



Social and economic rights in Azerbaijan

- The Right to Adequate Standard of Living
- The Right to the Highest Attainable Standard of Health
- The Right to Work
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Introduction

International Partnership for Human Rights (IPHR) and Baku Human Rights Club (BHRC) are pleased to present their first ever series of thematic reports on social and economic rights in Azerbaijan. As human rights organisations primarily focused on civil and political rights to date, we identified a significant gap in reporting on social and economic rights in Azerbaijan and aim to contribute to closing it with our respective reports.

The series consist of four reports, which address the following issues: 1) the right to work; 2) the right to adequate standard of living; 3) the right to the highest attainable standard of health; and 4) the right to education. We prioritized the four selected areas as those that raise serious concerns and where it was most feasible for the research team to collect information and conduct the analysis. Admittedly, the reports address a selective number of aspects of the four rights, which is due to the wide scope of the each right and the limited publicly available official data, among other criteria.

The series serve as comprehensive introductory analyses to the four rights, consisting of the overview of the existing domestic legal framework, state policies and programmes, the analysis of the publicly available official data, the information obtained during online survey on social networks and complaints that the BHRC received from the Azerbaijani citizens. The reports were prepared in close cooperation with highly experienced Azerbaijani experts in economic and social issues who collected and analyzed the information for the research. The research was conducted on the basis of the principles and standards in the International Covenant on Economic, Social and Cultural Rights ratified by Azerbaijan in 1992, and the State obligations deriving from the Covenant, against which the current situation was compared. The reports provide recommendations to the Government of Azerbaijan formulated on the basis of the identified gaps and challenges with regard to each individual right with the aim to assist it in striving to meet its commitments relating to social and economic rights to every Azerbaijani citizen.

The Right to Adequate Standard of Living

Article 11 of the International Covenant on Economic, Social and Cultural Rights

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - a. To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - b. Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need

Introduction

This report primarily focuses on the State's obligation to provide the Azerbaijani people with an adequate standard of living, deriving from the International Covenant on Economic, Social and Cultural Rights (ICESC). Article 11 of the ICESC "recognizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", by which the Government of Azerbaijan is committed to ensuring to all individuals in its jurisdiction. This report provides a general overview of the living standards in Azerbaijan and identifies some of the challenges that a major portion of the population faces in meeting their basic needs. It also discusses access to food and housing in particular as two fundamental issues relating to adequate standard of living. Finally, it provides recommendations to the Government of Azerbaijan as to possible ways of ameliorating living standards in Azerbaijan.

Summary of key findings

The central findings of this report concern the inability of a major portion of the Azerbaijani population to enjoy an adequate standard of living due to insufficient income, access to food, or housing. The data analysed suggests that a significant portion of households are not fully self-sufficient as a result of low incomes or insufficient state support, with their expenses exceeding incomes. The SSC survey concluded that the share of households able to cover necessary expenses without difficulties did not exceed 30%. The pandemic period was particularly difficult due to increased unemployment and the Government's policy of only supporting one unemployed family member per family (e.g., a family of four where both parents lost their jobs due to the pandemic would be provided with a fixed amount of 190 AZN – lower than the subsistence minimum per person).

The analysis of the publicly available official data concluded that nearly 50% of consumers' money was spent on food in the first half of 2021, raising serious concerns about the ability of households to meet their basic needs. Furthermore, people living on the subsistence minimum are unable to meet their basic food needs due to this state-approved minimum being lower than the minimal rational set concluded on the basis of the public survey on food consumption.

Finally, access to adequate housing is also of great concern in Azerbaijan. Many low-income families cannot afford adequate housing and/or living conditions or, where they can, the average floor area per person is significantly smaller than that seen in other countries, such as Russia or the EU member states.

I. Living standards in Azerbaijan

Adequate living standards are of central importance for the enjoyment of all economic, social, and cultural rights and for every individual's ability to live in dignity. An adequate level of income, or creating appropriate conditions for such, which this section analyses, is one of the fundamental necessities for achieving adequate living standards – something which a major portion of Azerbaijan's population are not able to enjoy. During its recent review of Azerbaijan's obligations under the ICESCR in November 2021, the UN Committee on Social, Economic and Cultural Rights (UN Committee) referred to the prevailing income inequality disproportionately affecting disadvantaged and marginalized individuals and groups and expressed concern that over 4% of the Azerbaijani population were living below the national poverty line.¹ The UN Committee regretted that Azerbaijan had failed to provide information on whether the minimum wage enabled workers and their families to enjoy a decent living, making it difficult to assess the adequacy of the living conditions of those receiving the minimum wage in the country.²

This section discusses income levels among the Azerbaijani population during the period 2013-2020 on the basis of official data provided by the State Statistical Committee (SSC) – this data includes the average per capita income level of the population, average monthly wage, and the ratio between income and expenditure among the population – and thus draws some conclusions regarding the adequacy of living standards. According to the SSC, in 2013, per capita income in Azerbaijan was 4,039.60 AZN per year (approx. 4,000 EUR at the time), or 336 AZN per month (approx. 333 EUR)³. In 2020, the corresponding figure was 5,587.60 AZN (approx. 2,790 EUR at the time), or 465 AZN (approx. 232 EUR) per month. Although there was a significant increase in nominal terms, in foreign currency terms, however, per capita income decreased by 37% during this period due to high inflation over the period 2015-2016. As can be seen below in Figure 1, if income levels from 2012 is taken as 100%, income levels in 2020 account for 98.95% of this previous figure.⁴ Although there have been some increases in the growth of real per capita income during this period, there has predominantly been declines since 2015 (see Figure 1). The COVID-19 pandemic has further negatively affected the income level of the population. According to the official data, the average monthly nominal wage fell by 5.5% in 2020 (amounting to an 8.3% decrease in real terms).⁵

1 Committee on Economic, Social and Cultural Rights Concluding Observations on the Fourth Periodic Report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, para. 38.

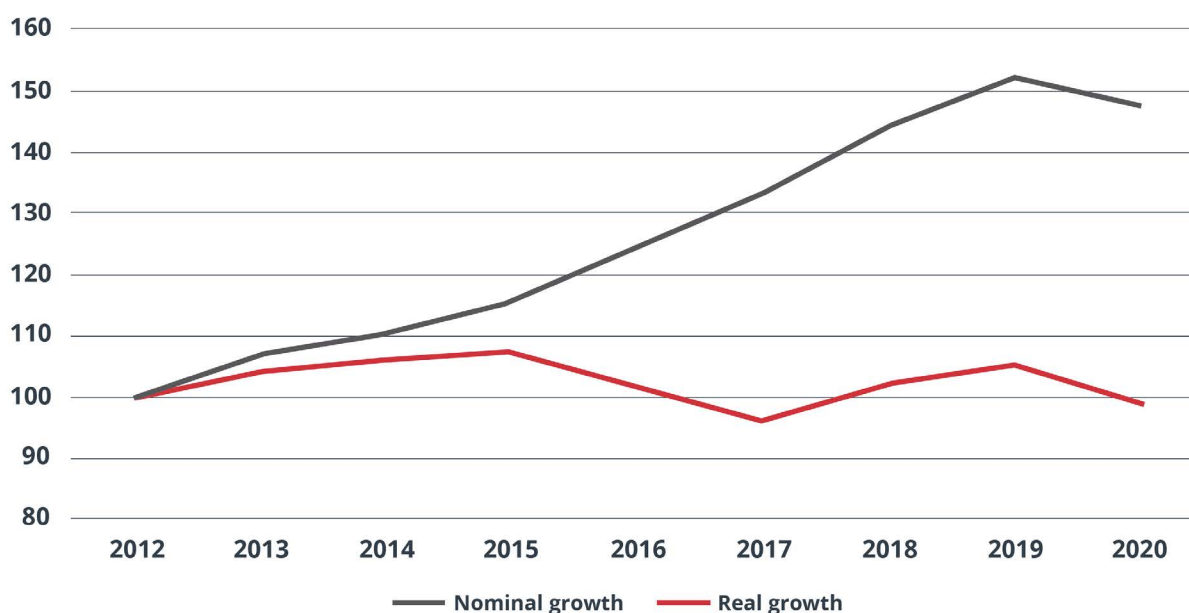
2 Committee on Economic, Social and Cultural Rights Concluding Observations on the Fourth Periodic Report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, paras. 26-27.

3 https://azstat.org/statHtml/statHtml.do?orgId=994&tblId=DT_BA_005&conn_path=I2&language=en.

4 https://www.stat.gov.az/source/system_nat_accounts/az/032.xls.

5 <https://www.stat.gov.az/news/macroeconomy.php?page=6&arxiv=1>; <https://www.stat.gov.az/news/macroeconomy.php?page=14&arxiv=1>; <https://www.stat.gov.az/news/macroeconomy.php?page=18&arxiv=1>.

Figure 1. Comparison of nominal and real growth of per capita income in 2013-2020 (2012 = 100%)



During the same period (2013-2020), the disposal income of the population and the average monthly wage has been continuously growing. According to the official data, the average monthly nominal wage increased from 419 AZN (approx. 419 EUR at the time) to 703.50 AZN (approx. 350 EUR), while per capita disposable income increased from 3,600 AZN (approx. 3,600 EUR at the time) to 5,000 AZN (approx. 2,500 EUR).⁶ This was due to amendments to the Tax Code (a moratorium on income tax in the non-oil and non-state sector, income tax exemptions paid by entrepreneurs, reduction of the simplified tax rate, introduced on 1 January 2019) and the increase in the minimum wage from 130 AZN (approx. 64 EUR) to 250 AZN (approx. 124 EUR) per year.⁷

The distribution of relevant income among the population is, however, a point of concern. As is seen from Figure 2, compiled on the basis of median wage data provided by the Ministry of Labour and Social Protection of the Population,⁸ the difference between the median and the average monthly nominal wage had doubled by 2020;⁹ 50% of the employed population received a monthly wage of 250-343 AZN (approx. 124-170 EUR).¹⁰ Taking into account that an average household in Azerbaijan consists of at least four people and it is common that there is only one financial provider per household, the average income per person per month was 54-75 AZN (approx. 27-37 EUR).¹¹ The SSC's annual Household Survey further indicates that, in 2020, expenses exceeded incomes for 80% of Azerbaijani households.¹² Among the lowest income groups, the difference between expenses and

6 <https://www.stat.gov.az/news/index.php?id=4783>.

7 <http://www.e-qanun.az/framework/41016>, <http://e-qanun.az/framework/46948>.

8 The median income is the *income* amount that divides a population into two equal groups, half having an income above that amount, and half having an income below that amount (i.e. 50% of workers in the economy earn less than that and 50% earn more)

9 Over the past three years, the number of employment contracts have increased by 30%, the minimum wage by 116%, and the monthly salary fund by 81%. https://www.sosial.gov.az/en/post_433900

10 https://www.sosial.gov.az/post_433900.

11 There are 1.7 million employees and 1 million individual entrepreneurs in Azerbaijan, among a total population of 10 million.

12 https://www.stat.gov.az/source/budget_households/az/bul/bul_2020.pdf.

incomes sometimes reached 25 AZN per capita.¹³ Table 1 further illustrates the gap between per capita income and expenditure in 2020.

Figure 2. Comparison of median and average monthly nominal wages

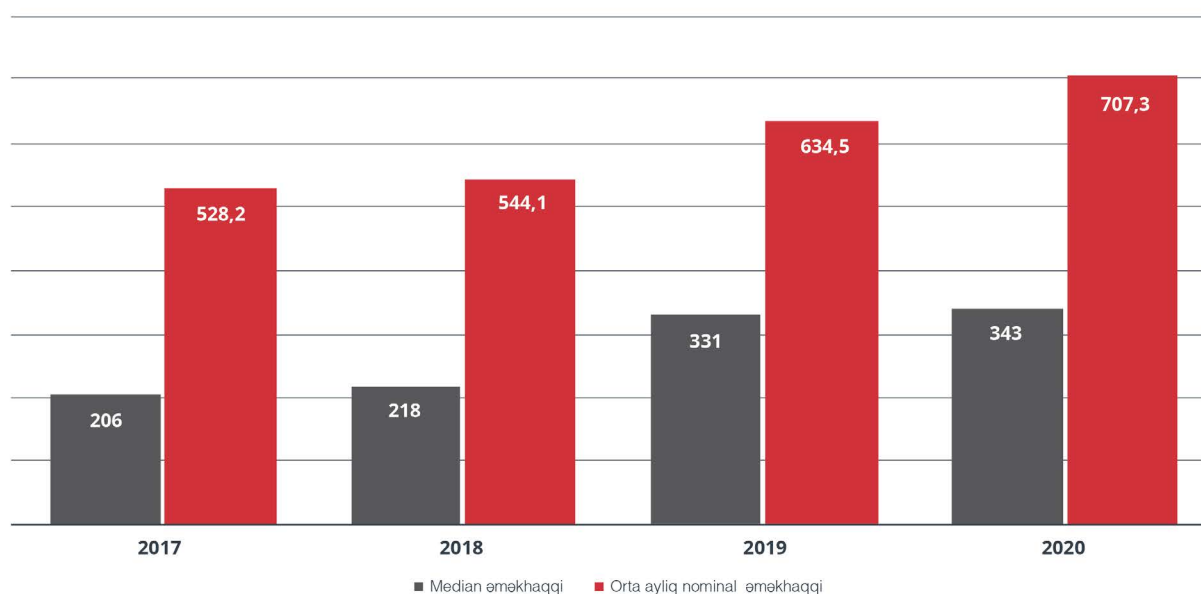


Table 1. Per capita income and expenditure in terms of income and expenditure deciles in Azerbaijan in 2020¹⁴ (in AZN)

Indicator	1	2	3	4	5	6	7	8	9	10
Incomes	160,7	195,1	217,1	237,9	257,2	278,9	303,4	334,6	385,7	537,3
Expenses	185,1	215,0	233,5	251,4	269,5	288,6	310,3	338,3	382,1	517,9
Difference	-24,4	-19,9	-16,4	-13,5	-12,3	-9,7	-6,9	-3,7	3,6	19,4

This data indicates that a significant portion of households is not fully self-sufficient. According to a statistical survey on deprivation and social inclusion conducted by the SSC in 2020, depending on the type of household, 1-2% were only able to cover necessary expenses “with great difficulty”, 4-10% “with difficulty”, and 26% “with some difficulty”. The share of households able to cover necessary expenses without difficulties generally did not exceed 30%.¹⁵ The survey conducted by Women’s Empowerment for Sustainable Development established that many women internally displaced persons (IDPs) live on allowances and other forms of financial support and that their income was insufficient to meet their basic needs, only 12% of respondents reporting that they had sufficient incomes to pay their bills.¹⁶

13 https://www.stat.gov.az/source/budget_households/az/bul/bul_2020.pdf.

14 In this and subsequent tables, when indicators for decile (10%) groups are taken, household per capita consumption expenditures are sorted in ascending (cumulative) order and divided into 10 equal deciles according to the number of households.

15 Results of the Statistical Survey on Deprivation and Social Inclusion, The State Statistical Committee, 2021, available at: https://www.stat.gov.az/source/budget_households/az/bul/bul_mehrum_2020.pdf.

16 Women’s Empowerment for Sustainable Development Report ‘IDP women: Needs assessment for post-conflict life, including expectations for safe return home’, August 2021.

According to the domestic legislation, if a family's per capita income is below the need criterion (as defined by the Government) it is eligible for state social assistance.¹⁷ In 2021, the need criterion was set at 170 AZN (approx. 85 EUR), while the subsistence minimum per person in the country was 196 AZN (approx. 98 EUR) the same year.¹⁸ The subsistence minimum is defined on the basis of the minimum consumer basket, first adopted in 2005.¹⁹ The minimum consumer basket is understood as a set of food and non-food goods and services necessary for the minimum level of human health and activities, determined by the state on the basis of scientific norms. On the basis of the consumer basket, the Government determines the subsistence level on a yearly basis. The fact that the need criterion was set a level below that of the subsistence minimum indicates that state social assistance does not provide families in need with sufficient allowances to meet their minimum needs.

During the pandemic, in 2019-2020, where the number of unemployed was drastically increased, a fixed unemployment benefit of 190 AZN (approx. 95 EUR) per family (not per person) was approved, in line with the subsistence minimum of 190 AZN (approx. 95 EUR) per person in 2019.²⁰ If one unemployed family member received this benefit no other unemployed family member would be eligible. In practice, this meant that for a family of two parents and two children, for example, if both parents became unemployed due to the pandemic the family would have to bear the burden of meeting the basic needs of four people with the subsistence minimum for one person (190 AZN). In 2020, 600,000 Azerbaijani citizens received such assistance from the state.²¹ A strict quarantine regime put in place since April 2020 has deprived many people of the possibility to engage in any additional - often informal - work to address this situation and meet their needs. Such data indicates the scale of the problem of families finding themselves under heavy financial burdens during the pandemic (for further details on this issue, see also the Report on the Right to Work and *IPHR's report on COVID-19 in Azerbaijan* published in 2020).

II. Access to adequate food

The Covenant establishes a right to adequate food as a fundamental component of the right to an adequate standard of living. It lists a number of measures relating to food supply to be taken by all states to ensure that every person is free from hunger, which this section addresses with regard to Azerbaijan.

In Azerbaijan, a right to access to minimal adequate food is formally guaranteed given the existence of a minimum consumer basket, which includes various food goods considered to be fundamental to healthy nutrition for each individual (Table 2).²² In 2014, an obligation was established for a number of state authorities and non-state institutions - such as the Ministry of Economy, Ministry of Labour and Social Protection of the Population, Ministry of Finance, Ministry of Health, State Statistical Committee, Azerbaijan Trade Unions Confederation, state scientific institutions and organisations, and non-governmental organisations - to jointly review the composition of the minimum consumer basket every three years in order to meet the real needs of the population, which would then be approved by the

17 <http://www.e-qanun.az/framework/46598>; <http://www.e-qanun.az/framework/10854>.

18 <http://www.e-qanun.az/framework/46599>; <http://www.e-qanun.az/framework/5518>.

19 Resolution of the Cabinet of Ministers of the Republic of Azerbaijan on Approval of the Composition of the Minimum Consumer Basket in the Republic of Azerbaijan, 23 June 2005, available at: <http://e-qanun.az/framework/10061>.

20 <https://nk.gov.az/az/document/4371/>; <http://www.e-qanun.az/framework/43847>.

21 <https://nk.gov.az/az/document/4371/>.

22 https://www.stat.gov.az/source/budget_households/az/bul/bul_erzag_2020.pdf; <http://www.e-qanun.az/framework/10061>.

