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Summary record of the 10th meeting

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

Chairperson: Mr. Kedzia

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

Consideration of reports

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

Third periodic report of Azerbaijan (continued) [(E/C.12/AZE/3); core document (HRI/CORE/AZE/2008); list of issues (E/C.12/AZE/Q/3); replies of the Azerbaijani Government to the list of issues (E/C.12/AZE/Q/3/Add.1), in English only]

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

2. **Mr. Abdel-Moneim**, referring to the statement in paragraphs 489 and 492 of the report that one of the objectives of the programme on higher education system reform, 2009–2013, was to accelerate the process of integration of the Azerbaijani higher education system into the global and European educational spaces, recalled the importance of preserving the State party's cultural and intellectual wealth. He hoped that the State party would ensure that private university registration fees were regulated, thereby complying with the provisions of article 13 of the Covenant.

3. **Mr. Kerdoun** asked why, despite the reforms undertaken in the field of education, there was still a shortage of preschools and childcare facilities, as well as teaching staff and school supplies in isolated regions and in camps for displaced persons in the State party. He asked whether it planned to take action against poverty and early marriage, which often forced girls to abandon their studies, and to adopt urgent measures to help children with disabilities to attend school, given that few schools specialized in the care of such children. He regretted the fact that the State party had attributed the absence of statistics on the dropout rate for both girls and boys to a lack of time and invited it to provide that information in its next periodic report.

4. He asked about the midterm results of the programme on higher education system reform, 2009–2013, and whether they indicated that the country was on the right track for achieving the objectives set out in paragraph 489 of the report.

5. **Mr. Asgarov** (Azerbaijan) said that the Azerbaijani Government attached great importance to the dissemination of international human rights instruments, including the Covenant. It had therefore ensured that all those instruments were translated into Azeri and brought to the attention of all stakeholders. To that end, it was cooperating with non-governmental organizations (NGOs), which also helped in preparing training manuals on human rights. The State human rights programme was coordinated by the Human Rights Commissioner of the Republic of Azerbaijan (Ombudsman), whose office also served as the national mechanism for the prevention of torture, in accordance with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The institution was divided into several specialized units, responsible for the rights of children, women, and refugees and displaced persons respectively.

6. **Mr. Huseynov** (Azerbaijan) said that refugees and internally displaced persons were still the most vulnerable and disadvantaged population groups because, as a result of its policy of ethnic cleansing and its occupation of 20 per cent of the territory of Azerbaijan, Armenia was violating the fundamental rights of those people to life, dignity and health. Azerbaijan, which was a signatory to the 1951 Convention relating to the Status of Refugees and to its 1967 Protocol, had established a national policy for refugees, which had resulted, inter alia, in the adoption of the Citizenship Act, the Act on the status of refugees and displaced persons and the Act on social protection for the internally displaced and

persons of equivalent status; that legislation regulated their status and guaranteed them treatment tailored to their needs. The Act on the status of refugees and displaced persons of 1999 provided among other things for free access to education, health treatment, temporary shelter, assistance in seeking employment and the allocation of plots of land. The comprehensive national strategy to improve the living conditions of displaced persons and refugees, approved by presidential decree in 2004, had significantly decreased their level of poverty from 74 to 15 per cent. In 2012, the total amount allocated for their social security was increased to 1,300 euros per person, which was the highest global indicator. It was planned to provide new homes for 120,000 refugees and displaced persons in the next few years in a new town for refugees that would be built near Baku.

7. **Mr. Musayev** (Azerbaijan) said that the 3,000 or so registered NGOs in the country carried out their activities without any restriction. In 12 years, the Ministry of Justice had received only four complaints of breaches of the laws and regulations governing relations between the State, NGOs and trade unions. Furthermore, since the establishment of the administrative courts two years previously, the number of complaints had continued to increase, showing citizens' confidence in the justice system. The State did its utmost to combat the unlawful conduct of public servants and imposed heavy penalties on those found guilty of serious offences, including in some cases their dismissal.

8. **Mr. Asgarov** (Azerbaijan) said that, each time the Government had had to resort to evictions, it had endeavoured to balance public and private interests. All evicted persons who had been living in unsanitary buildings dating from the end of the nineteenth or the twentieth century had been duly compensated — well above market rate — or rehoused in new homes. The evictions had always been carried out peacefully and, in most cases, with the prior consent of the persons involved, who were informed of their eviction six months before their homes were due to be demolished. Those with whom no agreement could be reached had had the opportunity to take their case to court. Since 2009, only 90 complaints had been brought before the civil court concerning the amount of compensation paid. In one high-profile case, a building had been demolished in defiance of a court order. The case had since been settled and the owner had received the amount of compensation she had requested.

