



# Economic and Social Council

Distr.: General  
7 May 2013

Original: English

---

## Committee on Economic, Social and Cultural Rights Fiftieth session

### Summary record of the 9th meeting

Held at the Palais Wilson, Geneva, on Friday, 3 May 2013, at 10 a.m.

*Chairperson:* Mr. Kedzia

## Contents

### Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

*Third periodic report of Azerbaijan*

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The meeting was called to order at 10.05 a.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant**

*Third periodic report of Azerbaijan (E/C.12/AZE/3; E/C.12/AZE/Q/3 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.*

2. **Mr. Khalafov** (Azerbaijan), introducing his country's third periodic report (E/C.12/AZE/3), said that the national economy was expanding rapidly. The poverty rate had dropped from 50 per cent to 6 per cent in the past decade and more than 1 million jobs had recently been created. However, despite strong economic growth, the presence of large numbers of refugees and internally displaced persons in the country in the aftermath of conflict with Armenia affected his country's ability to protect and promote human rights, particularly with regard to those vulnerable population segments. The Government strove to provide adequate living standards to those groups and since 2004, had resettled some 140,000 internally displaced persons in newly built housing.

3. A national action programme for increasing the effectiveness of human rights protection, adopted in 2011, aimed to strengthen the legal basis of human rights protection while enhancing State agencies' work, training and awareness-raising measures and cooperation with international organizations.

4. In 2010 Azerbaijan had acceded to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and was developing an action plan to implement its provisions. It had also acceded to the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention for the Protection of the Architectural Heritage of Europe, in 2006 and 2009 respectively. Several national programmes to facilitate the creation of favourable conditions for the realization of cultural rights had been adopted in recent years. A law on education had been enacted in 2009 and large-scale projects to improve educational infrastructure had been carried out.

5. The State had been providing social aid to low-income groups since 2006, and a programme on pensions and social support established in 2009 aimed at strengthening institutions and improving services related to labour and social protection. A number of programmes were being implemented to boost employment and protect and develop the country's human potential in general.

6. A law to combat domestic violence had been passed in 2010 and the Family Code had been amended in 2011 to raise the marriage age to 18 and prohibit early and forced marriages. Azerbaijan had also ratified several International Labour Organization (ILO) conventions dealing with maternity protection, family responsibilities and equal treatment for men and women workers. A programme on poverty eradication and sustainable development for 2008–2015 included among its goals the broadening of women's participation in decision-making, and additional measures were being considered.

7. In 2011 Azerbaijan had joined the Open Government Partnership, and a national action plan for 2012–2015 to promote open government had been adopted. A State agency for citizen services and social innovations had been established to ensure that State services were delivered in a more transparent and efficient manner. An action plan adopted in 2013 was designed to increase the use of information and communication technologies in the electoral process and related areas.

8. Improving health care, in particular for mothers and children, was a priority of his Government, and significant measures to that effect had been taken in the past decade. A programme for the protection of maternal and child health for 2006–2010 had had tangible effects.

9. **Ms. Shin** (Country Rapporteur) said that she would give her assessment of progress in areas relating to the Covenant since the submission of the State party's second periodic report in 2004. Noting that under the Constitution international treaties prevailed over national law, she asked to what extent Government officials, members of the judiciary, parliamentarians and the general population were familiarized with the human rights treaties to which Azerbaijan was a party. Furthermore, what was the state of opinion in the country regarding ratification of the Optional Protocol to the Covenant?

10. She said that the information provided by the State party was deficient in disaggregated data showing the situation of disadvantaged and marginalized groups, and that the Committee had some doubts about whether the statistics provided reflected realities in Azerbaijan.

11. She requested updated information about the share of gross domestic product (GDP) devoted to safeguarding and promoting social and cultural rights, noting that the percentage appeared to have decreased even though the absolute amount had increased.

12. The Committee had noted with concern that internally displaced persons and refugees experienced more poverty and discrimination than the population at large. It hoped that additional resources would be invested in measures particularly benefiting disadvantaged groups.

13. She requested additional information on how the Act on prevention of domestic violence punished perpetrators, protected victims and prevented domestic violence, noting that in addition to adopting laws it was important to eliminate gender stereotypes. It was regrettable, for instance, that the 21-strong delegation included only 2 women. Perhaps quotas and other temporary special measures were needed to improve the representation of women in political and social life.

14. The State party was to be commended for its social protection and labour reforms, including the establishment of quotas for employing young people and people with disabilities. It was important to examine whether those reforms were sufficient to ensure decent living conditions for all population groups.