Cabinet of Ministers.²³ There is, however, no information available to the public regarding any such measures taken, despite the public's inquiries and recommendations.²⁴

Table 2. Food products in the minimum consumer basket in the Republic of Azerbaijan (in kg per year)

Food product	Able-bodied population	Retirees	Children (0-15 years)
Bread and bakery products (by converting to flour)	136.8	107.9	100.5
Potatoes	54.8	40.2	42.0
Vegetables and melon products	97.2	85.2	100.7
Fruits and berries	38.0	32.0	76.0
Meat and meat products	32.9	25.6	29.6
Milk and dairy products (by converting to milk)	223.6	233.8	258.6
Fish and fish products	7.7	6.8	8.0
Eggs (pieces)	150	100	183
Sugar and confectionery	16.9	15.8	19.7
Vegetable oil, margarine, and other fats	10.9	8.4	7.0
Butter	7.0	5.8	6.0
Other products	4.7	3.3	4.0

Alongside this data, the SSC published data known as the “minimal rational set of food products for the main socio-demographic groups of the population in the Republic of Azerbaijan” on the basis of a statistical survey conducted in 2020 regarding the availability of food to the population (Table 3).²⁵ The table sets out the minimum annual food needs of each person on the basis of the survey data and presents significant differences from the data on the minimum consumer basket set out in Table 2. This data suggests that the minimum consumer basket exceeds the amounts in the minimum rational set for bread and bakery products, vegetable oil, margarine, and other fats, and “other products”. The amounts of food products significant to healthy nutrition - such as meat, fish, milk and dairy products, eggs, and fruits and vegetables - are significantly higher in the survey results.

23 <http://www.e-qanun.az/framework/10061>.

24 https://www.musavat.com/news/azerbaycanda-minimum-istehlak-sebetinin-terkibine-yeniden-baxila-biler_623141.html; <https://modern.az/az/news/93251/minimum-istehlak-sebeti-yeniden-hesablanmalidir-teklif>; <https://banker.az/az/C9%99rbaycanda-yasayis-minimumu-v%C9%99-istehlak-s%C9%99b%C9%99tin%C9%99-yenid%C9%99n-baxila-bil%C9%99r-r%C9%99smi/>.

25 www.stat.gov.az/source/budget_households/az/bul/bul_erzag_2020.pdf.

Table 3. Comparison of the minimal rational set and the consumer basket

Food product	Consumer basket	Minimal rational set of food products
Bread and bakery products (by converting to flour)	136.8	130.2
Potatoes	54.8	98.6
Vegetables and melon products	97.2	110.7
Fruits and berries	38.0	73.1
Meat and meat products	32.9	43.5
Milk and dairy products (by converting to milk)	223.6	270.1
Fish and fish products	7.7	18.2
Eggs (pieces)	150	219
Sugar and confectionery	16.9	29.2
Vegetable oil, margarine, and other fats	10.9	10.2
Butter	7.0	9.1
Other products	4.7	3.6

According to the official data, in January-May 2021, 49.5% of consumers' money was spent on food products (54% when combined with beverages and tobacco products).²⁶ In light of the difficulties faced by a significant portion of the population in terms of meeting minimum living standards, as well as food prices growing each year,²⁷ such data offers strong indications that a major portion of the population spends the majority of their income on food and that many households struggle to meet their needs. It also suggests that people living on the subsistence minimum are not able to meet their food needs as the subsistence minimum approved by the state is lower than the minimal rational set concluded on the basis of the above-mentioned public survey.

As the whole state social assistance policy is determined on the basis of the minimum consumer basket (which differs from the "minimal rational set" reflecting the actual needs of the population, as per Table 3), the state social system does not offer sufficient support to those in need of state assistance to meet their basic needs, including access to adequate food. This runs against the Government's commitment in its Food Security Programme stipulating that "the purpose of social protection mechanisms is to create opportunities for all segments of the population to obtain a minimum income to ensure access to sufficient and healthy food in accordance with the norms of rational and physiological consumption".²⁸ For example, during the COVID-19 pandemic, while only one individual per family who lost their job was eligible to the fixed 190 AZN unemployment allowance, in many cases this would be the only income for an entire household consisting of several individuals (bearing in mind that the subsistence minimum was 190 AZN per person). In its November 2021 Concluding Observations reviewing Azerbaijan's upholding of Covenant rights, the UN Committee expressed its concern about the vulnerability of the Azerbaijani population to food insecurity, as well as the prevalence of hunger and malnutrition.²⁹

26 <https://www.stat.gov.az/news/index.php?id=4921>.

27 According to the data for 2021, food prices rose by 4.7%, see https://www.stat.gov.az/news/source/Press-03_21.pdf.

28 <http://www.e-qanun.az/framework/4467>; Food Security Programme of the Republic of Azerbaijan, 2001.

29 Committee on Economic, Social and Cultural Rights Concluding Observations on the Fourth Periodic Report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, para. 40.

THE STATE'S COMMITMENT TO ENSURE SUFFICIENT FOOD PRODUCTION

Ensuring sufficient food production in the country is a significant element of the Government's commitment to the right to adequate food. In the last few years, as shown in Table 4, the production of a number of agricultural products, such as potatoes, vegetables, melon products, and fruits, has increased in Azerbaijan.³⁰ In 2020, however, Azerbaijan's agriculture was severely affected by a series of droughts taking place over the course of 2-3 years. This is due to issues related to land reclamation and irrigation that have arisen as a result of the use of older technologies, leading to the loss of significant amounts of water needed to address the consequences of drought.³¹ Further damage has been caused by soil salination. To address this situation, lands that were not used for agriculture in the past, such as forests and pastures, are gradually being converted to agriculture uses (more than 240,000 hectares of land has been reassigned in 31 regions), which in turn has led to other crises (such as ecological and environmental problems).³²

Table 4. Production and productivity of some crop products

Food	Indicator	2015	2016	2017	2018	2019
Potatoes	Production, thousand tonnes	839.8	902.4	913.9	898.9	1,004.2
	Productivity, tonnes/ha	13.6	14.0	15.0	14.9	16.9
Vegetables	Production, thousand tonnes	1,275.3	1,270.6	1,405.6	1,521.9	1,714.7
	Productivity, tonnes/ha	15.8	15.9	15.5	16.2	17.6
Melon products	Production, thousand tonnes	484.5	464.8	438.1	401.9	447.6
	Productivity, tonnes/ha	17.4	17.6	18.7	19.1	20.9
Fruits and berries	Production, thousand tonnes	888.4	882.8	954.8	1,010.8	1,099.7
	Productivity, tonnes/ha	7.1	6.6	6.8	6.8	7.1

Food security further affects food production in Azerbaijan. The Food Safety Agency was established in 2017 with the aim of improving food security in the country, however, its progress has been difficult to trace and the problem of food security remains concerning. For example, in December 2020, Russia took the decision to ban the import of tomatoes and apples from Azerbaijan, after which these products entered the domestic market of Azerbaijan. According to the official data, since the beginning of 2020, pests have been found in vegetables and fruits from Azerbaijan on 76 occasions, a fact that was the main reason for Russia's import ban.³³ This, in turn, led to a decrease in the price of tomatoes of 10-23%, increasing their consumption. However, the issue of pests has not been resolved, raising public concerns about food security in Azerbaijan.

Access to adequate food, therefore, remains a concerning issue for a large part of the Azerbaijani population, primarily due to their insufficient incomes and inadequate support from the state to ensure that at least their basic needs, as well as those of their family members, are met.

30 https://www.stat.gov.az/menu/6/statistical_yearbooks/source/agriculture_2020.zip.

31 <https://president.az/articles/39990>; <https://www.agro.gov.az/index.php/az/texnika-ve-innovasiyalar/suvarma-ve-meliorasiya/torpaqlardan-semereli-istifade>; <https://news.milli.az/society/929692.htm>; <https://aqrobiznes.az/xeber/1431/shoran-ve-shoraket-torpaqlarin-meliorasiyasi>.

32 <https://news.milli.az/society/929692.html>.

33 <https://www.bbc.com/azeri/azerbaijan-55208335>.

III. Right to adequate housing

As established by the UN Committee, the right to adequate housing, deriving from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social, and cultural rights.³⁴ Despite Azerbaijan's commitments under the Covenant, some significant problems relating to inadequate housing and living conditions are observed, indicating gaps between Covenant standards and the domestic reality. During its periodic review of Azerbaijan's obligations in 2021, the UN Committee expressed its concerns about the shortage of affordable housing in the country, exacerbated by rapid urbanisation, especially in and around Baku. It further noted that a substantial number of marginalised and disadvantaged households continued to live in inadequate and informal dwellings constructed on unsuitable and often unstable land.³⁵ Research by Women's Empowerment for Sustainable Development in 2021 concluded that women IDPs were in a particularly vulnerable situation, particularly those living in crowded premises, former dormitory and similar community accommodations, and/or intolerable living conditions.³⁶

The official statistical data on the various aspects of the housing issue in Azerbaijan is very limited, which only allows for estimations as to the genuine situation in the country. The report analysis suggests that between 2015 and 2019, the number of households in the country increased by about 380,000 (the total population increase divided by the average size of households),³⁷ however, according to official statistics, only 222,000 new apartments were commissioned during this period, suggesting a lack of sufficient housing.³⁸ According to World Bank data, this gap is smaller, with 200,000 new households formed and 181,500 apartments acquired during the period 2010-2018.³⁹

According to official statistics, the total area of housing per capita in the country has increased from 18.6 m² in 2013 to 22.1 m², in 2019, while the average floor area per person increased from 13.1 m² to 15.5 m², just above the minimum 12 m² threshold set by the state approved consumer basket.⁴⁰ This is still a significantly lower figure than those of related to other countries. For example, in neighbouring Russia, the average floor area per person is 25 m², while the EU average is 42.56 m² per person.⁴¹ Although Azerbaijan's numbers are significantly lower than those of other countries, according to the SSC, the number of households with an average total area of less than 10 m² per capita decreased by 10% - falling from 36% in 2013 to 26.4% in 2019 (Figure 3).

34 CESCR General Comment № 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights on 13 December 1991.

35 Committee on Economic, Social and Cultural Rights Concluding Observations on the Fourth Periodic Report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, para. 36.

36 Women's Empowerment for Sustainable Development Report 'IDP women: Needs assessment for post-conflict life, including expectations for safe return home', August 2021.

37 Calculations were conducted by the report authors on the basis of the information available at the following sources: https://www.stat.gov.az/source/budget_households/; <https://www.stat.gov.az/source/demography/>.

38 <https://www.stat.gov.az/source/healthcare/>.

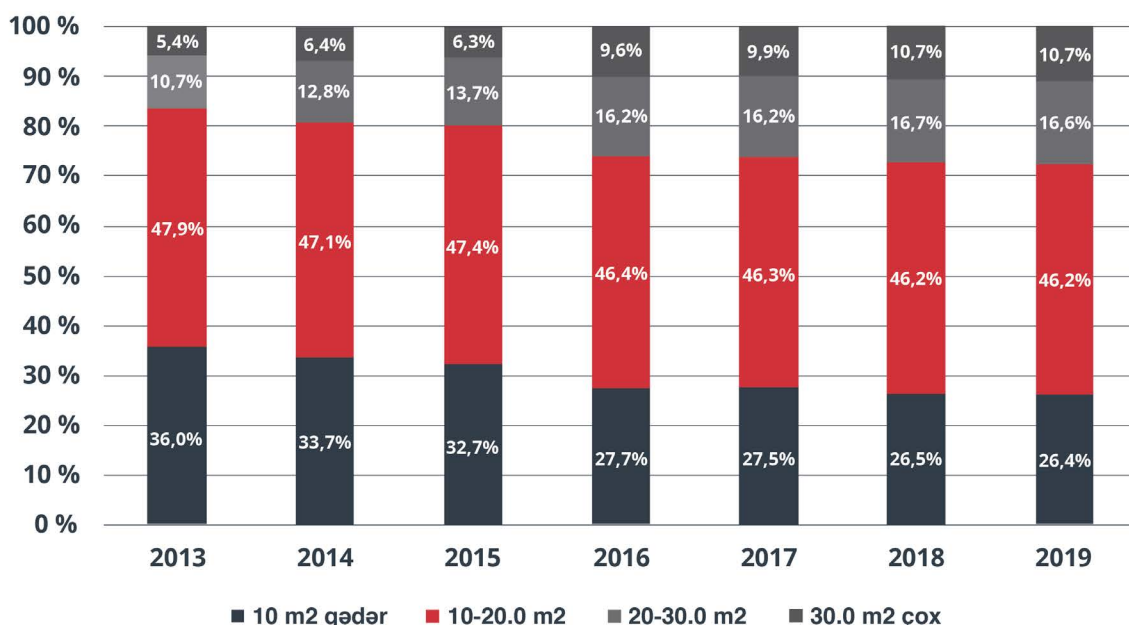
39 https://documents1.worldbank.org/curated/en/285561617602569676/pdf/Azerbaijan-Rapid-Housing-Needs-and-Demand-Assessment-Baku-Pilot.pdf?fbclid=IwAR0Go1YdqFko6ForoDU1tAJDVPBYakJdnemW7BY5BdnhN6hh_r0WXx4EI7I.

40 https://www.stat.gov.az/source/healthcare/az/003_1.xls.

41 Housing question, the website of Economic Conversations, Bank of Russia, available at: <https://econs.online/articles/details/obespechennost-zhilem-v-raznykh-stranakh/>. European Commission, Housing space per person, available at: https://ec.europa.eu/energy/content/housing-space-person_en.

According to the calculations of the authors of the report, there has also been an increase in the number of apartments with more than 20 m² per capita, from 16.1% in 2013 to 27.3% in 2019, further indicating some growth in the level of welfare among the population. This growth is partly explained by the fact that new apartments are built no smaller than 50-100 m² (the average area of apartments commissioned in 2020 was 94 m²).⁴²

Figure 3. Distribution of households according to the average total area per capita



As can be seen from Figure 3, a significant portion of the population live in a space of less than 20 m², indicating high density. According to the official data, only 30% of the population live in apartments of three or more rooms.⁴³ As the majority of three-room apartments are located in buildings built during the Soviet period, with uniform apartments of the same size, this suggests that the total floor area in such buildings does not exceed 48-55 m². Considering that an average family consists of four members, this further suggests high density housing levels in cities and other urban areas. It is estimated that three quarters of the country's population live in high density housing.⁴⁴

Another factor relating to high-density housing is the high level of migration to the capital, Baku. The SSC collects data on residents registered in Baku only, however, it is estimated that many more people live in Baku without being officially registered as residents. There is no precise official data on this. However, according to the Ministry of Internal Affairs, in addition to the city's residents, 250,000-300,000 vehicles enter the city daily.⁴⁵ Other reports suggest that more than 500,000 people enter Baku for a short period of time and remain in or around Baku every day.⁴⁶ According to the SSC, only 0.8% of Baku's population rent property, however, some experts estimate that this number is as high as 17-18%.⁴⁷

42 <https://www.stat.gov.az/source/healthcare/>.

43 <https://www.stat.gov.az/source/healthcare/>.

44 Aghayev R., Why Is It Impossible To Measure the Quality of Housing in Azerbaijan?, Baku Research Institute, available at: <https://bakuresearchinstitute.org/az/why-is-it-impossible-to-measure-the-quality-of-housing-in-azerbaijan/>.

45 <https://stm.az/storage/common/1620818220.25d09-hesabat-miqrasiya-6.pdf>.

46 Social aspects of internal migration and urbanisation in Azerbaijan, Journal of Azerbaijan Barometer by the Social Research Center, №2 (6), February 2020, available at: <https://stm.az/uploads/25d09-hesabat-miqrasiya-6.pdf>.

47 The state offers rental apartments from the Housing Construction Cooperatives (HCC) which remain unsold to citizens for rent, see <https://ayna.az/news/27148>.

To respond to the shortage of housing, the Government has adopted a number of social construction programmes. For a long time, such a programme has mainly aimed to support individuals displaced as a result of the First Nagorno-Karabakh War of 1988-1994, many settlements being built to accommodate them.⁴⁸ According to the report of the State Committee for Refugees and Internally Displaced Persons, 3.9 million m² of apartments were handed over to IDPs in 2019.⁴⁹ Other programmes were also put in place to improve the housing situation for the families of soldiers who died in the Karabakh war and disabled Karabakh War veterans, those visually impaired or otherwise disabled due to the Chernobyl Disaster, and other social groups.

In recent years, the Government has also started housing programmes aimed at assisting certain groups of society in buying housing on preferential terms. Such assistance has included social mortgages, support for young families, and social rental mechanisms.⁵⁰ The State Agency for Housing Construction (MIDA) was established in 2016 to facilitate such programmes, contributing to the improvement of the housing conditions of the population at the expense of the state exchequer.⁵¹ For example, in 2015, 501 apartments were provided at state expense either at a discount or free of charge, whereas a year later this figure amounted to 1,764, then 4,562 in 2019 (the majority of the beneficiaries were IDPs).⁵² In 2019, 1,112 families received homes on other preferential terms.⁵³ In total, in 2019, 5,674 families were able to acquire housing with the support of the state. The demand for such support, however, remains high, particularly among the low-income population. For example, more than 16,500 people are registered in the MIDA system, however, since its establishment in 2016, MIDA facilitated the acquisition of just over 2,000 apartments on preferential terms.⁵⁴ The MIDA system, however, is accessible only to certain sections of the population, such as civil servants, servicemen, those engaged in scientific and pedagogical work, and a number of other social groups, leaving a large part of the population deprived of the same rights. Often it remains non-transparent according to which criteria flats are finally allocated. IPHR research also points to corruption as the following case describes:

For example, Jalil Mustafayev, 67, is a resident of Ashagi Kasaman Village, Aghstafa District, and has a category II disability as a result of the accident at the Chernobyl Power Plant in 1986. According to the Law on the Status and Social Security of Citizens Taking Part in the Liquidation of the Chernobyl Accident, he is eligible to housing if he cannot afford it himself.⁵⁵ Since then, he has been on the list of individuals who have requested housing on this basis, both under the Ministry of Labour and Social Protection of the Population and under the Aghstafa District Executive. Mr Mustafayev reported that when his turn came in 2007, the Aghstafa District Executive gave the apartment to another person on the basis that he failed to pay a bribe to the authorities in the amount they requested. He also reported that many other persons on the list were provided with housing, however, he remained on the list as of August 2020. He has appealed to the President of Azerbaijan, but to date his situation remains unchanged.

