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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие****Посещение Азербайджана****Доклад Специального докладчика по вопросу о праве  
на питание\* \*\****Резюме*

Энергичный экономический рост и социальные преобразования за последние 20 лет превратили Азербайджан во впечатляющую страну с доходом выше среднего. Хрупкость экономики, обусловленная ее сильной зависимостью от добычи нефти и газа, указывает на необходимость диверсификации путем увеличения инвестиций в нефтяной сектор. Поэтому правительство сосредоточивает свои усилия на развитии сельскохозяйственного потенциала страны и на повышении производительности труда в целях обеспечения экономической стабильности. Азербайджан прилагает впечатляющие усилия по созданию новых институтов. Задача сейчас состоит в том, чтобы обеспечить право на питание для всех и чтобы реализация соответствующих целей достигалась путем выделения надлежащих бюджетных средств и обеспечения роста, приносящего пользу всем слоям общества. Эти усилия все еще находятся на ранних этапах и должны включать в себя правозащитный подход для обеспечения устойчивого развития в сельскохозяйственном секторе, который учитывал бы потребности и традиции регионов страны и людей различного этнического происхождения.

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## Annex

### Report of the Special Rapporteur on the right to food on her visit to Azerbaijan

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## I. Introduction

1. The Special Rapporteur on the right to food, Hilal Elver, conducted an official visit to Azerbaijan from 1 to 11 October 2019 at the invitation of the Government. The Special Rapporteur's objective was to assess the enjoyment of the right to adequate food in the country, to engage in a constructive dialogue with all stakeholders and provide useful recommendations to the Government and others. She would like to express her gratitude to the Government for the invitation to visit the country and for engaging with her in an open and constructive manner. The Ministry of Foreign Affairs was key in coordinating the preparation of the official programme and organizing all the meetings requested.

2. During her visit, the Special Rapporteur held meetings with a range of Government representatives from the Ministry of Foreign Affairs, the Ministry of Agriculture, the Ministry of Labour and Social Protection of the Population, the Ministry of Economy, the Ministry of Ecology and Natural Resources the Ministry of Healthcare, the Ministry of Justice, the Ministry of Finance, the National Coordination Council for Sustainable Development, the State Agency for Agriculture Credit and Development, the State Agency for Agricultural Services, the State Agency for Food Safety, the State Centre for Agriculture Studies, the State Agriculture Trade Company, the State Committee for Family, Women and Children Affairs, the State Committee for the Affairs of Refugees and internally displaced persons and the Council of State Support for Non-governmental Organizations (NGOs).

3. The Special Rapporteur also met with members of the Agriculture Policy Committee of the Milli Mejlis (the parliament) and the head of the Ombudsman's Office and her team. In Baku, she visited the juvenile correctional facility and women's prison No. 4, as well as public orphanage No. 11 in Bilgah and a settlement for internally displaced persons.

4. The Special Rapporteur had the opportunity to visit Guba region in the north-east of the country and Ganja region in the west. In Guba, she held meetings with local government representatives, met with the Director of the Scientific Research Centre for Tea and Fruit-Growing and visited an Azerbaijan Business Assistance and Development pilot centre, which provides support to small-scale farmers for processing, marketing and selling their products. She also met with members of rural communities and smallholder farmers.

5. In Ganja, the Special Rapporteur met with the Deputy Rector of the State Agricultural University, the Ganja Agrobusiness Association and members of rural communities and farmers to look into structural agricultural issues affecting the region.

6. Throughout the visit, the Special Rapporteur also met with representatives of the United Nations system, the World Bank, the international donor community and representatives of civil society organizations.

7. The Special Rapporteur is grateful to the Office of the United Nations High Commissioner for Human Rights in Azerbaijan, the United Nations Resident Coordinator, the Food and Agriculture Organization of the United Nations (FAO) and other United Nations colleagues for their invaluable support both before and during the visit. She would also like to express her deepest gratitude to all of those who took the time to meet with her and who shared their personal experiences and knowledge. Their personal testimonies and contributions were vital to the success of the visit.

## II. General situation

8. Overall, there is no food security problem in Azerbaijan in terms of availability of food, as the country has seen a profound economic and social transformation since gaining independence in 1991. Having transitioned from a Soviet system to a market-based economy, Azerbaijan has become an upper-middle-income country.<sup>1</sup> The country has great potential to be self-sufficient with its wide range of natural resources and a good climate, while its economy is one of the fastest-growing in the world. In 2013, gross domestic product (GDP) peaked at \$73.56 billion, a ten-fold increase from 2003. Its economic growth has been mainly

<sup>1</sup> World Bank data, 2019, available from <https://data.worldbank.org/?locations=AZ-XT>.

based on hydrocarbon wealth with stable oil and gas production, which generates nearly 60 per cent of GDP.

9. For many years, this wealth helped sustain vigorous economic growth and prosperity. However, recently there has been a persistent slowdown owing to the decline in global oil prices since 2014 and a devaluation of the currency by 33.86 per cent against major foreign currencies,<sup>2</sup> which has seriously affected the purchasing power of the population, including for foodstuffs, and revealed the need to diversify the economy and invest in non-oil sectors.

10. The Government has started to focus its efforts on promoting entrepreneurship and sustainable non-oil economic expansion alongside export-oriented growth, in particular the development of the country's agricultural potential and an increase in productivity to guarantee economic stability.<sup>3</sup> Following the economic recession, Azerbaijan saw a 1.4 percentage growth in 2018, driven mainly by the non-oil sector.<sup>4</sup> However, prioritizing the advancement of the agriculture sector and boosting the country's human and natural resources potential is still at an introductory stage and requires major efforts to ensure that continued growth benefits everyone in the long-term without exhausting natural resources.

11. In the Azerbaijani economy, oil and gas represent over 95 per cent of exports. Besides oil products, Azerbaijan produces cement, machinery, cotton and foodstuffs. Agriculture accounted for 5.63 per cent of GDP in 2017 and employed 37.48 per cent of the population in 2018. Industry accounted for 49.58 per cent of GDP in 2017 and employed 13.85 per cent of the population in 2018. Services accounted for 37.48 per cent of GDP in 2017 and employed 48.67 per cent of the population in 2018.<sup>5</sup>

12. With a population of 10 million,<sup>6</sup> the poverty rate is reported to have dropped from 49.6 per cent in 2000 to 4.9 per cent in 2016<sup>7</sup> and according to official statistics the unemployment rate has remained steady at 5 per cent,<sup>8</sup> with identical expectations for 2019 and 2020. These are remarkable successes in a short period of time. However, labour markets in Azerbaijan are characterized by significant structural challenges, such as supply and demand mismatches, high levels of vulnerable and informal work and regional labour market disparities.<sup>9</sup>

13. The emergence of a free market economy has assisted with the impressive growth the country has experienced. However, in recent years and despite positive achievements, that growth has not been inclusive and has not benefited the whole population.