15. The Committee was concerned about reports of forced evictions carried out in Baku since 2009 to make space for urban beautification projects and luxury housing. The evictions had occurred without advance notice to or consultation with those affected and must stop. She drew attention to the Committee's general comment No. 7 on the right to adequate housing.

16. It was important for the Government to maintain constructive partnerships with civil society, especially human rights organizations, as a vibrant civil society was essential for the protection and promotion of human rights. She asked the delegation to comment on reports of persecution of human rights activists in Azerbaijan.

#### *Articles 1 to 5*

17. **Mr. Ribeiro Leão**, referring to paragraphs 49 to 53 of the report, asked why refugees, especially those from Armenia, suffered particularly high rates of poverty and unemployment.

18. **Ms. Bras Gomes**, noting that many countries found it difficult to strike a satisfactory balance between economic development and the protection and promotion of

human rights, asked whether the State party conducted impact assessments before starting large-scale development projects, and whether support and compensation were provided to those displaced by such projects.

19. She asked the delegation to comment on the situation of the long-term internally displaced.

20. Citing paragraph 7 of the replies to the list of issues (E/C.12/AZE/Q/3/Add.1), she asked whether, in addition to eliminating gender stereotypes from educational materials and programmes, the State party had considered tackling the issue proactively – for example, by establishing a gender equality programme.

21. **Mr. Sadi** said that, while the broad range of ministries represented in the delegation was evidence of the State party's commitment to holding a serious dialogue with the Committee, he would have liked to see a larger proportion of women included. He asked whether the Gender Equality Act of 2006 had had a positive impact thus far.

22. He enquired whether the State party was considering acceding to the Optional Protocol to the Covenant. He wished to know why the Covenant did not appear to have been cited in any court cases and whether the national Human Rights Commissioner dealt with the rights enshrined in the Covenant.

23. Noting that the State party's economy seemed to be heading towards privatization, he requested confirmation that the rights enshrined in the Covenant were not being negatively affected by that trend.

24. He asked what measures the State party adopted to ensure harmonious relations between the population's Shiite majority and the Sunni minority.

25. **Mr. Pillay** asked what steps the State party had taken to ensure that the judiciary was independent and free of corruption, and that judiciary members, especially judges, had appropriate training in specialized areas such as labour law.

26. **Mr. Schrijver** requested further information on any cases in which the Covenant had been invoked, and asked to what extent members of the judiciary were provided with instruction on the Covenant.

#### *Articles 6 to 9*

27. **Mr. Schrijver** asked what measures were envisaged to reduce the level of youth unemployment and whether the level was higher among specific sectors of the population, such as women or minorities. He also wondered whether the Government had addressed complaints from workers in the oil industry that their labour and trade union rights had been restricted.

28. **Mr. Ribeiro Leão** asked whether the provisions in the Labour Code governing the conclusion of collective agreements were in line with the principles set out by the Committee itself and by the ILO.

29. **Ms. Bras Gomes** asked what measures the Government envisaged to boost the number of women in work; whether the possibility of using forced labour had been removed from the Criminal Code, as recommended by the Committee in 2004 (E/C.12/1/Add.104); whether the levels for the minimum wage and State pension were high enough to provide people with a decent standard of living; what the rationale was for setting the retirement age at different levels for men and women; and what protection was afforded to people working in the informal economy.

30. **Mr. Martynov** asked whether the quota for the number of disabled persons applied only to public bodies or to private ones too; whether bodies which disregarded the quota

were fined; and whether penalties had already been imposed on organizations for failing to meet the quota. He also suggested that further data should be collected on the employment of persons with disabilities, aggregated by factors such as sex and age. Lastly, when did the delegation expect that the minimum wage would be fully aligned with the standard market basket, as provided for under the General Collective Agreement for 2008–2009?

31. **Mr. Abdel-Moneim** pointed out that under Azerbaijani law, the three conditions under which compulsory labour was permitted — by court decision, by authorized persons during a person's military service and in a state of emergency or under martial law — were too broad and should be revised. Observing that in the report the State party had included the ILO measurement of unemployment as well as its own measurement, asked which of the two the State party tended to use.

32. **Ms. Shin** asked, in the light of reports of labour violations and the exploitation of workers, whether Azerbaijan had established a labour inspection system to monitor the formal sector, the informal sector and foreign workers.

