnant women and women with children under the age of 3 in activities stipulated in this article is prohibited. 6. The list of production areas with hard and harmful work conditions, occupations, as well as underground work, where the labour of pregnant women and women with children under the age of 1,5 is prohibited, is confirmed by relevant executive power organ.

Article 243 of the Labour Code sets provisions for transferring pregnant women and women with children under the age of a year and a half to lighter duties. For pregnant women production or service norms shall be reduced in accordance with the medical reference or they shall be assigned to lighter duties excluding any influence of harmful production factors. In case women having children under 1.5 face difficulties while performing their work duties,

as well as breastfeeding their children, employer at request of women shall either transfer her to a lighter work or provide necessary conditions for breastfeeding up until her children reaches 1.5 years old. When female workers are transferred to a lighter work due to the reasons stated in this Article their average wage shall be maintained. It is prohibited to reduce women's wage due to pregnancy or breastfeeding.

The draft provides for the addition of the following paragraph to Article 94 of the Labor Code in order to ensure that women are able to return to their previous working conditions after pregnancy and after childbirth:

"If the vacancy (profession) is formed and the workforce has been changed, the employer must take action for the full time job."

Article 16. 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.

Social protection of families

Provision of families with housing

According to Article 17 of the Constitution of the Republic of Azerbaijan family is under special protection of state as a fundamental unit of society.

According to Article 31 of the Constitution of the Republic of Azerbaijan, it is prohibited to infringe on anybody's life, physical and spiritual health, property, living premises, to commit acts of violence except cases envisaged by law.

With Decrees and Orders signed by the President of the Republic of Azerbaijan on 19, 20, 22 and 23 February of 2018 on the families of martyrs, war invalids, persons with disabilities due to the events of January 20, 1990, people titled of National Hero of Azerbaijan, participants of 1941-1945 Great Patriotic War, individuals who worked at the enterprises, institutions and organizations during the siege of Leningrad city in the second world war and to those individuals who were awarded with medal "For the defense of Leningrad" and badge "Resident of besieged Leningrad" (except the war invalids), for the families (parents, widowwives) of military servicemen who were killed, disappeared and were announced as dead by court in the course of international duty in the Soviet army in Afghanistan, I disability

group as a result of general illness, illness during military service, presence in the military operations zone, labour injury and occupational diseases, elimination of consequences of Chernobyl disaster, for mothers of more than 5 children, according to the Presidential Decree No 973, dated August 29, 2013 on "Increasing the amount of social benefits" the amount of several monthly and lump-sum social benefits, including child birth benefits, monthly benefits granted to mothers during partially paid social leave for child nursing purposes was increased in 1 March 2018.

According to the relevant decree of the President of the Republic of Azerbaijan dated April 20, 2018, lump-sum financial assistance in the amount of 1000.0 (thousand) manats was provided to the participants of the Second World War 1941-1945, in the amount of 500.0 (five hundred) manats was provided to the widows of warriors who died during or after the Second World War, those who were awarded orders and medals for selfless labor on the back frontier at that time, employees of special units fulfilling their assignments for the sake of the army and navy within the boundaries of the war fronts during the Second World War or in the operational zones of the flying fleets during the Second World War, at the back of the war fronts, or in the operational zones of the flying fleets, to those individuals who were awarded with medal "For the defense of Leningrad", as well as participants of the siege of the city of Leningrad.

According to Article 33 each person has right to inviolability of home. Except cases specified by law or court decision nobody has the right to enter private home against the will of its inhabitants. According to Article 43 of the Constitution no one shall be unlawfully deprived of home.

According to Article 3 of the Housing Code of the Republic of Azerbaijan right to housing can be limited to necessary limits for the purpose of protection of morality, health, rights and duties of other persons, defense of country and state security. No one shall be taken out of his/her residence or their use of residence place or utilities shall not be limited, except in the cases and rules established in this Code and other laws. The protection of right to housing is carried out through the following judicial means in accordance with the rules and cases established in the legislation.

According to the Housing Code of the Republic of Azerbaijan, state bodies and municipalities create conditions for realization of housing rights within their authority and for this purpose, promotes the development of the real estate market in order to create the necessary conditions for the housing needs of citizens. On the basis of social lease contracts in the prescribed manner or the state or municipal housing fund based on the rental agreement of residential areas Provide citizens with residential areas on the basis of housing agreements, encourages housing construction.