14. Globally, inequality is one of the stumbling blocks to eliminating poverty, hunger and malnutrition. The population also faces increasing inequality: the Gini coefficient, a measure of income inequality, has increased from 3.47 in 2000 to 17.07 in 2018.<sup>10</sup> That increase is mainly attributed to the widening divide between rural and urban areas and the economic wealth and employment mainly concentrated in Baku. Inequality and vulnerability remain high, in particular, in rural and remote areas, among non-oil sector workers, low-level civil servants and professionals working in the public sector, such as teachers and doctors. Despite recent increases in the minimum wage and in pensions, lower-middle-income Azerbaijanis

<sup>2</sup> Center for Economic and Social Development, "Devaluation of Azerbaijani national currency; causes and consequences" (2015).

<sup>3</sup> Center for Economic and Social Development, "Azerbaijani economy 2018: results and perspectives" (February 2019).

<sup>4</sup> United Nations Office in Azerbaijan, "Partnership framework 2016–2020. Progress report 2018" (2019), p. 10.

<sup>5</sup> World Bank data, 2018, available from [www.worldbank.org/en/country/azerbaijan/overview#3](http://www.worldbank.org/en/country/azerbaijan/overview#3).

<sup>6</sup> See Azerbaijan Statistical Information Service, available from [www.azstat.org/portal/](http://www.azstat.org/portal/).

<sup>7</sup> World Bank, Azerbaijan country profile, available at [https://databank.worldbank.org/views/reports/reportwidget.aspx?Report\\_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=AZE](https://databank.worldbank.org/views/reports/reportwidget.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=AZE).

<sup>8</sup> Government of Azerbaijan, "Voluntary national review on the first steps in the implementation of the 2030 Agenda for Sustainable Development" (2017), p. 6.

<sup>9</sup> United Nations Office in Azerbaijan, "Partnership framework 2016–2020. Progress report 2018", p. 10.

<sup>10</sup> See United Nations Development Programme, human development indicators (2018).

are struggling to maintain their livelihoods in the face of high food prices and to prioritize between education, housing and health expenditures.

15. Although considerably reduced by new institutional reforms and government policies as well as a tax reform, corruption remains a problem and an impediment to the country's development. Azerbaijan ranked 152 out of 180 countries in the Transparency International corruption perceptions index for 2018.

16. Azerbaijan suffers from political and social problems arising from the conflict in Nagorno-Karabakh and the adjacent regions of Azerbaijan and hostile relations with its neighbour Armenia. The conflict has had a significant impact on the people who suffered from the war, had to leave their homes and lost relatives, properties and access to land and livelihoods. Although the Government is helping approximately 1 million internally displaced persons, providing a series of social protection measures, such as housing, jobs, education and pensions, this status creates a significant burden on the economy and continuous stress on society.

### **III. Legal and policy framework**

#### **A. At the international level**

##### **1. Legal framework**

17. As a party to the International Covenant on Economic, Social and Cultural Rights since 1992, Azerbaijan has a duty to respect, protect and fulfil the right to food. It has also made a commitment to undertaking the appropriate steps, with due consideration given to its available resources, to ensure the realization of the right to an adequate standard of living, including access to adequate food, as set out in articles 2 (1) and 11 of the Covenant.

18. Azerbaijan is also party to a number of other human rights treaties that are relevant for the realization of the right to adequate food, such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the International Covenant on Civil and Political Rights.

19. It is very important that Azerbaijan is party to these treaties, as the right to food is indivisibly related to other rights, including the rights to health, social protection, housing, water and sanitation, work, education and a healthy environment, as well as women's rights and the rights to freedom of expression and to peaceful assembly based on the principle of non-discrimination.

##### **2. International engagement**

20. The Special Rapporteur is encouraged to see that the Sustainable Development Goals are a priority for the Government. Azerbaijan endorsed and actively participated in the development of the 2030 Agenda for Sustainable Development and presented two voluntary national reviews in 2017 and 2019.<sup>11</sup> In that context, the country has committed to reducing economic dependency on oil and gas production, thus promoting diversification of the economy predominantly focused on agriculture.

21. The Special Rapporteur is also encouraged by the fact that Azerbaijan extended a standing invitation to all thematic special procedures in 2013. Since then, five Special Rapporteurs have visited the country. The Special Rapporteur hopes that in the future Azerbaijan will continue to have a constructive relationship with the special procedures of the Human Rights Council.

<sup>11</sup> Available from <https://sustainabledevelopment.un.org/memberstates/azerbaijan>.

## **B. At the national level**

### **Legal framework**

22. Article 16 of the Constitution of Azerbaijan implicitly recognizes the right to food in the context of its affirmation on improving the prosperity of each and every citizen, as well as providing social protection and proper living conditions. In addition, international agreements ratified by Azerbaijan constitute an integral part of the legislative system of the country and have primacy over national law (arts. 148–151 of the Constitution).

23. In spite of having ratified all core human rights treaties, economic, social and cultural rights are not very well known or promoted in Azerbaijan. According to civil society organizations, most people have no knowledge of the core international human rights treaties and even less of the rights promoted and protected in those treaties. The right to food is not well understood and a human rights-based approach is not integrated into agriculture programmes and policies.

24. The Special Rapporteur wishes to emphasize the importance of explicit legislative recognition of the right to adequate food. A well-structured, comprehensive framework law on food security that covers all relevant sectors, enhanced by strong institutional backup and financial resources, would be a very effective step in that context.

25. Similarly, the justiciability of economic, social and cultural rights, including the right to food, allows individuals who claim to be victims of violations of those rights to file complaints before an independent and impartial body, to request adequate remedies and to have any remedy enforced (see A/HRC/28/65). In Azerbaijan, there are almost no cases related to the right to food brought before the courts because many citizens have no proper knowledge of the implications of the right to food and are therefore ignorant of their rights. The Special Rapporteur recommends that an effective judicial remedy be made available to all citizens. That is essential to the full enjoyment of the right to food by all individuals.

26. In order to protect human rights, judicial remedy is fundamental and ratification of the Optional Protocols on complaints procedures to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child would enable access to effective remedy for groups and individuals, providing an opportunity to bring cases to the international human rights monitoring bodies.

## **C. Policies and programmes**

27. Decision makers in Azerbaijan have made a strong commitment to diversifying the national economy away from oil and promoting the non-oil sectors in consideration of the volatility of the global economic system. Over recent years, the Government has launched a number of state programmes to vigorously promote the agricultural and rural sectors, and address some of their challenges. Those initiatives include the State programme on the socioeconomic development of the regions for the period 2014–2018; the State programme on poverty reduction and sustainable development for the period 2008–2015; the State program on reliable food provision for the period 2008–2015; and the development concept entitled “Azerbaijan Vision 2020: outlook for the future”.<sup>12</sup>

28. One of the main targets of Azerbaijan Vision 2020 is to more than double the volume of per capita GDP in the country, with growth derived from non-oil industries and agriculture being a major contributor to that growth. Priorities identified in Azerbaijan Vision 2020 for the agricultural and rural development sectors include the development of agro-industries based on local raw materials; continued support to agricultural production; simplified credit mechanisms for the agricultural sector; improved insurance systems in the agricultural sector; and the promotion of ecologically uncontaminated agricultural production.<sup>13</sup>

29. All development strategy plans should adopt a human rights-based approach, which ensures that priority will be given to the needs of the most vulnerable and disadvantaged. At

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<sup>12</sup> See FAO, “Country programming framework for Azerbaijan 2016–2020” (June 2016), p. 4.