48 <http://idp.gov.az/az/law/126/parent/15>.

49 Information on the work done by the State Committee for Refugees and Internally Displaced Persons in 2019, see <http://idp.gov.az/az/law/126/parent/15>.

50 <https://mida.gov.az/en/rules/kim/>.

51 <https://mida.gov.az/en/>.

52 State Statistical Committee, 'Improving the housing conditions of the population at the expense of the state and obtaining housing at a discount', available at: https://www.stat.gov.az/source/healthcare/az/003_8.xls.

53 <https://mida.gov.az/az/newsread/648/>.

54 The State Agency for Housing Construction (MIDA) held a report meeting on the results of its activities in 2020, see <https://mida.gov.az/az/newsread/756/>.

55 Article 7.3 of the Law, available at: <http://www.e-qanun.az/framework/8738>.

As for living conditions, access to water remains a concern. According to the Household Survey compiled by the State Statistical Committee, 12% of households in Azerbaijan do not have access to water.⁵⁶ Among those with a water supply, 80% do not have a central heating system and 74% do not have an individual heating system. Only 21% of private homes have access to sewerage and 50% to a supply of water.

The situation of homeless people, as a social group in high need of state social support, is somewhat ambiguous in Azerbaijan as there are no official statistics relating to this group that would allow for an assessment of their living conditions. It has been observed that during cold seasons of the year the authorities arrange a hotline and set up tents aimed at providing homeless people with hot meals and a warm place to stay. In 2017, the Ministry of Labour and Social Protection of the Population established a dedicated institution for unattended or otherwise socially vulnerable homeless minors. It is also open to adults in cases of urgent need and is located in the village of Zabrat.⁵⁷ It operates as a semi-permanent shelter designed to accommodate people for periods of 90-180 days. This institution has received 61 persons in January-February 2021 (52 people over 18 years of age and 9 people under 18 years of age),⁵⁸ 150 in 2020 and 340 individuals in 2019.⁵⁹

As a significant portion of the Azerbaijani population struggle to secure adequate housing for themselves and their families, the Government policies in place should be reviewed to ensure that the social groups most in need are indeed protected. Being an essential component of adequate living standards, access to adequate housing is necessary for one's living in dignity, as well as the ability to properly exercise all other social and economic rights, something with which many Azerbaijanis struggle.

Recommendations to the Government of Azerbaijan

In light of the above findings, IPHR and BHRC urge the Azerbaijani authorities to:

- Periodically review and revise the minimum consumer basket, as required by the domestic legislation, so that it corresponds to the real needs of the population. It should be formed on the basis of internationally accepted criteria to reflect on the various spheres of life of the population, varying from food supply to housing floor area and to Internet traffic.
- Change the methodology on the basis of which a minimum consumer basket is formed so as to reflect the realistic needs of the population. It should include large-scale surveys of the population and analysis of the needs of an ordinary family of four, upon which general calculations may be made.
- Ensure that the income of those who are no longer employed or are unable to work is no lower than the subsistence minimum. All minimum indicators - such as the minimum consumer basket, the subsistence minimum, state social allowance, pensions, and special unemployment benefits in the context of COVID-19 - must be consistent and correspond to the real needs of the population.

56 https://www.stat.gov.az/source/budget_households/az/bul/bul_2020.pdf.

57 <https://www.sosial.gov.az/baximsiz-kimssiz-v-sosial-thlukli-viziytd-olan-yetkinlik-yasina-catmayanlar-ucun-sosial-siginacaq-v-reabilitasiya-mussisi>.

58 https://www.sosial.gov.az/post_437517.

59 https://www.sosial.gov.az/post_365130; <https://www.sosial.gov.az/3099>.

- Broaden the scope of the categories of social groups eligible to take part in the preferential housing system so as to assist families with low incomes to acquire adequate housing:
 - Ensure a non-discriminatory access to adequate housing by disadvantaged and marginalized individuals and groups in particular, including internally displaced persons.
- Make its decision-making in the allocation of social housing more transparent and to strengthen its anti-corruption measures.
- Improve basic living conditions to ensure that all households have access to clean water, heating, and the sewerage system.
 - a non-discriminatory access: to adequate housing, employment, education and health care by disadvantaged and marginalized individuals and groups, including internally displaced persons (as recommended in the Committee's Concluding Observations)

The Right to the Highest Attainable Standard of Health

Article 12 of the Covenant

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - a. The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - b. The improvement of all aspects of environmental and industrial hygiene;
 - c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - d. The creation of conditions, which would assure all medical service and medical attention in the event of sickness.

Introduction

The right to health is a fundamental human right of every human being, indispensable for the exercise of other human rights conducive to living in dignity. State obligations under the right to health include the creation of an adequate legislative framework, as well as health policies; implementation of targeted health programmes; and ensuring of accessibility to health services, including financial and physical accessibility, with quality services provided to all without discrimination.

In Azerbaijan, financial accessibility to health services has long been a primary concern in the health sector, as the state funded health system was only put in place on the national level in April 2021, with the introduction of compulsory health insurance – and is yet to ensure that every Azerbaijani has access to adequate health services. Other issues relating to accessibility to health services include the growing phenomenon of ‘medical tourism’, whereby Azerbaijanis travel abroad for medical treatment, the continuing practice of ‘out of pocket payments’, and insufficient access to health services in rural areas of the country. The report additionally draws urgent attention to the issue of reproductive, maternal and child health, as maternal, infant, and child mortality rates in Azerbaijan are significantly higher than average rates in Europe and Central Asia. The report concludes with recommendations to the Government of Azerbaijan.

Summary of key findings

Our research and analysis into the right to health, as a fundamental human right, raises a number of concerns that require an adequate response by the Government of Azerbaijan. Although compulsory health insurance was introduced in January 2020, establishing access to state-funded health care, a number of challenges remain. It is important that the health insurance system is implemented nationally, so as to guarantee access to affordable and good quality health care for the whole population, including

in rural areas where overall access to health institutions is insufficient.¹ In its Concluding Observations of 2 November 2021, the UN Committee on Economic, Social and Cultural Rights (CESCR) urged the Azerbaijani authorities to ensure a sufficient number of qualified medical personnel and continue to ensure adequate medical equipment, infrastructure, and facilities.²

Major concerns remain about the situation of those who are informally employed, and thus without state funded health insurance (see the report on the Right to Work on informal employment in the country). Other issues concern the ongoing practice of demanding 'out of pocket payments' by Azerbaijanis for medical services. The UN CESCR recommended the Azerbaijani authorities to take measures 'to prohibit the acceptance of informal payments by health-care practitioners' to address this widespread problem.³

This report further focuses on one particular theme, reproductive, maternal, and child health, as issues of serious concern, as maternal, infant, and child mortality rates remain high in Azerbaijan. The UN CESCR recognised some progress made towards addressing these problems, but remained concerned about inadequate access to sexual and reproductive health care and education, particularly by disadvantaged groups, such as adolescents, persons living in rural areas, persons living on low incomes, and persons with disabilities.⁴ One of the primary obstacles to assessing the scope of this problem relates to major discrepancies in the publicly available data on these issues published by the SSC and the World Health Organisation (WHO) that hinder analysis of the situation, as well as the lack of comprehensive research into the root causes leading to these alarming concerns. It is therefore a priority to ensure the careful and systematic documentation of cases and make information and statistics publicly available, so as to allow the root causes to be analysed and effectively addressed. The UN CESCR further recommended that the government introduce comprehensive, non-discriminatory, evidence-based, scientifically accurate, and age-appropriate sexual and reproductive health education into the school curriculum as part of its systematic approach to addressing the problem.⁵

I. Legal and institutional framework for the realisation of the right to health in Azerbaijan

The right to health is enshrined in the Constitution of the Republic of Azerbaijan of 1995.⁶ Article 41 of the Constitution stipulates the following:

- Everyone has the right to the protection of his/her health and to medical assistance;
- The State is responsible for taking all necessary measures for the development of all forms of health services based on various forms of property, guarantees sanitary-epidemiological safety, and facilitates various forms of medical insurance;
- Officials who conceal facts and circumstances threatening citizens' life and health are held accountable under the law.

1 Committee on Economic, Social and Cultural Rights Concluding Observations on the Fourth Periodic Report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fAZE%2fCO%2f4&Lang=en.

2 P ara. 43.

3 P ara. 43.

4 P ara. 46.

5 P ara. 47.

6 <http://www.e-qanun.az/framework/897>, Article 41.

The realization of this right is further guaranteed by the Law on Public Health Protection of 1997 (the Law).⁷ The preamble to the Law stipulates that the State's obligation to protect public health consists of 'a set of political, economic, legal, scientific, medical, sanitary, and hygienic measures aimed at protecting the physical and mental health of each person, increasing their active longevity and providing them with medical care.' The Law sets out the specific responsibilities of the State with regard to public health protection, including the development of state policy on public health and the protection of rights and freedoms in this field, the development of state programmes for the protection of health, financing of the state health system, ensuring environmental protection and ecological safety, and others.⁸

According to the Law, the country's public health protection consists of both state and non-state health systems. The state health system includes state-owned treatment and prophylactic facilities, research institutions, educational institutions, pharmaceutical enterprises, and sanitary and prophylactic institutions, as well as enterprises dealing with the logistics of health care and companies producing medical equipment and medicines, providing sanitary-epidemiological services, and performing forensic examination. In 2015, the Ministry of Health reported that there were around 700 private medical institutions providing health services in the country, however, no official statistics are publicly available on such institutions and their annual performance indicators are not included in the database of the State Statistical Committee (SSC).⁹

The Law establishes the right to health protection for citizens, foreigners, and stateless persons in Azerbaijan and grants particular protection to certain social groups such as families, pregnant women and mothers, victims of domestic violence, pensioners, persons with disabilities, internally displaced persons, servicemen, detainees, and prisoners.¹⁰ The Law further stipulates that every citizen has the right to receive medical and social assistance and to access information on factors affecting health.¹¹ The Law guarantees the provision of primary health care, emergency and urgent medical care, and specialized medical care to the population by the state. It further stipulates that medical and social assistance should be provided to those suffering from socially dangerous diseases, at the expense of the state budget.

7 <http://www.e-qanun.az/framework/4078>, (№ 360-IQ), dated 27 July 1997.

8 Article 3 of the Law.

9 http://www.sehiyye.gov.az/sehiyyede_ozel_sektor.html.

10 Articles 10-23 of the Law.

11 Articles 11-12 of the Law.

Another domestic law relevant to the realization and protection of the right to health is the Law on Sanitary and Epidemiological Safety of 1992,¹² which defines the powers and responsibilities of the government and local authorities in ensuring the sanitary-epidemiological safety of the population, as well as the rights and responsibilities of citizens, public associations, enterprises, and organizations in this area. A number of other domestic laws regulating specific areas and issues relating to the right to health form part of the national legislative framework on this issue.¹³

12 <http://www.e-qanun.az/framework/7916>, (№ 371), dated 10 November 1992.

13 Law on Radiation Safety of the Population, 30 December 1997, № 423-IQ, available at: <http://www.e-qanun.az/framework/4602>;

Law on the Rights of the Child, 19 May 1998, № 499-IQ, available at: <http://www.e-qanun.az/framework/3292>;

Law on Transplantation of Human Organs and (or) Tissues, 28 October 1999, № 726-IQ, available at: <http://www.e-qanun.az/framework/85>;

Law on Health Insurance, 28 October 1999, № 725-IQ, available at: <http://www.e-qanun.az/framework/80>;

Law on Private Medical Activity, 30 December 1999, № 789-IQ, available at: <http://www.e-qanun.az/framework/503>;

Law on Immunoprophylaxis of Infectious Diseases, 19 May 1998, № 499-IQ, available at: <http://www.e-qanun.az/framework/752>;

Law on the Fight Against Tuberculosis in the Republic of Azerbaijan, 2 May 2000, № 875-IQ, available at: <http://www.e-qanun.az/framework/624>;

Law on Psychiatric Care, 12 June 2001, № 142-IIQ, available at: <http://www.e-qanun.az/framework/2698>;

Law on Narcological Service and Control, 29 June 2001, № 161-IIQ, available at: <http://www.e-qanun.az/framework/2707>;

Law on Iodization of Salt for the Purpose of Mass Prevention of Iodine Deficiency Diseases, 27 December 2001, № 242-IIQ, available at: <http://www.e-qanun.az/framework/1028>;

Law on Infant and Young Child Nutrition, 17 June 2003, № 475-IIQ, available at: <http://www.e-qanun.az/framework/2215>;

Law on State Care for Persons with Diabetes Mellitus, 23 December 2003, № 563-IIQ, available at: <http://www.e-qanun.az/framework/4788>;

Law on State Care for Persons Suffering from Hemophilia and Thalassemia Inherited Blood Diseases, May 3, 2005, № 905-IIQ, available at: <http://www.e-qanun.az/framework/10405>;

Law on the Prevention of Child Neglect And Delinquency, 24 May 2005, № 919-IIQ, available at: <http://www.e-qanun.az/framework/10670>;

Law on the Circulation of Narcotic Drugs, Psychotropic Substances, and Their Precursors, June 28, 2005, № 959-IIQ, available at: <http://www.e-qanun.az/framework/10675>;

Law on Oncology Care, 23 May 2006, № 113-IIIQ, available at: <http://www.e-qanun.az/framework/12307>;

Law on Medicines, 22 December 2006, № 208-IIIQ, available at: <http://www.e-qanun.az/framework/12128>;

Law on Natural Treatment Resources, Health Resorts, and Spas, 1 April 2008, № 557-IIIQ, available at: <http://www.e-qanun.az/framework/14606>;

Law on State Care for People with Multiple Sclerosis, 7 March 2012, № 303-IVQ, available at: <http://www.e-qanun.az/framework/23286>;

Law on Compulsory Medical Examination of Children, 5 March 2013, № 591-IVQ, available at: <http://www.e-qanun.az/framework/25600>;

Law on the Fight Against the Disease Caused by the Human Immunodeficiency Virus, 11 May 2010, № 1001-IIIQ; <http://www.e-qanun.az/framework/19707>.

II. Public health system and health policy in Azerbaijan

Access to quality medical services and the level of public health generally depends on the structure and capacity of the state healthcare system. As the WHO describes, 'health systems are defined as comprising all the organisations, institutions and resources that are devoted to producing health actions, and a health action is defined as any effort, whether in personal health care, public health services or through intersectoral initiatives, whose primary purpose is to improve health'.¹⁴ A health system is considered effective if it is able to provide the population with quality medical services when and where they are needed.

Compulsory health insurance is fundamental to guaranteeing access to health services and the adequate realisation of the right to health. In Azerbaijan, nationwide compulsory health insurance was introduced only recently - in January 2020 - and has only been fully operational since April 2021. Up until then, the government's efforts in the health sector over almost 20 years seriously struggled to create an adequate health system for the public.

AZERBAIJAN'S HEALTH SYSTEM UNTIL THE 2016-2020 REFORMS

Following the breakdown of the Soviet Union, Azerbaijan inherited a Soviet health system that was based on the Semashko model, meaning that health services for the public were fully funded by the state. This model did not survive in independent Azerbaijan, as the government did not allocate sufficient funds to support it in the first decade of independence. The reasons behind this failure included limited economic and financial resources, as well as turbulent political, economic, military, and social situations. Marked by allegations of corruption, the state healthcare system deteriorated rapidly - including the quality and availability of medical services to the public, the organisation of medical services, and medical facilities. This led to increased 'out-of-pocket payments' for healthcare.¹⁵ According to the World Bank, in 2002, only 20-25% of total annual health expenditures in Azerbaijan were covered from the state budget, with the remaining 75-80% consisting of direct payments from the population, also known as 'out-of-pocket payments'.¹⁶

The first attempt to reform the healthcare system was made in 1998, when the State Commission for Health Reform was established by the Presidential Order of 13 March 1998.¹⁷ However, no reform programme was made public, and the Commission's activities were suspended in 2007.¹⁸ This was followed by the establishment of the State Agency for Compulsory Health Insurance on 27 December 2007, which, together with other related executive acts, was aimed at introducing compulsory health

14 The World Health Report 2000 - Health systems: Improving performance. World Health Organization, 2000, available at: <https://www.who.int/whr/2000/en/>.

15 Azerbaijan: Health Sector Review Note, Volume 1, Main Report. World Bank. Washington, DC. 2005, available at: <https://openknowledge.worldbank.org/handle/10986/8692?locale-attribute=en> ; Azerbaijan: Health system review. Health Systems in Transition. Vol. 12 No. 3, 2010 (Fuad Ibrahimov, Aybaniz Ibrahimova, Jenny Kehler, Erica Richardson).

16 Ibid.

17 http://health.gov.az/sehife_islahatlari.html.

18 <http://www.e-qanun.az/framework/12735>.

insurance in the country.¹⁹ It intended to serve as a new economic basis for financing the healthcare system, providing all citizens with free medical services as defined by the basic health services package, as well as improving the quality of medical services and overall healthcare governance. Although the Cabinet of Ministers approved the Action Plan for the implementation of these reforms for 2008-2012,²⁰ no action was taken by the authorities towards its implementation in practice.

2016-2020 REFORMS AND THE INTRODUCTION OF COMPULSORY HEALTH INSURANCE

Reforms that led to significant changes in the health system were initiated in 2016, with the creation of the State Agency for Compulsory Health Insurance (SACHI) under the Cabinet of Ministers.²¹ SACHI is the state body responsible for ensuring the application of compulsory health insurance (CHI).²² The reforms began with the introduction of compulsory health insurance in some parts of the country; in the administrative territories of Mingachevir City and Yevlakh District from 1 January 2017 and in the administrative territory of Agdash District from 17 February 2018.²³ This was followed in December 2018 by the creation of the Management Union of Medical Territorial Units (TABIB) as the executive body overseeing all institutions providing medical services with compulsory health insurance, assuming the authority previously held by the Ministry of Health (with certain exceptions).²⁴ As stated in the Presidential Decree, TABIB was established 'to increase the level of medical services provided to the population, to improve control mechanisms over the quality of medical care and the protection of patients' rights, and to ensure reliable public health protection'. The Ministry of Health remained the central executive body implementing state policy and regulation in the field of public health protection.²⁵

Following the creation of the relevant institutional framework, the Law on Medical Insurance was amended in December 2018 and December 2019 to create a legal basis for the introduction of compulsory health insurance across the country.²⁶ The package of medical services available to the population under the compulsory health insurance included 2,550 types of medical services as of January 2020 and is expected

19 <http://www.e-qanun.az/framework/14395> ; a lso, Concept of the Reform in the Health Financing System and the Introduction of Compulsory Health Insurance, adopted on 10 January 2008, available at <http://www.e-qanun.az/framework/13091>.