9. **Ms. Bras Gomes** asked whether the plan for the advancement of women and children was different from the plan for gender equality. She asked what had prompted the State party to choose to rehouse 120,000 displaced persons in a newly created town, when all similar attempts in other countries had failed. She asked what procedures had been put in place to assess the impact of those evictions on human rights, before the persons concerned had been moved.

10. **Ms. Shin** (Country Rapporteur) expressed regret that half of the complaints submitted to the Ombudsman had been rejected because they did not fall within her sphere of competence or because the events had occurred too long ago. Could the State party provide further information on the activities of that institution which was particularly important for the promotion and protection of human rights and the conditions for referral to it?

11. **Mr. Asgarov** (Azerbaijan) said that, contrary to what certain NGOs had suggested, no buildings had been demolished to allow for the construction of premises to hold the Eurovision song contest. The alignment of the residential area in question was to allow for the construction of a highway which was allowed for under the Constitution. Decisions had been made on a case-by-case basis and the owners informed of the various options available to them.

12. The Human Rights Commissioner was travelling across the country to raise awareness of her mandate. She received the public five times a week and published information brochures. She also had three representatives at regional level.

13. **Mr. Huseynov** (Azerbaijan) said that the solutions envisaged for displaced persons were temporary until their fundamental rights were re-established, namely until the Armenian army withdrew from the occupied lands, thereby allowing all displaced people to return to their place of origin. Until that time, the Azerbaijani Government was trying to improve the living conditions of those people, who lived in poverty, confined to dormitories, schools, hotels and other public facilities as precarious as tent camps. For that reason the Government had decided to allocate 500 hectares for the construction of a new town to accommodate those people in the Baku region, which had the advantage of being linked to public transport, thus allowing those people to stay in work.

14. **Mr. Mammadov** (Azerbaijan) said that in 2012, under the Act on urban planning and construction, work had been undertaken to improve access of persons with disabilities to buildings and public and private spaces. After a follow-up mission to Baku, the European Union had made some proposals that the Government would consider in the second semester. The social protection programme for persons with disabilities was updated each year. Over the previous four years, 14 rehabilitation centres had been built. Over 10 years, 5,000 persons with disabilities had received free housing and 3,000 free cars had been distributed to them. The national Paralympics Committee was also very active and its efforts had enabled Azerbaijan to bring back 11 medals from the London Paralympic Games. New traffic lights had been installed to ensure the safety of persons with disabilities.

15. Between 2005 and 2012, the unemployment rate had fallen from 7.3 to 5.4 per cent. The number of jobs, which had risen in all sectors, had increased by 13.5 per cent. The number of workers in Azerbaijan, which in 2000 had been 3,850,000, currently stood at around 4,375,200. Youth unemployment was 10.6 per cent, and the Ministry of Labour was taking active steps to remedy that situation. Three years ago, it had introduced a programme on youth employment particularly through the organization of work exchanges and fairs in higher education institutions where future graduates could meet business representatives. Through the Government's vigorous efforts, over 11,500 young graduates had found work in 2012. Furthermore, 4,500 of those who had graduated from a vocational training course had been able to take up additional technical training. Lastly, temporary jobs had enabled 1,400 young people to enter the labour market.

16. In 2011, women represented 49.1 per cent of the active population. Between 2005 and 2012, the rate of unemployment among women had fallen from 7.3 to 6.4 per cent. Women made up 67 per cent of workers in the education sector and 76 per cent in the health sector.

17. Azerbaijan was the only member country of the Commonwealth of Independent States (CIS) to have signed a decent work country programme with the International Labour Organization (ILO). In 2010, the State had amended the Labour Code in accordance with the ILO Workers with Family Responsibilities Convention, 1981 (No. 156). Amendments to that legislation also took into account articles 8 (protection of maternity) and 20 (equal treatment without discrimination on the grounds of sex) of the revised version of the European Social Charter, which was strictly observed in Azerbaijan. The Government planned to make further provisions on women's work in harsh conditions (for example, tunnels and mines) and had presented a bill to parliament. Within the Ministry of Labour and Social Welfare, the State Labour Inspectorate enforced labour rights, including by carrying out spot inspections, and the Code of Administrative Offences had been amended to increase penalties for infringing labour law. In 2012, the inspection services had carried out 50,000 visits, as a result of which 48,000 workers had obtained proper

contracts and 350 enterprises had been fined a total of 627,000 manats. Most offences were committed in the construction and automobile sectors.