Child care institutions

According to the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No 90 dated March 30, 2015 in order to provide housing for individuals leaving state residential care institutions who either lost their parents or deprived of parental care “Graduate House” was established under the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan. Originally, 13 floor “Graduate House” comprised of 120 apartments was constructed and put into use for the youth from that category, in the future it is planned to build two more residential buildings. Accordingly, in December 2016, the second building was built consisted of 125-apartment and commissioned, the construction of the third building was started. In 2017, the work on the commissioning of the second building of the enterprise was carried out, 47 apartments of the building were put into operation in the same year and 78 apartments were in the current year.

Each graduate is offered an apartment in the Graduation House. According to the Charter of the Enterprise, the young people have right to move their family members (wife, husband, children) to these houses when they get married. Graduates were provided with living space, necessary home equipment and inventories and. The utility costs of graduates admitted to the enterprise are paid by the Entity within the first 6 (six) months. The utility payments of residents studying full time at state, municipal or private higher education or vocational education institutions are paid by the Graduate House social enterprise up to their age of 23. The facility also provides legal and psychological counseling aid for graduates. One of the issues is to involve young inhabitants of this house into active labour market events and vocational training courses on occupations most required in the labour market. Public catering facilities in this social enterprise will provide employment for the inhabitants themselves. Additionally, carpet and sewing shops were established at the facility, as well as the cafe and cafeteria, shopping mall, table games, internet halls, laundry and so on. 41 graduates were employed at public catering facilities. Also, there are 10 graduate students who work in the enterprise.

Family counseling services

Family counseling services are provided in the regions by the Centers for Children and Family Support of the State Committee for Family, Women and Children Affairs on the social, legal and economic protection of the family. By the Decree of the President of the Republic of Azerbaijan No. 2355 dated

August 24, 2007 2 centers for "Children and Families Support" (in Goranboy region and Khazar district of Baku city) and later by the Decree No.1328 dated February 15, in 2011, 9 centers (Saatli, Sabirabad, Hajigabul, Aghdam, Zardab, Zagatala, Goygol, Gabala, Ismayilli) were subordinated to the State Committee for Family, Women and Children Affairs. At the start of the activity, if centers only covered children in need of special care in the community since 2011 it has started to cover risk groups on various aspects of family, women and children's issues. So far, the Center's employees have visited the 2709 family who are under the risk groups. In general, the benchmarks of the Children and Family Support Centers include families, women and children from the risk group, children with physical and mental disabilities, as well as children with disabilities, women and their families, parentless, homeless and careless children; refugees and internally displaced persons, as well as martyr families, children and adolescents from child care facilities, persons subjected to violence, persons released from penitentiary institutions, children with a single parent (children with guardian), juveniles and their families in socially disadvantaged, low-income and multidimensional families. Centers play an important role in strengthening of access of families to social, medical, employment and educational services while identifying them. Children and Families Support Centers are also working in the direction of creating a better service in the future along with offering the initial model of services that the population needs and does not exist in the community, as well as meeting the community's initial needs in this regard. For example, active therapy exercises (for children with disabilities), logopedic services, psychological counseling and training, rehabilitation services (art therapy, computer, english, russian language, various art courses) are conducted. Centers implement children's capacities assessment and rehabilitation programs through family detection test, organize interactive group trainings in the field of child development, associations are functioning. The number of groups and individual sessions conducted at Centers during the period of activity is 17,550 and the number of beneficiaries was 7265 people. 89 people were attending to the Portec early intervention program trainings and 126 children underwent screening tests from Denver II.

Legal protection of families

According to Article 29 (equal rights for husband and wife within family relations) of the Family Code of the Republic of Azerbaijan husband and wife are entitled to equal personal and property rights in family relations as established in the Constitution of the Republic of Azerbaijan. Maternity, paternity, child upbringing and education, as well as other issues of the family, are jointly settled in accordance with the principles of equality of the spouses.

Husband (wife) is free to choose occupation, profession and place of residence. Both wife and husband in the family shall establish their relations on the basis of mutual support and respect, to act together for strengthening family and welfare, create favorable conditions for the development of their children and take care of their children's health.