<sup>13</sup> Ibid.

the same time, they should promote sustainable inclusive growth that does not compromise environmental protection in favour of economic growth and whose benefits should be distributed equitably to all.

30. Despite the adoption of different laws, programmes and strategies, as indicated earlier Azerbaijan lacks a comprehensive legal framework on the right to adequate food that incorporates a human rights-based approach to food security. The Special Rapporteur firmly believes that the framework law should integrate all relevant sectors, such as the environment, trade, nutrition, health, education, the empowerment of women and the protection of smallholder farmers, while providing an effective monitoring mechanism and promoting food sovereignty for all.

31. In addition, the lack of implementation of existing laws was repeatedly brought to the attention of the Special Rapporteur. The Government should allocate adequate resources and enhance inter- and intraministerial coordination, with the participation of the populations concerned, for the enforcement of the legal framework.

## IV. Overview of the agriculture sector

### A. Context

32. According to the State Statistical Committee, Azerbaijan has 4.8 million hectares of agricultural land comprising over 55.2 per cent of its total territory, of which 43 per cent is arable. Crop production accounts for around 45.9 per cent of agricultural production with livestock farming making up the remaining 54.1 per cent.<sup>14</sup>

33. About 47 per cent of Azerbaijanis live in rural areas and approximately 39 per cent of jobs are in farming and agroprocessing. Although farming provides only about 6 per cent of GDP, agriculture is a major contributor to the non-oil economy and has the potential to stimulate growth, job creation and food security.

34. The main crops include wheat, barley, corn, fruit, potatoes, cotton, tea, silk and tobacco. The country also produces other potentially valuable crops, including grapes, tomatoes, apples, oranges, persimmons, hazelnuts and walnuts. Livestock and dairy products are also important farm products and have recently been vigorously supported by the Government.

35. Although food availability is not an issue, environmental issues and climate change, combined with intensive agriculture, may have an adverse impact on productivity. Deficiencies in the accessibility of nutritious and adequate food are a problem in some sectors of society, especially among subsistence farmers and vulnerable groups, such as internally displaced persons and people living in remote rural areas. In October 2018, Azerbaijan ranked fifty-sixth out of 113 countries in the global food security index (a measure that considers the core issues of affordability, availability and quality).<sup>15</sup> The Special Rapporteur heard directly from rural communities, people earning the minimum wage and internally displaced persons about the difficulties they faced in accessing adequate food.

36. The Government has the responsibility to regulate and control business activities to protect its citizens from harmful effects. The Special Rapporteur therefore reiterates that a complaints mechanism should be established. An effective consumer protection system would be a good starting point. Furthermore, the Government should protect smallholder farmers and producers against big industrial farmers and holdings in order to maintain accessibility to the market.

<sup>14</sup> Information provided by the Ministry of Agriculture from the State Statistical Committee, available from [www.stat.gov.az/source/agriculture/?lang=en](http://www.stat.gov.az/source/agriculture/?lang=en).

<sup>15</sup> See FAO, *The State of Food Security and Nutrition in the World: Safeguarding Against Economic Slowdowns and Downturns* (2019).

37. The Special Rapporteur would like to draw attention to the Guiding Principles on Business and Human Rights, which provide a set of guidelines for the Government in preventing and addressing human rights abuses committed in business operations.

## **B. Governmental policies in the agriculture sector**

38. The interest of the Government of Azerbaijan in prioritizing the development of the agricultural sector has been reflected in the establishment of new public institutions.<sup>16</sup> The creation of those institutions has been accompanied by the adoption of new laws, policies and programmes on the development of agriculture, food security and food safety. In particular, the newly established State Agency for Food Safety has an impressive mandate and power over food safety that incorporates many responsibilities from various State institutions.<sup>17</sup>

39. The Special Rapporteur welcomes the establishment of laboratories of a high standard and the hiring of technical experts for maintaining food safety. However, food safety is only one part of food security. Food security “exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life”.<sup>18</sup> To ensure that this happens, ministerial coordination, the definition of clear mandates for each new institution and mechanisms to respond effectively to the implementation of the principles of the right to food are vital.

40. The Special Rapporteur learned of various projects, launched in 2018, to develop small and medium-sized entrepreneurship in the agriculture sector and support the formation of competitive family businesses (the Azerbaijan Business Assistance and Development project); increase agricultural employment and the use of green technology innovations, and improve entrepreneurial and professional skills (the Agriculture Employment Enhancement project); and empower women in agriculture and help them to run their own farms by educating them through training programmes, providing rural advisory services and creating a wide network of stakeholders (the Agro Action of Azerbaijani Women project). All these new projects are good practices that will support small-scale farmers and producers in the future.

41. Although it is very impressive to encounter such a range of new State-run programmes, the Special Rapporteur witnessed their currently limited capacity. They are still at a very preliminary stage of implementation and their impact in the long term remains to be seen. As an example, the Azerbaijan Business Assistance and Development project supports a small number of farmers and there is no clarity as to the criteria for selecting one farmer over another. As of now, the limited availability of the nationwide programme makes it difficult to predict the real impact on farmers’ livelihoods. In addition, the new programmes need to be accompanied by relevant financial resources to ensure their correct implementation.

42. The Government has also enacted incentives to boost the agricultural sector. These measures include import substitution, tax exemptions and subsidies for the purchase of machinery, pesticides and fertilizers. However, small-scale farmers and producers complained about the difficulties they faced in accessing affordable credits.

43. The Special Rapporteur learned about the newly launched e-system project, which uses information and communications technologies as one of the main government tools for improving the services provided to the population. A total of 541 types of services can be done electronically, including banking, mobile and utilities payments, leasing, tax payments and judicial services. Subsidies, allowances and registration of business entities working in

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<sup>16</sup> In the past two years, the State Agency for Food Safety, the State Agency for Agriculture Credit and Development, the State Agency for Agricultural Services, the State Centre for Agriculture Studies and the State Agriculture Trade Company have been set up.

<sup>17</sup> The statute of the Agency is available from <http://afsa.gov.az/az/agency/regulation> (in Azerbaijani).

<sup>18</sup> FAO, *Trade Reforms and Food Security: Conceptualizing the Linkages* (2003), ch. 2.

the nutrition sector can also be requested electronically.<sup>19</sup> This programme, when effectively implemented, will eliminate many cumbersome administrative procedures that farmers have to go through and will bring transparency and trust to the system.

44. The Government is putting in place an electronic agriculture information system to improve the efficiency and effectiveness of the agrarian management and decision-making processes in the country. The system is based on the basic principles of proximity to farmers, transparent and efficient management the application of innovation and the possibilities of integration with internal and external systems.

45. However, the digitalization of agricultural incentives could exclude small-scale farmers or producers who have no technical capacity to use the system. As stated by the Special Rapporteur on extreme poverty and human rights in his recent thematic report, “the digitization of the welfare system is often used to promote deep reductions in the overall welfare budget, a narrowing of the beneficiary pool...and a complete reversal of the traditional notion that the State should be accountable to the individual”. In his report, the Special Rapporteur emphasizes that “the starting point should be on how welfare budgets could be transformed through technology to ensure a higher standard of living for the vulnerable and disadvantaged” (A/74/493).

