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the European Social Charter

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THE GOVERNMENT OF THE REPUBLIC OF AZERBAIJAN

Articles 7, 8, 16, and 27

for the period 01/01/2018 – 31/12/2021

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**THE 16TH NATIONAL REPORT
OF THE REPUBLIC OF AZERBAIJAN
ON THE IMPLEMENTATION OF ARTICLES 7, 8, 16 AND 27
OF THE EUROPEAN SOCIAL CHARTER (REVISED)**

For the period from the 1st of January 2009 to the 31st of December 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 the 2nd of September 2004.

Pursuant to Article C of the Revised European Social Charter and Article 21 of the European Social Charter, copies of this National Report have been communicated to:

- Azerbaijan Trade Unions Confederation (AHIK)
- National Confederation of Entrepreneurs' (Employers') Organisations of the Republic of Azerbaijan (ASK)

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

In an effort to ensure the effective exercise of the right of children and young persons to protection, the Parties hereto shall undertake to:

- 1) set 15-years-old as the minimum age (legal working age) for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is not likely to jeopardise the health, safety or moral well-being of children (young persons);
- 2) set 18-years-old as the minimum age (legal working age) for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is regarded as dangerous and / or unhealthy;
- 3) provide that persons who are still subject to compulsory education (full-time compulsory school attendance) shall not be admitted to any type of employment or work as it would deprive them of the full benefit of their education;
- 4) provide that the working hours of individuals under the age of 18 years shall be limited in line with the requirements for their development, and in particular, vocational training;
- 5) recognize the right of young workers and apprentices to a fair wage or other appropriate allowances;
- 6) 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) provide that employed individuals under the age of 19 years shall be entitled to a minimum of 4 weeks paid annual leave;
- 8) provide that persons under the age of 18 years shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
- 9) provide that persons under the age of 18 years employed in occupations prescribed by national laws or regulations shall be subject to periodic health examination;
- 10) ensure special protection against potential physical and moral dangers to children and young persons, and in particular, against those resulting, directly or indirectly, from their work.

Paragraph 7§1 - Prohibition of labour exploitation of young persons under the age of 15

According to Article 17 of the Constitution of the Republic of Azerbaijan, no child under the age of 15 shall be employed. Children who have no parents or guardians and are deprived of parental care are protected by the State. It is prohibited to involve children in activities that may endanger their lives, health, and moral well-being. The State monitors the implementation of rights of a child.

According to the Law of the Republic of Azerbaijan of October 20, 2015 No. 1410-IVQ "On suspension of inspections carried out in the field of entrepreneurship", inspections carried out in the subjects of entrepreneurship in the territory of the Republic of Azerbaijan are suspended until January 1, 2024. In accordance with the requirements of the above-mentioned Law, the State Labour Inspection Service has suspended inspections of business entities until January 1, 2024.

During the years 2019-2021, the MLSPP's State Labour Inspection Service imposed administrative fines in the amount of AZN 16500 on employers for the aforementioned administrative violations in a total of 13 cases after reviewing the applications filed by state bodies and citizens regarding the employment of individuals under the age of 15 years (*id est* 6 cases in

the field of hospitality and public catering; 5 cases in the wholesale and retail trade and car repair sector; and 2 cases in the field of transport and warehouse management).

The Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan is constantly working to improve child labour legislation. The drafts are discussed in the Tripartite Commission on Social and Economic Affairs, which includes representatives from social partners.

Prevention of child labour exploitation, exposure of teenagers to street life and involvement in and incitement to vagrancy and panhandling in the country is one of the priority directions of the activity of police and public security agencies, and is carried out in accordance with orders, guidelines and instructions issued by the Ministry of Internal Affairs of the Republic of Azerbaijan, which are in line with the requirements and provisions of the national legislation and international standards in the field of children's rights.

Exploitation of child labour, vagrancy and panhandling, and incitement of children to such acts create responsibility, which carries a fine or administrative detention under Article 192.8 of the Code of Administrative Offenses of the Republic of Azerbaijan (employment of a person under the age of 15), 192.9 (involvement of children in activities that may endanger their life, health or moral well-being), 523.1 (engaging in vagrancy) and 523.2 (inducing a minor to vagrancy by a person who has reached the age of majority).

Prevention of children's involvement in illegal labour, involvement in any illegal activity by avoiding the training process, and vagrancy and panhandling is carried out on a continuous basis with the participation and assistance of representatives of concerned governmental and non-governmental organisations in accordance with relevant orders and instructions of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan.

Regular raids and inspections are organised by the Ministry of Internal Affairs of the Republic of Azerbaijan in order to detect and take appropriate measures with regard to children who engage in these types of illegal activities and skip school and require the protection and care of the state.

During the years 2019-2021, as a result of joint monitoring with relevant police agencies, children who assisted their parents with and participated in panhandling, as well as parents who engaged their children in such act or acts of panhandling were identified and subjected to administrative responsibility, and 84 case materials about proved facts of child labour exploitation were sent to regional departments of the State Labour Inspection Service.

The executive authority commissions received 830 appeals requesting a public reprimand and disciplinary action against teenagers who avoid school. Furthermore, legal awareness and explanation work was prioritized with speeches and reports on the topic of protecting children's rights delivered at meetings and gatherings in educational institutions.

Years	Total number of raids	Total number of individuals engaged in vagrancy and panhandling	Parents subjected to administrative responsibility	Exploitation of child labour	Case materials received by the Commissions	Meetings held	Legal aid to children
2019	1200	400	130	29	240	1000	106
2020	400	370	120	29	250	350	69
2021	720	450	75	26	350	-	126

In view of the above, it should be noted that the involvement of children who are enrolled in compulsory school in these types of activities, even during their free and/or spare time is inadmissible as it contradicts with the legislation. At the same time, the involvement of children in any type of paid job during educational holidays can be considered possible, taking into account their physical and intellectual abilities, within the bounds of the applicable standards.

According to the second part of Article 4 of the Labour Code of the Republic of Azerbaijan, this Code shall also apply to workers who perform their labour tasks at home using the employer's raw materials (products) and means of production. Pursuant to the Labour Code, employees can now perform their labour activities at home, subject to the terms of their employment contracts. For example, there are carpet-weavers working from home as part of their employment contracts. Participation of children in these activities is not an exception. However, children's home-based work is not currently being monitored in the country.

The Action Plan for the Prevention of Informal Employment in the Republic of Azerbaijan, approved by Executive Order No. 3287 of the President of the Republic of Azerbaijan on the 9th of October 2017, outlines the prevention of informal employment while ensuring the social protection rights of workers as a result of distinguishing labour and civil relations. The Action Plan also encourages employers to legalize labour relations with workers, improves the mechanism for legalizing and systematizing labour relations and establishes a supplementary system to ensure the legalization of employment relationships.

The Draft Law of the Republic of Azerbaijan "On Amendments to the Labour Code of the Republic of Azerbaijan" was prepared and discussed in the Tripartite Commission on Social and Economic Issues in order to ensure the implementation of the works stipulated in the Action Plan. The draft also aims to prevent the informal use of child labour. The draft was adopted by Law of the Republic of Azerbaijan No. 286-VIQD of April 2, 2021, and the cases that are considered labour relations in the Labour Code but cannot be formalized by civil-law contracts were defined, and this change is also significant when employing children in accordance with the requirements of labour legislation.

From the 1st of April to the 21st of October 2021, the State Committee for Family, Women and Children Affairs held workshops on the Prevention of Child Labour Exploitation in order to organise interagency work to detect and prevent child labour exploitation. These offline and online workshops were attended by police inspectors working with minors in the cities and regions of Azerbaijan, entrepreneurs engaged in small-and medium-sized businesses, platoon (troop) commanders of post patrol services of district police departments, executive power commissions for the work with and protection of rights of minors and the State Labour Inspection Service employees. Participants were given certificates at the end of workshops. In order to ensure the implementation of the Strategy of the Republic of Azerbaijan on Children for 2020-2030 approved by the Executive Order of the President of the Republic of Azerbaijan on the 2nd of June 2020, there is a plan to hold workshops to eliminate the child labour exploitation and raise awareness about its negative consequences in cities and regions of Azerbaijan, as part of Articles 5.1.12 and 5.3.11 of the Strategy's Action Plan.

On May 5, 2022 trainings on "Prevention of Child Labour Exploitation" were held in Agstafa, Tovuz, Shamkir and Gazakh districts.

Trainings were attended by commissions on protection of minors' rights and affairs of executive authorities of Agstafa, Tovuz, Shamkir and Gazakh districts, police inspectors on work with minors, entrepreneurs engaged in small and medium business, heads of patrol service of

district police departments, and employees of State Labour Inspection Service under the Ministry of Labour and Social Protection of Population.

Paragraph 7§2 - Prohibition of engaging persons under the age of 18 in dangerous or harmful work

According to Article 250 of the Labour Code, it is prohibited to employ individuals under the age of 18 in jobs with difficult and unhealthy working conditions, such as tunnels, mines and other underground operations, as well as in places such as night clubs and bars, which could be detrimental to development of his/her moral integrity, including the use of workers under the age of 18 in the production, transportation, sale and storage of alcoholic and energy drinks and psychotropic drugs, as well as in work related to the circulation of drugs.

Article 251 of the Labour Code defines the scope of work with the limitations on lifting heavy loads by employees under the age of 18. According to Part 5 of Article 251 of the Labour Code, the list of industries, occupations (positions) involving hazardous or difficult working conditions, as well as underground work, where the use of workers under the age of 18 is prohibited, shall be approved by relative executive authorities.

Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No.58 dated March 24, 2000 established the list of production sites and professions (positions) with harmful and labour-intensive working conditions, as well as underground operations, where the employment of workers under the age of 18 is prohibited (the list can be accessed by following this link <https://e-qanun.az/framework/893>).

With the establishment of the Labour Contract Notifications subsystem, it is now possible to identify workplaces where 15-18-year-old children are employed and exercise state control over compliance with labour legislation in these workplaces. For this purpose, inquiries are sent to those business entities to ensure that appropriate working conditions for children are established.

According to Part 2 of Article 91 of the Labour Code, the following reduced weekly working hours must apply: 24 hours per week for employees under the age of 16; and 36 hours for employees between the ages of 16 and 18.

Pursuant to Part 1 of Article 253 of the Labour Code, employees under the age of 18 who work part-time, as stipulated in Article 91 of the Code, are entitled to the same wages for the same type of work/positions as employees over the age of 18.

According to Section 9 of Article 192 of the Administrative Offences Code of the Republic of Azerbaijan, officials are fined between three thousand and four thousand manat for engaging children in activities that endanger their life, health or morals, and legal entities are fined between ten thousand and thirteen thousand manat.