20 <http://www.e-qanun.az/framework/15292>.

21 Decree of the President of the Republic of Azerbaijan, dated 24 November 2016, available at: <http://www.e-qanun.az/framework/34171>.

22 <http://www.e-qanun.az/framework/36428>.

23 <https://president.az/articles/21873>, <http://www.e-qanun.az/framework/38801>.

24 Decree of the President dated 20 December 2018, available at: <http://www.e-qanun.az/framework/41023>; t he list of such medical institutions was approved by the Resolution of the Cabinet of Ministers, dated 12 April 2019, available at: <http://www.e-qanun.az/framework/42040>.

25 <http://www.e-qanun.az/framework/11696>.

26 <http://www.e-qanun.az/framework/41346> ; <http://e-qanun.az/framework/43973>;

The following institutions remain as part of the structure of the Ministry of Health: Republican Centre for Hygiene and Epidemiology; Centre s for hygiene and epidemiology in the city (district), as well as water transport; and the Republican Sanitary and Quarantine Inspection.

State medical institutions subordinated to the Ministry of Health include the National Ophthalmology Centre and its branches, the National Oncology Centre and oncology hospitals (dispensaries), anti-plague stations and departments, the Republican AIDS Centre , family planning consulting centre s, family and marriage consulting centre s, medical institutions providing treatment in sanatoriums and resorts, medical institutions providing psychiatric and narcological services, etc. The list of such enterprises is specified in the Decree of the President of the Republic of Azerbaijan dated 20 December 2018, № 418, available at: <http://www.e-qanun.az/framework/41023>.

to increase.²⁷ While welcoming these reforms, the UN CESCR noted in its Concluding Observations of 2 November 2021 that the availability, accessibility, and quality of health care remain limited, particularly in rural areas, and encouraged the government to allocate sufficient resources to the healthcare sector and continue its efforts to ensure the availability, accessibility, acceptability, and quality of health care services.²⁸

As of January 2021, as part of the introduction of CHI, the collection of the compulsory health insurance premiums that form a part of the CHI fund has begun.²⁹ According to the Law on Medical Insurance, all citizens, foreigners, and stateless persons with refugee status are insured for 90 AZN (approx. 45 EUR) per capita at the expense of the State for a full calendar year (this amount is to be indexed once a year according to the annual consumer price index).³⁰ Along with the insurance premiums, it is envisaged to allocate certain funds to the CHI fund from excise duties on petrol, diesel fuel, liquefied gas, alcohol and energy drinks, and tobacco.³¹

In addition to medical services under the CHI, the state healthcare system runs 15 health programmes offering preventive measures and medical treatment to the public for specific diseases, such as diabetes, tuberculosis, cancer, and HIV/AIDS; as well as programmes relating to maternal and child health, blood donations, and other issues (for a full list, see Annex 1). State funding for such programmes has increased over the past few years, from 154.4 million AZN (approx. 77 million EUR) in 2018 to 198.5 million AZN (approx. 100 million EUR) in 2021, offering increased access to those in need of such services (Annex 1). The actual implementation of such programmes, however, raises concerns in terms of the ability of those in need to access such state-funded medical support in a timely manner.

On 23 April 2020, Fagan Rustamov, a resident of the Goychay district, reported to Baku Human Rights Club (BHRC) that his 14-year-old son, Emil, who suffers from epilepsy and a neurological disease and is eligible to medicine free of charge, paid for by the state, has not been provided with such medicine.

27 Resolution of the Cabinet of Ministers № 5, dated 10 January 2020; available at: <http://e-qanun.az/framework/44151>

28 Committee on Economic, Social and Cultural Rights Concluding Observations on the Fourth Periodic Report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, P ara. 43.

29 <http://www.e-qanun.az/framework/80>, Law on Medical Insurance, Article 15

30 The law stipulates the rates of insurance and insurance premiums for different categories of the population as follows:

Compulsory health insurance premiums are levied from employers and employees in the public sector and oil sector in the amount of 2% from the part of the monthly calculated salary fund up to 8,000 manats and in the amount of 0.5% from the part over 8,000 manats;

Compulsory health insurance premiums are levied from employers and employees in the private sector and non-oil sector in the amount of 1% in 2021 and 2% starting from 2022 from the part of the monthly calculated salary fund up to 8,000 manats and in the amount of 0.5% from the part over 8,000 manats;

Individuals performing works (services) on the basis of civil-legal contracts will pay compulsory health insurance premiums in the amount of 2% from the part of their monthly income up to 8,000 manats and 1% from the part over 8,000 manats;

Individuals registered as taxpayers will pay compulsory health insurance premiums in the amount of 4% of the monthly minimum wage (currently the minimum wage is 250 manats, so the payment is 10 manats per month) for every month;

Unemployed citizens of working age and self-employed citizens are in the category of the insuree. They pay 48% of the minimum monthly wage for a year. According to the transitional provisions of the law, such individuals will begin to pay insurance premiums from 1 January 2024. Until then, they will also be able to receive medical services in accordance with the full package of services at the expense of state-funded insurance payments.

31 Article 15 of the Law on Health Insurance.

The father appealed to the Ministry of Health, complaining about his inability to receive medicine for his son and had his appeal forwarded to the Goychay Central Hospital. He reported that he was told at the hospital that they did not receive medicine from Baku and in some instances they provide medicine to those in need only with great delays. Mr Rustamov also expressed his concerns over instances of bribery in such cases.

PHYSICAL ACCESS TO MEDICAL SERVICES: INSUFFICIENT IN RURAL AREAS

Access to health care remains insufficient in rural and remote areas of the country. According to the SSC, there were 31,800 doctors (32 per 10,000 inhabitants), 55,000 medical workers (55.9 per 10,000 inhabitants), 570 hospitals, 44,300 hospital beds (44.5 per 10,000 inhabitants), 79 emergency departments, 1,726 medical institutions providing outpatient care (including 131 women's clinics and 248 children's medical institutions), 1,775 medical (paramedic-midwife) stations operating in rural areas, and 4 orphanages in the country at the beginning of 2020.³² This data suggests that the network of public health facilities in the country is generally sufficient to ensure adequate physical access to medical services. The situation in rural areas of the country is, however, very different, as there are many villages, particularly in mountainous areas, without any medical centres.³³ The UN CESCR has noted that the availability, accessibility, and quality of health care remain insufficient in rural and remote areas in particular, where communities not only lack adequate state-funded health protection, but also adequate access to qualified medical personnel, as well as adequate medical equipment, infrastructure, and facilities.³⁴

In some districts, the level of villages' provision with medical facilities varies between 35% and 60%. For example, although there are 108 villages in the Gadabay district, there are only 49 medical institutions (5 rural field hospitals, 19 doctor's offices and 25 rural medical centres), i.e. the level of villages provided with medical facilities is 45%. According to the calculations carried out by the research team, the level of such an indicator is 34.5% in the Ismayilli district; 39-40% in the Khizi, Astara, Guba, Neftchala, Siyazan, and Yardimli districts; and varies in the range of 40-60% in the Aghsu, Shabran, Gobustan, Tovuz, Lerik, Masalli, and Jalilabad districts. The absence of adequate, or any, physical access to medical care in some areas of the country is therefore of primary concern to the population living there.

III. Financial access to medical services and financing of the health system in Azerbaijan

Sufficient state funding for the country's health sector is a key determinant for its performance in terms of equity and efficiency. Up until recently, when compulsory health insurance was introduced in Azerbaijan, state-allocated funds were insufficient and constituted a minor part of the funding of health services. According to World Bank data, in 2018, out-of-pocket payments by the population constituted 72.8% of health expenditure in Azerbaijan, with just over 27% funded from the state budget (Figure 3 below).³⁵ Figure 1 illustrates the gradual increase in state funds allocated to the health sector, with a

32 <https://www.stat.gov.az/source/healthcare/>.

33 <https://www.stat.gov.az/source/demography/>; <http://www.e-qanun.az/framework/42040>.

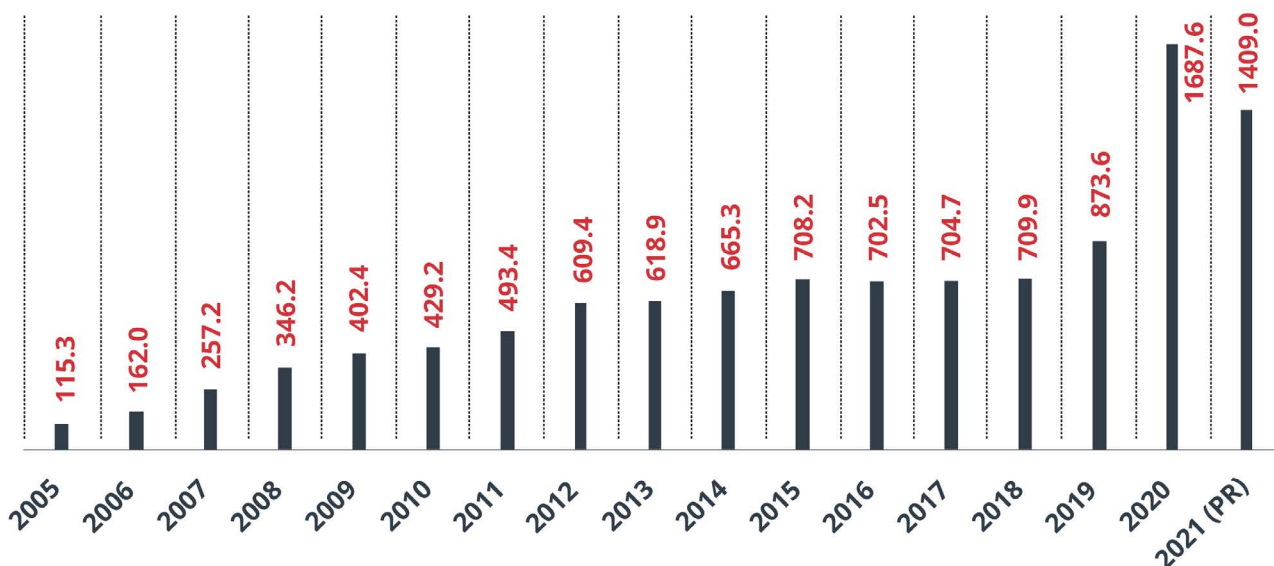
34 Para. 43.

35 For comparison, in 2018, the average share of the state in health expenditures around the world was 59.5%, see <https://data.worldbank.org/indicator/SH.XPD.GHED.CH.ZS>.

sharp rise in 2020-2021, following the introduction of CHI.³⁶ Compared to 2005, funds allocated from the state budget had increased by a factor of 3.7 by 2010 and 6.1 by 2015. This gradual increase can be explained by the rapid growth of oil revenues in Azerbaijan in 2005-2010, resulting in more funds being allocated to the health sector. However, in the years that followed, the annual growth rate of health expenditures slowed down. Due to the 2015 economic crisis there was almost no change in the annual funds for the health sector in 2015-2018 (Figure 1). Furthermore, despite the gradual increase in funds for health sector in 2005-2018, the share of health expenditures in the overall state budget decreased (Figure 2); it fell from 5.4% in 2005 to 3.2% in 2008, then varied in the range of 3.2-3.6% in 2008-2014, then sitting at the level of 4.0% in 2015-2017.

Figure 2 also shows how the share of health expenditures in the state budget compared to the country's annual GDP changed during 2005-2019. The ratio of state health expenditures to GDP fluctuated between 0.9% and 1.1% in most years during this period. However, according to the World Bank and the World Health Organization, the average ratio of state health expenditures to GDP in the world during this period fluctuated between 5% and 6%.³⁷ For comparison, in neighboring Georgia, the level of this indicator increased from 1.2% in 2005 to 3.1% in 2016 and in Belarus it was around 4%.³⁸

Figure 1. State funds allocated to the health sector (in million AZN)



(Source: State Statistical Committee, Ministry of Finance)

36 These funds are spent on running the daily operations of medical services and do not include funds for construction and reconstruction of new health facilities (funded under a different budget line).

37 <https://data.worldbank.org/indicator/SH.XPD.GHED.GD.ZS>.

38 <https://data.worldbank.org/indicator/SH.XPD.GHED.GD.ZS?locations=GE-BY>.

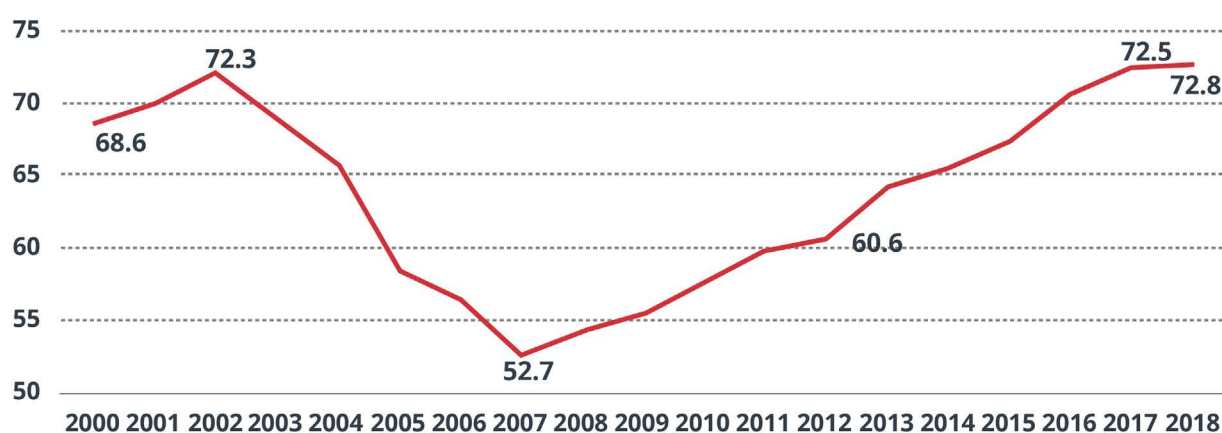
Figure 2. The share of health expenditures in the state budget compared to GDP, share in total, in %



(Source: State Statistical Committee, Ministry of Finance)

Interestingly, an increase in ‘out-of-pocket payments’ by the public to cover medical expenses is observed with the increase in state- allocated funds to the health sector in 2005-2018 (Figure 3, compiled on the basis of the World Bank’s data). The share of ‘out-of-pocket payments’ among annual health expenditures in Azerbaijan first decreased by 19.6% (from 72.3% to 52.7%) in 2002-2007, then gradually increased again in subsequent years, reaching 72.8% in 2018. Such a sharp rise indicates a rapid increase in the public’s medical expenses despite the increase in state funds allocated to the health sector. For comparison, the share of ‘out-of-pocket payments’ in Azerbaijan is 3-4 times higher than the world average, which was around 18% in 2005-2018.³⁹ In November 2021, the UN CESCR expressed its concern that the practice of informal payments from patients being accepted by health care practitioners still remains widespread in Azerbaijan and urged the government to continue taking measures to prohibit the acceptance of informal payments.⁴⁰ Besides state funds and informal payments from the public, other sources, such as international projects, constitute less than 1% of funding in the period 2005-2018.

Figure 3. Share of ‘out-of-pocket payments’ by the public among total payments for medical expenses, in %



Source: World Bank

39 <https://data.worldbank.org/indicator/SH.XPD.OOPC.CH.ZS>.

40 P ara. 43.

PROJECTIONS FOR THE FUTURE

With the transition to CHI came a significant increase in state funds allocated to the health sector. The 2021 State budget envisaged the allocation of 1.409 billion AZN (up to 4.9% of total budget expenditures) to the health sector, with 1.045 billion AZN (74.1% of these funds directed to the CHI.⁴¹ An additional 105.9 million AZN (including 4.8 million AZN as part of the budget of the Nakhchivan Autonomous Republic) are allocated for CHI premiums for employees of organisations financed from the state budget.⁴² The government has so far not published any projections on the funds expected from CHI payments in 2021, although the various tariffs and categories of beneficiaries are established by law. The estimations made by the research team indicate an income to the state budget of approx. 450 million AZN from CHI in 2021. The estimations also suggest that following the introduction of CHI, the level of state funds for medical services in state medical institutions may be 3.6 times higher than in 2019.⁴³ Taking these calculations into account suggests that state funds for the health sector in 2021 should exceed 1.9 billion AZN, equaling around 2.5% of the projected annual GDP, meaning that Azerbaijan will still not reach the global average (i.e. approx. 5-6% of GDP).

MEDICAL TOURISM

One phenomenon observed in terms of the Azerbaijani public's health expenditures since 2005 is the rapid increase in the number of Azerbaijanis seeking treatment in neighbouring / partner countries, such as Iran or Turkey, also known as 'medical tourism' (Figure 4). The data indicates that the number of people leaving the country for medical treatment abroad had increased by a factor of 1.9 by 2010 compared to 2005, and a further factor of 6.6 by 2018 compared to 2010. This official data includes information provided by those individuals who declared that they travelled abroad for the purpose of 'medical tourism', suggesting that this number may be significantly higher, given that not everyone travelling for medical treatment indicates the purpose of their trip.

The data analysed in this section suggests that despite the annual increase in the state funds allocated to the health sector and the increase in income and solvency among the population over the years⁴⁴, both the share of 'out-of-pocket payments' among health expenditures and the number of people travelling abroad for medical treatment has increased in the most recent years. This signals the existence of significant problems in terms of financial access to medical services in the country and highlights the need to address this fundamental issue in order to effectively realise the right to health.

