



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### **Information received from Azerbaijan on follow-up to the concluding observations on its fourth periodic report\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The present document contains information on the implementation of the paragraphs 15 (a), 29 (b) and 53 (a) contained in the recommendations of the concluding observations on the fourth periodic report of Azerbaijan, which were adopted by the Committee on Economic, Social and Cultural Rights at its 57th meeting and issued on 15 October 2021.

## **II. Follow-up information**

### **A. Follow-up information relating to paragraph 15 (a) of the concluding observations (E/C.12/AZE/CO/4)**

2. One of the main goals of the Law of the Republic of Azerbaijan “On the development of micro, small and medium enterprises” adopted on 2 December 2022, is the ensuring of the provision the UN Guiding Principles on Business and Human Rights. The concept of the said Law is based on the conditions and rules for implementing support measures for micro, small and medium enterprises, formation of support infrastructure for the abovementioned enterprises, protection of their interests, and increasing the role of associations representing their interests in the field of entrepreneurship activity.

3. In accordance with the said Law, state support in the field of training, retraining and increasing the qualifications of employees of micro, small and medium enterprises is provided in the forms of promotion of jobseekers’ acquisition of the basics of entrepreneurial activity, entrepreneurship among young people, as well as family and women’s entrepreneurship.

### **B. Follow-up information relating to paragraph 29 (b) of the concluding observations**

4. According to the Law of the Republic of Azerbaijan “On suspension of inspections carried out in the field of entrepreneurship” dated 20 October 2015, inspections have been suspended until 1 January 2024 in order to develop the non-oil sector and business environment in the country.

5. According to Part 2 of the List of inspections that are allowed to be carried out, approved by the Decree of the President of the Republic of Azerbaijan No. 660 dated 26 October 2015 inspections are carried out on an exceptional basis with the consent of the Ministry of Economy on the basis of the substantiated application of the relevant inspection authority in urgent cases posing a significant threat to the life and health of people, the security and economic interests of the State.

6. The Ministry of Labour and Social Protection of the Population has established the Labour Protection Center, public legal entity on the basis and subordination of the central laboratory of the State Labour Inspectorate Service (SLIS) of the Ministry of Labour and Social Protection of the Population in accordance with paragraph 1.1 of the Decree of the President of the Republic of Azerbaijan No. 2146 dated 23 May 2023 “On regulation of some issues related to the activities of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan” and “On amendments to the Decree of the President of the Republic of Azerbaijan “On measures to improve the activities of the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan” No 386 dated 16 February 2011.

7. The Labour Protection Center provides guidance to employers in the field of labour protection and workplace attestation, as well as providing training, consultation and methodological support in these fields.

8. In accordance with the requirements of the Law “On suspension of inspections carried out in the field of entrepreneurship”, the SLIS does not conduct on-site inspections. However, appropriate actions are taken in accordance with legislative requirements based on the

findings of inspections by the Labour Relations Monitoring Center of the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan and the materials sent to the SLIS from other state bodies, as well as citizen appeals to the Service in accordance with the requirements of the Law of the Republic of Azerbaijan “On citizens’ appeals”.

9. To enforce the Law of the Republic of Azerbaijan “On compulsory insurance against loss of professional ability as a result of industrial accidents and occupational diseases” and the Decree of the President of the Republic of Azerbaijan “On additional measures in the field of enhancing social welfare of population” in order to identify and eliminate labour contract notices with no insurance contracts concluded and with an indicated amount less than the minimum wage for the country, electronic control measures were implemented through the “Labour and Employment” subsystem (EMAS) and administrative fines were applied in connection with the discovered facts in accordance with the Code of Administrative Offenses of the Republic of Azerbaijan.

10. In addition, as part of the implementation of the said Law, actions are performed such as issuing a warning in EMAS by the SLIS, notifying employers through sending SMS notifications and letters, and holding meetings with them.