In 2019-2021, the State Labour Inspection Service detected 1 case of violating labour legislation by engaging children in activities that could endanger their life, health or morals, and employers were fined 3,000 manat.

Paragraph 7§3 - Prohibition on employment of children receiving compulsory education

According to the second part of Article 250 of the Labour Code, it is prohibited to employ individuals under the age of 18, who fall under the Law of compulsory general secondary education, for the performance of jobs that may deprive them of the opportunity to receive compulsory education in its entirety.

In 2021, 44 monitoring activities were carried out by the counter-trafficking NGO Coalition members in collaboration with other NGOs in 31 agricultural enterprises, 4 industrial enterprises and 8 road construction entities spread across 18 districts and cities of the republic with the goal of determining criminal facts of forced labour, in particular cases of child exploitation, but no victims of the forced labour were detected.

According to paragraph b) of the fourth part of Article 131 of the Labour Code of the Republic of Azerbaijan, employees under the age of 18 have the right to use paid leave for the first year of work, regardless of when the employment contract was concluded. We believe that this right can be granted during the summer holidays in case the working child wishes to do so. According to sentence 1 of the first part of Article 137 of the Labour Code, paid leave can be divided into parts upon the request of the employee and with the consent of the employer, provided that one of the divided parts of the leave lasts at least two calendar weeks.

Paid leave of the employees in this category is regulated by Article 119 of the Labour Code of the Republic of Azerbaijan. According to Paragraph 1 of this Article, employees under the age of 16 are entitled to 42 calendar days of paid leave, while employees between the ages of 16 and 18 are entitled to at least 35 calendar days.

According to Article 19.14 of the “Law on Education”, general secondary education is mandatory in the Republic of Azerbaijan. That is, students who have finished grade 9 (15 years) can work if they do not continue their education at the next level and stage. Classes in general education schools of the Republic of Azerbaijan begin on 15th of September and end on 14th of June. The following holidays are determined during the academic year: 5 days of autumn holidays (16th-20th of November), 5 days of winter holidays (27th-31st of January), 5 days of additional holidays for elementary grades (1st-5th of May) and 3 months of summer holidays (15th of June – 14th of September). In Azerbaijan there is no practice of schoolchildren working during the summer holidays.

Paragraph 7§4 - Working hours for persons under the age of 18

According to Article 198.1.5 of the Code of Administrative Offenses of the Republic of Azerbaijan, non-compliance with the normal work and rest schedule is punishable by a fine of five hundred to one thousand manat.

During 2019-2021, the State Labour Inspection did not identify violations and did not impose administrative fines for non-compliance with the normal work and rest schedule in violation of labour legislation.

Paragraph 7§5 – Fair remuneration

According to part 1 of Article 253 of the Labour Code of the Republic of Azerbaijan, workers under the age of 18 who work under the conditions of reduced working hours specified in Article 91 of this Code are paid in full, as are the employees over the age of 18 working in relevant positions and professions. Part 2 of this Article states that wages for employees under the age of 18 who work part-time are paid at the wage rates established for employees over the age of 18,

and they are also given an additional payment in accordance with the tariff rate as per the difference between their reduced working hours and the daily working hours of workers over the age of 18, as specified in Article 91 of this Code.

According to part 1 of Article 155 of the Labour Code, an employee has the right to receive remuneration that is not less than the state-established minimum wage for the work performed, without any discrimination.

In recent years, consistent steps have been taken and significant progress has been made towards improving the well-being of the population, strengthening social protection and raising wages. Therefore, as part of the consistent fundamental social reforms carried out in the country in two stages, the minimum monthly wage was increased by 38.5 percent to 180 manats as of March 1, 2019, and by 38.9 percent to 250 manats as of September 1 of the same year. From January 1, 2022, the minimum wage is set at 300 manat.

As a result of a gradual increase in the minimum wage in recent years,, there has been significant progress in the dynamics of the ratio of the minimum monthly wage to average wage in the direction of adapting to international standards. One of the important directions of consistent fundamental social reforms of the last 4 years has been to increase the ratio of the minimum monthly wage to the average wage.

As a result, the average monthly wage for 2019-2022 increased by 32.2% to 839.7 manat, while the median wage doubled to 450 manat. Over these years, the ratio of minimum wage to average monthly wage increased from 30.7% to 35.7%. If the minimum wage has been set at 345 manat since January 1, 2023 and the median wage for 2022 (baseline) was 839.7 manat, at present the minimum wage to average wage ration is 41.1%.

Master's apprentice

As shown in parts 4 and 5 of Article 7 of the Labour Code, a contract 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. An appropriate agreement or employment contract signed in accordance with the consent obtained shall govern the terms, procedures and duration of the employee's training to the new vocational training or qualification acquisition. The master's apprentices are paid the same as senior workers.

In connection with the development of a new standard that will provide comprehensive regulatory measures for the construction and functioning of student systems, ILO collaborated with the mentioned organization in the field of improving the regulatory framework for training in Azerbaijan, organizing online meetings and providing expert support during 2021-2022. ILO Decent Work Technical Support Team and Country Office for Eastern Europe and Central Asia prepared the report on "Apprenticeship Programs in Azerbaijan: Legislative and Political Framework." As a result of this work, a draft law amending the Labour Code concerning apprenticeship contracts was drawn up in accordance with international practice.

Paragraph 7§6 – Inclusion of the time spent on vocational training during regular working hours as a part of the working day

As of the 1st of September 2004, the Law of the Republic of Azerbaijan No. 729-IIQD added to part 3 of Article 247 of the Labour Code of the Republic of Azerbaijan that time spent by employees under the age of 18 on vocational training during a working day is considered working time with the consent of the employer.

According to Article 253 of the Labour Code, the wages of employees under the age of 18 working on part-time jobs are paid based on the wages set for employees over the age of 18, and they are assigned an additional payment based on the tariff rate for the difference in time between shortened working hours and daytime working hours of employees over the age of 18 as specified in Article 91 of this Code.

Based on the foregoing, it is important to emphasize that time spent on vocational training by employees under the age of 18 is included in working time and paid, and the working time norm does not increase during this time. There were no complaints about this stipulation, and the State Labour Inspection Service under the Ministry found no violations of the law.

Paragraph 7§7 – Provision of a paid annual leave once a year

The labour rights of the children and young persons also include the right to leave and its provision, which is protected by the Labour Code of the Republic of Azerbaijan.

According to paragraph b) of the part 4 of Article 131 of the Labour Code, employees under the age of 18 have the right to use the paid leave for the first year of work, regardless of when employment contract was concluded. Paid leave - a period of rest, which the employee uses at his/her own discretion by leaving work for ordinary rest, restoration of working capacity, protection and strengthening of health, which is not less than that provided for by this Code.

Under Article 134 of the Labour Code, in the event of an employee's temporary incapacity for work during vacation, vacation can be postponed at the employee's initiative.

Part 1 of Article 135 of the Labour Code states that it is prohibited for an employer to fail to provide an employee with a paid leave in accordance with this Code. Part two of this Article states that if an employee does not use working leave in the relevant working year for any reason, he is compensated for unused working leave in the prescribed manner and amount.

Furthermore, in accordance with paragraph 3 of Article 113 of the Labour Code paid leave is granted annually for the corresponding working year. Only one working holiday may be granted per working year. If an employee is entitled to paid leave for two working years in a calendar year, he may use the leave for both working years in that calendar year either together or separately.

A draft law taking into account the adaptation of the Labour Code to ILO Convention No. 132 "On Paid Holidays," abolishing the compensation for basic leave and considering the compulsory use of basic leave during the working year, was prepared and discussed in the Trilateral Commission on Social and Economic Issues.

According to Article 192.5 of the Code of Administrative Offenses of the Republic of Azerbaijan, officials face a fine of 1,500 to 2,000 manat for violating the employee's right to paid leave, failing to provide the employee with leave, as well as failing to pay the established compensation for unused vacation.

From 2019 to 2021, employers were not fined by the State Labour Inspection for violating the leave rights of working children under the age of 18, for failing to provide a worker with paid leave, or failing to pay the compensation established for unused paid leave in violation of Labour Code requirements.

Paragraph 7§8 – Prohibition of night working

Article 254 of the Labour Code prohibits hiring workers under the age of 18 for night work, overtime and work on weekends, as well as sending them on business trips. Under this article it is illegal to hire people under the age of 18 for night work. Under article 97 of the Labour Code, the period from 10 p.m. to 6 a.m. is considered night time. Article 254 of this Code defines the period from 8 p.m. to 7 a.m. as night time for workers under the age of 18.

Under Article 198.1.5 of the Code on Administrative Offences, failure to comply with the normal working hours and rest regime is punishable by a fine of 500 to 1000 manat. During the period 2019-2021, the State Labour Inspection Service under the Ministry of Labour and Social Protection of Population did not impose an administrative fine for violations of labour legislation and failure to observe the normal labour and rest regime.

Paragraph 7§9 - Regular medical examination

According to Article 252 of the Labour Code of the Republic of Azerbaijan, persons under the age of 18 are employed only after a medical check-up, and they must undergo an annual medical check-up at the expense of the employer until they reach the age of 18.

According to the fifth part of Article 48 of the Labour Code, when concluding an employment contract in workplaces with difficult, harmful and dangerous working conditions that have a negative impact on the employee's health, as well as in the food industry, catering, healthcare, trade and other similar activities, employees must submit a medical certificate on their state of health in order to protect public health. The list of professions (positions) and jobs with such working conditions was approved by Resolution No. 1 of the Cabinet of Ministers of the Republic of Azerbaijan dated 3rd of January 2000. The list is available in Azerbaijani language on this link <http://www.e-qanun.az/framework/309>.

The Decision of the Board of the Ministry of Health of the Republic of Azerbaijan No. 68 of 27th August 2019 approved a "List of cases requiring mandatory medical check-ups of employees".

"Rules for conducting mandatory medical examinations", approved by decision No. 24/2 of the Board of the Ministry of Health of the Republic of Azerbaijan on 15th of May 2014, establish the procedure for conducting mandatory primary and periodic medical examinations of workers working in workplaces with hazardous and dangerous production factors. The regional centres of hygiene and epidemiology are in charge of monitoring the sanitary and hygienic condition of workplaces (<https://e-qanun.az/framework/27857>).

Inspections of business entities on the territory of the Republic of Azerbaijan are suspended until January 1, 2024 according to the Law of the Republic of Azerbaijan No. 1410-IVQ "On Suspension of Inspections Conducted in the Field of Entrepreneurship" dated October 20, 2015. The State Labour Inspection Service has suspended inspections of business entities until January 1, 2024 in accordance with the requirements of the aforementioned law,. In this regard, the State Labour Inspection Service under the Ministry has not found any violations of the mandatory medical examination of workers under the age of 18.