### C. Challenges for small and medium-sized farmers

46. Despite the efforts of the Government to develop the country’s agricultural potential, farmers and producers explained to the Special Rapporteur that they were confronted with significant challenges, such as the lack of implementation of legislation promoting food security policies, the lack of integration of a rights-based approach and the lack of public consultation. These challenges are of concern and need to be addressed.

47. In Ganja, the Special Rapporteur heard from NGOs working with small-scale farmers that more than 90 per cent of farms are smallholdings, which occupy 85 per cent of the agricultural land. According to the most recent statistical census from 2015, 95.4 per cent of all landowners are smallholders, who are considered to have less than five hectares of land. Owing to the small size of farms, which are most frequently between one and three hectares, and the lack of farmers’ associations/unions, small farmers have difficulty in accessing the market on favourable terms. There is often a huge difference between the price of products at the farm gate and the price in the final consumer market.

48. The Special Rapporteur was also told that small-scale farmers were confronted by water shortages, lack of access to quality seeds, lack of adequate machinery and technology, such as modern drip systems, and difficulties in accessing the market, loans and subsidies and in processing their yields. Smallholder farmers with only one or two hectares of land are extremely vulnerable and cannot live from their production, often having to move to “day jobs” in the service sector or leaving their land entirely to move to the city to guarantee their family’s survival.

49. The Special Rapporteur was confronted by the existing disconnect between farmers and the State authorities whereby farmers complained that parliamentarians never visited their constituencies, walked on their land or spoke with them to learn about the challenges they faced. Without consultation with the parties concerned, programmes and projects will hardly reflect the real necessities of the agricultural sector.

50. Another challenge for small-scale farmers is the need to stay competitive in the face of the development of intensive agriculture carried out by large-scale agribusiness companies. To achieve such competitiveness, smallholder farmers should establish associations of producers that are engaged in the same agricultural subsector and work together to build value networks in order to address common challenges and pursue common opportunities.

51. Although digitalization has positive features, e-payments, including subsidies for the agricultural sector, can increase the marginalization of vulnerable groups, subsistence

<sup>19</sup> See [www.digital.gov.az/en](http://www.digital.gov.az/en).

farmers and people living in rural and remote areas who do not have access to the Internet. The Government needs to ensure that low-income populations are supported in the process of applying for subsidies and allowances in the digitalization era, without barriers (see A/74/493).

#### **D. Land rights**

52. The land reform that took place in Azerbaijan between 1994 and 2003 is considered one of the most successful agrarian reform processes in the world. According to the 1996 Law on Land Reform, the purpose was the “creation of new relations of land ownership on the basis of the principles of economic independence and social equality, development of [a] market economy and entrepreneurial initiative, achievement of economic independence of the country, including providing the population with food and increase ... wealth”.<sup>20</sup>

53. The land reform specified the allocation of land into State, municipal and private ownership. The first stage included the allocation of part of the land fund of collective and State farms free of charge to citizens according to legal documentation. The main responsibility of the government institutions was to provide the population with the necessary documents for owning land and create a list of requirements for obtaining land. The distribution of land was a peaceful and successful process.

54. However, over the years, many smallholder farmers were not able to survive from farming because of the challenges they faced. They therefore sold their land and moved into the cities to work in other sectors. In addition, the remaining land was divided into even smaller plots through inheritance. Currently, there is no clarity over land rights because many citizens do not register their land when they exchange property rights or when they inherit.

55. The irregularity regarding land rights affects women’s ownership of land as a result of cultural norms and beliefs, legal-administrative issues and undocumented land and houses. The actual transfer of property to male children and the dominance of land ownership by men limit the socioeconomic status of women who have low incomes, especially in rural areas. Such problems inhibit women’s ability to inherit or own property and claim property during a divorce.

56. Nowadays, owing to the revival of the agricultural sector there is a need for land consolidation and the establishment of new partnerships among smallholder farmers. Considering the sensitivity among farmers over the protection of their private property rights, historical stereotypes and their preference for individualism, such policies are not popular among farmers. Providing support and empowering smallholder farmers to work together could solve many of the problems of access to services, such as extension services, credit, machinery, seeds and, more importantly, access to the market, and enable them to compete with the big agribusiness firms. The Government should therefore provide workable and acceptable alternatives for farmers. That can happen only by including farmers in decision-making processes.

#### **E. Extension services and training programmes**

57. Extension services to farmers is an important role of the Ministry of Agriculture. Skills and knowledge are central to increasing sustainable production, using new techniques to improve productivity. The Special Rapporteur visited the Azerbaijan State Agricultural University, located in Ganja, where she learned that some years ago there was not much interest among potential students in applying to attend it. However, this has changed dramatically and 1,350 students enrolled in the 2019 academic year.

58. Access to extension services should be improved, in particular programmes that are designed for women and young farmers to make farming attractive to such persons. In addition, farmer-to-farmer training programmes, environmentally sustainable traditional methods and alternative livelihood programmes must be made more widely available.

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<sup>20</sup> Law No. 155-IQ of 16 July 1996, available from <https://cis-legislation.com/document.fwx?rgn=2778>.

59. In general, the level and quality of the skills and knowledge of the workforce in Azerbaijan is not sufficient. It will be necessary to prioritize the development of human capital to ensure a competitive workforce. The development concept “Azerbaijan 2020: Look into the future” highlights the importance of investing in human capital,<sup>21</sup> but there is a need to invest more, in particular in high-quality education. Only 3 per cent of the 2019 State budget is allocated to education.<sup>22</sup> There is a need to prioritize human capital investment through education and training, which would deliver a significant improvement not only in the agricultural sector but also in all other areas.

## V. Nutrition

60. Azerbaijan has ratified the Convention on the Rights of the Child, which stipulates children’s right to food. Article 24 states that parties should take appropriate steps to combat disease and malnutrition through, inter alia, the application of readily available technology and the provision of adequate nutritious food and clean drinking water. Article 27 of the Convention also stipulates an obligation on States to provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing in case of need.

61. As mentioned above, Azerbaijan has no difficulties regarding the availability of food and is almost self-reliant in major staple foods. Some food items are imported but this does not create any significant problem in terms of food availability. Moreover, the recent decision of the Government to support the agricultural sector is helpful, not only in diversifying the economy but also ensuring self-sufficiency, considering that the country still faces an ongoing conflict.

62. However, food diversification is a problem. The middle-class population eats a lot of red meat, chicken, rice and bread; in particular, children do not eat enough fruit and vegetables. They do not receive nutrition education and parents do not contribute to establishing healthy eating habits. Even though there are no alarming overweight and obesity problems, there are some early signs of emerging problems of overeating and unhealthy food.

63. The Government needs to develop national dietary guidelines to help all Azerbaijanis choose healthy and culturally acceptable nutritious food and understand that food and nutrition play a crucial role in a healthy life style, the protection of future generations and chronic disease prevention. Social workers are essential to solving nutrition problems.

64. The Government should provide a regulatory framework to control the private sector, especially producers of sugary drinks and food that contains excessive amounts of fat, sugar and salt. Unhealthy food advertisements should be banned from the media and from school canteens.