18. Currently, through the “one-stop” procedure, migrant workers obtained the necessary documents in around 20 days. Those documents ensured that they had the same rights as national workers in areas such as social protection and access to health. The Government set an annual quota for the number of foreign workers, which was rising steadily (9,800 workers in 2009 and 12,000 in 2012).

19. **Mr. Musayev** (Azerbaijan), referring to paragraphs 660 to 663 of the periodic report (cases where compulsory labour was authorized by national legislation), added that community service could not exceed 480 hours and that workers could appeal to the military prosecutor if they considered that they were being exploited. Two officials had been charged for having violated labour law provisions. All persons had the right to strike, except public servants.

20. **Mr. Mammadov** (Azerbaijan) said that the Labour Code set the age of retirement at 63 years for men and 61 for women. Persons who did not work received a social pension from the Ministry of Labour and Social Welfare, and others a pension from the State pension fund. The minimum wage was 83 manats. Under the European Social Charter, the minimum wage should be revised regularly in order to represent 60 per cent of the average wage. The number of people living below the poverty threshold had fallen considerably and was 6 per cent of the population in 2012.

21. **Mr. Sadi** drew the attention of the State party to the fact that the Committee’s evaluation criteria for the minimum wage were articles 9 and 11 of the Covenant and the right to an adequate standard of living, and not the guidelines of the Food and Agriculture Organization of the United Nations (FAO).

22. **Mr. Khalafov** (Azerbaijan) said that the situation had been steadily improving since the 1990s, mainly thanks to oil revenues, but that there were many problems. Owing to the many factors at play, it was very difficult to determine a minimum standard of living. The Government had nevertheless implemented many programmes to improve people’s living conditions in all areas (health, education, employment, housing, safe water supply and the environment), the effects of which would be fully felt within 5 to 10 years.

23. **Mr. Muradov** (Azerbaijan) said that, since independence, several tens of thousands of million manats had been invested in the economy. A policy document, “Azerbaijan 2020”, had been published which was designed to raise the country’s development level to that of other European countries, especially in terms of income, education, and maternal and infant mortality.

24. **Mr. Asgarov** (Azerbaijan) said that public and private oil-sector workers had the right to strike and to join a union and that those rights were not restricted.

25. **Mr. Zalov** (Azerbaijan) said that the fight against trafficking in persons had commenced in 2006 and that a specialized unit had been set up within the Ministry of Internal Affairs. The second national plan against trafficking (2009–2013), which was about to come to term, was intended to create the necessary conditions for the safety and reintegration of trafficking victims, to provide material and social support, and to open shelters and reception centres staffed by qualified personnel. Special legal procedures had been adopted as well as measures for their reintegration. Where the victims were children, their care fell to the authorities responsible for young people. Every year, a coordination council reported back to the President on action taken and projects were devised to improve the situation. There were plans to amend the Code of Administrative Offences and the Criminal Code. In 2012, 70 events had been organized by the coordination council on the problem of trafficking in persons, in which national and international bodies had

participated. Shelters had been opened in five regions throughout the country and, to date, 221 victims had been provided with shelter and accommodation.

26. **Mr. Novruzov** (Azerbaijan) said that since 2006 a programme had existed for the placement of children from State institutions in families and alternative care. Each year, the Ministry of Education adopted a plan of action that was implemented with the support of the Ministry of Justice. In 2009, the number of children in centres had been 14,000; currently, there were just over 8,000.

27. **Mr. Khalafov** (Azerbaijan) explained that the Family Code and relevant legislation provided for follow-up of national and international adoption procedures, which were dealt with by specialist bodies and were subject to a court decision.

28. **Mr. Aghayev** (Azerbaijan) said that Government efforts to promote health focused on water, sanitation, food and healthy lifestyles. From 2012 to 2013, there had been major construction projects to modernize the water supply system, for example the Oguz-Gabala-Baku water pipeline. By 2015, the entire population should have access to drinking water. The Government had allocated around 1 billion manats to sanitation projects but much remained to be done in rural areas. The law prohibited tobacco consumption in certain public areas, such as schools, health clinics and cultural and sports centres.