Paragraph 7§10 – Special protection against potential physical and moral threats

Protection from sexual exploitation

According to paragraph g) of Article 12 of the Labour Code of the Republic of Azerbaijan, measures are to be taken to create equal working conditions for the employees doing the same job regardless of gender; not to apply different disciplinary measures against the employees for the same violation; and to prevent gender discrimination and sexual harassment; ğ) the obligation not to involve children in the activities that pose a risk to their lives, health or moral integrity is included in the employer's labour functions within labour relations.

In order to ensure compliance with the European Social Charter, the following paragraphs were added to Article 31 of the Labour Code: n) assistance in providing information and conducting explanatory work regarding humiliation of individual employees, open hostile and offensive actions at the work place or work related occupation and prevention of such actions, taking all necessary and appropriate measures to protect employees from such treatment; and paragraph o) assistance in conducting explanatory work with regard to sexual harassment in the workplace or in connection with the occupation as well as prevention of such harassment, including the implementation of all necessary and appropriate measures to protect the employees from such treatment. This obligation is included in the collective agreements concluded between the employer, the labour collective and trade unions at the enterprises, departments and organizations, regardless of the legal form of the organization.

On December 27, 2022, a new Article 17-1 was added to the Labour Code in connection with the enactment of Law No. 1681-VQ of October 22, 2019, "On Approval of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse", which prohibits employing or recruiting persons convicted of an offense involving sexual abuse or sexual violence against children to jobs involving regular contact with children.

Article 1.0.4 of the Law of the Republic of Azerbaijan "Combating Human Trafficking" adopted in 2005, defines sexual exploitation as using a person for prostitution, sexual slavery, or production of pornographic materials, profiting from sexual exploitation of others. The legislation provides that all forms of exploitation of children under the age of eighteen are subject to criminal prosecution. Therefore, Article 171 of the Criminal Code provides for criminal liability for engaging of minors in prostitution or committing immoral acts, Article 171-1 – for the distribution of child pornography, Article 152 - for sexual intercourse and other sexual acts with a person under the age of sixteen, Article 153 - for dissolute behaviour, crimes under Article 149 (rape) and Article 150 (sexual violence) are defined as a descriptive characteristic of the perpetrator. In addition, Article 524 of the Code of Administrative Offenses defines prostitution (including from the age of 16-18) as an administrative offense and a fine of 100 manat is applied. For this reason, criminal liability is not imposed.

According to Article 12.3 of the Criminal Code of the Republic of Azerbaijan, citizens of the Republic of Azerbaijan, foreigners or stateless persons who have committed crimes of human trafficking are subject to criminal liability pursuant to this Code, regardless of the place where the crimes were committed.

According to Article 144-1.1 of the Criminal Code of the Republic of Azerbaijan, human trafficking (involvement, unlawful confinement, retention, transportation, transfer or acceptance of a person for the purpose of exploitation with a threat or use of violence, by means of threats or other means of coercion, abduction, fraud, deception, abuse of possibility of pressure or helplessness, or with provision or acceptance of material and other values, benefits or privileges for getting the consent of the person exercising control over the other person) is punishable by imprisonment for the term of five to ten years.

In the “Note” section of this Article, “human exploitation” is defined as forced labour (service), sexual exploitation, slavery, customs similar to slavery, and the state of dependence that results from them, illegal removal of human organs and tissues, illegal biomedical research over the individual, using a woman as a surrogate mother, involvement into illegal as well as into criminal activity. The victim’s consent to exploitation, lifestyle, as well as immoral behaviour cannot be considered as mitigating circumstances for the punishment of a person found guilty of human trafficking. Attraction, receipt, retention, concealment, transportation, transfer or receipt of a minor for the purpose of exploitation is considered human trafficking, even if the methods specified in Article 144-1.1 of the Criminal Code are not used.

According to Article 316-1 of the Criminal Code of the Republic of Azerbaijan, illegal collection or deliberate distribution of confidential information about a victim of human trafficking is punishable by a fine ranging from 500 to 1000 manat, or corrective works for a term of up to one year, or imprisonment for a term of up to one year.

“Confidential information” in the “Note” section of this article refers to any information, the disclosure of which would endanger the life and health of a victim of human trafficking, his close relatives, as well as those assisting in the fight against human trafficking.

In connection with the enactment of the Law of the Republic of Azerbaijan No. 1681-VQ of October 22, 2019 "On Approval of the European Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse" relevant amendments were made to Article 153 of the Criminal Code of the Republic of Azerbaijan of December 27, 2022, and within the crime of committing immoral acts against a person under the age of sixteen, also recognized the involvement of a person in observation of sexual acts of sexual abuse or sexual activity.

Furthermore, the penalties for such acts were increased, the penalty for correctional labour (i.e., 5 to 20 percent deduction from a person's income to the state) was abolished, and only the term of imprisonment was increased.

As part of the implementation of the above-mentioned Convention, the Criminal Procedure Code of the Republic of Azerbaijan was also amended on December 27, 2022, and significant steps were taken to protect children from sexual exploitation. Taking such measures as ensuring the safety of child victims of sexual abuse or sexual violence, their families and witnesses, as well as ensuring the participation of a more experienced attorney in cases involving children to provide free legal assistance at the request of a child victim of sexual abuse or sexual violence or his legal representative has been defined as an obligation of the bodies conducting the criminal process.

In 2019, the State Committee for Family, Women and Children Affairs and UNICEF collaborated to organize a 10-day summer camp. The camp was attended by 40 children aged 6 to 16 from low-income families. Trainings and educational events such as "Children's rights: let's know and share our rights", "Children's healthy lifestyle, environmental protection", "Physical punishment and moral threats", "Violence against children (bullying)", "Child Internet safety and their protection from online violence" were held for the children at the summer camp.

In 2020, in the framework of joint cooperation with relevant institutions the State Committee for Family, Women and Children Affairs held an online meeting with experts on the topic "Parental Care - Child Safety". At the meeting, topics such as events that occurred as a result of parental negligence and irresponsibility, domestic violence, and answers to viewer questions were discussed.

In 2020, electronic posters with messages such as "Parental care is the safety of children", and "Let's protect children from information that is harmful to their health and development!" were displayed on billboards and monitors of Baku subway stations to promote a healthy lifestyle among children and adolescents.

In 2021, a summer school with 60 children was organized in collaboration between the State Committee for Family, Women and Children Affairs and relevant institutions. Children were taught "Children's rights: let's know and share our rights", "Children's healthy lifestyle, environmental protection", "Physical punishment and moral threats", "Violence against children (bullying)", "Internet Security of children and Protection against online Violence", and other trainings and educational events were held as part of the summer school.

Taking into consideration the UN Convention against Transnational Organized Crime, signed by the Republic of Azerbaijan on 12th of December 2000 and approved by the Law of the Republic of Azerbaijan on 13th of May 2003, as well as the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention", as well as the Brussels declaration on Preventing and Combatting Trafficking in Human Beings, adopted on 20th of September 2002, a National Action Plan (NAP) (1st) of the Republic of Azerbaijan on combatting human trafficking for 2004-2008 was approved by the Decree of the President of Azerbaijan Republic No. 208 on the 6th May 2004; 2nd NAP for 2009-2013, approved by the Decree No. 133 on the 06th of February 2009, 3rd NAP for 2014-2019, approved by the Decree No. 667 on the 24th of July 2004 were implemented, and the 4th NAP for 2020-2024, approved by Executive Order No. 2173 dated the 22nd of July 2020 is currently under implementation.

In accordance with the joint action plan of the Ministry of Internal Affairs and the Ministry of Education training seminars were held in 2019 in 18 boarding educational institutions and educational institutions of a boarding type operating in the city of Baku and other 18 cities and districts of the republic, in 13 higher educational institutions operating in the cities of the republic, in 31 educational institutions, functioning in a total of 20 cities. They were attended by law enforcement officers from 55 districts of Azerbaijan, youth, media representatives, executive branch representatives, commission on minors' representatives, medical workers, local entrepreneurs, transport workers, education, social protection, employment centres, representatives of civil society and non-governmental organizations. 4,300 booklets prepared by the Main Department on the Fight against Human Trafficking were distributed to the participants of the event.

The quarantine regime announced in March 2020 in the Republic of Azerbaijan to prevent the spread of coronavirus infection (Covid-19) in the country and the effects that it could cause, did not come without consequences, since the Main Directorate of the Ministry of Internal Affairs for Combating Human Trafficking and the Ministry of Education failed to carry out educational activities in accordance with the action plan of the NGO Coalition to Combat Trafficking in Persons, but despite this, in order to ensure the implementation of educational activities related to human trafficking prevention in accordance with Article 11.2.6 of the Law of the Republic of Azerbaijan "On Combating Human Trafficking" managed to distribute 6,000 booklets and 6,000 leaflets (flyers) about the dangers of human trafficking in order to educate citizens who travel to foreign countries for work, as well as foreigners who transit through the country and arrive in the country. In 2021, 7,000 educational booklets and 7,000 flyers were distributed.

With the organizational support of the Ministry of Internal Affairs, the Public Association "Combating Trafficking in Human Beings" filmed the film "Exposure", which consisted of 6 episodes about the fight against human trafficking and was broadcast on television.

Necessary steps were taken to identify children left without parental care and exposed to street life, register them, issue an identity card, and provide assistance to victims without contacting the police. At the request of the “Union of Children of Azerbaijan” Public Association, 52 children, teenagers and parents were assisted in restoring documents, including obtaining identity cards.

Comprehensive legislative measures have been taken to prevent deprivation of parental care of children. As a result, the Presidential Decree #1599 of February 15, 2022 "On certain matters related to preventing children's deprivation of parental care and strengthening the protection of their rights" laid a solid foundation for reforms in this area.

Based on the mentioned Decree, the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan is responsible for:

- state policy, regulation and state control in the sphere of foster families, including electronic registration of families (individuals) wishing to become foster families (foster parents) and children placed in foster care;
- placement of children deprived of parental care in institutions for children without parents and deprived of parental care;
- making decisions about leaving these institutions, returning children from institutions to families or placing them in foster care through the application of social support mechanisms;
- taking measures to prevent their institutionalization, as well as preparing individual development plans for children in the institutions.

Within the mentioned Decree, it is envisaged to make relevant amendments to the laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan and draft decision of the Cabinet of Ministers of the Republic of Azerbaijan for strengthening state care and protection of children without parental care.