11. An electronic audit project was developed by the SLIS on EMAS and its application was launched in pilot mode. Additionally, a risk-based evaluation model with 26 criteria for state control of compliance with labour legislation was designed and digitalised.

12. After receiving approval, the implementation of the “Instruction on the use of special technical means during the investigation of accidents occurring in production and inspections carried out in the field of compliance with labour legislation” has started.

13. In cases of violation of employees’ labour rights 142 “Call center” of the Sustainable and Operative Social Security Agency under the Ministry of Labour and Social Protection of the Population, “Live Chat” function on the official website [www.sosial.gov.az](http://www.sosial.gov.az), as well as e-mail addresses of the responsible officials were provided for citizens. Requests, inquiries and complaints related to labour legislation are promptly investigated and responded.

14. The SLIS investigated and responded to 13,145 complaints from citizens in 2021 and 13,476 in 2022, as well as 7,604 inquiries from various enterprises, departments, and organizations in 2021 and 7,130 in 2022 in accordance with the requirements of the Law of the Republic of Azerbaijan “On citizens’ appeals”.

15. SLIS officials received 4,269 and 10,403 citizens in 2021 and in 2022 respectively. The SLIS Information Center responded to 1139 calls in 2021 and 15,418 calls in 2022. During the assessment of materials and citizen appeals received from various agencies, violations of labour legislation by employers were identified in 1508 cases in 2021 and in 1807 cases in 2022. Administrative decisions were made by the officials of the Service and the judicial authorities against the officials and legal entities and administrative penalties in the amount of 2,799,210 manats in 2021 and 3,787,400 manats in 2022 were issued for administrative offences committed.

### **C. Follow-up information relating to paragraph 53 (a) of the concluding observations**

16. Compulsory general secondary education is free for every Azerbaijani citizen in public schools, and that pertains to migrants as well. The Ministry of Science and Education, on an annual basis, provides the students with UNHCR refugee status and stateless persons with an opportunity to study in general educational institutions in Azerbaijan.

17. In accordance with the Global Compact on Refugees approved by the relevant resolution of the United Nations General Assembly dated 17 December 2018, the Republic of Azerbaijan has voluntarily taken a commitment to annually provide equal higher education to persons with refugee status. Consequently, in the academic years 2020–2021 – two, 2021–2022 – one, 2022–2023 – one student with refugee status was accepted to study in higher education institutions in Azerbaijan on a free basis respectively.

18. Students from internally displaced families have the access to the secondary specialised and higher education in Azerbaijan on a free basis.

19. In addition, the educational fee of the members of the martyr's family who have access to the vocational, secondary special and higher education on a paid basis, children of citizens who were identified as disabled while defending the territorial integrity, independence and the Constitutional order of the Republic of Azerbaijan and those who died for the sake of the freedom, sovereignty and territorial integrity of the Republic of Azerbaijan, went missing due to the military operation and declared dead by the court, persons who received the title of "War veteran" due to their participation in military operations for the territorial integrity of the Republic of Azerbaijan studying at the bachelor's and master's (basic (basic higher) medical education and residency) levels of education in higher educational institutions and secondary specialized educational institutions on a paid basis, as well as people with 61–100% violation of the body's functions or have been diagnosed with a disability up to the age of 18 studying at the bachelor's and master's (basic (basic higher) medical education and residency) levels of education in higher educational institutions and in secondary specialized educational institutions on a paid basis, and children who have lost their parents and are deprived of parental care studying at institutions of higher, secondary and vocational education on a fee-based basis, is paid at the expense of the state budget.

20. Within the framework of the "I State Program on the Great Return to the liberated territories of Azerbaijan" 33 preschool education institutions, 164 secondary schools, 8 Vocational educational and training (VET) institutions and 3 higher education institutions will be constructed in the liberated territories by 2026.

21. In order to ensure access to the quality primary and secondary education a number of projects and activities have been implemented. In 2022–2023 academic year more than 15000 kids at the age of 3–4 were involved in more than 800 preschool groups, mostly in rural and remoted areas. Besides, in order to better prepare children for the next level (general) education more than 5000 preschool groups have been established which cover more than 90000 kids at the age of 5.