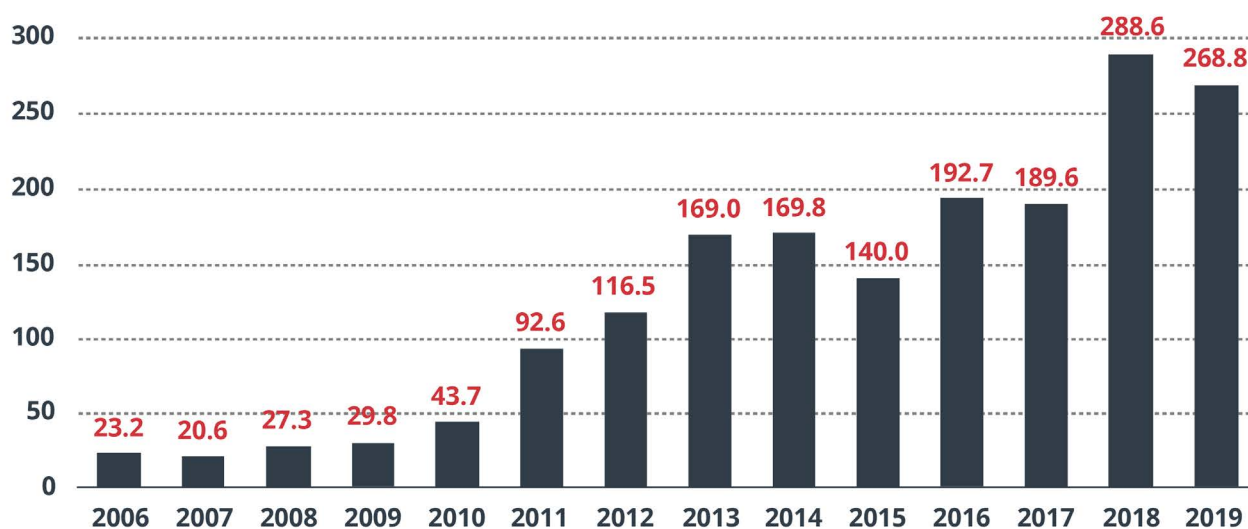
41 <http://www.e-qanun.az/framework/46614>; The remaining 400 million AZN will be used to fund hospitals and other health facilities, as well as health programmes outside the remit of the CHI, such as those under the Ministry of Health, Special Medical Service, Ministry of Internal Affairs, Ministry of Emergency Situations, and others.

42 Explanation of the Draft Law of the Republic of Azerbaijan on the State Budget of the Republic of Azerbaijan for 2021, p. 30.

43 <http://www.e-qanun.az/framework/45414>.

44 https://www.stat.gov.az/source/budget_households/.

Figure 4. Azerbaijani citizens traveling abroad for 'medical tourism', in thousands of people



(Source: State Statistical Committee)

As the compulsory health insurance is being rolled out across the country, a number of related problems in the health sector remains to be addressed by the Government of Azerbaijan. Issues such as the wide practice of 'out-of-pocket' payments, which is deeply entrenched in the sector, exclusion of those employed informally or the medical tourism abroad by Azerbaijanis speaks to the need for all encompassing approach by the authorities to ensure that everyone in Azerbaijan can effectively enjoy their right to health. Among the particular areas in the health sector that raise serious concern is reproductive, maternal and child health, which this report discusses in the next section.

IV. Reproductive, maternal and child health in Azerbaijan

The health of women and children is an integral aspect of the right to health to which this report dedicates a particular focus due to its being an area of health care that requires urgent attention in Azerbaijan. It encompasses reproductive and maternal health (prenatal and postnatal) and child health care, areas which reveal a number of fundamental gaps and challenges that require urgent measures. In its Concluding Observations, the UN CESCR expressed concern about inadequate access in Azerbaijan to sexual and reproductive health care and education, including for adolescents, persons living in rural areas, persons living on low incomes, and persons with disabilities.⁴⁵ The lack of access to women's health care services was also voiced by a significant number of female internally displaced persons whose situation was the subject of research by Women's Empowerment for Sustainable Development in 2021.⁴⁶

Azerbaijan's commitments to ensure and protect these rights derive from both international agreements that it must adhere to and its own domestic law. The Universal Declaration of Human Rights recognis

45 P ara. 46.

46 Women's Empowerment for Sustainable Development R eport ' IDP women: N eeds assessment for post-conflict life, including expectations for safe return home', August 2021.

es that 'motherhood and childhood are entitled to special care and assistance'.⁴⁷ The International Covenant on Economic, Social and Cultural Rights (ICESC) explicitly requires that the Government of Azerbaijan take the necessary steps 'for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child'.⁴⁸ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Azerbaijan is a party, specifically protects the status of motherhood and the special health needs of women, obliging states to provide access to medical care and to other resources necessary for safe pregnancy.⁴⁹ The Convention on the Rights of the Child recognises that children are vulnerable in terms of their health and that states must take steps to ensure that all children achieve the highest attainable standard of health, including by reducing infant and child mortality and through access to maternal health care.⁵⁰ Similar commitments by the Government of Azerbaijan also derive from the International Conference on Population and Development (ICPD)⁵¹ and the Action Plan of the United Nations Population Fund's (UNFPA) Country Programme for Azerbaijan for 2016-2020, which covered the protection of these rights.⁵²

At the domestic level, the Law on Public Health Protection establishes a number of rights relating to reproductive health and motherhood under the section 'Family planning and regulation of human reproductive functions'.⁵³ At the executive level, in Azerbaijan, it is the duty of the Ministry of Health to ensure the development and implementation of measures for the protection of motherhood and children, reproductive health, and family planning.⁵⁴ With the technical support of the World Health Organisation and the United Nations Population Fund in Azerbaijan, the Ministry of Health developed a National Strategy for Reproductive Health for 2008-2015, adopted by the Minister of Health in January 2008.⁵⁵ As part of this Strategy, a Draft Law on the Protection of Reproductive Health and Family Planning was prepared and submitted to the Milli Majlis, the national parliament, however, it has at present not yet been adopted, more than ten years after the debate in Parliament.⁵⁶ Following the expiration of the abovementioned Strategy, a new draft National Strategy for the Reproductive Health of the Population of the Republic of Azerbaijan for 2017-2025 was prepared, however, again, has at present not been adopted by the Parliament.⁵⁷

As for maternal and child health, two programmes were adopted by the Cabinet of Ministers - in 2006 and in 2014 - with the aim of improving the quality of treatment and prophylactic care provided to

47 United Nations General Assembly. Universal Declaration of Human Rights. United Nations document A/810 (10 December 1948), Article 25.

48 Article 12.2(a).

49 Convention on the Elimination of All Forms of Discrimination Against Women, opened for signature 18 December 1979, 1249 UNTS 13, 1249 UNTS 13 (entered into force 3 September 1981), Articles 11, 12, available at: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

50 Convention on the Rights of the Child, 1577 UNTS 3, entered into force 2 September 1990, Article 24.

51 International Conference on Population and Development, available at: <https://www.unfpa.org/icpd>.

52 United Nations Population Fund Country Programme Document for Azerbaijan, 2015, available at: <https://www.unfpa.org/sites/default/files/portal-document/Azerbaijan%20CPD%20-%20ODS.pdf>.

53 <http://www.e-qanun.az/framework/4078>.

54 Regulations on the Ministry of Health approved by Decree № 413 of the President, 25 May 2006 (Article 8.11), available at: <http://www.sehiyye.gov.az/sehiyye-nazirliyinin-esasnamesi.html>.

55 http://sehiyye.gov.az/files/pdf/reproduktiv_saglamliq_dair_milli_strategiya_az.pdf.

56 <http://eu.meclis.gov.az/?az/law/191/2>.

57 https://azertag.az/xeber/2017_2025_ci_iller_uchun_Milli_Reproduktiv_Saglamliq_Strategiyasinin-_ilkin_layihesi_muzakire_edilib_VIDEO-1039385,

women and children in the country, in order to further improve their health outcomes.⁵⁸ Earmarked funds are allocated from the state budget annually to finance programme activities (see Table 1).

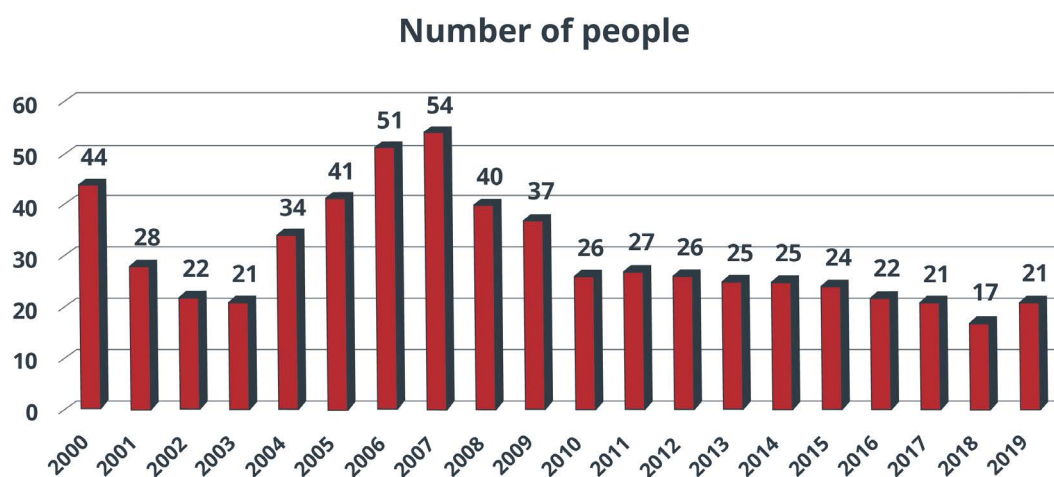
The simultaneous absence of, on the one hand, any specific law to ensure that reproductive, maternal, and child rights are properly regulated and, on the other hand, any strategies or programmes designed to support the practical implementation of the respective rights leaves the population, and women and children in particular, without a proper mechanism for the effective realisation of access to the relevant rights. Adequate legislative and executive mechanisms would support access to reproductive and maternal health services as they would clearly recognise women’s entitlement to these services and establish specific frameworks for the realisation of their rights. As the below analysis of the publicly available official statistics demonstrates, maternal, child, and infant mortality rates in Azerbaijan are of great concern and demand urgent improvements to the situation.

OVERVIEW OF THE DATA ON MATERNAL AND INFANT/CHILD MORTALITY RATES IN AZERBAIJAN

According to the recommendations of the World Health Organization, monitoring and assessment of reproductive health status are carried out on the basis of 17 indicators.⁵⁹ This report specifically focuses on the maternal mortality ratio as one of these indicators, as well as that of infant and child mortality, as issues that require adequate attention in the country.

Safe motherhood, i.e. safe pregnancy and child delivery care, as well as infant and women’s health care, is a significant aspect of reproductive health. According to the State Statistical Committee (SSC), the highest number of maternal deaths in Azerbaijan – 54 women - was recorded in 2007, with a sharp increase in 2003-2007. In subsequent years, Azerbaijan saw a gradual decrease in maternal mortality year on year, with 21 maternal deaths recorded in 2019 (see Figure 5).

Figure 5. Number of maternal deaths in Azerbaijan (mothers who died during pregnancy, childbirth, and postpartum period), in number of people



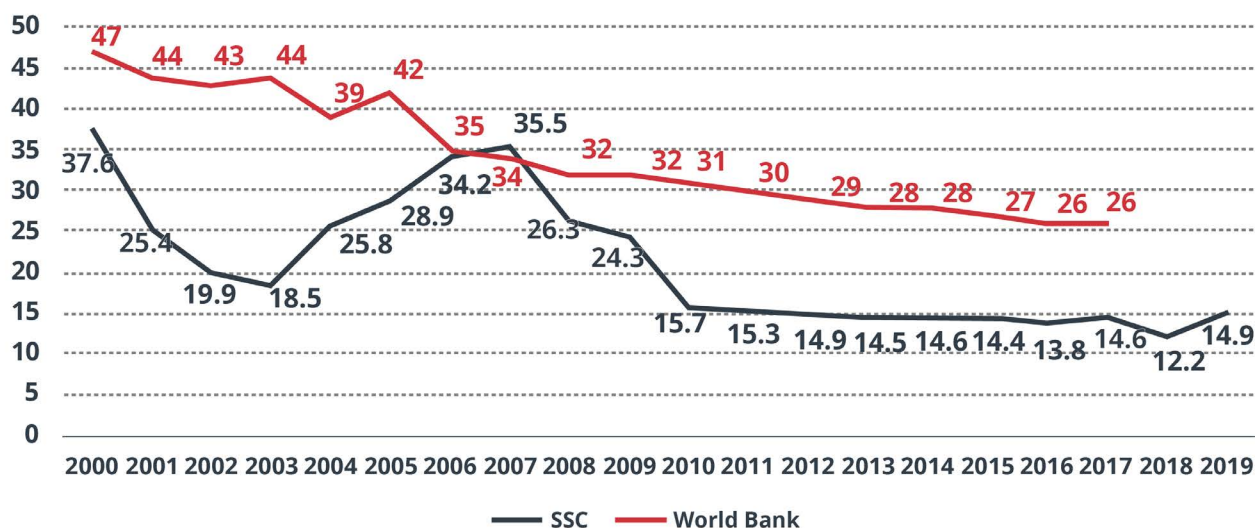
(Source: State Statistical Committee)

58 Programme of Measures for Maternal and Child Health Protection, approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan № 211, dated 15 September 2006, available at: <http://www.e-qanun.az/framework/12097>; State Programme for Improving Maternal and Child Health for 2014-2020, approved by the Resolution of the Cabinet of Ministers № 550 dated 13 June 2014, available at: <http://www.e-qanun.az/framework/27839>.

59 WHO, Reproductive health indicators: Guidelines for their generation, interpretation and analysis for global monitoring, available at: http://apps.who.int/iris/bitstream/handle/10665/43185/924156315X_eng.pdf?jsessionid=-A2DA73DD7FDA8324357C5ED2FE8CF4D7?sequence=1.

The World Bank data on maternal deaths in Azerbaijan differs, however, indicating significant discrepancies between the two sources and raising concerns about the credibility of the data provided by the SSC (see Figure 6). Except for 2007, when the data from both sources was roughly the same, significant deviations have been observed since 2010. For example, according to the SSC, in 2017, the maternal mortality rate per 100,000 live births was 14.6, whereas the World Bank data refers to 26 such deaths (Figure 6). The World Bank also reported that in the same year, 2017, the average maternal mortality rate in the region of Europe and Central Asia was 13 deaths per 100,000 live births, with Azerbaijan's rate being twice as high.⁶⁰

Figure 6. The maternal mortality rate per 100,000 live births in Azerbaijan



(Source: State Statistical Committee and World Bank⁶¹)

Similar discrepancies are observed in the data of the World Bank and the SSC regarding the mortality rate of infants (children under the age of one) and of children under the age of five. In contrast to the data on maternal mortality, however, a gradual growing convergence of such data can be observed over the last 20 years. For example, according to the SSC, the number of infant deaths per 1,000 live births fell from 16.4 in 2000 to 11.0 in 2019 (i.e. decreased by a factor of 1.5 in 20 years), whereas the World Bank suggests that it fell by a factor of 3.4 over the same period, from 61.1 to 18.2 (see Figure 7; in absolute numbers, 1,896 in 2000 and 1,557 in 2019).⁶² As for children under 5 years old, the SSC data suggests a decrease of a factor of 2.3, from 30.5 in 2000 to 13.0 in 2019, while the World Bank data indicates a decrease of a factor of 3.7, from 74.6 to 20.4 (see Figure 8).

Despite the gradual decrease in both rates, Azerbaijan still does significantly worse in these terms compared to average rates in Europe and Central Asia. According to the World Bank, in 2019, the average mortality rate of infants per 1,000 live births in Europe and Central Asia was 7 and that of children under 5 was 8.1, indicating that Azerbaijan's rate is still 2.5 times higher according to both counts, despite the gradual decrease in recent years.⁶³

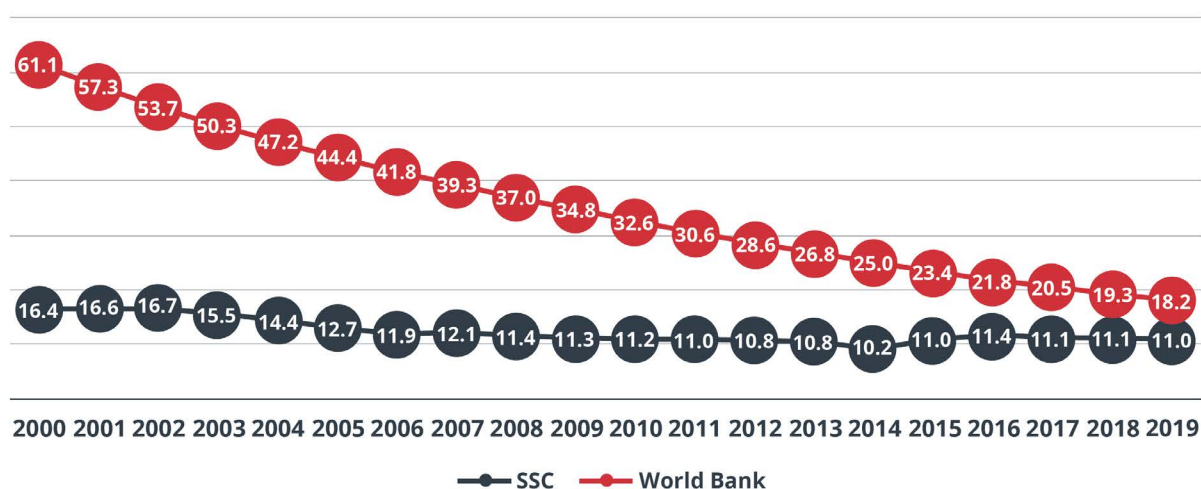
60 <https://data.worldbank.org/indicator/SH.STA.MMRT?locations=Z7&view=figure>.

61 <https://data.worldbank.org/indicator/SH.STA.MMRT?view=figure&locations=AZ>.

62 <https://www.stat.gov.az/source/healthcare/>.

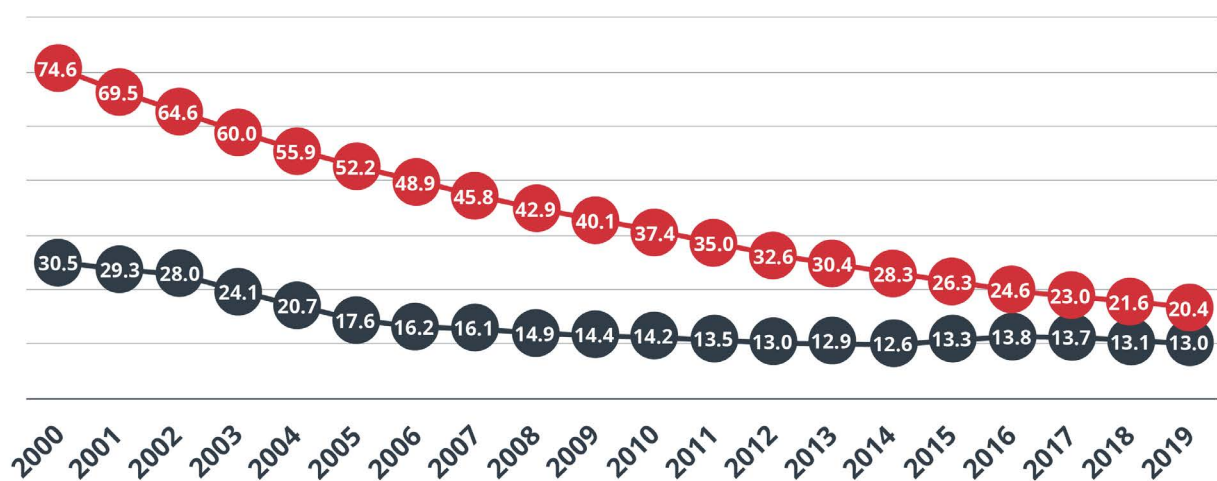
63 <https://data.worldbank.org/indicator/SP.DYN.IMRT.IN?end=2019&locations=Z7&start=2000>; <https://data.worldbank.org/indicator/SH.DYN.MORT?end=2019&locations=Z7&start=2000>.