29. The Government wanted to accelerate implementation of the compulsory health insurance scheme. In addition, the bill on reproductive health provided for improved access to contraception; activities for training carers and raising public awareness through the media were already being carried out.

30. **Mr. Mammadov** (Azerbaijan) said that since 2006 there had been a targeted State social aid programme with criteria for receiving social benefits. Between 2010 and 2012, the number of persons receiving social aid had fallen. The rate of natural increase was positive. Furthermore, the programme on poverty reduction (2007–2008) had had concrete effects.

31. **Ms. Sofiyeva** (Azerbaijan) explained that the amendment to the Family Code, in 2011, had set the legal age for marriage at 18 years and that the Criminal Code provided for penalties against forced marriage. In partnership with the United Nations Children's Fund (UNICEF) Azerbaijan was rolling out, a programme to prevent early pregnancy and school dropout among girls, which was already showing signs of success.

32. **Mr. Novruzov** (Azerbaijan) said that the new 2009 Education Act guaranteed the necessary conditions for access to a high level of education, without discrimination. While Azeri was the main language of tuition at all levels, all linguistic minorities had the right to learn their language, notably through manuals provided free of charge by the Government.

33. Over the previous 10 years, there had been a 6.5-fold increase in the national budget allocation for education. Azerbaijan had joined the Bologna process for harmonizing education in Europe and had set up a study abroad programme followed by some 2,000 students each year.

34. **Mr. Khalafov** (Azerbaijan) deploring the destruction of Armenian cemeteries, recalled that Azerbaijan had proposed to place them under international watch, in Armenia and Azerbaijan, but Armenia had rejected that proposal. The State party was willing to cooperate with Armenia on the question of disappeared persons and prisoners of war. He recalled that that situation was the result of Armenia's attack against Azerbaijan, part of which was occupied.

35. It was regrettable that, in his work *Stone Dreams*, Akram Aylisli had attributed all the atrocities committed in the past to the Azerbaijanis. The book was the subject of debate

among the population and the media and, the title of National Writer had been stripped from the author, who lived freely in Baku and whose physical safety was guaranteed.

36. **Mr. Valiyev** (Azerbaijan) said that the Culture Act, adopted in December 2012, provided, inter alia, for the preservation of the cultural heritage, equal access to culture for all and the right to cultural identity.

37. **Mr. Abdel-Moneim** questioned the appropriateness of compulsory labour as an alternative to military service and recalled that martial law could only be applied in a state of emergency, was strictly temporary in nature, and must not prevent the population from exercising its economic, social and cultural rights.

38. **Mr. Marchán Romero** emphasized the importance of the State party taking the necessary steps to guarantee the physical integrity of Akram Aylisli.

39. **Mr. Abashidze** warmly thanked the delegation for its sincerity and the details provided to the Committee. He hoped that the next report would be briefer and would contain more statistics, presented in tables.

40. **Ms. Shin** (Country Rapporteur) thanked the delegation for its honesty and constructive approach. She commended the State party for reaffirming its commitment to enforce economic, social and cultural rights, as demonstrated by the broad reforms undertaken. Those reforms would only be effective, however, if they were appropriately monitored, regularly evaluated and duly reviewed.

41. She hoped that Azerbaijan would soon ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and suggested that a public meeting should be held in Baku, with representatives from the relevant ministries and civil society, on the dialogue between the delegation and the Committee and on its concluding observations.

42. **Mr. Khalafov** (Azerbaijan) recognized that the situation of Akram Aylisli was a sensitive issue and noted that the writer had never submitted a complaint about threats directed at him, particularly on the Internet.

43. He expressed his gratitude to the Committee for the dialogue that had been established, which would allow the State party to further reflect on matters and to improve the enforcement of economic, social and cultural rights.

44. Just as the report had been prepared with the participation of civil society, the concluding observations would be examined with all relevant ministries and departments, civil society and NGOs, particularly those which had drafted parallel reports.

45. **The Chairperson** applauded the Committee's exemplary interaction. The consideration of the third periodic report of Azerbaijan had ended. He hoped that the Committee's concluding observations would be the starting point for continued cooperation between the Government and the Committee until the submission of its next periodic report.

The meeting rose at 6 p.m.