### Adequate and nutritious food

65. Indicators of dietary quality measured for children aged 6–23 months (i.e. minimum dietary diversity, minimum meal frequency and minimum acceptable diet) show that some children may not be receiving adequate nutrition.

66. Specifically, less than 50 per cent of children aged from 6 to 23 months consumed food from four or fewer out of seven food groups,<sup>23</sup> only 58 per cent ate with enough frequency for their age and only 22 per cent had a minimally acceptable diet. Such a situation

<sup>21</sup> Available at [https://president.az/files/future\\_en.pdf](https://president.az/files/future_en.pdf).

<sup>22</sup> See World Bank, education statistics, 2018, available from <http://datatopics.worldbank.org/education/country/Azerbaijan>.

<sup>23</sup> The seven food groups are grains, roots and tubers; legumes and nuts; dairy products (milk, yogurt, cheese); flesh foods (meat, fish, poultry and liver/organ meats); eggs; fruits and vegetables rich in vitamin A; other fruits and vegetables.

may arise from a lack of nutritional education among low-income families and mothers who are not willing or not able to breastfeed.<sup>24</sup>

### **Stunting**

67. Between 2016 and 2018, the proportion of the population who were undernourished was less than 2.5 per cent. In 2018, 17.8 per cent of children under five were affected by stunting.<sup>25</sup> The prevalence of stunting in Azerbaijan is below 20 per cent nationally and thus of low public health significance according to the World Health Organization (WHO) classification. However, it seems that there is higher prevalence in rural areas.

### **Wasting**

68. In 2018, 3.2 per cent of children under five years old were afflicted with wasting. Nonetheless, differences, albeit small, can be seen in children with less well-educated mothers and in low-income families.<sup>26</sup>

69. In 2018, 7.3 per cent of newborns were born with low weight. With a national prevalence of less than 10 per cent, underweight in Azerbaijan is categorized as of low public health significance according to the WHO classification.<sup>27</sup>

70. However, certain subgroups are disproportionately affected. Children under 12 months of age have substantially higher rates of being underweight than other age groups and the prevalence for children in low-income households is significantly higher than that of children in more affluent households.

### **Overweight, obesity and malnutrition**

71. In 2018, 14.1 per cent of children under five were overweight and 19.9 per cent of adults were obese. Even though that is significantly lower than many other countries in the region and by world standards, it is an emerging health issue and it is important to start preventive measures to avoid serious problems in the future.<sup>28</sup>

### **Anaemia**

72. Azerbaijan still experiences high rates of iron deficiency anaemia among women of reproductive age (38.2 per cent) and children aged between 6 and 11 months (39.5 per cent).<sup>29</sup> That is the consequence of a non-diversified diet and insufficient and inadequate food.

73. Anaemia in pregnancy is an important health issue resulting in high maternal morbidity and mortality. The prevalence of anaemia among pregnant women in Azerbaijan is a key contributor to the nearly 1 in 10 children born with low birth weight and an estimated 4.9 per cent of children aged less than five who are underweight.<sup>30</sup> That should be considered a public health problem that can be solved with a healthy, diversified diet, without medicalization of the food system.

<sup>24</sup> See *Azerbaijan Nutrition Survey* (2013), p. 44, available at [http://groundworkhealth.org/wp-content/uploads/2015/06/UNICEF-2013\\_Azerbaijan-National-Nutrition-Survey\\_report\\_eng\\_compressed.pdf](http://groundworkhealth.org/wp-content/uploads/2015/06/UNICEF-2013_Azerbaijan-National-Nutrition-Survey_report_eng_compressed.pdf).

<sup>25</sup> See FAO, *The State of Food Security and Nutrition in the World*, p. 127.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> See [www.unicef.org/azerbaijan/what-we-do/health-and-nutrition](http://www.unicef.org/azerbaijan/what-we-do/health-and-nutrition).

<sup>30</sup> Ibid.

## Breastfeeding

74. In 2018, only 12.1 per cent of mothers reportedly breastfed exclusively during the first six months of their babies' lives.<sup>31</sup> According to different sources, data on breastfeeding is not reliable and the proportion of mothers breastfeeding exclusively during the first six months might be lower than that owing to the lack of reliable data.

75. The most recent nutrition survey in 2013 showed that, although 91.4 per cent of children aged less than 24 months had ever been breastfed, only about one tenth of children aged less than 6 months had been exclusively breastfed. Fewer than 50 per cent of children aged one were still being breastfed.<sup>32</sup>

76. There are many factors that contribute to the low rate of breastfeeding in Azerbaijan. Cultural beliefs or poor knowledge may influence a mother's decision not to breastfeed, health workers may not promote it to new mothers and the availability of breast-milk substitutes can distract mothers away from breastfeeding. The Special Rapporteur was informed that some doctors and health professionals in Azerbaijan are recommending that mothers not exclusively breastfeed but complement feeding with breast-milk substitutes because breast milk is never enough, which is not accurate.

77. Breastfeeding helps infants and young children survive and thrive, as shown by scientific evidence. Studies have indicated that breastfed children perform better on intelligence tests, are less likely to be obese or overweight and are less prone to diabetes later in life. WHO recommends exclusive breastfeeding for six months as the optimal way of feeding infants. Thereafter, they should receive complementary foods, with continued breastfeeding at least up to two years of age.

## School feeding programmes

78. There are no school feeding programmes in Azerbaijan except at kindergartens, as children only attend primary and secondary schools for half of the day. Worldwide, school feeding programmes are one of the major policies to help economic accessibility to food for children. Such programmes, if organized well, help local farmers and food producers to provide local food directly to schools and implement sustainable and healthy diets.

79. One concern in kindergarten facilities is the quality of the food provided, which is not monitored by the Government. That responsibility falls to local governments, which need to control and assess the quality of the food provided to children.

## VI. Social protection

80. Social protection schemes are one of the major policy recommendations for Governments to fulfil the right to food obligation. According to the International Labour Organization (ILO) *World Social Protection Report* for the period 2017–2019, public social protection spending in Azerbaijan amounts to only 6.2 per cent of GDP.<sup>33</sup> The Ministry of Labour and Social Protection of the Population reported that in 2017, 28.3 per cent of the population (about 2.8 million people) accessed various social transfers. Pensions and targeted State social assistance represent the greatest share of all social protection programmes.<sup>34</sup>

81. Azerbaijan is close to achieving universal coverage for three major social risks: older persons, persons with disabilities and relatives of a deceased person who are entitled to a pension. Pensions for older persons are the most widespread form of social protection in the world. A universal pension system has been instituted in Azerbaijan even if in the past years it has suffered a significant decrease, with the coverage rate dropping by 12 percentage

<sup>31</sup> See [www.unicef.org/azerbaijan/what-we-do/health-and-nutrition](http://www.unicef.org/azerbaijan/what-we-do/health-and-nutrition).

<sup>32</sup> *Azerbaijan Nutrition Survey*, p. 44.

<sup>33</sup> ILO, *World Social Protection Report 2017–2019. Universal Social Protection to Achieve the Sustainable Development Goals* (Geneva, 2017), p. 26.

