



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/2004/SR.43
23 November 2004

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-third session

SUMMARY RECORD (PARTIAL)* OF THE 43rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 17 November 2004, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH
ARTICLES 16 AND 17 OF THE COVENANT

Second periodic report of Azerbaijan (continued)

* No summary record was prepared for the rest of the meeting.

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 Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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

GE.04-44663 (E) 191104 231104

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Second periodic report of Azerbaijan (continued) (E/1990/6/Add.37; E/C.12/Q/AZE/2; E/C.12/1/Add.20; HRI/CORE/1/Add.117)

1. At the invitation of the Chairperson, the members of the delegation of Azerbaijan resumed their places at the Committee table.
2. The CHAIRPERSON invited Committee members to put questions to the delegation.

Articles 10-12 of the Covenant

3. Mr. RIEDEL asked what measures had been taken to redress the imbalance between urban and rural areas in terms of health-care provision. It would be useful to have accurate figures on life expectancy, since several sources had reported that life expectancy was significantly lower in Azerbaijan than in other countries in the region. If that was the case, the delegation should indicate what steps were being taken to address the problem.
4. While the number of people infected by HIV/AIDS was still low, experience in other countries had indicated that unless stringent measures were taken from the outset, the infection rate increased dramatically. Additional information on the action being taken to prevent transmission of the virus would be useful, given that the proportion of people currently infected - particularly through heterosexual intercourse - was of concern. It would also be interesting to learn what information and education campaigns had been set up in cooperation with WHO and the Joint United Nations Programme on HIV/AIDS (UNAIDS), and how successful they had been.
5. The infection rate for several diseases was markedly higher in prisons than in the general population. Given that overcrowding was at the root of that problem, further details should be provided on what action had been taken to alleviate prison overcrowding. What measures had been taken to increase educational and leisure opportunities for prisoners serving life sentences, in accordance with the Committee's General Comment No. 14?
6. It would be useful to learn whether the decrease in the number of polyclinics in 2001 and 2002, as indicated in paragraph 35 of the written replies, had been reversed. The delegation should explain what measures had been taken to guarantee equal access to primary health care for everyone. The next periodic report should include comparative data on health care for each year within the reporting period, and should focus on the situation of women, the rural population, and other marginalized and disadvantaged groups.
7. Ms. BRAS GOMES asked how the State party planned to overcome the problems caused by the decrease in the number of registered marriages. While more people were choosing to have religious wedding ceremonies, such rituals were not included in government statistics and did not guarantee protection for women or women's interests.

8. She asked whether 50 per cent of women still had abortions rather than using modern methods of contraception. If so, further information should be provided on measures to educate women on reproductive health and family planning.
9. It would be interesting to learn whether the Government had a policy on domestic violence, and whether support services would be available to the victims of such violence in the future.
10. Statistics from the State party had indicated that, while most crime figures had fallen in the period 1995-2003, the illegal preparation, storage and selling of narcotics had increased. She enquired whether the situation had improved since 2003 and, if not, how the Government planned to combat such activity.
11. Mr. ATANGANA asked whether any specific legislation had been adopted on domestic violence, or whether reference was made in the Criminal Code to an offence involving domestic violence. He would welcome details of case law relating to trafficking in women and children.
12. Ms. BARAHONA RIERA asked whether a budget allocation had been made for the national plan of action on women's issues, and what measures the State Committee on the question had implemented. It would be useful to learn about any campaigns to reverse the trend of negative stereotypes of women in general, and to raise awareness of domestic violence in particular. Was there any specific legislation prohibiting domestic violence and violence within marriage, including rape? If not, was the Government considering adoption of such legislation? The State party should provide information on any sexual and reproductive health programmes, and any other measures aimed at reducing the maternal mortality rate.
13. Mr. PILLAY asked what results the poverty-reduction plan had yielded. He wished to know whether the State party intended to intensify its efforts to resettle internally displaced persons (IDPs). It should verify the figure of 50,000 homeless people in Baky, and provide figures for the homeless in the whole country. It would also be interesting to learn whether it was true that, despite a court decision ordering the registration of the Committee of Deprived and Homeless Baky Residents, the Ministry of Justice had refused to register that NGO.
14. Mr. MALINVERNI requested additional information on the current extent of trafficking in women and children, the number of convictions for such crimes, and the number of victims of trafficking in the State party. Additional information would be welcome on measures to help victims to reintegrate into society, and on the action plan adopted in May 2004 to prevent trafficking in persons.
15. Further details should be provided on allegations that, although maternity hospitals were free of charge in principle, charges were often made, forcing poorer women to give birth at home, which increased the infant mortality rate.
16. Reports of unacceptable conditions in orphanages should be clarified. It would be interesting to have the State party's response to allegations that children were taken from orphanages on the pretext of adoption, and then became victims of trafficking in human organs.