133 workshops (2019 - 51, 2020 - 24, 2021 - 58), conferences, trainings, tours were organised in our country within the projects implemented by various international and foreign organizations in order to increase the efficiency of combating human trafficking crimes, study the best world experience in in this area of service, and discuss certain issues related to human trafficking. Employees of the Main Department on the Fight against Human Trafficking took part in round tables, bilateral and multilateral meetings, and travelled to foreign countries, including France, Turkey, Austria, Ukraine, Lithuania, Kazakhstan, Argentina and Slovakia, in connection with the relevant events held outside the republic.

The investigative measures taken in 2019-2021 established 820 (2019-249, 2020-282, 2021-289) facts of crimes. Of these, 457 (2019 - 146, 2020 - 155, 2021 - 156) are related to human trafficking, 12 (2019 - 4, 2020 - 5, 2021 - 3) forced labour, 119 (2019 - 36, 2020 - 40), 2021 - 43) illegal acts with documents for the purpose of human trafficking, 1 (2019) sale and purchase of human organs or tissues as well as compulsion to remove them for transplantation, 3 (2020) distribution of child pornography, 1 (2021) illegal adoption, 144 (2019-39, 2020-49, 2021-56) extortion of prostitution, 54 (2019 - 14, 2020 - 21, 2021 - 19) maintenance of dens of immorality, 5 (2019 - 1, 2020 - 1, 2021 - 3) involvement of minors in prostitution or immoral acts, 12 (2019 - 3, 2020 - 4, 2021 - 5), illegal distribution of pornographic materials or objects, 12 (2019 - 5, 2020 - 4, 2021 - 3) was associated with coercive sexual activities.

64 (2019 - 30 (24 women, 6 men), 2020 - 21 (17 women, 4 men), 2021 - 13 (12 women, 1 man)) persons were brought to criminal responsibility for committing human trafficking crimes

(under judicial responsibility). Additionally, 280 (2019 - 91, 2020 - 94, 2021 - 95) human trafficking victims were identified.

231 of the 280 victims of human trafficking identified in 2019 - 2021 (2019-78, 2020-80, 2021-73) were placed in a shelter for human trafficking victims directly under the General Office against Human Trafficking for temporary residence, necessary measures were taken to protect them and provide the necessary assistance. All the victims placed in the shelter were provided with medical, psychological, and legal assistance, all of them were provided with the necessary clothing. According to the Resolution of the Cabinet of Ministers, 277 (2019 - 91, 2020 - 91, 2021 - 95) victims of human trafficking were paid lump-sum benefits for the period of their reintegration.

From the total number of victims, 34 people (2019 - 14, 2020 - 12, 2021 - 8) were provided with jobs and 93 people (2019 - 45, 2020 - 25, 2021 - 23) were sent to advanced training courses.

At the same time, talks with the families of 172 (2019 - 58, 2020 - 58, 2021 - 56) victims of human trafficking were held, and they were assisted in returning to their families.

In 2019, 67 victims of human trafficking referred to public organizations received appropriate assistance in order to ensure the provision of social services.

In 2020, 80 victims of human trafficking, who were referred to public organizations received appropriate assistance.

In 2021, appropriate assistance was provided to 89 victims of human trafficking referred to public organizations.

During the period 2019-2021 the Assistance Fund provided financial assistance to 263 (2019 - 87, 2020 - 81, 2021 - 95) identified victims of human trafficking.

A UNICEF representative office in our country and other international organizations have held more than 50 conferences, seminars, trainings at the international and national levels in order to effectively organize preventive measures for children at risk, including those exposed to street life, and to protect their violated rights, and a number of projects have also been implemented.

In addition, small family-style group homes have been established for children who cannot be placed for adoption, guardianship, or to foster care. Also, social workers were trained and began to work on the implementation of measures aimed at eliminating the causes and conditions that create conditions for neglected children.

In accordance with the recommendations of the UN human rights institutions and the Council of Europe, a modern information base for evaluation and control was created, new statistical tables were prepared and sent for implementation based on summarizing and analysing all types of crimes and violations committed against children, including the sale of children, their exploitation, suicide cases and suicide attempts among children, street work and begging, and the real state of the current situation.

Neglected children and their parents, who for various reasons, were deprived of family and educational interventions, were provided with legal, psychological and other assistance at the Clinic for the Rights of the Child and the Centre for Social Rehabilitation of Children and Youth.

Protection against abuse of information technology

According to Article 13-2 of the Law of the Republic of Azerbaijan "On Information, Informatization and Protection of Information", the owner of an informational Internet resource and its domain name is prohibited from posting information related to pornography, including child pornography, on its informational resource. When the owner of an Internet information

resource and its domain name discovers the fact that there is information on the database that is prohibited for distribution, or receives a request about it, he ensures that such information is removed from the information resource.

Upon direct detection by the Ministry of Digital Development and Transport of the Republic of Azerbaijan of the placement of prohibited information in the Internet information resources or on the basis of substantiated information received from individuals, legal entities or state institutions, a written warning is given to the owner of the resource and its domain name and the host provider. In the event the information prohibited for distribution is not removed from the resource within 8 hours from the moment of notification, a request to restrict the use of this Internet resource is sent to the district (city) court at the location of the specified body. Moreover, Article 388-1 of the Code of Administrative Offences establishes administrative responsibility for the placement of prohibited information on an Internet resource as well as for violating the law's requirements for the prevention of such placement.

In order to protect children from the misuse of information technologies, the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan improves national legislation, holds educational events, and develops security software systems.

According to Article 15 of the Law of the Republic of Azerbaijan "On the Rights of the Child", the protection of children from information that harms their health and development is regulated by the corresponding law. The State Committee for Family, Women and Children Affairs prepared and presented to the Milli Majlis (The National Assembly) of the Republic of Azerbaijan a draft law "On the protection of children from information that harms their health and development".

This law was adopted in 2018 and entered into force in 2020. According to the recommendations of the UN Committee on Children's Rights, the program "Parental Internet Safety and Control" was created within the framework of the "Children's Internet Safety" project, jointly organized by the State Committee for Family, Women and Children Affairs and the E-Box company to protect children on the Internet, to inform parents about electronic pages accessed by children and their searches queries.

On June 1, 2019, on the occasion of Children's Day, the State Committee for Family, Women and Children Affairs in collaboration with the UNICEF and the Heydar Aliyev Foundation held a fun agitation train "Fast and Confident to the Future" with 100 children participating. The train travelled from Baku to Ganja, and specialists gave educational talks about children's rights, early marriage, child labour, internet security, scientific and technical progress.

In 2020, the State Committee for Family, Women and Children Affairs prepared and presented to the public an electronic training "Child Internet Safety and Ways to Ensure it" for both children and parents.

In 2020, an online conference titled "Modern education, technology and quality. Children join the discussion" was held with participation of high-level officials of the Ministry of Education, the State Committee for Family, Women and Children Affairs and the Assembly of Children's Ambassadors operating under the Committee. A role of technologies in education and methods of effective use, and awareness-raising activities were discussed at the event.

In accordance with the Law "On the Protection of Children from Harmful Information" the State Committee for Family, Women and Children Affairs issues a qualification certificate to specialists in the age classification of information products, suspends or terminates the validity of

the certificate, maintains a register of experts and expert organizations, and also supervises their activities.

In connection with the implementation of the “Action Plan for the Implementation of the Strategy for Children for 2020-2025”, the State Committee for Family, Women and Children Affairs prepared and presented to the public an informative social film on the topic of safe Internet.

The 5th All-Republican Forum of the Children of Azerbaijan was held in 2021 with 300 children from all the cities and regions of the republic participating (hybrid participation) . 2,000 children were involved in the processes at all stages of the forum. Among the topics discussed by the children at the forum were issues concerning information technologies. The children were shown a presentation on Internet security, the advancement of scientific and technological progress, and elementary educational events were held during the forum.

Protection from other types of exploitation

According to Article 17 of the Constitution of the Republic of Azerbaijan, it is prohibited to force an employee to perform work (services) that are not part of the labour function, to use coercion by any rules and methods, and to threaten with dismissal (under the employment contract). Persons who subjected an employee to forced labour face legal consequences.

In Azerbaijan, workplaces where children aged 15-18 work are analysed on a regular basis in order to combat forced labour and prevent the risks of children being affected by human trafficking. This analysis is based on data from the “Employment contracts notifications system”. The State Labour Inspection Service under the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan conducts state control over compliance with labour legislation. In accordance with the Code of Administrative Offences of the Republic of Azerbaijan fines are imposed in relation to employers who involve workers in forced labour, as well as employers who use child labour in violation of the requirements of labour legislation.

According to Article 193 of the Code of Administrative Offences of the Republic of Azerbaijan, employers “forcing an employee to perform work (service) that is not part of the labour function” by threatening to terminate the employment contract or depriving the employee of the benefits and privileges specified in the collective face a fine of one thousand to two thousand manat. According to Article 192.8 of this Code, an employer is fined in the amount of 1,000 to 1,500 manats for hiring a person under the age of 15, and legal entities - in the amount of 3,000 to 5,000 manat.

Article 8 - Working women’s right to maternity protection

To ensure successful implementation of the right to maternity protection of working women, the Parties undertake the following obligations:

- 1) before and after childbirth, grant a paid leave or a leave through relevant social or public fund allowances to working women for a total period of not less than 14 weeks;
- 2) consider it illegal for the employer to issue a notice of dismissal to a woman from the time the woman informs the employer about her pregnancy until the end of her pregnancy leave;
- 3) determine the right of nursing mothers to receive enough breaks (for nursing);
- 4) regulate the night work of pregnant women and mothers who have recently given birth and are nursing their children;

- 5) prohibit pregnant women and new and nursing mothers from working in underground mines and other jobs that are not suitable in terms of danger, health and sever conditions, while taking appropriate measures to protect their labour rights.

Paragraph 8§1 - Maternity Leave

The right to maternity leave

The right to maternity allowance

According to the "Regulation on the calculation and payment of allowances under compulsory state social insurance and allowances paid from the insurer's funds to employees who have temporarily lost working capacity", which was approved by Resolution No. 189 of the Cabinet of Ministers of the Republic of Azerbaijan dated 15th of September 1998, the allowances for temporary loss of working capacity and the right to receive allowances for pregnancy and childbirth applies to persons with at least 6 months of social insurance experience. Interruptions in the woman's work are taken into account in the assessment of these 6-months period.

Part 1.0.2 of the Law of the Republic of Azerbaijan "On Labour Pensions", defines social insurance seniority as the sum of the periods of work or other activity taken into account when determining the right to a labour pension (provided that mandatory state social insurance fees are paid to the relevant executive authority), and other periods included in the insurance seniority under the relevant legislation.