<sup>34</sup> See [www.ilo.org/moscow/news/WCMS\\_712664/lang--en/index.htm](http://www.ilo.org/moscow/news/WCMS_712664/lang--en/index.htm).

points.<sup>35</sup> In 2015, 81.1 per cent of older persons received an old age pension. Azerbaijan has achieved universal coverage for persons with disabilities. Disability cash benefits are provided through a combination of social insurance and non-contributory universal benefits.

82. However, social protection coverage is incomplete because only 40.3 per cent of the population is covered for at least one social protection benefit.<sup>36</sup> In addition, maternity protection remains a challenge; only 14 per cent of women in employment have access to maternity benefits, despite existing social insurance schemes. Unemployed persons receiving unemployment cash benefits make up 1.6 per cent of the population and only 12.6 per cent of the vulnerable population receive non-contributory cash benefits.<sup>37</sup>

83. The Government needs to continue prioritizing social protection in its national voluntary reviews, with the aim of meeting the challenges of the 2030 Agenda on Sustainable Development.

## VII. Environmental issues and climate change

### A. Context

84. Azerbaijan is blessed with 9 of the 11 climate zones. It is thus a climatologically very diverse country ranging from semi-desert and steppe climates to moderate, warm and cold climates. The differences in climate conditions are favourable for rich natural and agricultural biodiversity.

85. At the same time, the country faces environmental problems that affect air, soil and water quality. Besides the oil and gas sector, intensive agriculture is one of the major pollutants for soil degradation and water pollution. The country's rapid economic development has created a number of environmental challenges, such as severe air pollution from industrial plants, soil and water pollution from the oil industry, excessive use of pesticides to increase production and difficulties in eliminating obsolete hazardous pesticides. The new intensive agricultural activity is likely to create new environmental problems if environmental protection and sustainability programmes are not implemented.

86. Climate change is a universal crisis and countries are struggling to mitigate its adverse impact. It has a negative impact on access to nutritious food, on poverty and on livelihoods, as well as loss of infrastructure and GDP. Climate change is already having a visible impact in Azerbaijan, especially on agriculture. Loss of biodiversity, important shortages of water, an already scarce resource, unpredictable rainfall and extreme weather events that create floods and droughts, wild fires and many other natural disasters can create further damage to the ecosystem and the economy. Azerbaijan is considered one of the most flood-prone areas in the world. Extreme events, mainly floods, landslides and mudslides, cost the country an estimated \$70–80 million annually.<sup>38</sup>

87. In Guba, farmers confirmed that climate change is more and more visible with increasing temperatures. Water shortages are one of their main concerns. Increased use of pesticides is polluting water resources and debilitating the soil. As part of government interest in developing the agricultural sector, it provides subsidies to farmers for the purchase of pesticides. The use of pesticides has increased alarmingly by 12–15 times in the past few years. Some very toxic pesticides, such as glyphosate, now banned in many countries, will inevitably have a negative impact on human health and encourage soil degradation and loss of biodiversity.

88. The use of organic fertilizers is minimal in the country, mainly because they are neither accessible nor affordable. Only in the mountainous areas are farmers not using

<sup>35</sup> ILO, *World Social Protection Report 2017–2019*, p. 82.

<sup>36</sup> *Ibid.*, p. 159.

<sup>37</sup> *Ibid.*, p. 163.

<sup>38</sup> See United States Agency for International Development, "Climate change risk profile Azerbaijan" (January 2017), available at [www.climatelinks.org/sites/default/files/asset/document/2017\\_USAID\\_Climate%20Change%20Risk%20Profile\\_Azerbaijan.pdf](http://www.climatelinks.org/sites/default/files/asset/document/2017_USAID_Climate%20Change%20Risk%20Profile_Azerbaijan.pdf).

pesticides and are producing agricultural products organically. The land under organic management represents 0.8 per cent of all agricultural land.<sup>39</sup> Only consumers who understand and value the quality and safety of food prefer organic products. Moreover, organic products are more expensive than conventional products. Consumers who have no purchasing power cannot afford organic products.

89. Azerbaijan has a law on organic agriculture, adopted in 2008, which is not fully implemented.<sup>40</sup> The legislation has been adopted but the necessary resources for its implementation have not been provided.<sup>41</sup>

90. The Special Rapporteur has concluded that organic agriculture and agroecology are not widely understood by producers and consumers and are still not supported by the Government. It is vitally important to start with organic agriculture as early as possible in order to be competitive on the export market, especially while the agricultural sector is becoming such an important item in the economy. Moreover, organic agriculture and agroecology are major alternatives to conventional farming for reducing environmental pollution and mitigating climate change by reducing greenhouse gases (see A/70/287).

## B. Water resources

91. Azerbaijan is currently facing a striking problem of water scarcity. The Special Rapporteur consistently heard complaints from farmers about water shortage problems and the consequences for their daily work and survival.

92. Major water users in Azerbaijan are industry (11,300 m<sup>3</sup> is consumed by fossil fuel power plants) agriculture, fisheries and processing. Major water consumption in agriculture is accounted for by irrigation (8,500 m<sup>3</sup>), the treatment of salinized soils (330 m<sup>3</sup>) and other activities (430 m<sup>3</sup>), totalling 9,260 million m<sup>3</sup>. Water losses in irrigation may be as much as 90 per cent owing to the ageing infrastructure.<sup>42</sup>

93. In addition to the impact of the increasing temperatures from climate change, water shortages derive from transboundary waters that are shared with Armenia. The water resources in Azerbaijan are assessed at 32.3 billion m<sup>3</sup>, of which 31.9 per cent is generated in the country and the rest come from adjacent territories, mainly from Georgia and Armenia from the Kura and Araks rivers.<sup>43</sup> The ongoing conflict between Armenia and Azerbaijan has had an enormously negative impact on water resources, creating serious water problems in downstream Azerbaijan. During her visit to Ganja, the Special Rapporteur witnessed major rivers that were completely dry. That is an alarming issue and the solution would be to re-establish bilateral peace talks and establish an agreement between riparian countries to avoid such problems.

94. Access to water, especially drinking water, is a human right for all. The human right to water is indispensable for living a life in human dignity. It is also a prerequisite for the realization of other human rights, especially the right to food.<sup>44</sup> The Government of Azerbaijan must guarantee, promote and protect access to clean and potable water.

<sup>39</sup> Research Institute of Organic Agriculture (FiBL) and International Federation of Organic Agriculture Movements (IFOAM), *The World of Organic Agriculture: Statistics and Emerging Trends 2019*, p. 46.

<sup>40</sup> Available at <http://extwprlegs1.fao.org/docs/pdf/aze82522e.pdf>.

<sup>41</sup> FiBL and IFOAM, *The World of Organic Agriculture: Statistics and Emerging Trends 2019*, p. 154.

<sup>42</sup> FAO, *Organic Agriculture in Azerbaijan. Current status and potentials for future development* (2017), p. 14.

<sup>43</sup> *Ibid.*, p. 13.

<sup>44</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water.

## VIII. Access to adequate food for vulnerable groups

### A. Women

95. The role of women in the food and agricultural sectors, including as regards nutrition, is significant. International standards are supporting women's empowerment and Governments are being encouraged to carry out legal and policy reforms. In Azerbaijan, women enjoy the same legal rights as men, however societal discrimination remains a problem. According to the Constitution, men and women are equal before the law (article 25); nevertheless, substantive equality or positive discrimination and active incentives to promote women are still not institutionalized. New institutions have been established but they are still too new for any impact or change to be seen.