In accordance with Article 36 of the Code, the common property of spouses shall be divided on the basis of an agreement among them. Such agreement shall be verified by a notary at request of the spouses. In case of dispute, the division of property of the spouses, as well as determination of the spouses' shares in this property is carried out by the court. While dividing the common property court identifies the property to be given to each of the sides upon their request. If one of the spouses acquires property with a value that exceeds the amount defined property share, the money or other compensation may be given to the other. The court can consider the property of both sides as their private property if it is earned after the termination of marriage or during the period the couple lived separately. The things obtained to meet the needs of minor children (clothes, shoes, school and sports supplies, musical instruments, children's library, etc.) shall not be divided and shall be distributed without compensation to the parent living with the children. The bank deposits made at the expense of the common property of spouses under the names of their minor children shall be considered to belong to these children and are not taken into account in the division of property. During the division of common property of the spouses undivided part of the property during the marriage, as well as, property acquired during marriage is considered as their joint property. Upon dissolution of marriage the 3-year period of limitation shall apply to their demand for division of assets of the spouses.

According to Article 75, parents are obliged to take care of their children. Parents determine the rules and forms for taking care of their children independently. Parents have the right to have an agreement (agreement on the payment of alimony) for taking care of their underage children. If the parents don't take care of their children funds for children (child support) shall be provided by the parents through the court order. In the absence of an agreement on the payment of child support allowance every month their parents are charged by the court for the child support by the following amounts:

- for one child – a quarter of the income and (or) other earnings of parents;
- for two children - one-third of income (other earnings);

Three or more children - half of the income (other earnings).

Economic protection of families

The Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan defines the need criteria for the requirements of the relevant legislation of the Republic of Azerbaijan in the amount of 93 manats, 100 manats, 105 manats, 105 manats, 116 manats and 130 manats respectively for 2013-2018.

In 2016-2017, 5101.0 million manats were allocated from the state budget to finance social protection and social security measures, of which 2693.3 million was for 2016, and 2407.7 million manat was for 2017. The share of these expenditures in gross domestic product in 2016 was 4.5 percent, the share in budget expenditures was 15.2 percent, the share in gross domestic product was 3.4 percent in 2017, and the share in budget expenditure was 13.7 percent.

112662 families with 492337 members in 2015, 132368 families with 558133 members in 2016, 80193 families with 327507 members in 2017 and 55589 families with 219148 members in 2018 was assigned and paid the targeted state social assistance. The amount of social allowances paid to the family and the person were respectively 125.5 manats and 28.8 manat in 2013, 136.8 manat and 31.3 manat in 2014. 145.8 manat and 33.4 manat in 2015, 151.7 manat and 35,7 manat in 2016, 148.5 manat and 36.4 manat in 2017, 157.2 and 39.9 manat in 2018. For this purpose 206.2 million manats was allocated for 2013-2016, 237 million manats for 2017 and and 215 million manats for 2018.

The final version of the draft Decisions of the Cabinet of Ministers of the Republic of Azerbaijan was submitted to the Cabinet of Ministers of the Republic of Azerbaijan in 09.08.2017 taking into account the opinions of the relevant public authorities Law of the Republic of Azerbaijan on Amendments to the Law of the Republic of Azerbaijan "On the Targeted State Social Assistance" and "On Making Amendments to the Rules of Appeal, Appointment, Issue and Refusal to Grant State Targeted Social Assistance", approved by the Cabinet of Ministers of the Republic of Azerbaijan No 37 dated February 5,2016 . A draft decision of the Cabinet of Ministers of the Republic of Azerbaijan "On Approval of Rules for Clearing, Consideration and Maintenance of Documents Submitted for the Determination of Social Benefits, Scholarships and Compensations"has been prepared and approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 50 dated February 16, 2018 in order to ensure the implementation of paragraph 1.4 of the "National Action Plan for the Promotion of the Open Government for 2016-2018" approved by the Presidential Decree No. 1993 dated April 27, 2016.

Roma families

The State Committee for Family, Women and Children Affairs conducted researches with the UN Children's Fund in 2017 in the areas where the Roma families community lives compactly in order to protect Roma children`s rights lived in Azerbaijan, analyses were conducted on the current situation of the rights of children from the Roma community, especially children's education continuity, issues on the migration, reasons for neglect. Presently, analyzing the current situation with the UN Children's Fund, joint measures will be taken to eliminate revealed problems.