17. It was difficult to understand how the significant assistance from the International Monetary Fund (IMF) had been invested, given that the poverty-reduction plan had shown no visible results. He asked what measures the State party was taking to reduce the number of homeless people, particularly in Baky.

18. Mr. TIRADO MEJIA requested additional information on the situation regarding the right to housing, and in particular, how the provisions of the Housing Code cited in the written replies to questions 33 and 34 had been upheld.

19. The delegation should also explain the reported drop in spending on health, particularly in rural areas.

20. Mr. TEXIER said that according to statistics from the Food and Agriculture Organization of the United Nations, in 2000, 21 per cent of the population of Azerbaijan had been undernourished. He asked whether those statistics were still accurate. Although crop-growing areas had been increased, Azerbaijan still imported a large proportion of its basic foodstuffs; he wondered what measures were being taken to improve agricultural technology and increase the country's capacity to provide sufficient food for its population.

21. Mr. MARTYNOV asked what measures were being taken to combat trafficking in children. In addition to the large number of immigrants and IDPs living in Azerbaijan, there was a considerable migratory flow out of the country, and statistics on emigration would be appreciated. He wished to know under what circumstances tenants who were evicted were not rehoused. According to the written replies to the Committee's list of issues, the Azerbaijani health service was currently undergoing a process of rationalization with public participation at the local level. He requested a further explanation of that rationalization process and asked how local populations were participating.

Articles 13-15 of the Covenant

22. Mr. MARCHÁN ROMERO asked whether, in addition to the exemplary legislation the State party had adopted on the protection of folklore, the Government planned to introduce further measures to protect traditional knowledge.

23. Mr. KERDOUN said that, according to paragraph 332 of the State party report, there were three levels of education in Azerbaijan: primary, which consisted of four years; basic, which also consisted of four years; and secondary, which consisted of three years. He wished to know why primary and secondary education were compulsory, but basic education was not. He asked how long compulsory education lasted, and at what age children started school. He enquired what were the annual tuition fees for private university education, what were the criteria for exemption, and whether there were equal opportunities for male and female students to be exempted from paying for private higher education. According to the report, students from modest backgrounds who enrolled at private universities received State grants. He wished to know whether poor families sent their children to private universities because the quality of education was higher than that provided by the State. He also asked how much money such students received in grants, and on what basis that sum was calculated.

24. He wondered what specific measures had been taken by the Government to promote and develop minority languages, and in particular in which languages education was provided. Did minority groups have access to television and radio broadcasts and media publications in their native languages?

25. Mr. CEAUSU asked what provision was made in the Freedom of Information Act to guarantee freedom of the press. Could the State suspend or prohibit the publication of newspapers, and if so, which particular authorities had that power? The Committee had been informed that there had been several attacks against journalists, the perpetrators of which had not been brought to justice. There had also been cases of detained journalists being beaten by police officers. And information had been received on the banning of certain newspapers and magazines, and the obstruction of newspaper distribution by private institutions. He would be interested to hear the delegation's comments on such cases.

26. Ms. BARAHONA RIERA said that Azerbaijan had inherited a large number of environmental problems from the Soviet Union, particularly in the large industrial centres such as Baky. There were also problems with uncontrolled fishing and deforestation, the latter often being a direct result of poverty, since people who could not afford electricity cut down trees for firewood. She wished to know whether funds from the oil industry were used to improve the environmental situation.