96. The Law on State Guarantees of Equal Rights for Women and Men, adopted on 10 October 2006,<sup>45</sup> aims to eliminate all forms of gender-based discrimination and ensure gender equality in the political, economic, social and cultural spheres. All human rights are guaranteed to both women and men.

97. Despite the existence of a gender equality act and gender equality in law in general, there are still strong prevailing gender role stereotypes and cultural norms in Azerbaijani family and society that have a negative impact on women's economic, social and cultural rights.

98. The role of women in agriculture is undeniable and extremely important at all levels. Close to 80 per cent of the activities in the agriculture sector are carried out by women. Despite that, their role in the agricultural sector remains invisible.

99. That is more prevalent if a woman is the head of the household. Nationally, close to 25 per cent of women head their households.<sup>46</sup> Single mothers and widows are one of the most vulnerable groups. The Government provides a very limited subsidy to support single mothers and widows, which is barely enough to live off. That limited protection needs to be institutionalized.

100. Women in agriculture generally work for the family and often do not have independent earnings, access to credit or social security. In particular, households headed by single women need social protection and additional help to keep up with other families.

101. In the rural areas, the Special Rapporteur was confronted by issues around traditional attitudes towards women. Women still believe that agriculture and land management are not women's issues and therefore they cannot deal with them. In Guba, the meeting that the Special Rapporteur held with a group of farmers was a clear reflection of this, as it was only attended by men and with no female representation.

102. Female representation in public and political institutions is very low, which appears to contribute to this ongoing marginalization. Only 16.8 per cent of seats in the parliament are occupied by women.<sup>47</sup> With some notable exceptions, the vast majority of the meetings the Special Rapporteur held with government officials were conducted by men.

103. Globally, domestic violence is one of the obstacles to women's access to food in family situations. It is a continuous problem in Azerbaijan, as in many other countries, and one of the legal remedies is to ratify the 2011 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Moreover, training programmes for judges and the security forces, educational and legal policies, and the establishment of shelters for women in need throughout the country are important steps that should be taken.

<sup>45</sup> Law on State Guarantees of Equal Rights for Women and Men, adopted on 10 October 2006, article 21. Available at: [www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_127414.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127414.pdf).

<sup>46</sup> FAO, *The role of women in Agriculture*, 2011, p. 46, available at: [www.fao.org/3/am307e/am307e00.pdf](http://www.fao.org/3/am307e/am307e00.pdf).

<sup>47</sup> Government of Azerbaijan, *voluntary national review*, 2017, p. 12.

## B. Children

104. On the outskirts of Baku, in Bilgah, the Special Rapporteur visited public orphanage No. 11, which is under the responsibility of the Ministry of Education. There are 210 children at the orphanage, of whom 90 per cent have disabilities.<sup>48</sup> The Special Rapporteur was positively surprised at the infrastructure, organization and services (psychologists, speech therapists, physiotherapists, music and arts therapies, etc.) provided by this State institution. She commended the Government for its efforts to provide opportunities for children with disabilities to learn and interact with their peers without disabilities. Integrating students can be beneficial for both groups of students, as well as for their parents and teachers.

105. The majority of children in orphanage No. 11 had been placed in out-of-home care because of socioeconomic hardship, divorce or inadequate or lack of family support services, and/or at the specific request of the parents. The institution also provides a day-care centre from 8 a.m. to 8 p.m. for children whose parents cannot take care of them during the day.

106. During her visit to the regions, the Special Rapporteur was alerted to the fact that there are significant numbers of children involved in informal work in the harvesting of tea, tobacco and cotton, including in hazardous situations. Nobody was able to provide precise data on the magnitude and relevance of child labour.

107. The Special Rapporteur was concerned at the lack of an effective system for collecting disaggregated data on infant and child mortality, child malnutrition, children with disabilities, and child labour, sexual abuse and exploitation. That constitutes a severe obstacle to ensuring the development of targeted policies and social protection programmes aimed at supporting children.

## C. Internally displaced persons

108. The region of Nagorno-Karabakh is the subject of an unresolved dispute with Armenia. As a result of the conflict in and around the Nagorno-Karabakh region, it is reported that over 30,000 people on both sides were killed.<sup>49</sup> Following the conflict, Armenia gained control over seven Azerbaijani districts adjacent to Nagorno-Karabakh and approximately 1 million Azerbaijanis were forced to flee their homes.<sup>50</sup> Living conditions and access to economic, social and cultural rights among internally displaced persons who are settled in areas of Baku are still a concern.

109. According to the submission of the Office of the United Nations High Commissioner for Refugees (UNHCR) for the third cycle of the universal periodic review of Azerbaijan, the conflict produced over 600,000 internally displaced persons and some 250,000 ethnic Azerbaijani refugees from Armenia, who were recognized as *prima facie* refugees in 1992 and naturalized in 1999.<sup>51</sup> Figures for refugees and internally displaced persons, as well as the nature of the conflict, are disputed on both sides.

110. The Special Rapporteur directly witnessed the substandard conditions that many internally displaced persons are still living in and that they are not fully enjoying their economic, social and cultural rights, in particular access to food, health care, adequate housing and legal employment.

111. There have been improvements in the housing situation of many internally displaced persons since accommodation was constructed for them. According to information provided by the Ministry of Foreign Affairs, close to 300,000 internally displaced persons have already been accommodated but 700,000 remain in temporary accommodation. However, some of the new settlements are located in isolated areas where internally displaced persons face

<sup>48</sup> Information provided by the Head of orphanage No. 11

<sup>49</sup> See Ishaan Tharoor, "The crisis over Nagorno-Karabakh, explained", *The Washington Post* (5 April 2016).

<sup>50</sup> See UNHCR, "Azerbaijan: analysis of gaps in the protection of internally displaced persons (IDPs)" (October 2009).

<sup>51</sup> See [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRAzerbaijanUNContributionsS30.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRAzerbaijanUNContributionsS30.aspx).

practical barriers to accessing economic and social services. Others among those living in precarious accommodation, including dormitories, are still facing vulnerability. Some female internally displaced persons described the difficult conditions they faced living in a garage or basement, with water leaking through the ceiling, no toilets and a family of five living in one small room.

112. Access to employment is also a problem for internally displaced persons. In rural areas, they only have access to seasonal agricultural work, making it difficult for them to access decent work opportunities. They still suffer from stigma and discrimination in the social environment, despite significant support from the Government.

#### **D. Refugees**

113. As of today, there are 1,100 refugees and 852 asylum seekers in Azerbaijan.<sup>52</sup> The majority of refugees do not have clear legal status and are to a large extent dependent on UNHCR for protection and assistance.

114. The Government does not recognize them as refugees and they are therefore living in difficult conditions with no right to work, other than in the informal sector, difficulty in finding somewhere to live and prone to food insecurity. Access to economic, social and cultural rights are hindered by their lack of legal status, despite some of them having already lived in the country for more than 15 years.

115. There is an urgent need for the Government to bring national refugee legislation and practice into line with international standards. Complementary protection should be introduced through the adoption of legislative amendments to secure legal status for all persons in need of international protection.