The leave benefit calculated for women's social leave due to pregnancy and childbirth is paid in the amount not less than the minimum wage. According to Part 72 of the "Regulation on the calculation and payment of payments for compulsory state social insurance and benefits paid from the funds of the insurer to employees who have temporarily lost working capacity", approved by Resolution No. 189 of the Cabinet of Ministers dated 15th of September 1998 pregnancy and childbirth benefits in all cases, the benefit is paid in the amount of 100 per cent of the average daily earnings taken into account in the calculation of the benefit for temporary loss of working capacity, and it is paid without limitation of the application date.

The Republic of Azerbaijan ratified the ILO Convention No. 183 "On Maternity Protection" in 2010. According to Paragraph 3 of the Section "Leave due to pregnancy and childbirth" of the Maternity Protection Recommendation No. 191, the right of a woman to use the non-mandatory part of her parental leave (i.e. the prenatal part) at her own discretion before or after childbirth in Azerbaijan is guaranteed.

During the COVID-19 pandemic, there were no complaints about pregnancy and childbirth leave, and no violations of the law were revealed by the State Labour Inspection Service under the Ministry.

Paragraph 8§2 – Unlawfulness of dismissal

According to Article 79 of the Labour Code, the employer is prohibited from terminating employment contracts of the following individuals: pregnant women and women with children under the age of three, men raising independently the child under the age of three; employees whose only source of income is the enterprise where they work and who are raising children of preschool age; temporarily disabled employees; employees with diabetes or multilocular sclerosis on the ground of their disease; members of trade unions or other political parties on the grounds of their political affiliation and employees who have a family member with a disability under the age of 18 or a family member with a disability due to 81-100

per cent impairment of body functions. According to the Second Part of this Article, these prohibitive provisions do not apply to the cases terminated under Article 70, paragraph “A” (when the enterprise is liquidated) and Article 73 (when the fixed-term contract expires) of this Labour Code.

In the course of labour relations, the employer bears full financial responsibility for the damage caused to the employee. Therefore, if there is a legally binding resolution (decision) of the court as a result of the illegal and unjustified termination of the employment contract defined by Paragraph “A”) of the First Part of Article 195 of the Labour Code, the employer and the employee may terminate their relationship, regardless of the circumstances provided for in Article 79 of the Labour Code, the court resolving the labour dispute examines the claim and the facts of the case and issues an order on reinstatement of the employee with the payment of salary for the period of forced layoff, or an order on approving the conciliation agreement of the parties in accordance with the Second Part of this Article. According to Article 300 of the Labour Code the employer must pay the amount of the damage caused to the employee based on a court order. In this Article, “Amount of Damages” shall mean the average salary of the employee during the time he / she was not working as the result of his / her dismissal, the amount of expenses he / she incurred in connection with hiring a lawyer for the protection of his / her rights in a court, as well as the amount requested by the employee with a lawsuit due to moral damage, borrowing money as a result of his /her unemployment and selling personal belongings, as well as a total of other expenses.

On the 16th of February 2016, the Chamber of the Constitutional Court of the Republic of Azerbaijan adopted a relevant decision on the protection of labour rights of certain categories of citizens. The Chamber of the Constitutional Court of the Republic of Azerbaijan concluded Article 70 of the Labour Code prohibiting termination of employment contracts with women who are pregnant and have children below the age of 3 cannot be interpreted as contradicting any article of the Labour Code. Therefore, when defining this preferential norm, the legislation takes the position of protecting the mother and child’s health, rights, their material and social security, as well as protecting the health of some categories of workers and strengthening the social protection of their families. The Chamber of the Constitutional Court has decided that when resolving the issue raised in the appeal, the courts can determine the appropriate outcome by taking into account the socially oriented values established in the Constitution of the Republic of Azerbaijan and provided by the state.

There were no cases of pregnant workers or workers on maternity leave being fired during the COVID-19 pandemic, and there were no complaints to the Ministry's State Labour Inspection Service on this topic.

Paragraph 8§4 – Regulation of night-time working hours

Limitation of women’s involvement in night shift work, overtime work and weekend jobs, as well as job-related business trips, is determined according to Article 242 of the Labour Code. It is prohibited to call pregnant women or mothers children under the age of three years for work on the night shift, overtime, weekends, holidays, non-business days, or to send them on job-related travel. Calling of women workers who have children between the ages of 3 and 14, or a child with a restricted health for overtime, weekends, holidays or days other than workdays or sending them on job-related travel is only permitted with their written consent.

According to the Law No. 252-VQD dated the 17th of May 2016 of the Republic of Azerbaijan “On Amendments to the Labour Code of the Republic of Azerbaijan” under Part 2 of Article 91 of the Labour Code shorter working hours of no more than 36 hours per week were

established for parents alone raising children under the age of 3, along with pregnant women with children under the age of one and a half.

Women workers who are pregnant or have children up to age of one and a half years are entitled to light duties under Article 243 of the Labour Code. This Article also provides pregnant women and women with children under the age of 3 with a shift to a daytime work schedule, which is lighter than the night-time work schedule. According to paragraphs 3 and 4 of Article 243 of the Code, when women are transferred to another light-duty job in the cases specified in this article, their average wage for their main duties is preserved, and it is also prohibited to reduce women's wages due to pregnancy or nursing a child.

Paragraph 8§5 - Prohibition of dangerous, harmful and difficult professions

Article 241 of the Labour Code defines the workplaces and jobs where the employment of women is not permitted. This article prohibited the use of women's labour in workplaces with difficult and hazardous working conditions, as well as in underground tunnels, mines, and other underground work. In addition, the Cabinet of Ministers' Resolution No. 170 dated October 20, 1999, based on the Code, contains a list of about 700 professions (positions), as well as underground jobs in which women are not permitted to participate. Draft amendments to the Labour Code have been prepared in order to expand employment opportunities for women in our country, ensure gender equality and employment of women in higher paying fields.

This amendment to the Labour Code envisages application of the gender equality principle in labour relations and removal of barriers related to participation of women in the labour market.

Draft Law No. 629-VIQD of November 5, 2022 "On Amendments to the Labour Code," prepared to adapt Articles 211, 240, 241 and 243 of the Labour Code to the requirements of the relevant articles adopted by law.

Simultaneously with the cancellation of Resolution No. 170 of the Cabinet of the "List of productions, professions (positions), as well as underground works with hazardous and difficult working conditions, where the employment of pregnant women or women with children under one year of age is prohibited, the "List of harmful production factors at workplaces that are prohibited to be in contact with pregnant women or women with children under the age of one" is expected to be approved.

As a result, 674 professions (positions) and workplaces where women's work is not permitted will be reduced to 204, and these prohibited professions (positions) and workplaces will apply only to women who are pregnant or have children under the age of one.

Pregnant women and women with children under the age of one and a half are entitled to lighter work under Article 243 of the Labour Code. Based on a medical opinion, pregnant women's production or work standards are reduced, or they are transferred to lighter work that eliminates the exposure to harmful factors of production. If a woman has a child under the age of one and a half, has difficulty with feeding or breastfeeding along with performing her work, the employer must, at the woman's request, transfer her to other light work until the child is one and a half years old or to provide the necessary conditions for breastfeeding her child. When women are transferred to other light work in cases stipulated under this article, their average earnings for their main duties shall be retained. It is prohibited to reduce the wages of women in connection with pregnancy or breastfeeding.

Another draft law "On Amendments to the Labour Code of the Republic of Azerbaijan" intends amending Article 94 of the Labour Code to allow women to return to their previous work schedule after pregnancy and childbirth:

"When a vacant position (occupation) becomes available and the factors that previously conditioned part-time work change, the employer shall take measures to ensure that the part-time employee works full-time."

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

In an effort to create necessary prerequisites for the full development of family, which is the main core of society, the Parties undertake to support the economic, legal and social protection of family life through social and family allowances, tax concessions, accommodation suitable for family needs, concessions for young families and other relevant measures.

Social protection of families

Housing for families

According to Article 17 of the Constitution of the Republic of Azerbaijan, the family is the main core of society and is given special protection by the state.

According to Article 31 of the Constitution of the Republic of Azerbaijan, it is forbidden to encroach on a person's life, physical and moral health, property, apartment, and use force against him, except for the cases provided by the Law.

Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan improves social and household conditions of privileged individuals covered by Executive Orders of the President of the Republic of Azerbaijan dated 20, 2014, January 25, 2021, and August 25, 2021, as well as the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan dated August 16, 2021. The privileged individuals covered by the orders are:

- Individuals and families of martyrs who were listed by local executive authorities as needing a place to live from the 1st of January 2014 to the 1st of January 2020, and whose disabilities were determined in connection with defending the territorial integrity, independence, and constitutional order of the Republic of Azerbaijan;
- Individuals with disabilities as a result of elimination of the consequences of the Chernobyl NPP Accident (including those performing military service duties (service duties));
- Individuals and families of martyrs who were listed as needing a place of residence in local executive authorities and whose disabilities were identified in connection with defending the territorial integrity, independence, and constitutional order of the Republic of Azerbaijan during the military operations in 2020;
- Individuals who have received the order "Hero of the Patriotic War" of the Republic of Azerbaijan, as well as family members of those awarded after their deaths;
- Graduates of social service institutions and educational institutions for visually impaired persons and children who have lost their parents and are deprived of parental care, registered until the 16th of August 2021.

The Ministry of Labour and Social Protection of Population provides apartments or private houses to the abovementioned privileged individuals in accordance with current legislation and taking into account the composition of the family.

Following the 44-day Patriotic War, which ended with our victory, on the instructions of the President of the Republic of Azerbaijan, Ilham Aliyev, as part of the large-scale social support programme related to the families of martyrs and war participants, 4,500 apartments and private houses were provided to the families of martyrs and people with war-related disabilities, totalling 13,300 apartments and private houses over the last period.

Additionally, unused apartments in multi-apartment buildings constructed in the Ramana, Umid, Kurdakhany settlements, as well as in Absheron and Samukh districts are being sold to former internally displaced persons. AR Ministry of Labour and Social Protection of Population launched an online sale of these apartments on 23 January 2023. The earnings from the sale will be used to provide housing and private houses to the families of martyrs and persons with war-related disabilities in other regions of our country.

The State Agency for Housing Construction under the President of the Republic of Azerbaijan (hereinafter the “State Agency for Housing Construction”) was established by Executive Order of the President of the Republic of Azerbaijan No. 858 dated April 11, 2016. The agency organises the development of affordable housing projects in Azerbaijan with the goal of developing the housing fund and forming and implementing the main mechanisms that create conditions for the housing market to function efficiently (state support, pooling of project resources, participation of private sector partners and ensuring the efficiency of the mortgage market).