Figure 7. Infant mortality rate in Azerbaijan (per 1,000 live births)



(Source: State Statistical Committee and World Bank)

Figure 8. The mortality rate of children under the age of five in Azerbaijan (per 1,000 live births)



(Source: State Statistical Committee and World Bank⁶⁴)

As can be seen from this figure, if there were a 3.7-fold difference between the data of the World Bank and the SSC on this indicator in 2000, this difference decreased to 65% in 2019 (i.e. the data converged year by year). One of the main reasons for the difference between such data was the application of different criteria for 'live birth'. Since 1 January 2015, the 'international criteria for live birth' recommended by the World Health Organization have been applied in all medical institutions in the country, which has helped to improve the consistency of the data.⁶⁵

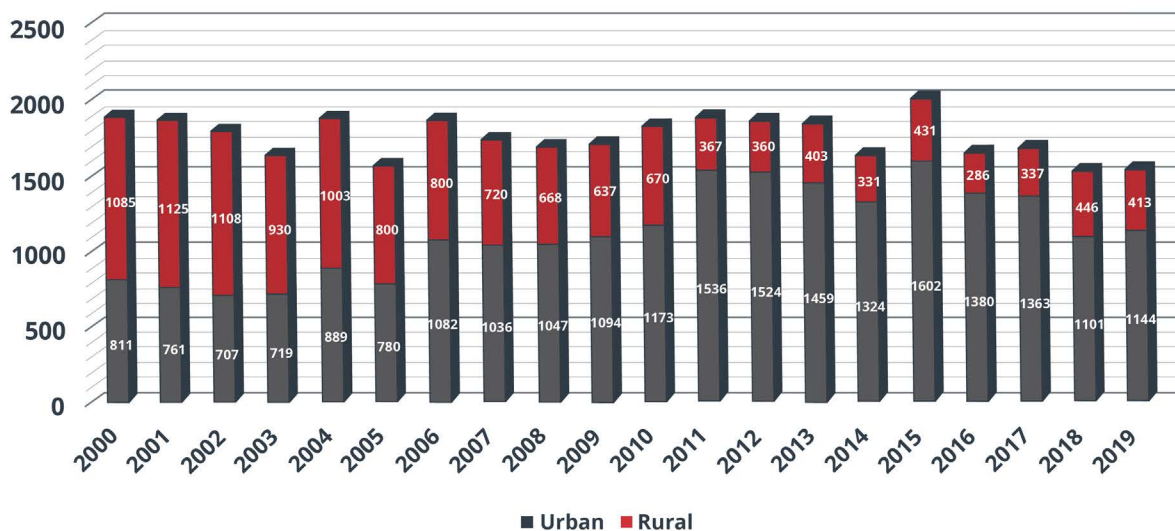
64 <https://data.worldbank.org/indicator/SH.DYN.MORT?end=2019&locations=AZ&start=2000>.

65 Resolution of the Cabinet of Ministers № 340, dated 21 October 2014, available at: <http://www.e-qanun.az/framework/28480>;

According to the initial criteria applied in Azerbaijan, babies born in the 28th week of pregnancy, weighing more than 1 kg, and showing signs of life were considered 'live births', but according to the new criteria, this period is 22 weeks instead of 28 weeks. If a premature baby weighs more than 500 grams and shows any sign of life (heartbeat, breathing, or muscle movements), they are considered a live birth and are given the necessary care by medical staff, see https://www.who.int/classifications/icd/ICD10Volume2_en_2010.pdf, page 166.

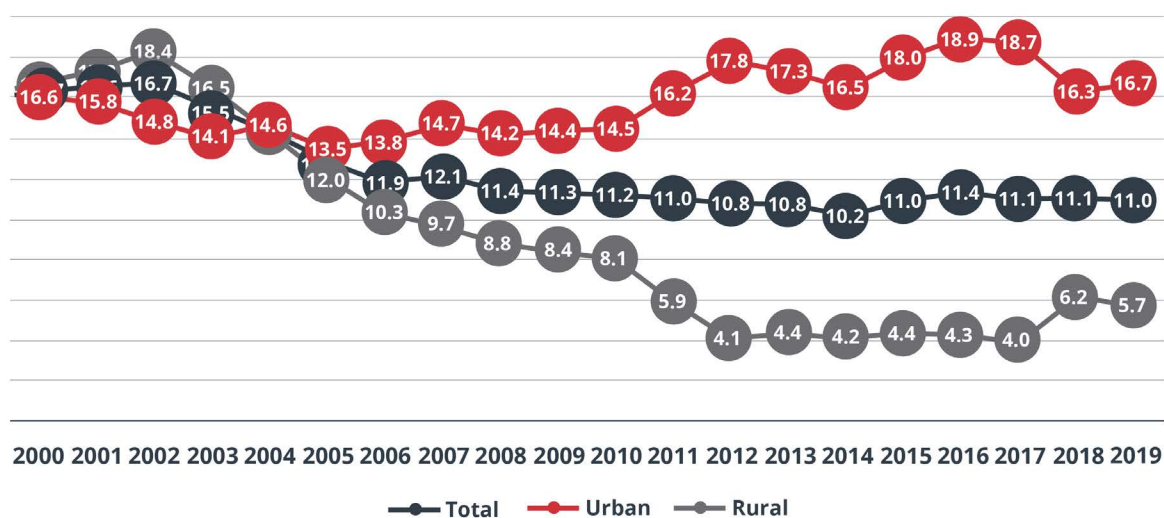
The SSC has also published further data on infant mortality in urban and rural areas across different regions in the country, allowing for further analysis. The data suggests that, starting from 2004, infant mortality numbers have been significantly higher in urban areas of Azerbaijan (Figures 9 and 10). Figures 11 and 12 provide some further data on infant mortality across the various districts of the country, highlighting the districts with the highest mortality rates. Figure 11 indicates high rates in the districts of Lerik, Gobustan, Kurdamir, Ujar, Balakan, Shabran, Barda, Bilasuvar, and Gadabay.

Figure 9. Number of infant deaths in urban and rural areas of Azerbaijan, in number of people



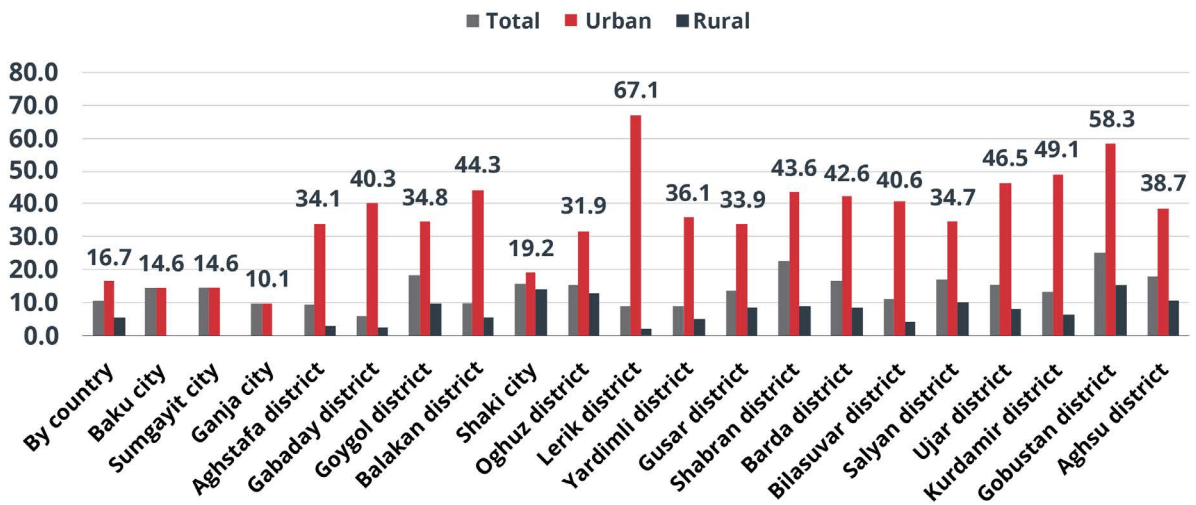
(Source: State Statistical Committee)

Figure 10. Number of infant deaths in Azerbaijan (per 1,000 live births)



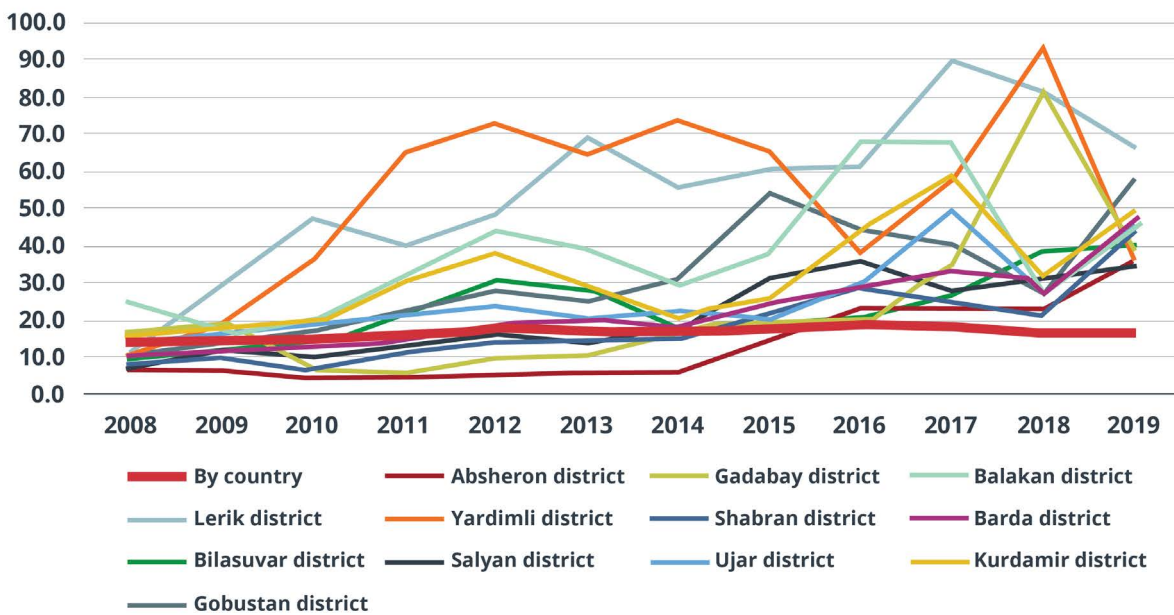
(Source: State Statistical Committee)

Figure 11. Infant mortality rates in cities and districts of Azerbaijan in 2019 (number of infant deaths per 1,000 live births)



(Source: State Statistical Committee)

Figure 12. Dynamics of infant mortality in some cities and districts of the country (number of infant deaths per 1,000 live births)



(Source: State Statistical Committee)

The red bar in Figure 12 shows the change in the infant mortality rate across the country over the years 2008-2019, which indicates that the rates were significantly higher than the average in the majority of districts for most of these years, many of them exhibiting a tendency towards continued growth.

As can be seen from the above data, the number of infant deaths per 10,000 live births decreased from 163.7 in 2000 to 110.3 in 2019. As for fatal diseases, the data suggests that the number of deaths of infants in the perinatal period has been increasing sharply throughout the years and requires an urgent response; it initially dropped from 32.9 in 2000 to 21.3 in 2010, per 10,000 live births, but had grown

significantly by 2018 to 72. This accounted for 64.4% of the total number of infant deaths in 2018. In contrast, there is a trend towards a reduction in the number of infant deaths from respiratory diseases, as well as from infectious and parasitic diseases.

Table 2. The main causes of death among children under one year of age (per 10,000 live births)

	2000	2005	2010	2015	2016	2017	2018	2019
Number of infant deaths from all causes, total	163.7	126.9	112.5	109.5	113.6	110.9	111.3	110.3
• some infectious and parasitic diseases	18.9	11.2	7.4	3.2	3.1	2.7	2.5	2.7
• diseases of the nervous system	12.9	4.6	9.1	5.7	6.3	6.4	7.0	7.2
• diseases of the respiratory system	82	65.9	36.1	11.2	12.1	13.4	10.1	10.8
• diseases of the digestive system	0.1	1.9	2.4	1.3	1.4	1.0	0.6	0.6
• some cases that occur in the perinatal period ⁶⁶	32.9	21.3	21.3	69.4	71.3	69.8	72.0	71.0
• congenital anomalies, deformities, and chromosomal abnormalities	7.9	11.3	20.5	9.3	10.7	10.1	10.6	10.6
• trauma, poisoning, and other consequences of external influences	2.5	2.2	1.8	0.9	0.7	0.6	0.9	0.5
• other reasons	6.5	8.5	13.9	8.5	8.0	6.9	7.6	6.9

(Source: State Statistical Committee)

Although the most common causes of death among infants are known, there is no sufficient data available as to why the mortality rate is so high in Azerbaijan and significantly higher than the average rate in Europe and Central Asia (Table 2). It is therefore necessary to conduct comprehensive research into this critical situation, namely into the mortality rates of both infants and children under five and maternal mortality, as a starting point towards effectively addressing this issue, and develop an urgent action plan to improve maternal and child health in the country, particularly with regards to districts with very high mortality rates. This research should include analysis of the differences in rates between urban and rural areas, as well as the factors that affect the respective situations in different districts. As the UN CESCR has stipulated in its General Comment № 22 (2016) on the right to sexual and reproductive health, state obligations in terms of realising this right include taking steps ‘immediately’, which should be ‘deliberate, concrete and targeted, using all appropriate means’.⁶⁷

66 According to the State Statistical Committee, perinatal death cases include respiratory disorders, including congenital pneumonia, birth injuries, intrauterine infection, and other pathologies in mother’s body, see <https://www.azstat.org/Kitweb/zipfiles/00033.pdf>.

67 Committee on Economic, Social and Cultural Rights General Comment № 22 (2016) on the right to sexual and reproductive health (Article 12 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/22, 2 May 2016.

Recommendations to the Government

In light of the issues relating to the right to health identified in the report, the following recommendations are provided to the Government of Azerbaijan:

- In order to create a comprehensive health policy , further to ongoing reforms, such as the introduction of compulsory health insurance, the Government must develop a long-term comprehensive strategy for the health sector, with clearly defined goals and objectives for the next 10-20 years;
- Necessary steps should be taken to increase the physical access of the population to medical services, especially in mountainous rural areas of the country and in sparsely populated areas;
- State funding of the health sector should be increased at least twofold, particularly in the absence of other sufficient sources of funding;
- Distribution of public funds should be ensured through a specific dedicated channel;
- P ublic procurement of medical services should be carried out through a single channel - the compulsory health insurance mechanism;
- Comprehensive strategies and programmes should be developed to ensure the reproductive, maternal, and child health care of the population, including the adoption of the Law on the Protection of Reproductive Health and Family Planning;
- The r easons for discrepancies between the data of the World Health Organis ation and the World Bank and the SSC and other national official bodies on maternal, infant, and child under five mortality rates should be identified and eliminated as soon as possible; consistent criteria for data collection should applied;
- Urgent targeted measures should be taken to reduce maternal, infant, and child under five mortality rates in Azerbaijan, including the identification of the reasons for such a critical situation.

Annex 1. State funded health programmes and budgetary allocations

No	Name of the state programme	2018	2019	2020	2021
1	Programme of Measures on diabetes	36.2	44.3	44.3	46.0
2	State Programme on the donation of blood and blood components and the development of a blood service	1.3	1.4	1.4	1.4
3	Programme of Measures on chronic renal failure	27.1	30.1	30.1	37.0
4	Program of Measures for the treatment of thalassemia	10.6	12.3	13.8	21.6
5	Programme of Measures for immunoprophylaxis of infectious diseases	6.4	6.5	6.5	6.5
6	State Programme on maternal and child health protection	3.0	3.0	3.0	3.0
7	The prevention of HIV/AIDS and the fight against it in the Republic of Azerbaijan	2.5	2.5	2.5	5.7
8	Programme of Measures for the fight against tuberculosis	2.1	2.1	2.1	2.1
9	State Programme on the treatment and prevention of multiple sclerosis and the fight against it for 2018-2022	1.8	1.8	1.8	3.5
10	State Programme on the compulsory medical examination of children for 2018-2022	4.5	4.5	4.5	4.5
11	Programme of Measures for the fight against malignant diseases of the blood for 2017-2021	6.6	6.6	6.6	6.6
12	Measures for cochlear implant surgery		2.0	2.0	2.0
13	Measures to eliminate congenital heart defects in children		2.0	2.0	2.0
14	Programme of Measures on haemophilia for 2016-2020	12.1	12.2	12.2	12.2
15	National Measures for the fight against cancer in the Republic of Azerbaijan	40.2	41.1	44.8	44.3
	Total	154.4	172.4	177.6	198.5

(Source: Ministry of Finance)

The Right to Work

International Covenant on Economic, Social and Cultural Rights

ARTICLE 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

ARTICLE 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- a. Remuneration, which provides all workers, as a minimum, with:
 - i. Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - ii. A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- b. Safe and healthy working conditions;
- c. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- d. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

ARTICLE 8

1. The States Parties to the present Covenant undertake to ensure:
 - a. The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

- b. The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - c. The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - d. The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Introduction

The right to work is a fundamental right of every individual seeking to ensure his/her social and economic well-being, and that of their families, and contributes to their survival and living in human dignity. Its effective protection and enforcement is fundamental to the development and empowerment of communities, societies and the population at large, particularly women and youth. Azerbaijan has committed to ensuring the right to work for everyone in its jurisdiction, and the basic principles and guarantees of this right are established both in the domestic laws and international and regional treaties ratified by Azerbaijan, including the International Covenant on Economic, Social and Cultural rights (ICESCR). Detailed recommendations aimed to assist Azerbaijan in upholding its obligations concerning the right to work are periodically developed by the UN Committee on Economic, Social and Cultural Rights (the UN Committee), including in its latest Concluding Observations of 2 November 2021.¹

This report provides a comprehensive introduction to the domestic legislative framework relating to the right to work and identifies a number of challenges affecting the effective exercise of the right in practice in Azerbaijan. It provides insights on issues such as gender equality in access to employment and at work, on the basis of the publicly available official statistics and documents. Significant attention is paid to understanding the situation with unemployment in Azerbaijan, in the face of the lack of official, comprehensive statistics, including with regard to those informally employed and youth. Finally, it discusses pension rights and challenges that individuals face in realising this right in practice.