33. **Ms. Cong**, referring to the informal sector, said she would welcome information on the difference in the wage and social protection conditions of nationals as compared to foreigners; the proportion of women to men; and the wage gap between the sexes. She also asked why the figures for the number of persons receiving unemployment benefits in 2010 and 2011 were so low.

34. **Mr. Sadi** asked what the current level of the minimum wage was; what regular process existed to review the minimum wage; which sectors of society participated in the review; and whether the minimum wage also applied to the informal economy. Observing that civil servants in a large number of public services, not solely in education and health care, were prohibited from striking, he wondered whether the State party might consider extending the right to strike to a larger number of civil servants.

*The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.*

35. **Mr. Muradov** (Azerbaijan) summarized the economic assessments of his country made by various international organizations. Azerbaijan had been classified as a high-income country by the World Bank; it had joined the United Nations Development Programme's group of high human development countries; according to the International Monetary Fund, it had achieved the highest rate of economic growth in the world from 2005 to 2007; and the country had recently received higher credit ratings from credit rating agencies and a higher ranking in the Doing Business project.

36. He said that over half of his country's GDP derived from the oil sector and the Government tended to exclude the oil sector for the purposes of the data which it collected for social ends. Over the previous few years, expenditure in the non-oil sector had increased considerably.

37. The minimum wage was now almost fully in line with the standard market basket, which was calculated on the basis of guidelines set out by the Food and Agriculture Organization of the United Nations.

38. **Mr. Mammadov** (Azerbaijan) said that removing the legal and social obstacles faced by persons with disabilities was one of the Government's main priorities. Changes to relevant legislation reflected proposals by State bodies and civil society and were in line with the Convention on the Rights of Persons with Disabilities and its Optional Protocol. A national action plan on the protection of persons with disabilities for the period 2013 to 2018 had also been submitted to the Cabinet of Ministers for approval.

39. Quotas for the number of persons with disabilities were mandatory for private companies and depended on factors such as the number of employees.

40. **Ms. Sofiyeva** (Azerbaijan) said that improving the situation of women was a key policy area. All programmes in Azerbaijan included a gender component, which had led to further training for women, increased female entrepreneurship, free legal advice centres and campaigns against domestic violence. Particular attention was paid to promoting entrepreneurship and social integration among female refugees and women living in rural areas. With regard to employment, women made up about 48 per cent of the working population and in recent years there had been a sharp increase in the number of women in parliament, the police and local government.

41. She said that women participated in the education sector at every level, and in secondary and higher education institutions represented between 46 and 66 per cent of students, depending on the institution in question. Measures were being taken to prevent violence against women, particularly the adoption of new and amended legislation and the introduction of support services and a new database. Furthermore, awareness-raising activities were being carried out among vulnerable groups and law enforcement officials, and regional centres offered women information, support and legal advice. Crimes against women, including violent crimes, had fallen in recent years and new protection orders of 30 or 180 days had been introduced.

42. Ten regional centres had been established to provide support for families affected by disability or poor health; their work was focused on social integration and in 2012 classes held at the centres had been attended by 2,899 children. Other activities to realize the Government's vision for Azerbaijan included measures to increase women's employment opportunities, strategies to support families, a national action plan for gender equality and a Children's Code.

43. **Mr. Musayev** (Azerbaijan) said that referring to international treaties in court had become a widespread practice in Azerbaijan and that the Supreme Court had recently discussed the need to ensure that the rights of children and parents were respected in legal decisions, in accordance with international law. A special group had been established to provide training for prospective members of the judiciary, which included training on the application of international conventions, and candidates for judicial posts were tested on their knowledge of international law as part of the selection process.

44. The tenure of judges had previously been limited, but it was now secure and judges were able to serve until the age of 65, or in exceptional cases 70. The pay and working conditions of judges had been improved and the number of judges had also increased. In fact, the judge selection process in Azerbaijan had been identified as an example of best practice by the European Commission for the Efficiency of Justice.

45. New courts had been built with the support of the World Bank and equipped with facilities for the disabled and the latest technology, while an Internet portal provided information on the justice system and responses to user queries. The Minister of Justice was a Vice-President of the International Association of Anti-Corruption Authorities and eight judges had been disciplined for corrupt practices in the previous two years. Justice system reform was being implemented with a view to providing independent, effective and accessible justice.

46. **Mr. Khalafov** (Azerbaijan) said that the Government was currently considering accession to the Optional Protocol to the Covenant but that final approval of accession depended on parliament. Refugees were persons who had fled situations of war, conflict or ethnic cleansing, rather than persons who had migrated voluntarily to seek a better life. Azeris living in Armenia and the territories of Azerbaijan occupied by Armenia had been subjected to ethnic cleansing, and Nagorno-Karabakh and surrounding areas were still occupied by the armed forces of Armenia.