Domestic violence against women

Several Articles of the Criminal Code of the Republic of Azerbaijan ensures the protection of women, including sexual violence (Article 108), leading to suicide (Article 125), deliberate cause of various degrees of harm to health resulting in loss of health and work capacity (Articles 126, 127 and 128), torture accompanied by regularly beating and (or) other violent actions (Article 133), including norms against sexual inviolability and sexual freedom of the individuals (Articles 149-153). The exact mechanism of the legal, social and preventive measures to be implemented in the field of prevention of domestic violence has been set in the Law on "Prevention of Domestic Violence" of the Republic of Azerbaijan dated 22 June 2010. According to Article 7 of the law, after the approval of a number of reports on domestic violence it is ensured to take the necessary measures.

Over the past two years and 3 months of 2018, 13,011 criminal cases against women (5923-2016, 5755-2017, 1333- 2018 the first three months of), including violence against them 4915 criminal cases (2221-2016, 2145-2017, 549 the first trimester of 2018) were recorded. During the same period, 15 per cent of crimes committed against women (from 13,011 to 1984) and or sixth of all, occurred in the family-household conflict. 2241 persons(1036-2016, 963-2017, 242 in 2018) were brought to court for the above mentioned crimes.

Equal treatment of foreign citizens and stateless persons regarding family benefits

In accordance with Article No. 52 of the Migration Code of the Republic of Azerbaijan foreigners and stateless persons temporarily residing at least 2 years on the territory of the Republic of Azerbaijan on the basis of a relevant permit can submit application to obtain permit for permanent residence on the territory of the Republic of Azerbaijan.

Foreign citizens obtaining permanent residence permit in the Republic of Azerbaijan are entitled to most of rights as the citizens of the Republic of Azerbaijan, and get access to social benefits and services.

According to Article 2 of the Law of Azerbaijan Republic "On the status of refugees and internally displaced persons" the person who comes to the Republic of Azerbaijan for a temporary or permanent residence can apply to the appropriate state organs for refugee status. Relevant authorities immediately register them and grant the relevant documents on the refugee status no later than three months. Refugees are also using the same responsibilities, and have the same rights and freedoms as the citizens of the Republic of Azerbaijan. They are appointed by the state to receive a lump-sum and other benefits, and have the right to live in specially designated zones without payment until he is provided with a job or place of residence no later than three months. They are free to choose their place of work. According to Article 64.0.15 of the Migration Code, persons who have submitted application for obtaining a refugee status, who already obtained a refugee status or granted a political asylum, are not required to obtain a work permit to be engaged in paid work in the country. There are no restrictions for them to participate in the labor market and they may be employed in the same manner as the citizens of the Republic of Azerbaijan.

Article 27. Right to equal opportunities and equal treatment of workers with family responsibilities

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 following liabilities:

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 parental leave, after maternity 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

According to the 1st part of Article 16 of the Labour Code during hiring or a change in or termination of employment 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 establish privileges and benefits or directly or indirectly limit rights on the basis of these factors.

According to the 1st part of Article 42 of the Labour Code employment contracts shall be entered into freely. Individuals not establishing or not willing to establish labour relations shall not be forced to sign an employment contract.

According to the th part of Article 7 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 directly when an employment

contract is signed or in the process of Labour relations. According to the 5 part of this Article 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 pursuant to the consent obtained.

Article 9 of the Labour Code sets the following basic rights of an employee arising from a labor contract: a) to choose freely the type of employment and workplace according to his calling, specialty, and profession, and enter in a labour agreement;

- c) to engage in an activity during or after working hours which is not prohibited by law and is not impeding fulfilment of the obligations of parties to an employment contract;
- e) to receive or demand extra pay for overtime;
- ə) to refuse to perform work or services not included in the job description defined by the employment contract and to demand additional pay in case of performing such work or services;
- f) to receive appropriate social assistance from the employer to improve housing and daily living of family members;
- g) to work during working hours established under the legislation, etc.