The Agency’s key strategic goals include further improvement of the housing conditions of citizens of the Republic of Azerbaijan, particularly low-income families, increasing the competitive environment in the construction sector and ensuring the sustainability of the sector’s development dynamics, and ensuring the implementation of state policy in this area.

Counselling services for families

On June 27, 2019, the State Committee for Family, Women and Children Affairs, jointly with the UN Children's Fund held a round table to discuss how NGOs and civil society organizations can contribute to the measures implemented by state institutions in the field of child rights protection and parental responsibility. The round table discussed existing mechanisms and practices in the field of child protection in our country and ways to strengthen state-civil society cooperation in this area.

The State Committee for Family, Women and Children Affairs prepared and presented to the public an electronic training on “Early marriage and its consequences” in 2020. . The training, which is intended for both children and parents, contains detailed information about marriages concluded legally, the concept of early marriage and its consequences, as well as parental responsibility.

In 2021, as part of collaboration of the State Committee for Family, Women and Children Affairs with relevant state, public and international organizations, information posters on family, women and children issues ("Drugs or life", "Parental care - safety of children", "Protect children from information that is harmful to their health and development!", "Marriage under 18 - child marriage!", "You will have a daughter!") were placed on advertising monitors in public transport. The goal of the posters is to promote a healthy lifestyle among children and adolescents, to prevent

bad habits, to eliminate environmental, domestic and nutritional issues that affect children's health, to increase parental responsibility in this area, and to raise adolescents' awareness of the negative consequences of early marriages.

The Children and Families Support Centre under the State Committee for Family, Women and Children Affairs organized an Open-Door Days action in 2 districts of Baku city on 18-20 May 2021. 186 families from 3 districts participated in the action over three days and benefited from the services provided by psychological, legal and social workers.

In 2020, the State Committee for Family, Women and Children Affairs organised online meetings called the “Psychological problems in families during the pandemic and their solutions” with the participation of psychologists to help solve psychological problems that arise in families during quarantine and social isolation. A videoconference titled "Azerbaijani family in the period of pandemic and post-pandemic: socio-cultural, psychological aspects" was also held.

The State Committee for Family, Women and Children Affairs has been implementing the “Family Volunteers” project since 2020 with the aim of promoting the family model, spreading positive life examples and stories among people through the transfer of knowledge and experiences, and effectively organizing family leisure time. Among the projects’ main goals is to provide social, psychological and spiritual support to people affected by armed conflicts, natural disasters, fires, epidemics and other emergencies, as well as to low-income, young families from vulnerable groups; 47 families from various regions of Azerbaijan volunteered to participate in the project. During the special quarantine regime, family volunteers assisted 38 low-income families as part of the project. 129 martyrs and the families of 115 Patriotic War participants were visited during the war and in the post-war period.

In 2020, an educational event called "Basic psycho-social skills and initial psychological help" was held with participation of 29 "Family Volunteers" from 26 districts in order to provide psychological support to young families and strengthen the work of raising awareness about family values, as well as charity events were held jointly with "Support for the Elderly and Lonely" Public Union within the "Family Volunteers" project.

From November 2020 to April 2021, the State Committee for Family, Women and Children Affairs in collaboration with the United Nations Children's Fund and "ASAN Volunteers Youth Organization Public Union”, conducted psycho-social support work with families and children affected by the war, visiting 1400 families, conducting psycho-social assessments, assessing the initial psycho-emotional condition of 2400 children, and conducting individual and group therapy work with children and mothers in the risk group.

As a result of the activities of 11 Children and Families Support Centres under the State Committee for Family, Women and Children Affairs which included the provision of psychological support, food aid and other necessary hygienic means, 773 families of martyrs and veterans were visited in 2021, and an initial psychosocial assessment was conducted.

In order to continue psychosocial support in the post-war period the project was implemented in May-June 2021 with participation of 400 children aged 6-16 in the war-affected Aghdam region. During the project, based on the initial psychosocial assessment of children, they conducted appropriate individual and group therapy for age groups, held developmental exercises, psychological trainings and integrative games.

Graduates of state children's institutions were provided with social-legal and social-psychological services in 2021 to reduce their risk of becoming victims of human trafficking. As

part of the presentation, booklets titled "Don't be a victim of human trafficking!" and "Let's protect children" were distributed to the residents of the "Mazun evi" Social Enterprise.

Legal protection of families

According to Article 29 of the Family Code of the Republic of Azerbaijan (Equality of rights of husband and wife in family relations), husbands and wives have equal personal and property rights in family relations, in accordance with the equality of rights of men and women established in the Constitution of the Republic of Azerbaijan. Motherhood, fatherhood, raising and education of children, and other family issues are resolved jointly in accordance with the principles of legal equality of husband and wife. The husband (wife) is free to choose his/her occupation, profession, and place of residence; they should build on their feelings, work together for the strengthening and well-being of the family, create favourable conditions for their children's development and take care of their health.

According to Article 36 of the same Code, the division of the spouses' joint property is carried out during the marriage period, as well as after the dissolution of the marriage at the request of one of them, as well as when the creditor submits a request for the division of the common property in order to direct the payment to the share of one of them in the common property of the spouses. The spouses' common property can be divided based on their agreement. At the request of the spouses, such an agreement can be notarized. In the event of a dispute, the division of the joint property of the spouses, as well as the determination of the shares of the spouses in this property, is carried out in court. When dividing the spouses' shared property, the court selects which property will go to each of them at their request. If one of the spouses is given property that is worth more than his/her share, the other may be given an appropriate amount of money or other compensation instead. Things purchased to meet the needs of minor children (clothing, shoes, school and sports equipment, musical instruments, children's library, etc.) are not divided and are delivered free of charge to the parent who lives with the children. Deposits made in the name of common minor children at the expense of the joint property are considered to belong to those children and are not considered while dividing the common property. When the spouses' common property is divided, the undivided portion of that property during the marriage, as well as the property acquired later during the marriage, represents their joint property. In the event of marriage breakup, the spouses' request for the division of the common property is subject to a 3-year claim period.

According to Article 75 of the Code, parents have an obligation to support their children. Parents independently determine the rules and form of supporting their children. Parents have the right to conclude an agreement on the maintenance of their minor children (alimony agreement). If the parents do not maintain their children, the funds for the maintenance of the children (alimony) are taken from the parents in court. If there is no agreement on alimony payment, the court will charge the following sum of alimony to children from their parents every month:

For 1 child - a quarter of the earnings and (or) other income of the parents;

For 2 children - one third of the earnings (or other incomes);

For 3 or more children - half of earnings (or other incomes)

Domestic violence against women

Guided by the laws of the country and other normative legal acts and regulations, the police authorities take the required actions to prevent all forms of violence against women and to solve these types of crimes. The Ministry of Internal Affairs and its territorial police units treat violence

against women, including investigation of allegations of domestic violence, with special sensitivity; the families in conflict are identified and relevant institutions are involved in order to take preventive measures. A formal inquiry is conducted for each crime committed on the basis of domestic violence, and a legal assessment of the work done by the regional police officer to prevent this type of crime is provided.

The Ministry of Labour and Social Protection of Population, the State Committee for Family, Women and Children Affairs, women's and children's non-governmental organizations, as well as the Representation of the Council of Europe in Azerbaijan and other international organizations are actively working in this field.

The Criminal Code of the Republic of Azerbaijan includes articles providing protection to women and defining responsibility for sexual violence (Article 108), incitement to suicide (Article 125), loss of health and working ability as a result of intentional infliction of injuries of varying severity (Article 126, Article 127, Article 128), establishing liability for torture, usually accompanied by beating or other violent acts (Article 133), and defining norms against sexual inviolability and personal sexual freedom (Article 149-153).

The Law of the Republic of Azerbaijan of June 22, 2010 "On prevention of Domestic Violence" defines the exact mechanism of legal, social and preventative measures to be applied in the domain of domestic violence prevention. Article 7 of the law states that in addition to the statutory duty to prosecute domestic abuse charges, a number of appropriate measures shall be taken following confirmation of the allegations of domestic violence.

More than 3,000 middle and senior officers from public safety, investigation, criminal investigation and organizations working with children participated in initial training and specialized courses at the Police Academy, other educational and basic bodies. The trainings were mostly conducted in compliance with the regulatory documents and directives of the Ministry of Internal Affairs.

The "Law on the Prevention of Domestic Violence" and "Application of new institutional mechanisms in daily activities" defined by this law, as well as "Police Actions in Cases of Domestic Violence", "Practical Application of the Domestic Violence Law" issues and other relevant topics were taught during the trainings.

Technical assistance projects for the implementation of the Law on the Prevention of Domestic Violence as well as zonal seminars-consultations on the role of the police in protecting women from domestic violence, have been carried out within the framework of cooperation on this topic with the local OSCE office, where 300 police officers with special training and about 1500 freelance police officers, who have more contact with the public, such as neighbourhood inspectors on juveniles and police inspectors have been trained.

All criminal cases in which women are accused or victims, are reviewed on a regular basis, and causes that lead and prompt them to commit crimes are investigated and eliminated, and applications are made to the appropriate bodies and organizations.

As part of continuous reforms within the Ministry of Internal Affairs system communication and information exchange between the public and the police are constantly being improved. For many years, the Ministry and regional police agencies have used the "102" information and referral center system, the "Info Portal", e-mail and telephone for the timely prevention of offences, including acts of domestic violence and taking prompt action.

Proposals have been made to the appropriate government agencies to change the existing normative legal acts in order to strengthen the mechanisms for ensuring police obligations in the relevant area.

Proposals have been filed to the relevant state bodies for revisions to the existing normative legal acts in force on the improvement of the enforcement mechanisms of the police's duties in the relevant field. Relevant changes are reflected in the "National Action Plan for 2020-2023 to eradicate and combat domestic violence in the Republic of Azerbaijan," "National Action Plan for Gender Equality 2019-2024," and "The National Action Plan for 2019-2022 to prevent gender-based sexual selection in Azerbaijan.

During 2019-2021, 16,475 crimes against women were recorded in the country (2019 - 5,706, 2020 - 5,176, 2021 - 5,593), including 6,533 on violence against women (compared to prior 2019 - 2,269, 2020 - 2,067, 2021 - 2,197).

3,195 domestic jealousy, family conflict and other similar criminal cases on domestic grounds were registered (2019 - 1,026, 2020 - 973, 2021 - 1,196).

During the reporting period, 40 percent or one in three (6,533 of 16,475) of the crimes committed against women were committed on the basis of family conflict, and 7,390 (2019 - 2,480, 2020 - 2,414, 2021 - 2,496) persons were prosecuted for these crimes.