47. **Mr. Mammadli** (Azerbaijan) said that Azerbaijan was a secular country, as enshrined in its Constitution, and that the Government's policy was to go beyond simple tolerance of different religious groups to establish a culture of mutual respect. Recent data indicated that levels of religious observance were low. He highlighted the fact that most persons in management positions had been raised in the Soviet Union, where religious identities were weak, and would therefore be unlikely to ask prospective employees about their religion. There were roughly equal numbers of Sunni and Shia in the Sheki region, and in fact it was not unusual for Sunni wedding ceremonies to be presided over by a Shia cleric, and vice versa, in order to promote harmony.

*Articles 10 to 12*

48. **Mr. Schrijver** welcomed the national action plan to combat trafficking and the human trafficking suppression Act of 2005, but asked how effective those measures were and what problems the Government encountered when implementing them.

49. **Mr. Ribeiro Leão** asked for information on the impact of the poverty reduction and continuous growth programme. He also wished to know whether the downward trend visible in table 17 of the State party's report had continued in recent years and asked for updated statistics on the poverty line and poverty levels.

50. **Mr. Dasgupta** asked for an update of the progress achieved under the strategy to improve the quality of water and sanitation. Given the high levels of tobacco addiction, he requested updated statistics on tobacco use in the State party and asked how the public was being informed of the dangers posed by smoking to their own and others' health.

51. **Mr. Martynov** welcomed the fall in the poverty rate, but requested detailed data on poverty disaggregated by year, sex, age and region and by urban or rural settlement.

52. **Mr. Pillay** asked for the data requested in paragraph 11 of the list of issues that would reveal how many persons had been evicted from their homes in the previous five years. Given reports from alternative sources indicating that individuals were often evicted with little notice and without adequate compensation and that demolitions sometimes took place despite pending legal action, he asked what measures were in place to ensure that evictions were carried out in accordance with international standards, specifically the Committee's general comment No. 7, and what remedies were available to persons who were evicted.

53. **Ms. Bras Gomes** enquired about the impact of the Government programme to place children living in institutions with families and what difficulties had been encountered in carrying it out; how new legislation on domestic violence was being implemented; what progress had been achieved towards providing universal medical insurance coverage and whether the Government had encountered any difficulties in that regard; what action had been taken to tackle industrial waste and the hazards posed by mining; and whether the Ombudsman's recommendation to disseminate and explain reproductive rights, particularly in rural areas, had been implemented.

54. **Mr. Sadi** asked whether sharia was taken into account by the courts when dealing with family law matters, such as inheritance and child custody cases. Given reportedly high numbers of early marriages, he wished to know how the legal age of marriage was enforced, particularly among internally displaced persons. He asked whether, following reports in 2004, any further cases had been observed of children adopted from Azerbaijani orphanages being trafficked for exploitation or organ harvesting.

55. **Ms. Shin** asked what action was taken to tackle perpetrators of domestic violence, including punishment and measures to help them change their behaviour.

*Articles 13 to 15*

56. **Mr. Marchán Romero** expressed concern at the plight of Akram Aylisli, an author who had been dismissed from his job and threatened following the translation into Russian of his most recent novel exploring past ethnic tensions in Azerbaijan. Given the requirement in article 15 of the Covenant to respect the freedom indispensable for creative activity, he asked for information on the situation regarding Akram Aylisli and other creative artists who had allegedly suffered persecution. In addition, it had been reported that an Armenian cemetery in Azerbaijan had been destroyed; could the Azerbaijani delegation confirm or deny that allegation?

57. **Mr. Mancisidor** said that the data on language education provided in table 27 of the periodic report indicated that there had been a decline in the teaching of minority languages that was greater than the natural decline in the number of school-age children and requested further information in that regard. In addition, he requested updated figures for language teaching and asked whether the downward trend observed in table 27 had continued to the present day. Noting that minority languages seemed to be addressed solely in the context of foreigners and stateless persons, he asked whether minority language teaching was also provided to citizens who spoke minority languages.

58. Supporting the comments made by Mr. Marchán Romero on the need for artistic freedom and noting that Azerbaijan had acceded to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, he asked what policies had been introduced to ensure the independence, security and rights of authors in the State party. He also urged the Government to act on criticism of the lack of transparency in cultural decision-making processes.

*The meeting rose at 1 p.m.*