Summary of key findings

Azerbaijan's domestic legislation provides a solid legal framework for the right to work, but the implementation of this legislation in practice and in the wider social and economic context of the Azerbaijani population raises significant challenges. There is very little official information available on cases of violations of labour rights or labour complaints as such data is not publicized by the relevant

1 Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fAZE%2fCO%2f4&Lang=en

state authorities, and the lack of recent, comprehensive research makes it difficult to accurately assess the current situation.

The socio-economic situation in the country significantly affects individuals' ability to realise their right to work in that it fails to ensure their social and economic well-being and that of their families. The minimum wage, currently 250 AZN (approx. 125 EUR) is not sufficient to meet the minimum needs and living costs for an individual, let alone dependent relatives. The unemployment rate has grown significantly during the COVID-19 pandemic, increasing from 5 to 7.2 per cent and leaving a total of more than 250,000 individuals unemployed in the country of 10 million inhabitants. Unemployment among young people is of particular concern as the highest rate of all age groups of economically active persons, standing at 47.6 per cent or around 120,000, of all those unemployed. Such high levels of unemployment disproportionately affect other vulnerable groups in society, such as women, persons with disabilities and internally displaced persons.

Informal unemployment poses an additional, significant challenge to the social and economic well-being of workers in Azerbaijan as the status does not provide them with access to state-funded social guarantees. According to our research, around 50 per cent of the working population in Azerbaijan is informally employed. Those aiming to realise their right to pensions face similar socio-economic challenges.

Equal employment opportunities additionally remain a challenge in Azerbaijan. Although the domestic law prohibits discrimination at work, it introduces certain limitations on the right to work for certain social groups as positive discrimination. Many of these legislative provisions are often discriminatory, particularly with regard to women. For example, pregnant women and women who have children under the age of three are prohibited from undertaking nightwork. Prohibition of certain professions and types of work for women contributes to prevailing gender stereotyping in the Azerbaijani society and hinders the integration of women into the labour market. If for men aged between 15 and 30 the main reason for their economic inactivity is lack of education, disability or early retirement, for women it primarily is related to their being 'housewives', a status officially recorded by the authorities. Insufficient access to education for women in Azerbaijan has also been identified as a key factor in this matter (see also IPHR report on the right to education).

I. Domestic legislative framework for the right to work in Azerbaijan

The right to work is explicitly guaranteed in domestic legislation in Azerbaijan. According to Article 35 of the Constitution, everyone has the right to freely choose an activity, profession, occupation, and place of work, based on his/her abilities, and work in safe and healthy conditions.² The Labour Code enshrines the right to work for everyone in accordance with their experience and skills without discrimination on grounds such as race or sex.³ Azerbaijan's commitments towards the right to work also stem from such international treaties as the ICESCR and a number of the International Labour Organization conventions.⁴

2 The Constitution of the Republic of Azerbaijan, <http://www.e-qanun.az/framework/897>

3 Article 16 of the Labor Code of Azerbaijan, https://aistclub.az/sosialtest/uploads/images/image_750x_5d833a75110f5.pdf

4 List of conventions of the International Labour Organization ratified by Azerbaijan, <https://www.sosial.gov.az/azqosul>

The Constitution establishes that nobody can be forced to work and that the exercise of the right to work is voluntary. It stipulates that in exceptional cases, such as military and emergency situations, forced labour may be justified, on the basis of a court decision, with terms and duration prescribed by law.⁵ The Constitution further obliges the authorities to ensure that everyone has the right to work in safe and healthy conditions, to receive remuneration without discrimination, and that this should not be less than the minimum wage prescribed by the state.⁶ Unemployed persons have the right to receive social allowances from the state. The state is committed use its resources towards the elimination of unemployment.⁷ These obligations form a part of the State's constitutional commitment towards improving the well-being of citizens, and ensuring their social protection and a proper standard of living.⁸

Occupational safety and health in the workplace are at the core of the productivity and well-being of employees. The Labour Code defines occupational safety as a system of social, economic, organizational, technical, public health, hygiene, treatment and preventive measures and methods for the purpose of guaranteeing the right of employees to a safe and healthy work environment.⁹ Ensuring healthy and safe working conditions is the duty of the legislative, executive, and judicial bodies responsible for the regulation of labour relations, with the State Labour Inspectorate Service under the Ministry of Labour and Social Protection of population being the leading body in this field.¹⁰ The Labour Code also sets out further health and safety requirements.¹¹ Norms and rules of labour protection apply to individuals in labour relations, students and apprentices undergoing internships, military personnel employed in enterprises, inmates employed during their prison sentences, persons involved in emergency efforts after a natural disaster or the performance of work during times of martial law and/or a state of emergency.

As part of the legislative framework on labour protection, the Azerbaijani Government adopted a number of normative documents creating a legal basis for the regulation of various organisational, technical and financial guarantees (Annex 1). This includes regulations on industrial branches and workplaces that are hazardous and harmful for humans; underground production sites, mines, tunnels, installations, and other workplaces; equipment, installations, and workplaces that require employees to work in conditions of mental and physical tension; production sites and workplaces where women and those under 18 are prohibited from working; prohibitions on the use of hazardous chemical, radioactive, and other substances ; workplaces with a higher risk of occupational illnesses for employees ; work sites that are risky for human lives and where employees must be insured obligatorily against industrial accidents.¹² Employers are obliged to take all necessary measures to ensure that employees are familiar with these regulations and uphold them at all times.

5 Article 35 of the Constitution, Article 17.2 of the Labour Code, <http://e-qanun.az/framework/46943>; Article 10.1.27 of the Law on Military Situation, <http://www.e-qanun.az/framework/35170>

6 Constitution of the Republic of Azerbaijan, Article 35.VI

7 Constitution of the Republic of Azerbaijan, Article 35.VIII

8 Article 16 of the Constitution

9 Labour Code of the Republic of Azerbaijan, Article 3, <http://e-qanun.az/framework/46943>

10 Labour Code of the Republic of Azerbaijan, Article 14

11 Labour Code of the Republic of Azerbaijan, Article 207

12 Labour Code of the Republic of Azerbaijan, Article 211

LEGAL LIABILITY FOR VIOLATING LABOUR PROTECTION RULES

Article 162 of the Criminal Code establishes criminal liability for violating labour protection rules. Penalties of fines of from 2000 to 3000 AZN (approx. 1000-1500 EUR) or correctional labour for up to two years, restriction of liberty for up to one year or imprisonment for up to six months can be imposed if a person entrusted with the task of complying with the rules of technical safety or other labour protection causes serious damage to human health due to negligence as a result of a violation of these rules. If the same action causes death of a person due to negligence, the person shall be punished by imprisonment for up to five years with or without deprivation of the right to hold a certain position or engage in certain activities for a period of up to three years.

If a representative of a company entrusted with the task of complying with the rules of technical safety or other labour protection causes the death of two or more persons due to negligence as a result of a violation of these rules, he/she shall be punished by imprisonment for from three to seven years with or without deprivation of the right to hold a certain position or engage in certain activities for a period of up to three years.

In conclusion, the legislative framework establishes the core principles and guarantees relating to the right to work. It is, however, the implementation in practice that is a significant indicator of the effectiveness of the right to work in Azerbaijan. No official information on the right to work is available, e.g. the State Labour Inspectorate Service does not publicise information on labour complaints or disputes examined by domestic courts. There is therefore a huge informational gap on the implementation of the right to work in Azerbaijan, which this report aims to contribute to closing.

II. Ensuring equal work opportunities in Azerbaijan: state obligations and its implementation

The creation of equal work opportunities is among the key state obligations stemming from the ICESCR and other international conventions.¹³ Under the ICESCR, the Azerbaijani authorities have undertaken to guarantee that the right to work will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.¹⁴ In the context of the equal work opportunities, equal remuneration for the same work without distinction of any kind, particularly on the grounds of gender, is of particular importance. Azerbaijani legislation prohibits discrimination in labour relations, including that on the basis of gender, and allows for positive discrimination only.¹⁵ The provision of benefits, and additional guarantees for certain social groups, such as women, persons with disability or persons under the age of 18 is not considered discriminatory. For example, the Labour Code establishes that women who have children under the age of 14 or those with disabilities must be allowed to work part-time.

The legislation, however, introduces certain limitations on to the right to work of certain groups, which cannot be considered as positive discrimination, as it limits their ability to choose the type of work they

13 Article 2 of ICESCR; ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_c111_ru.htm; ILO Convention No. 100 (Equal Remuneration Convention), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_c100_ru.htm

14 Article 2

15 Article 35 of the Constitution; Labour Code of the Republic of Azerbaijan, Article 16 <http://www.e-qanun.az/code/7>

do. For example, pregnant women and women who have children under the age of three are prohibited from undertaking nightwork.¹⁶ The law also bans women from working in underground tunnels, mines, and other underground works where working conditions are difficult and harmful, or doing work that involves lifting or transporting heavy objects in excess of the established norms.¹⁷ In 1999, the Azerbaijan government approved a list of industries, professions, and underground work where women are banned from working on the basis that working conditions are harmful and difficult, a practice observed in a number of other former Soviet Union states, such as Russia and Ukraine.¹⁸ The list includes 680 professions and workplaces in 37 areas. Such ‘guarantees’ cannot be considered positive discrimination and only contribute to the widely prevailing gender stereotyping in the Azerbaijani society. At its latest review of Azerbaijan’s obligations on the right to work in November 2021, the UN Committee urged the Azerbaijani authorities to repeal such discriminatory laws in order to ensure that women have access to employment in all professions on an equal footing with men.¹⁹ It noted with concern that women’s access to economic opportunities is limited by societal perceptions of traditional gender roles in the family, especially in rural areas.

Domestic legislation explicitly prohibits discrimination towards certain vulnerable groups that require special protection. For example, the Labour Code stipulates that persons with disabilities cannot be denied employment or promotion due to his/her disability without his/her consent, except in cases where the health of a person with a disability prevents him/her from performing their professional duties or endangers the health and safety of others; with the exception of occupations where people living with the human immunodeficiency virus (HIV) are not allowed to work, it is prohibited to refuse to hire or promote them or to dismiss them due to their HIV status, and the employer cannot disclose such information about the employee.²⁰

LIABILITY FOR DISCRIMINATION AT WORKPLACE

Domestic legislation establishes the right for an employee who has suffered discrimination to apply to court to have his/her violated rights restored. Article 154 of the Criminal Code punishes the violation of the right to equality, stipulating that discrimination on the basis of race, nationality, religion, language, sex, origin, property status, position, beliefs, affiliation to political parties, trade unions, and other public associations, violation of a person’s right to equality by harming the rights and legitimate interests of the person shall be punished by a fine of 1000-2000 AZN (approx. 500-1000 EUR) or correctional labour for up to one year. If the same acts are committed by an official, he/she shall be punished by a fine of 2000-3000 AZN (approx. 1000-1500 EUR) or correctional labour for up to two years or up to two years’ imprisonment. There is, however, very little official information available on such cases in the domestic courts as such data is not publicised.

16 Articles 94 and 98 of the Labour Code

17 Article 241; women are allowed to lift objects with a total weight of not more than 15 kilograms by hand and carry them with a total weight of not more than 10 kilograms to a height of more than one and a half meters.

18 Resolution of the Cabinet of Ministers No. 170 of October 20, 1999 <http://www.e-qanun.az/framework/3085>; <https://www.hrw.org/news/2020/07/06/russia-should-repeal-no-women-jobs-list>; https://www.ituc-csi.org/IMG/pdf/Country_Report_No8-Ukraine_EN.pdf

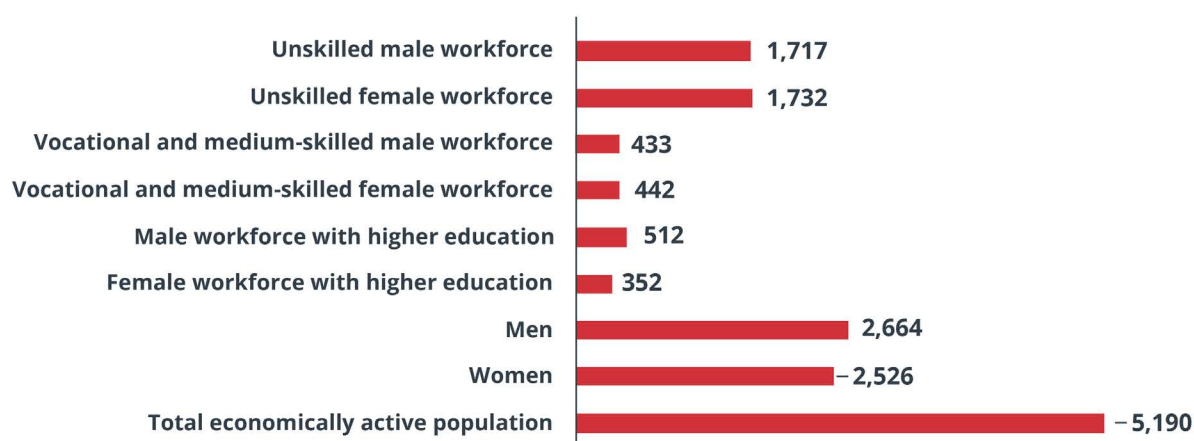
19 Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, Recommendation 21(a).

20 Articles 12 and 16 of the Labour Code

SITUATION IN PRACTICE: LACK OF EQUAL EMPLOYMENT OPPORTUNITIES

According to official statistics, 48 per cent of the working population, i.e. 2.5 million people, are women, and yet they are at significantly higher risk of unemployment. Statistics from 2019 indicate that 58 per cent of unemployed persons were women. While the unemployment rate among women was close to six per cent, for the male labour force it was four per cent.²¹ A survey conducted by an Azerbaijani non-governmental organisation Women's Empowerment for Sustainable Development in 2021 suggested that the unemployment rate among IDP women is significantly higher: out of 590 respondents of the survey, 70 per cent were unemployed.²² More than two-fifths of respondents (43.15 per cent) lived on allowances, while 25.04 per cent said that they did not receive such support.

Professional level of female and male labour force (x 1000 people)²³



Analysis of the available labour market statistics shows that only 864,000 people, or 16.6 per cent of the active population in Azerbaijan have higher education. This figure stands at 14 per cent for women and 19.2 per cent for men. Putting those with vocational and secondary education aside, about 70 per cent of the female workforce and 65 per cent of the male workforce are unskilled. As seen from the above figures, men have a certain advantage, albeit small, over women in the labour market in terms of the level of their professional skills.

The fact that more women than men of working age do not work indicates a lack of equal employment opportunities. About 1,000,000 women and about 590,000 men of working age are economically inactive in Azerbaijan. While full-time education (for those between the ages of 15 and 30), early retirement, and disability are among the reasons for men's economic inactivity, for women it is primarily related to their being housewives doing housework instead of working outside the home. Official statistics indicate that around 641,000 women over the age of 15 are 'housewives'.²⁴ In order to address this disparity in societal gender roles, the UN Committee called upon the Azerbaijani Government to develop policies to reduce the burden of women's unpaid domestic and care work by promoting the sharing of family responsibilities between men and women and by undertaking awareness-raising campaigns to combat gender stereotypes in the family and in society.

21 "Gender structure among economically active population" https://www.stat.gov.az/source/labour/az/007_1-2.xls

22 Women's Empowerment for Sustainable Development report "'IDP women: needs assessment for post-conflict life, including expectations for safe return home', August 2021

23 "Distribution of economically active population by level of education" https://www.stat.gov.az/source/labour/az/007_5-6.xls

24 "The structure of the economically inactive population" https://www.stat.gov.az/source/labour/az/007_17-19.xls

The difference between women's and men's economic activity in Azerbaijan depends on the age group:

Age groups	Level of economic activity of women, the ratio of economically active women to all women, per cent	Level of economic activity of men, the ratio of economically active men to all men, per cent
15-19	16.1	17.7
20-24	69	70.8
25-29	81.6	86.7
30-34	81.1	80.9
35-39	73.7	84.1
40-44	88.6	92.4
45-49	97.8	98.9
50-54	95.9	98.3
55-59	49	71.3
60-64	26.9	33.5
Over 65 years old	3.8	9.7
Total for all age groups over 15 years	63.3	69.7

Level of economic activity of women and men of working age in Azerbaijan²⁵

As suggested by the data in the table above, the level of economic activity amongst women in Azerbaijan is on average 7 per cent lower than that of men: about 63 per cent of women and about 70 per cent of men over the working age (age 15) play a role in the labour market as the economically active population. There is, however, a marked difference depending on the age group. For example, women of 50-55 years old are half as likely to be economically active than men, and more than 10 per cent less likely in the age group of 35-39.

The female workforce is more active in the agricultural sector, involving heavy and unskilled labour. In 2019 996,000 women worked in the agricultural sector, which is equal to 42 percent of all employed women (2,382,000), compared to 30 per cent of the male workforce.²⁶ The level of women's employment in the agricultural sector is higher in rural areas, amounting to around 1,181,000 persons in 2021. This suggests that in rural areas about 84 per cent of the female workforce is engaged in agriculture (compared to 38 per cent of the male workforce).²⁷ In other words, at best, only 15 out of 100 women are involved in non-agricultural work in rural areas.