27. Mr. AGAYEV (Azerbaijan) said that there was indeed a gap in the standard of health care provided in large towns and in the provinces. In an effort to rectify that situation, the directors of the World Bank and the Ministry of Health had signed an agreement on the reform of medical services at the regional level, which involved the decentralization of health-care policy-making. The average life expectancy was 71.9 years.

28. According to government statistics, there were 600 people infected with HIV, and a national strategic plan on preventing the spread of HIV had been adopted by the Council of Ministers. The plan included developing State policies on HIV prevention, guaranteeing safe blood transfusions, awareness-raising campaigns among young people, preventing mother-to-child transmission, preventing HIV transmission among injecting drug-users, preventing high-risk sexual behaviour, and providing social support for people living with HIV/AIDS and their families. A coordination committee had been established to monitor implementation of the plan, which was due to run until 2006.

29. In 2000, a law had been adopted on combating tuberculosis, through which a national programme of action had been established for 2001-2005. In accordance with a recommendation by WHO, bacteriological laboratories had been established in several regions, and medical staff were being trained in methods of tuberculosis diagnosis and treatment. All health-care institutions treating tuberculosis were provided with the necessary equipment and medicines by the State, and the number of cases of the disease had decreased considerably since such measures had been initiated. Despite the positive results among the population at large, the number of prisoners suffering from tuberculosis had increased.

30. The reduction in the number of State-run outpatients' units was a result of the development of alternative and private medical services. A State programme on women's reproductive health had been adopted by the Ministry of Health, and involved the establishment of a network of 24 reproductive health and family planning centres across the country. The programme, which involved close cooperation with United Nations agencies and international NGOs in addressing reproductive health issues, aimed to increase public access to modern methods of contraception, to reduce the number of maternal deaths during or soon after childbirth, and to improve reproductive health services on a national scale. Since the opening of the family planning centres, the number of abortions had fallen by 19 per cent, and the use of modern contraception methods had increased by 24 per cent. Illegal abortion was still a problem, and the Ministry of Health was considering how to address the situation.

31. The rationalization of the health service with the participation of the local population was the result of a joint project with UNICEF to establish committees at the regional level, comprising members of local government and town councils, and prominent citizens, which organized the provision of health care.

32. Turning to the issue of infant mortality, he said that according to the State Statistics Committee, 13.5 children per 1,000 died during or soon after birth. In 2005, research would be carried out with assistance from NGOs and UNICEF into the reasons for infant mortality, and appropriate follow-up action would be taken.

33. Mr. BUDAQOV said that the spread of HIV was of considerable concern to his Government, and all possible measures were being taken to address the issue. The Ministry of Health and the Ministry of Social Affairs, in cooperation with ILO, were running programmes for awareness-raising on HIV in the workplace, and preventing the spread of HIV among colleagues. Public awareness-raising measures included the dissemination of leaflets on HIV infection, television programmes, and articles in newspapers and magazines. People living with HIV/AIDS were entitled to confidential and anonymous treatment.

34. The International Committee of the Red Cross (ICRC) was working in Azerbaijani prisons to combat the spread of tuberculosis. A new law had recently been passed providing for improved medical services and treatment for detainees. The reduction in population size in Azerbaijan had been caused by a decrease in the number of marriages and births. Although in comparison with other members of the Commonwealth of Independent States the decrease in the population was not particularly worrying, active measures were being taken, and a demographic development concept had recently been launched by the President of the Republic.

35. Although family violence was a problem in Azerbaijan, the situation was improving. In particular, women were becoming increasingly involved in social and political activities. National legislation ensured the protection of women and children from all forms of violence. The Government had ratified ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and the revised European Social Charter.

36. Mr. MUSAYEV (Azerbaijan) said that his Government attached great importance to the provision of qualified medical assistance to prisoners. Experts from the Ministry of Health conducted special training courses for medical staff working in prisons and remand centres.

37. The right to adequate housing was enshrined in the Constitution and the Housing Code. A person could be evicted from his or her dwelling, without right to rehousing, if the dwelling had been occupied illegally or if it proved impossible for family members to live together. The Ministry of Justice had initially refused to register the Committee of Deprived and Homeless Baky Residents. However, the Constitutional Court had declared that the decision violated the relevant legislative provisions and the case was currently under consideration. He believed that no further problems would arise with regard to the registration of that committee.