According to the 1 st part of Article 54 of the Labor Code of the Republic of Azerbaijan the employer must provide the following working conditions, in particular for the performance of the labor force by the employees:

determination of occupation (profession) names, specialties, rate of remuneration of labor;

determination of the amount of remuneration for work and its payment;

determination of labor norms and labor valuation standards;

establishing workplace and working conditions that meet sanitary and hygienic standards;

labor protection, expectation of technical safety norms;

fulfillment of labor function in working time, which does not exceed working time established by this Code;

the use of leisure time, vacations determined by this Code;

obligatory state social insurance of workers defined by the legislation;

timely submission of staff, equipment, tools, technical and other documentation necessary for the performance of labor function and their proper quality the equipment necessary for the employees to carry out the labor function;

insanın immunchatışmazlığı virusu ilə yaşayan işçi ilə məsləhətləşmə aparmaqla onun üçün münasib iş şəraitinin (xüsusi avadanlıqlarla təminat, istirahət fasilələri üçün imkanlar və tibbi müayinələr üçün icazələrin verilməsi və s.) yaradılması;

terms of employment, collective agreements.

Paragraph 2 - Parental leave

The rules for partially-paid social leave and its application rules have been set according to Article 127 of the Labor Code. In line with the first part of the Article, one of the parents or another family member directly taking care of the child is entitled to social leave in the amount prescribed by the law for the purpose of taking care of the child up to his/her three years old. The employee taking care of the child can use the right to partially-paid social leave in whole or partially on the basis of a written application.

At the same time, the women who adopted children at the age of two months under Article 126 of the Labor Code or who are raising children without adoption have the right to a 56-day leave after birth, as well as the additional leave stipulated under Article 117 and partly paid leave provided under Article 127.

Under the second part of Article 117 of the Labor Code fathers bringing up their children are also entitled to additional vacation. All women have the right to return to work who are on vacations for pregnancy or childbirth leave or partially paid social leave except in the cases of expiration of term of the contract and closure of the workplace and termination of the agreement is prohibited..

In accordance with paragraph b) of Article 30 of the Labor Code men whose wives are on maternity leave are entitled to get upon a request an unpaid leave of up to 14 calendar days during one working year

Unpaid leaves of the following duration shall be granted at the employee's request and with the employer's consent in the following cases: b) up to 14 calendar days for

Starting from March 1, 2018, at the time of partially-paid social leave the child allowance is paid in the amount of 44 manats in a month till 1.5 years old of the child, and 28 manats in a month from 1.5 years old up to the age of 3.

Azerbaijan has ratified the Conventions of the ILO on "Maternity Protection" No. 156 and on "Family responsibilities" No. 183. Several projects designed on ratification of these conventions and to improve legislation will be submitted to government agencies.

Paragraph 3 - The illegality of dismissal on the basis of family responsibilities

The claim period in the resolution of labor disputes and legal consequences of failure to comply with the rules of terminating the employment contract by the employer was determined in Articles 296 and 300 of the Labor Code of the Republic of Azerbaijan. Thus, if the employer neglecting the provisions of Article 79 of the Labor Code terminates the employment relationship with the employee, the court resolving the labor

dispute shall review claim and the facts of the case and issue a resolution on restoration to the position of the employee by paying wages for the duration of the forced work leave and the resolution on the approval of an amicable agreement in accordance with the second part of this Article. The court decision on payment by the employer the amount of damage caused to the employee according to his claim has been set in accordance with Article 300 of the Labor Code. In this Article, "the amount of damage incurred" means the employee's average salary during the unemployment period as a result of dismissal, the amount of expenses in connection with the court dispute and lawyer services for defense at the court regarding an individual labor dispute, the moral damage of an employee stated in the claim, debt borrowed as a result of unemployment and the totality of the costs paid as a result of the sale of personal belongings, as well as other costs.

At the same time it must be noted that, under Article 299 of the Labor Code, the amount of the claim for individual labor disputes, as well as its provision is not subject to any restrictions.

According to the 1st part of Article 301 of the Labour Code A court decision on the resolution of an individual Labour dispute must be carried out immediately on the day the decision takes effect, unless otherwise stipulated therein According to the 2nd part of Article 301 of the Labour Code If the responsible party does not implement the court decision, or if the authorized individual or other private person prevents its implementation, the judge shall rule in favour of the payment of financial damages to the employee and shall initiate a criminal case pursuant to the relevant Section of the Criminal Code of the Republic of Azerbaijan.

In practice, resolutions are made by courts to maintain the rights set out in Articles 79,300 and 301 of the Labor Code and women are recruited by the courts when these rules are violated by the employer, payment of wages is ensured for the forced dismissal period.