Since August 1, 2021, the "Social Rehabilitation of Victims of Domestic Violence" department has been operating in the "Shelter and Social Rehabilitation for Vulnerable Population Groups" of the Social Services Agency under the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan.

The major goal of the department is to assist victims of domestic violence in accordance with modern standards and find a long-term solution to the problem of domestic violence and its effects.

From August 1 to December 31, 2021, 41 victims of domestic violence received social services. 23 of them were children. As a result of successful social rehabilitation, 24 people (12 children) were reintegrated into their families throughout this period.

Since its inception, the Department of Social Rehabilitation of Domestic Violence Victims has assisted 133 persons (51 women and 82 children). There were 39 boys and 43 girls among them. As a result of successful social rehabilitation, 27 women and 42 children (24 boys and 18 girls) were reintegrated into their families during this period.

14 women and 17 children (10 boys and 7 girls) were reintegrated into society. One woman was referred to the Social Services Agency's institution for the seniors. Two children were placed in Kindergarten #1 of the Ministry of Health's Main Health Department. 3 women and 8 children were moved to other specialized departments. In a judicial and notarial order, 3 children were returned to their fathers.

The Department provided various social and legal services to 40 women and their 65 children in total. They were all given legal and social counselling aid. 22 people received social and educational support, 133 people received medical and social care, and 120 people received social and psychological assistance.

Presidential Decree No. 2307 of 27 November 2020 approved the "National Action Plan to Combat Domestic Violence in the Republic of Azerbaijan for 2020-2023". The State Committee for Family, Women and Children Affairs created two working groups comprised of representatives of officials from the executive bodies of the relevant state authorities to coordinate the implementation of the actions envisaged in the National Action Plan.

To ensure the implementation of the measures contained in the National Action Plan, the State Committee for Family, Women and Children Affairs and UNFPA established a telephone line number 860 for domestic violence treatment, which has been operational since December 1, 2020.

A communication circle was established in 2019 to boost the fight against domestic abuse as part of cooperation between the State Committee for Family, Women and Children Affairs and the Baku Metro JSC, a. The releases were demonstrated to the public at the stations of the Baku Metro.

Trainings on the "International standards on domestic violence indicators, referral rules and risk assessment criteria" for police officers and members of Monitoring Groups were held on May 17-21, 2021 with the financial support from the European Union, as part of the Twinning project "Increasing the capacity of state institutions and local-level guidance mechanisms to ensure the safety and support of victims of domestic violence in Azerbaijan".

3 community resources and 15 women's resource centers established in regions by the State Committee for Family, Women and Children Affairs in collaboration with international organizations provide employment and self-employment support for women from vulnerable groups and those living in difficult conditions.

The State Committee for Family, Women and Children Affairs has established gender commissions to carry out systematic and coordinated work on gender issues.

Since last year, an internet platform called "Gender Azerbaijan" has been developed in collaboration with the German Organization for International Cooperation.

The State Committee for Family, Women and Children Affairs with the support of the Ministry of Education, presented lectures and seminars on "Preventing and Combating Domestic Violence" in higher and secondary education institutions of our country in 2021. A total of 211 participants took part in the events.

Upon the initiation of the State Committee for Family, Women and Children Affairs the Social Research Center has conducted and published a paper research titled "Existing Family Relations in Azerbaijan: Social-Psychological Analysis".

The study's major goal is to investigate the dynamics and trends observed in family relations in our country against the background of social revolutions and profound transformations taking place around the world, and to identify them based on sociological analysis. It is also necessary to study the intra-family relations, society's attitude toward the state of family environment in Azerbaijan, in order to identify the vectors of future development, tracing the dynamics of the family institution, socio-psychological, spiritual attitudes and mutual influence formed between family and society.

The State Committee for Family, Women and Children Affairs organized a Summer Internship for high school students (with the participation of 20 students) on July 25-29, 2022 in Ismayilli district.

The Criminal Code of the Republic of Azerbaijan includes Articles providing protection for women and defining responsibility for sexual violence (art. 108), incitement to suicide (art. 125), loss of health and working ability as a result of deliberate infliction of injury of varying severity (arts. 126, 127, 128), regular torture accompanied by beating and other violent acts (art. 133), as well as defining norms against sexual inviolability and sexual freedom (arts. 149-153).

The Law of the Republic of Azerbaijan "On Prevention of Domestic Violence" of June 22, 2010, provides for the prevention of violence caused by abuse in close family relationships, joint or previous cohabitation, and negative legal, medical and social consequences caused by it, defines and regulates measures implemented towards social protection of victims of domestic violence, legal assistance, and elimination of situations leading to domestic violence.

Economic protection of families

One of the key focuses of the Azerbaijan's socio-economic policy is the continuous improvement of the welfare of population. Significant progress has been achieved in this direction in recent years. 3 social reform packages have been implemented in the last 3 years with an annual financial value of AZN 5 billion. The financial value of the social reform package for 2022 alone was AZN 1.5 billion, and this package covered 2.1 mln people. As a result of the implemented reforms, social payments have increased by 65%, the minimum pension amount by 2.2 times, the average pension amount by 60%, the minimum wage by 2.3 times, and the annual wage fund by more than 2 times. Significant progress has been made in the fight against poverty. In our country, no one is currently living below the international poverty line.

The current targeted state social assistance program both supports the social protection of the low-income population and is an active tool in the fight against poverty. The amount of social assistance is calculated as the difference between the average monthly family income and the sum of the need criterion for each family member. The need criterion threshold and the minimum subsistence level in the country are regularly raised from year to year.

The 2022 need criterion threshold was 200 manat, and the country's living wage was 210 manat. In 2021, 47 thousand families or 202 thousand people received targeted state social assistance. The average monthly amount of targeted state social assistance per family in 2022 was 280 manat. The need criterion threshold for 2023 was increased by 23% over the previous year and set at 246 manat. Along with this increase the amount of targeted state social assistance will go up. The increase in the need criterion also leads to an expansion of targeted assistance for low-income families. In 2019, 2020 and 2021, the average monthly social assistance per person was 50.3 manat, 57.3 manat and 65.2 manat respectively, and the average monthly amount per family was 208 manat, 240 manat and 280 manat.

Social allowances are another key component of the social protection system. With the implementation of the Law of the Republic of Azerbaijan "On Social Benefits" in 2006, social benefits began to function as a separate system in our country. Social allowances and pensions are granted to people who do not qualify for an employment pension and are aimed to ensure their minimum standard of living or meeting their specific needs in some way.

In 2019 and 2020, the amount of allowance to children with disabilities under the age of 18 was 150 manat, the allowance for loss of the breadwinner was 80 manat, and the allowance for children of conscript soldiers and guardians (custodians) of children who have lost their parents and deprived of parental care - 100 manat. The allowance for low-income families with up to one-

year-old children was 55 manat, the social allowance for mothers with more than five children was 55 manat, and the childbirth allowance was 200 manat.

Increases in the amounts of social benefits and pensions of the President of the Republic of Azerbaijan, which are of particular importance in the social protection system, were approved in 2021 and entered into force on January 1, 2022. As a result, the following increases were observed:

- the amount of allowance for children under the age of 18 years with disabilities was increased by 33.3 percent to 200 manat;
- allowance for loss of a breadwinner was increased by 25 percent up to 100 manat;
- allowance for children of active military servicemen was increased by 20 percent up to 120 manat;
- allowance for custodians (guardians) of the children who lost their parents and are deprived of parental care was increased by 20 percent up to 120 manat;
- allowance for low-income families with children under 1-year-old increased by 27% up to 70 manat;
- allowance for the adopted child (except for children under 18 with disabilities) increased by 25% up to 200 manat;
- allowance for the adopted child under 18 years old increased by 25% up to 600 manat;
- social allowance for women with more than five children increased by 27 percent to 70 manat;
- childbirth allowance paid both from the state budget and mandatory state social insurance funds was increased by 50 percent to 300 manat.

The pension insurance system plays an essential role in protecting people of different categories from the risk of poverty and is one of the most important and fundamental directions of the state's social protection strategy. Over the past 3 years, the average monthly size of the labour pension has climbed by 60%.

Stateless persons and foreigners permanently residing in the territory of the Republic of Azerbaijan, except for the civil servants' lifetime allowance, have the right to receive monthly and one-time benefits under the conditions and in the order established for the citizens of Azerbaijan under the Law "On Social Benefits" No. 55-IIIQ dated the 7th of February 2006, unless otherwise stipulated in the international agreements to which the Republic of Azerbaijan is a party.

In accordance with the Action Plan "On a number of measures related to the reduction of the negative impact of the coronavirus (COVID-19) pandemic and the resulting sharp fluctuations in the world energy and stock markets on the economy of the Republic of Azerbaijan, macroeconomic stability, employment issues in the country and business entities" approved by Order of the Cabinet of Ministers No. 135s dated April 4, 2020, in connection with implementation of Article 10.2 of Presidential Order #1950 dated the 19th of March 2020, 12 measures in 4 directions were implemented to support employment and social welfare, covering approximately 48 per cent of the country's population or 4.8 million people.

According to Cabinet of Ministers' Resolution No. 123 dated April 1, 2020 "On simplifying the procedure for providing targeted state social assistance to low-income families in the fight against the new type of coronavirus (COVID-19) pandemic", during the special quarantine regime in the territory of the Republic of Azerbaijan beginning 1st of March, the provision of targeted state social assistance to families whose appointment period for targeted state social assistance expired has been extended until the 1st of July 2020. Extending the provision of assistance to families (individuals) whose targeted state social assistance terminated during the special quarantine regime until the regime's expiration, and simplifying the assignment of the targeted state social

assistance during this period covered 38,949 family members of 9,408 families and 8.6 million manats were spent.

The Ministry of Labour and Social Protection of Population has transferred a lump-sum allowance (190 manats) in the amount of subsistence minimum for 2020 to the unemployed and informally employed low-income people who have lost their income due to tightening of the special quarantine regime.

In April-May 2020, 600,000 low-income people, including the unemployed and informally employed, who lost their earnings due to the special quarantine regime, received lump sum payments for the first time; regions where a strict quarantine regime was maintained received this payment for as the 3rd, 4th, 5th and 6th time. A total of 450 million manats was spent in 2020 to provide lump-sum payments of 190 manats.

Socially dependant families

To protect the rights of children from the Roma community living in Azerbaijan, the State Committee for Family, Women and Children Affairs in collaboration with the UN Children's Fund, conducted research and studies in the areas where the Roma community lives densely in 2017. The situation regarding the rights of children from this community, particularly concerns like children's school attendance, migration, grounds for neglect, were also examined. Based on the review of the situation, joint measures were taken in collaboration with the UN Children's Fund, to eliminate the identified problems.