22. Within the process of deinstitutionalization, the number of boarding schools under the Ministry of Science and Education has decreased from 44 to 15. In 2022–2023 academic year, 5452 students studied in the said 15 boarding schools. In 2022–2023 academic year 4 educational institutions for children deprived of parental care operating under the Ministry covered 558 students, only 16 out of them have lost both parents. Most of the 417 students have single mothers or official guardians. 125 people have both parents, but one of the parents is disabled due to 61–100% impairment of body functions and is unable to work, or one parent has been deprived of liberty for a long time. For this reason, the said institutions were transformed into general boarding schools. From 2023–2024 academic year, the admission of children deprived of parental care to the said institutions has been suspended.

23. The Student Loan Fund started to offer educational loans to students to support their education since November 2021. By the end of 2022–2023 academic year around 23000 applications for loans have been positively evaluated.

24. In 2019 investment in science and education constituted 9% of the total government expenditure, whereas in 2023 it increased to 14%.

25. According to the amendment to the Law "On Education (Special Education) of persons with disabilities", adopted on 13 May 2022, a new article has been added to the said Law, stating that if the educational institution has the necessary special conditions for studying in accordance with psychological-pedagogical and medical instructions (contraindications), integrated education is organised for people with disabilities in special classes of that institution. The management of an educational institution with integrated training cannot object to the admission of individuals if there is no contrary indication of training or vocational training due to physical deficiency, mental and (or) psychological retardation, or restriction on a specific profession (specialty).

26. "Procedure on organizing of the inclusive education" was approved by the Decision of the Cabinet of Ministers No. 43 dated 11 February 2023. According to paragraph 2.1 of Procedure, if the educational institution has the necessary special conditions for studying in

accordance with psychological-pedagogical and medical instructions (contraindications), inclusive education classes are created in that institution in order to involve children with disabilities in education in the same class as children without disabilities.

27. Starting from the 2021–2022 academic year, the project “Expanding the network of general educational institutions with inclusive classes” is being implemented by the Institute of Education of the Republic of Azerbaijan (ARTI) with the support of the Ministry of Science and Education and the United Nations Children’s Fund (UNICEF). Within the framework of the project, 83 inclusive classes have been organised in 38 general educational institutions in 13 regions, and about 160 children with disabilities have involved in education in these classes.

28. In order to support Psychological-medical-pedagogical commissions responsible for selection of students with disabilities to inclusive classes, trainings have been conducted for 63 commission members.

29. Moreover, two family-type small group homes and three rehabilitation centres have been established with daily services for children with disabilities. At present, the network of these centres is being expanded by the Social Services Agency.

30. Special classes have been opened in educational institutions with integrated learning located in the regions, and 776 students with mental and intellectual disabilities live with their families and study at nearby educational institutions.

31. According to the “Procedure for the implementation of general secondary education of persons sentenced to imprisonment for a certain period of time” coordinated with the Ministry of Science and Education and approved by the Order of the Ministry of Justice dated 22 March 2004, at present, general secondary education schools are operating in 6 institutions of the Penitentiary Service, that carry out sentences in the form of imprisonment for a certain period of time including in the Correctional Center for juvenile offenders.

32. Conditions have been created in a school built in Correctional Center in accordance with modern requirements for juvenile offenders to receive secondary education and vocational training.

33. The painting and sculpture club were established with the support of the State Academy of Arts, as well as badminton club was opened with the support of Badminton Federation of the Republic of Azerbaijan. Courses on “Computer science”, “Foreign Language” and “Mechanic on vehicle repair” are regularly organised in the Correctional Center.

34. Nine convicts were involved in the “Technest” scholarship program in the Correctional Center organised by the Innovation and Digital Development Agency of the Ministry of Digital Development and Transport. In order to organize the leisure time of convicts and integrate them into society, they were provided with notebooks for the computer science courses.

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