#### **E. Prisoners**

116. Azerbaijan has only one women's prison and a juvenile correctional institution located in Baku, which hold 322 women and 38 adolescents respectively.

117. Conditions in both penitentiary facilities are adequate. However, the Special Rapporteur was surprised to find that both establishments, one next to the other, were located in the centre of Baku surrounded by new skyscrapers and more high-rise buildings under construction. The representative of the Penitentiary Service under the Ministry of Justice explained that new penitentiary facilities for women and adolescents were almost completed and the inmates would soon be moved.

118. The new prison facilities need to meet international standards to guarantee safety, security and humane conditions for prisoners, as well as access to adequate food.

### **IX. Other issues that affect implementation of the right to food**

#### **A. Disaggregated data**

119. Azerbaijan has very limited data overall and no disaggregated data at all. Many organizations, including some State agencies have raised concerns about the reliability of official data, saying that it does not correspond with their own findings. There is a need for transparent and updated data.

120. The lack of data is worrying and makes it difficult to assess accurately the current state of poverty and the enjoyment of the rights to food, education and health care, and the right to access adequate housing. Accurate figures are necessary to enable the Government to develop a strategic response; currently, programmes are being designed around information that may not reflect the actual situation.

<sup>52</sup> UNCHR Azerbaijan, fact sheet, August 2019. .

121. The Government needs to provide all necessary human, technical and financial resources for the establishment of a comprehensive system for data collection, analysis and monitoring. The data collected should be disaggregated by age, gender, ethnicity, geographic region and socioeconomic background.

## **B. New Law on Non-governmental Organizations**

122. The major indicator of a system that is based on human rights is one that respects the rights to freedom of association and of speech. Civil society organizations are the vehicle for the protection and promotion of those rights. There is, of course, a need to maintain internal peace and security for all and there may be rules and principles to govern the activities of domestic and international NGOs, in accordance with international standards.

123. In order to support national NGOs, the Government has established a funding mechanism to disseminate financial aid to civil society organizations that work on economic, social and cultural rights. As of today, the Council on State Support to NGOs has sustained over 500 projects, with a maximum grant of 10,000 manats.

124. However, there have been alarming changes in the legislation that include a series of recent amendments (the Law On Grants, the Law on Non-governmental Organizations, the Code of Administrative Offences, etc.) passed by the parliament, which have seriously hindered the ability of NGOs to operate in the country.

125. The amendments, inter alia, have established heavy financial penalties to be imposed on NGOs that conduct their activities without registered grant agreements and agreements for giving or receiving monetary donations in cash. The new regulations require both donors and grantees to separately obtain government approval of each grant under consideration.

126. The Ministry of Justice and other agencies have received broad discretion to deny NGO requests to register grants. In addition, foreign entities are required to obtain government permission to act as a donor and register a presence in the country. They must obtain approval for each grant they make.

127. According to national human rights defenders, the Government uses these regulations frequently and on arbitrary grounds to deny registration to NGOs working on human rights, accountability or similar issues. Since the adoption of these amendments to the Law on NGOs, very few international non-governmental organizations have been able to stay in the country

## **X. Conclusions and recommendations**

128. In concluding, the Special Rapporteur notes that human rights are of central importance to the success and achievements of the sustainable development efforts of Azerbaijan, which are closely connected with achieving high levels of food security and self-sufficiency.

129. The next 10 years are going to be crucial. Azerbaijan should concentrate its efforts on achieving self-sufficiency and strengthen its independence from big agricultural powers and companies to safeguard food security in the country. To achieve this, it is crucial to increase the market competitiveness of small farmers. If the Government is ready to promote the country's human capital through education, incorporate a human rights-based approach into its agricultural policies and adopt meaningful public consultation, especially with vulnerable groups such as women, children, rural communities and persons with disabilities, sustainable development could be accomplished. If this course is followed, Azerbaijan will deserve great praise for its record of achievement and reform.

130. The Special Rapporteur wishes to reiterate her commitment to continue the dialogue initiated during her visit. She looks forward to working with the Government in a spirit of cooperation on the implementation of her recommendations.

131. Of her many recommendations, the Special Rapporteur urges the Government and other stakeholders to prioritize the following issues:

(a) Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(b) Ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence;

(c) Development of human rights education and raising awareness, understanding and acceptance of economic, social and cultural rights, in particular on the right to food;

(d) Adoption of a comprehensive legal framework on the right to adequate food that integrates all relevant sectors, such as the environment, trade, nutrition, health, the empowerment of women and the protection of smallholder farmers, provision of a monitoring mechanism and promotion of food sovereignty for all;

(e) Integration of a human rights-based approach to the legal and policy framework, which will ensure that priority will be given to the needs of the most vulnerable and disadvantaged, and allocation of adequate resources for the implementation and enforcement of the existing legal framework;

(f) Continuation of efforts towards implementing the Sustainable Development Goals, especially Goal 2 to end hunger, achieve food security and improved nutrition and promote sustainable agriculture, and establishment of a national monitoring system;

(g) Investment and encouragement of small-scale farmers to form associations to increase their capacity to process their products and access the market;

(h) Implementation and monitoring of the environmental regulations that protect against soil degradation and water pollution, and enhancement of efforts to protect the access of small-scale farmers and rural communities to water resources;

(i) Investment in climate change mitigation and adaptation measures and full integration of the right to food into climate change and disaster policies, paying special attention to those who are especially vulnerable, including farmers, rural communities and coastal communities, while also taking a gender perspective;

(j) Enhancement of the control and monitoring systems against the excessive use of pesticides and banning of the use of glyphosate;

(k) Promotion of organic agriculture and agroecology, including by providing support, such as financial mechanisms and training programmes, for ecological farming;

(l) Adoption of the necessary gender-sensitive legal and policy measures for the recognition and exercise of women's property rights; for closing education and employment gaps and ensuring that women participate in public life. In the agricultural sector, the Government needs to ensure that women's role is visible and legally supported;

(m) Allocation of effective financial resources to provide easy access to agricultural and food sector credits to enhance the role of women in the sector;

(n) Adoption of a regulatory framework to control the private sector, especially producers of sugary drinks and food that contains excessive amounts of fat, sugar and salt, and the banning of unhealthy food advertisements from the media and from school canteens;

(o) Provision of support and protection to mothers and their infants and young children to facilitate optimal feeding practices. In line with this obligation, Azerbaijan should adopt measures to foster women's informed decision-making, including through access to objective and accurate information on the benefits of breastfeeding, as well as protection from biased and misleading information through

**the inappropriate marketing practices of manufacturers and distributors of baby food products;**

**(p) Provision of all necessary human, technical and financial resources for the establishment of a comprehensive system for data collection, analysis and monitoring, and that the data collected be disaggregated by age, gender, ethnicity, geographic region and socioeconomic background;**

**(q) Significant increases in spending on health, education and social protection;**

**(r) Development of a comprehensive strategy regarding internally displaced persons that includes the possibility of development. The desire for a political resolution to the occupation of land and the need for voluntary return as the preferred solution must be respected;**

**(s) Guarantees of genuine civil society space for the robust discussion of ideas, raising important concerns, sharing knowledge and experience, and promoting transparency.**

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