Since July 1, 2020, the Social Rehabilitation of Neglected, Abandoned and Socially Vulnerable Minors Department at the Shelter and Social Rehabilitation for Persons from Vulnerable Population Groups Institution under the Social Services Agency of the Ministry of Labour and Social Protection of the Republic of Azerbaijan has been operational. The department was established to give under-age neglected, orphaned and socially risky children with assistance services according to modern standards and to reintegrate those children into their families or institutions.

From the 1st of July to the 31st of December 2020, 22 persons (9 girls, 13 boys) were admitted (9 of them were girls and 13 were boys). From the 1st of January to the 31st of December 2021, 50 people were admitted (21 girls and 29 boys). As a result of effective social rehabilitation, two persons were sent to a boarding house, one person was assigned to an institution, and 25 were reintegrated with their families.

The Department of Social Rehabilitation of Minors in a Neglected or Socially Dangerous Situation provided social services to 45 beneficiaries between January and December 2022. There were 26 girls and 19 boys among them. The department received 20 beneficiaries (13 girls, 7 boys). Two beneficiaries were involved in education. 19 beneficiaries (12 girls, 7 boys) were reunited with their families and left the institution.

Equal treatment of foreign nationals and stateless persons in the field of family benefits

The issues of protection of labour and social rights of migrants are always in the centre of attention. The current legislation establishes that labour migrants have the same social and labour rights as citizens of the Republic of Azerbaijan, does not impose any form of restrictions on their union with family members, creates educational opportunities, allows for hiring foreigners married

to Azerbaijani citizens on the same basis as citizens without requiring a work permit, and etc. Any type of discrimination against migrants is expressly prohibited by the legislation and their social and cultural rights are recognized. According to Article 3 of the Law “On Social Services”, this Law applies to citizens of the Republic of Azerbaijan who require social services, foreigners and stateless persons living in the Republic of Azerbaijan on a permanent basis. Foreigners and stateless persons who have been living in the territory of the Republic of Azerbaijan for the past 2 years on a temporary basis may apply for a permanent residence permit in the territory of the Republic of Azerbaijan on the basis of the relevant permission provided for in the Migration Code of the Republic of Azerbaijan.

At the same time, Article 3 of the Law on Social Services of the Republic of Azerbaijan states that the Law "applies to stateless persons" along with citizens of the Republic of Azerbaijan and foreigners permanently residing in the Republic of Azerbaijan who require social services.

A foreign citizen who obtains a permanent residence permit in the Republic of Azerbaijan has practically all the rights that a citizen of the Republic of Azerbaijan has as well as opportunity to benefit from social benefits and services. A person who has come to the Republic of Azerbaijan for temporary or permanent settlement may apply to the competent state authorities for refugee status, according to Article 2 of the Law of the Republic of Azerbaijan "On the Status of Refugees and Internally Displaced Persons". The competent authorities immediately register them and issue a document confirming refugee status no later than three months later. Refugees have the same rights and freedoms as the citizens of the Republic of Azerbaijan and are subject to the same obligations. They have the right to receive one-time and other allowances set by the state, to live without payment in specially designated places until they are provided with a job or a place of residence no later than within three months. They are free to choose their jobs. Pursuant to Article 64.0.15 of the Migration Code, persons who petitioned for refugee status, received refugee status or were granted political asylum are not required to obtain a work permit in order to engage in paid labour activities in the territory of the country. There are no restrictions on the participation of these individuals in the labour market, and they can be employed in the same way as citizens of the Republic of Azerbaijan.

Article 27 - Right to equal opportunities and equal treatment of employees with family obligations

To ensure the effective implementation of the right to equal opportunities and treatment of male and female employees with family obligations, as well as between these employees and other employees, the Parties undertake the following obligations:

1. To take appropriate measures to:
 - a) Allow employees with family responsibilities to enter and maintain their jobs, as well as to resume work after a break caused by family responsibilities, taking into account the measures taken in the field of professional orientation and professional training;
 - b) Consider their needs in the fields of labour conditions and social security;
 - c) Develop public and private social services, including kindergartens and other children's institutions, or to support their development;

2. Ensure that any of the parents receive leave for the purpose of taking care of the baby after pregnancy and childbirth, the duration and conditions of which shall be determined by national legislation, collective agreement or practice;
3. Ensure that family obligations do not in themselves serve as a reason for termination of employment.

Paragraph 27§1 – Participation in working life

According to Cabinet of Ministers Decision No. 122 of 31 March 2022 on the regulation of work during the special quarantine regime in the territory of the Republic of Azerbaijan, it is ensured that the salaries of the employees who are not employed in the state bodies and institutions, as well as the work of the employees who are not employed at home, and, if possible, in the form of remote work or distant work, shall be preserved.

The draft Law of the Republic of Azerbaijan "On Amendments to the Labour Code of the Republic of Azerbaijan" has been developed to provide a legal basis for employees to perform their labour tasks in the form of remote (distant) work or distant work.

Paragraph 27§2 – Parental leave

Article 127 of the Labour Code defines the right to partially paid social leave and conditions for using it. Therefore, according to the first part of the Article, one of the parents who directly cares for the child, or another family member, has the right to partially paid social leave for taking care of the child until he reaches the age of three. Based on a written application, an employee caring for a child can use the right to partially compensated social leave in full or in part. The monthly allowance for persons on partially paid social leave to care for a child under the age of one and a half years is 44 manat, while the allowance for a child between one and a half and three years old is 28 manat.

Under Article 126 of the Labour Code, women who have adopted children under the age of two months or who are raising them without adoption are entitled to 56 calendar days of social leave specified for after birth, as well as to additional leave under Article 117 and partially-paid leave defined in Article 127 hereof. During the COVID-19 pandemic, there were no restrictions on the use of the right to leave.

According to the second part of Article 117 of the Labour Code, fathers raising their children as single parents or adoptive parents are eligible for the additional vacation time stipulated in part 1 of this Article. All women on social leave or partially paid social leave for pregnancy and childbirth are prohibited from terminating their employment contract, except in circumstances of fixed-term contract termination and enterprise dissolution, and they have the right to return to work.

Men whose wives are on maternity leave are entitled to up to 14 calendar days of unpaid leave every working year, according to paragraph b) of Article 130 of the Labour Code.

It is important to highlight that the draft Law of the Republic of Azerbaijan "On Amendments to the Labour Code of the Republic of Azerbaijan" to introduce paid leave for fathers has been prepared.

Part 4 was included to Article 125 of the Labour Code in the draft law with the following wording:

4. *On the basis of a medical institution's statement, men are granted paid leave of 14 calendar days on the eve of child delivery.*

Azerbaijan ratified ILO Conventions No. 183 "On Maternity Protection" and No. 156 "On Workers with Family Responsibilities" in 2010. In connection with the ratification of these Conventions, a project to improve the Labour Code of the Republic of Azerbaijan was prepared and submitted to the Cabinet of Ministers.

The project establishes the notion of an employee with family responsibilities and adds part 2-1 to Article 3 of the Labour Code in the following version:

A worker with family responsibilities is one who has difficulty with starting his or her labour activities, performing his or her labour functions or advancing in the workplace because of taking care (providing support) of a family member (including dependent and adopted children) as well as other close relatives (father, mother, grandfather, grandmother, husband (wife), siblings and half-siblings, grandchildren, marital parents (as well as wife's (husband's) adoptive parents, brothers, sisters) in need of care or assistance based on the opinion of a medical advisory commission.

In order to adapt the Labour Code of the Republic of Azerbaijan to the requirements of the Convention No. 156, the inadmissibility of discrimination in labour relations due to "family responsibilities" of the employees was taken into account in parts 1 and 2 of Article 16. Also, in order to comply with the requirements of the Convention, it is also planned to include an obligation of "creating institutions and services for providing child care and family assistance for employees with family responsibilities" to the list of obligations of the parties when signing Collective Agreement.

To ensure the relevant guarantees and concessions of the employee with family responsibilities, a third paragraph is added to Part 5 of Article 48 of the Labour Code with the following content:

"Other documents related to labour relations (number of dependent family members, disabled person, war veteran, IDP status, etc.) are submitted voluntarily by the employee in order to ensure the employee's guarantees and benefits related to labour and social rights."

Also, Part 3 is added to Article 98 with the following content:

"3. Special needs of employees with family responsibilities, including needs related to the fulfilment of family responsibilities, should be taken into account when scheduling shift work and assigning work to the night shift, if justified and feasible."

Paragraph 27§3 - Unlawfulness of dismissal based on family obligations

The legal consequences of the employer's noncompliance with the regulations for the termination of the employment contract and the time restrictions for the settlement of individual labour disputes are outlined in articles 296 and 300 of the Labour Code of the Republic of Azerbaijan. So, if the employer has also terminated the employment relationship with the employee without regard to the cases provided for in Article 79 of the Labour Code, the court resolving the labour dispute shall examine the claim application and the facts of the case and issue a decision on the reinstatement of the employee with payment of wages for the period of forced layoff or according to the second part of this article, issue a decision on approving the parties'

settlement agreement. According to Article 300 of the Labour Code the employer must pay the amount of the employee's damages as determined by the court judgement. In this Article, "Amount of Damages" refers to the employee's average salary during the time he or she was not working due to his or her dismissal, the amount of expenses he or she incurred in connection with hiring a lawyer for the protection of his or her rights in court (in connection with the consideration of an individual labour dispute in court) and the amount requested by the employee with a lawsuit for moral damage, including the borrowing of money due to his or her state of unemployment, as well as his or her costs as a result of selling personal belongings.

According to Article 299 of the Labour Code, there is no restriction on the amount of the claim for individual labour disputes, nor on its provision.

Pursuant to Part 1 of Article 301 of the Labour Code, a court decision on the settlement of an individual labour dispute, unless otherwise stipulated in its text, must be executed immediately on the day it enters into legal force. According to part 2 of this article, if the court decision on the settlement of an individual labour dispute is not implemented by the defendant, or if the implementation is prevented by the relevant official or other natural person, on the payment of material damage to the employee in connection with this, and criminal case must be initiated by the judge in accordance with the relevant article of the Criminal Code of the Republic of Azerbaijan.

In practice, the courts issue resolutions to ensure the rights specified in Articles 79, 300, and 301 of the Labour Code, and when the employer violates these norms are violated, the courts restore people to work, and provide them with wages for the period of forced layoff.

During the COVID-19 pandemic, there were no cases of dismissals due to family responsibilities.