38. Mr. BUDAQOV (Azerbaijan) said that the Government was making every effort to combat poverty, which was a serious problem in his country. In 2003, 44.7 per cent of the population had been living below the poverty threshold. In 2002, the poverty depth index had been 17.8 per cent; in 2003, it had fallen to 11.8 per cent.

39. The Government was committed to improving housing conditions for IDPs and was taking a number of temporary measures in that regard. As a result of government programmes to create jobs and favourable conditions for the return of emigrants to Azerbaijan, the number of people leaving Azerbaijan had dropped sharply over the last decade.

40. Mr. QASIMOV (Azerbaijan) said that the right of every citizen to education, regardless of nationality, race, religion, age, health, social and economic situation, place of birth and political views, was guaranteed by the Constitution. Secondary education was provided free of charge. The cost of higher education in private educational institutions was US\$ 400-1,000 a year. Public higher education institutions provided paid and free-of-charge education. As of 2004, IDPs were exempt from payment for secondary and higher education. Although the main language in educational institutions was Azeri, citizens could choose to be taught in other languages. In secondary schools, classes were taught in Azeri, Russian and Georgian. The only compulsory subjects were the Azeri language and Azerbaijani history, literature and geography. In many schools around the country, classes were conducted in minority languages, including Lezgi, Avar and Kurmanji.

41. Mr. ZALOV (Azerbaijan) said that a national plan of action to combat human trafficking, drafted with the assistance of the Organization for Security and Co-operation in Europe (OSCE) and the International Organization for Migration, had been adopted in May 2004. To implement the plan, the Ministry of Internal Affairs had established a Department to Combat Human Trafficking. Over 22 criminal cases involving the trafficking of 168 women had already been heard. Victim support and rehabilitation measures, particularly medical and psychological assistance, had been strengthened. With a view to establishing a specialized rehabilitation centre, relevant international experience was being studied and funding sources were being sought.

42. Although there was no definition of the crime of trafficking in the legislation in force, the possibility of introducing an appropriate article into the Criminal Code was being discussed. Such crimes were currently punished, inter alia, under article 106 of the Criminal Code concerning slavery, article 137 concerning trafficking in human organs and tissues, article 171 concerning the incitement of minors to commit immoral acts, article 173 concerning child trafficking and article 243 concerning prostitution. Proposals had been made to the Government

for an amendment to article 55 of the Criminal Code that would increase the penalties for employment of minors in work detrimental to their health, for amendments to articles 137 and 171, and for the insertion of a new article 140 dealing with human trafficking. During the period from 2001 to mid-2004, the security forces had investigated 542 criminal acts against public morals, including 254 for running places of debauchery.

43. Replying to a question regarding the legality of intercountry adoption procedures, he said that some 350 children had been adopted by foreigners over the past three years. The Procurator's Office had reviewed their lawfulness, particularly with a view to identifying and prosecuting cases of child trafficking. No violations of the adoption legislation had been found. However, six persons employed in children's homes had been prosecuted and sentenced to diverse terms of imprisonment.

44. The Committee to Combat the Illicit Sale and Distribution of Narcotic Drugs was headed by the Deputy Prime Minister. Under its national plan of action for 2004-2008, effective anti-narcotic measures had been taken, especially by a specialized department in the Ministry for Internal Affairs. There had been a slight increase in prosecutions: 2,182 cases during the whole of 2003, compared with 2,042 cases during the first nine months of 2004. Each year some 50,000 tons of narcotic plants were destroyed with the help of representatives of local authorities and communities.

45. Ms. MAMMADALIYEVA (Azerbaijan) said that action was being taken to preserve the cultural heritage of national minorities and ethnic groups. Azerbaijan had a tradition of religious tolerance in view of its experience with such diverse religions as Zoroastrianism, Christianity and Islam.

46. Radio and television programmes were broadcast in a variety of languages, including Russian, Talysh, Lezgi, Georgian and Armenian. Newspapers and journals were published in minority languages, and educational establishments were provided with minority-language teaching aids. As part of a cultural diversity project launched in 2002 with the assistance of UNESCO, a conference attended by representatives of all ethnic minorities and cultural communities had been held in June 2002 with OSCE support. The conference had adopted a declaration and decided to set up a coordinating centre for ethnic minorities under the auspices of the Ministry of Culture. There were a number of minority-language theatres such as the State Lezgian Theatre and the State Georgian Puppet Theatre.

47. Nineteen legal instruments on cultural heritage had been enacted with a view to preserving traditional knowledge and folklore. For instance, Parliament had recently completed the first reading of a bill on carpet-making. A bill on Azerbaijani folk music, known as "mugam", was also being drafted.

48. Mr. BUDAQOV (Azerbaijan) said that people with disabilities enjoyed the social protection provided by domestic legislation and international treaties ratified by Azerbaijan. Each year funds were earmarked in the budget for people with disabilities. The Government had introduced a medical and social rehabilitation programme under which services were provided

free of charge. Where rehabilitation facilities were not available within the country, patients could be sent abroad for treatment. Auditory and visual aids as well as prostheses and orthopaedic equipment were also made available as necessary. The network of rehabilitation centres had been expanding rapidly over the past two years from Baky to other parts of the country. A children's centre had been opened in 2003. UNDP had assisted the Government in setting up and equipping all rehabilitation centres. Moreover, three centres had been fully equipped by means of a grant from the Japanese Government. The ICRC had assisted Azerbaijan in producing orthopaedic and prosthetic equipment.

49. Special housing was also provided for people with disabilities and more than 800 apartments had been made available to war veterans and the families of soldiers who had died during the armed conflict.

50. People with disabilities who were creatively gifted were encouraged to develop their talents. National contests were organized each year. An exhibition of Azerbaijani art by people with disabilities had been held in London and all works had been sold. Azerbaijani athletes had also performed successfully in the recent Para-Olympics. One athlete with impaired vision had won a gold medal.

51. Article 1 of the Act concerning people with disabilities recognized that a major effort was needed to change societal attitudes to disability. NGOs could provide valuable support in achieving that aim.

52. Mr. VALIYEV (Azerbaijan) said that IMF had granted a loan to Azerbaijan to finance poverty-alleviation measures and to promote macroeconomic stability, including stable consumer prices. Inflation in recent years had actually been quite low, between 1 and 2 per cent, but in September/October 2004 prices had begun to climb, largely owing to the sharp rise in oil prices but also as a result of the presidential decree increasing wages and pensions. The Central Bank and the Government had adopted anti-inflationary measures and it was now expected that the inflation rate in 2005 would be in the region of 5 per cent.

53. In the agricultural sector, a recent presidential decree sought to develop leasing arrangements so as to increase the supply of agricultural technology to farmers, thereby boosting productivity and output.

54. With regard to grain imports, in a market economy such purchases were the normal way of compensating for shortages in domestic output. His Government supported free trade and had assigned high priority to the successful conclusion of current membership negotiations with the World Trade Organization. The United States had made a grant to Azerbaijan in support of the admission process.

55. The Ministry for the Environment and Natural Resources was implementing a number of poverty-alleviation and regional development projects with assistance from the World Bank and other international financial institutions. The projects included measures to improve local and communal services such as the electricity heating system in rural areas and to protect the regional environment.

56. Mr. KHALAFOV (Azerbaijan), in his concluding statement, said that his delegation was greatly encouraged by its constructive dialogue with the Committee. While its replies to the questions raised might not always have been fully satisfactory, he trusted that the basis had been laid for an even more fruitful dialogue in the future. During the period under review, his Government had made tremendous strides in terms of legislative reform, the implementation of international treaties, and the adoption of programmes to promote economic, social and cultural rights. The shortcomings that still existed were due not to inappropriate policies but to the many factors that had impeded their successful implementation. The Azerbaijani authorities undertook to consolidate their ties and cooperation with the human rights treaty bodies and the Office of the United Nations High Commissioner for Human Rights.

57. The CHAIRPERSON thanked the delegation for its comprehensive replies to the many difficult questions raised. She trusted that the Committee's concluding observations to be issued shortly would be received in the spirit in which they were offered, namely as a tool to assist Azerbaijan in complying with its obligations under the Covenant.

The discussion covered in the summary record ended at 5.25 p.m.