Gender-based pay discrimination is an additional problem in Azerbaijan. On average, women earn half the monthly salary of men.²⁸ One factor explaining this is the higher number of women working in low value-added sectors. For example, in 2019, agriculture, trade, and social services, where about 80 per

25 The table was prepared on the basis of information reflected in the statistical bulletins of the State Statistical Committee on the labour market and women https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2020.zip, https://www.stat.gov.az/menu/6/statistical_yearbooks/source/labour_2020.zip

26 "Number of employed women and men by sectors of the economy" https://www.stat.gov.az/source/labour/az/007_7-8.xls

27 "Distribution of employed women and men by village and city" https://www.stat.gov.az/source/labour/az/007_1-2.xls

28 https://www.stat.gov.az/source/labour/az/007_7-8.xls, Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, para 20(c)

cent of women work contributed to only 20 per cent of the country's GDP. Thus the income of 80 out of every 100 employed women is significantly lower than that of men working in high value-added sectors. This has significantly contributed to an increase in the pay gap in Azerbaijan. This difference is even greater in the mining and construction industries, which is primarily dominated by men.²⁹

The UN Committee has urged the Azerbaijan authorities to take measures to close the gender pay gap and address the structural causes that result in women occupying lower paid jobs and being unable to enjoy career opportunities on an equal footing with men.³⁰

SEXUAL HARASSMENT: NOT CRIMINALISED BY THE DOMESTIC LEGISLATION

Sexual harassment in the workplace is prohibited by law in Azerbaijan, however, liability for such actions is not sufficiently regulated. The Law on Guarantees of Gender (Men and Women) Equality defines sexual harassment as immoral behavior that degrades and insults a person in a labour or service relationship and arises from belonging to another sex or sexual orientation, and manifests itself in physical action (touching, handling), obscene words, gestures, threats, defamatory offers or invitations.³¹ The Law classifies sexual harassment as discrimination on the basis of sex and obliges the employer to take measures to prevent it.³² The Law ensures protection of victims of alleged sexual harassment from any pressure or harassment by the employer or supervisor. It grants the right for victims to terminate their employment contract when they wish.³³

The same Law provides that employees who have been subjected to sexual harassment shall be compensated by the employer 'in accordance with the legislation of the Republic of Azerbaijan', i.e. seeking pecuniary and non-pecuniary compensation before the court.³⁴ However the Law establishes liability for sexual harassment in rather general terms: it stipulates that 'persons guilty of violating the provisions of this law shall be liable in accordance with the legislation of the Republic of Azerbaijan'. There is no further clarification as to whether this implies administrative, criminal or civil liability although the Labour Code establishes administrative liability for putting pressure on an employee who made allegations of sexual harassment at workplace.³⁵ Harassment of an employee who complained of sexual harassment by an employer or a supervisor is punishable by a fine of from 1500-2500 AZN (approx. 750-1250 EUR). Liability for sexual harassment at the workplace is insufficiently regulated, which negatively affects the victims' possibility to seek redress and compensation.

29 Bu nəticə müəllif tərəfindən 2 statistik hesabat əsasında hesablanıb: qadın və kişilərin məşğulluğuna dair statistika (https://www.stat.gov.az/source/labour/az/002_1-2.xls) və 2019-cu ildə ÜDM-nin iqtisadiyyatın sahələri üzrə bölgüsünə dair statistika (https://www.stat.gov.az/news/source/2019_12ay.zip)

30 Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, Recommendation 21(c)

31 <http://www.e-qanun.az/framework/12424>, Article 2

32 Articles 4 and 7; <http://e-qanun.az/framework/46943>

Similar provisions are established in Article 31 of the Labour Code: the employer is obliged to assist in the provision of information and conducting explanatory work with regard to sexual harassment and its prevention at workplace, and to take all necessary and appropriate measures in order to protect the employees from such treatment

33 Law on Guarantees of Gender (Men and Women) Equality, Article 12, <http://www.e-qanun.az/framework/12424>; Article 69 of the Labour Code

34 Law on Guarantees of Gender (Men and Women) Equality, Article 17, <http://www.e-qanun.az/framework/12424>; Article 195 of the Labour Code

35 Article 205

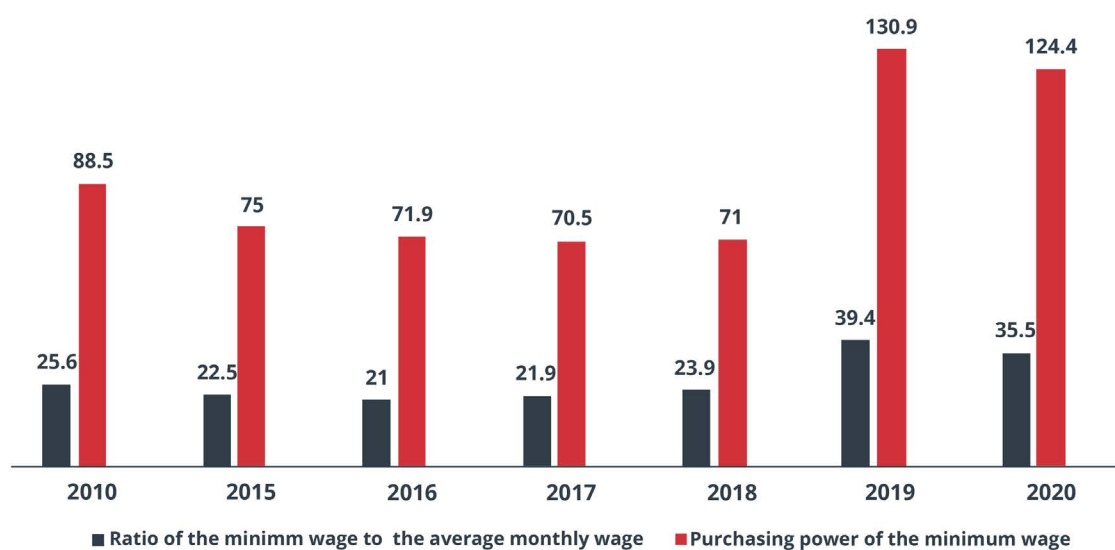
III. Minimum wage

Domestic legislation establishes the obligation for every employer to pay its employees no less than the amount of the minimum wage set by the Government (the power to determine the minimum wage belongs to the President), although employers can set a higher minimum wage at their own discretion.³⁶ Analysis of official statistics, however, indicates that a significant number of people earn less than the official minimum wage.³⁷ In November 2021, the UN Committee recommended that the Azerbaijani Government ensure that the national minimum wage applies to all workers in all sectors and industries, and that it is indexed to the cost of living.³⁸

According to the State Statistical Committee (SSC), in 2018, 1.8 per cent of contractually employed persons received a salary below the officially approved minimum wage in 2018, which rose to 4.5 per cent in 2019. In certain sectors the 2019 figure was even higher: 6.8 per cent in the tourism sector, 6.7 per cent in the trade sector and 5.5 per cent in education. Although official statistics do not provide information on the number of people on the minimum wage, they provide information on the number of people earning in the range of the minimum wage and those earning 20 per cent above it. In 2019, the minimum wage in Azerbaijan was set at 250 AZN (approx. 125 EUR) and the number of employees who received a wage in the range of 250-300 AZN (approx. 125-150 EUR) accounted for 24 per cent of those employed (about 1.7 million people). This indicates that one out of four individuals officially being paid earns either the minimum wage or slightly above it.

Over the past 10 years, the minimum wage in Azerbaijan increased more than the average wage. In 2010-2020, while the average monthly salary increased from 331 to 703 AZN (approx. 165 to 350 EUR), the minimum wage increased almost threefold from 85 to 250 AZN (approx. 42 to 125 EUR). Despite this positive step, the minimum wage remains insufficient to meet the minimum needs, as discussed below.

The ratio of the minimum wage to the average monthly wage in Azerbaijan and purchasing power in relation to the subsistence minimum in the last 10 years (2010-2020), per cent



36 Articles 154 and 155 of the Labour Code

37 Number of employees by the amount of salary https://www.stat.gov.az/source/labour/az/004_12-13.xls

38 Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, Recommendation 27

As is seen from the above statistics, the ratio of the average to the minimum wage has changed significantly. While the minimum wage was 25.5 per cent of the average wage in 2010, this figure was close to 36 per cent in 2019. One of the key indicators of the minimum wage is its purchasing power, i.e. the degree to which the minimum wage is satisfactory in terms of the minimum subsistence level for working people. Over the past 10 years the ratio of the, the minimum wage to the subsistence minimum of the working population increased from 88.5 to 124.4 per cent. Despite these positive trends, the minimum wage in Azerbaijan is not sufficient to cover the social needs and interests. According to the requirements of the European Social Charter and the ILO Convention No. 131 ((Minimum Wage Fixing Convention), to which Azerbaijan is party, remuneration for work is considered fair only if it meets the needs not only of individual workers but also of their families.³⁹

The ILO Convention requires national legislation to provide for the periodic revision of the minimum wage through joint consultations between representatives of employees and employers. However, over the past three years, relevant agreements between the Azerbaijani government, the National Confederation of Entrepreneurs (Employers') Organization and the Azerbaijan Trade Unions Confederation, which represent the interests of employers, did not contain any provisions on the regulation of the minimum wage.⁴⁰ Such agreements should establish mutual obligations relating to the ratio between the levels of minimum and average wage with the aim of ensuring a decent standard of living for low-wage earners and the indexation of the minimum wage depending on the subsistence minimum. It should also determine the officially approved minimum wage taking into account not only the minimum subsistence level of the employee but also that for at least one minor child.

IV. Unemployment in Azerbaijan: methodological discrepancies affecting access to unemployment status and benefits

A right to unemployment benefits is integral to the right to work, ensuring social protection for those who cannot exercise their right to work at a certain point in their working lives. According to official statistics, the introduction of strict quarantine measures in connection with the COVID-19 pandemic significantly increased the unemployment rate in 2020. The data suggest that the number of unemployed persons increased by about 40 per cent in 2020 and exceeded 375,900 people, with the rate of unemployment reaching 7.2 per cent.⁴¹ In comparison, in the 10 years preceding the pandemic, this figure did not exceed 5 per cent, with 251,600 unemployed persons in 2019.⁴²

However, in Azerbaijan proper documentation of the unemployed is problematic in that domestic legislation provides for a different methodology than the one developed by the ILO standards, making it difficult to establish the real rate of unemployment in the country. The ILO methodology provides

39 European Social Charter, <https://rm.coe.int/168007cf96>; ILO Convention No. 131 (Minimum Wage Fixing Convention), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_c131_ru.htm

40 General Collective Agreement for 2018-2019, <http://www.e-qanun.az/framework/37942>. General Collective Agreement for 2020-2022, <http://www.e-qanun.az/framework/44835>

41 The number of economically active people in the country was 5,252,500, of which 4,876,600 were employed, and the remaining 375,900 were unemployed in 2020. State Statistical Committee, "Socio-economic development in 2020" bulletin (see: p.87) https://www.stat.gov.az/news/source/2020_12ay.zip

42 Unemployment rate in Azerbaijan and other CIS countries in 2005-2019 https://www.stat.gov.az/source/labour/az/002_6-7.xls

for wider criteria for qualifying as unemployed, resulting in a higher unemployment rate than that calculated on the basis of Azerbaijani legislation. Concerns relating to the collection of data on (un)employment were further expressed by the UN Committee at its latest Concluding Observations, in that the available data did not fully reflect the extent of unemployment and underemployment, referring to the need to collect data disaggregated by sex, age, geographical area, disability, ethnic origin, residence or documentation status, and any other parameters necessary to measure the progress made in the realization of the right to work.⁴³

The Law on Employment⁴⁴ and the Law on Unemployment Insurance⁴⁵ outline the mechanism for defining those who qualify as unemployed. According to the Law on Employment, unemployed persons are able-bodied persons of working age who have no job and no income, are ready to start work, and are registered as unemployed with the Sustainable and Operational Social Security Agency (DOST), which manages the register of the unemployed.⁴⁶ Citizens who do not have a job or income and are ready to start working can be registered as job seekers after completing an electronic application in the Employment Subsystem of the Centralized Electronic Information System (CEIS). The main criteria for registering a person as a job seeker and unemployed person is that they should be able to prove that they are not employed. The Law on Employment stipulates that employed persons are persons who work under an employment or civil-law contract, entrepreneurs, own land suitable for agriculture, family farms, hold elected and appointed positions, serve in the military for a fixed term and indefinite period, or receive full-time education in higher and secondary special education institutions.

If a person is not offered a suitable job within five working days from the date of registration as a job seeker, or is refused employment by the employer, the local State Employment Agency and DOST centers decide to register the person as unemployed. The number of unemployed registered with the State Employment Service is used to calculate the rate of unemployment in the country.

Since 2012, however, the ILOs SSC has published data on the rate of unemployment calculated using ILO methodology, which uses a statistical survey on the economic activity of the population above the age of 15 among 21,000 households. The survey is conducted by rotating 25 per cent of respondents on a quarterly basis.⁴⁷ The criteria for the employment status of the respondents are the following: whether a person had any paid work during the week of the survey, whether it was temporary, seasonal, casual, or other (including individual employment and various services). According to this methodology, persons who have not had a job or income in the four weeks prior to the survey period, who are actively looking for a job, and who have no restrictions on working for the next two weeks if offered a job, are considered unemployed.⁴⁸ If the employee earns income by working at least one hour during the week of the survey, he/she is not registered as unemployed. If the person is not working at the time of the survey, the reasons are identified and recorded (e.g. illness or injury, patient care, regular leave, pregnancy, maternity leave, paid or unpaid leave at the initiative of the employer, strikes, voluntary resignation, termination of the employment contract by the employer, etc.). If the respondent has a source of income,

43 Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, paras 22, 23(c)

44 Law on Employment <http://www.e-qanun.az/framework/39846>

45 Law on Unemployment Insurance <http://www.e-qanun.az/framework/36310>

46 Official website of the DOST (Sustainable and Operational Social Security) Agency <http://dost.gov.az/>

47 State Statistical Committee Resolution No. 26/6 of May 15, 2012. Survey on the economic activity of the population, <http://www.e-qanun.az/framework/23584>

48 Statistics of employment, unemployment, underemployment: economically active population, ILO: <https://www.ilo.org/public/english/bureau/stat/download/module.pdf>

this is also recorded (salary, income from self-employment, pensions and scholarships, targeted social assistance, income from property, etc.).

An example of the methodological criteria leading to different unemployment rates is if a registered job seeker refuses a job offer. By domestic law, a person is registered as unemployed only if not offered a suitable job within five working days of the date of registration or if an employer turns them down for a vacancy.⁴⁹ In practice, however, people sometimes do not consider the work offered by the state employment service suitable for them and refuse it, as a result of which they are not granted unemployed status. The SSC survey, however, records such cases as unemployment cases and includes them in the figures. Another example relates to the fact that not all unemployed people apply to the state employment agency as they do not believe they will qualify for unemployment benefits or find a suitable job.⁵⁰ Such cases are recorded in the SSC survey but not the database of the DOST.

The ILO database is therefore significantly more accurate and detailed and better represents the real unemployment situation in the country. The unemployment rate in Azerbaijan calculated on the basis of this methodology differs significantly from the national figures, as demonstrated in the table below.

Figure 1 – A comparison of the unemployment rate in Azerbaijan as calculated according to national legislation and the ILO methodology

Indicators / Years	2015	2016	2017	2018	2019	2020
Number of economically active population, thousand people	4,915.3	5,012.7	5073,8	5,133.1	5,190.1	5,252.5
Number of employed population, thousand people	4,671.6	4,759.9	4822,1	4,879.3	4,938.5	4,876.6
Number of unemployed population, thousand people	243.7	252.8	251,7	253.8	251.6	375.9
Persons who have received the status of unemployed in the State Employment Agency, people	28,877	32,972	38481	20,088	81,272	information not available
Persons receiving unemployment benefits, people	1,543	1,857	6974	1,117	540	600,000
Unemployment rate, calculated with the ILO methodology (per cent)	5	5	5	4.9	4.8	7.2
Unemployment rate, calculated according to the method set out in national legislation (per cent)	0.6	0.65	0,75	0.4	1.6	information not available

As can be seen from the data presented in the table, in 2019 the SSC identified 251,600 unemployed persons in the country, whereas the State Employment Agency granted unemployment status to 81,300 people: three times less than the SSC unemployment rate (4.8 per cent v 1.6 per cent).

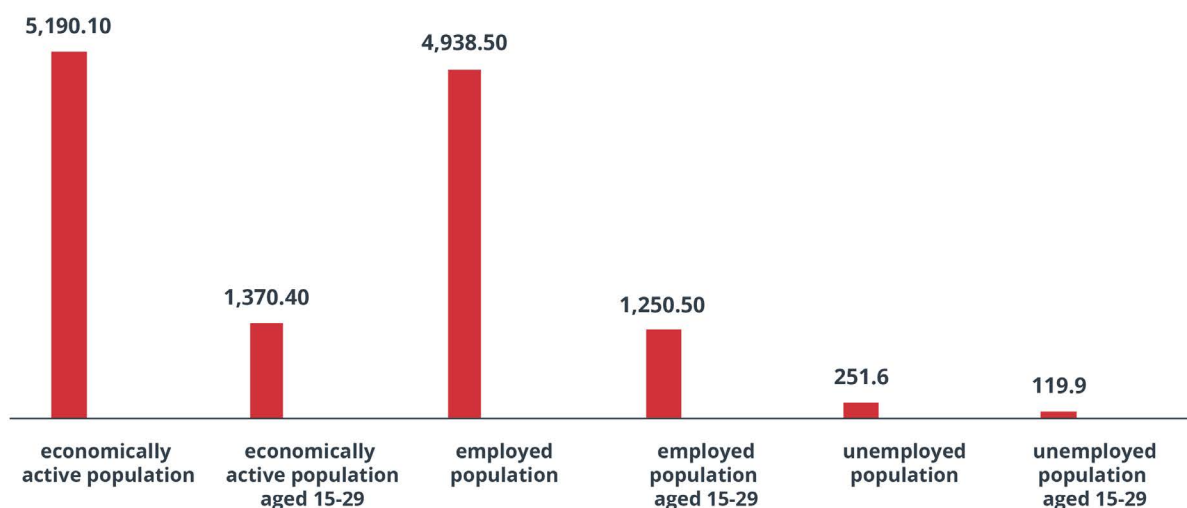
49 Article 5.5 of the Law on Unemployment Insurance

50 Such data derives from the study conducted by one of the authors of this report that included interviews with the specialists of the State Employment Service.

YOUTH UNEMPLOYMENT

Unemployment among young people is of particular concern in Azerbaijan. According to SSC statistics, 26.4 per cent (1,370,000) of the economically active population in the country are young people aged 15-29 (Figure 2 below). The unemployment rate amongst this age group is higher than that of other groups. According to 2019 statistics, there were 251,000 unemployed persons in the country, of which 47.6 per cent, or around 120,000 were young people aged 15-29. In 2019, the overall unemployment rate in the country was 4.8 per cent, while the rate amongst 15-29 year olds was 8.8 per cent (in comparison, the rate was 3.5 per cent for 30-65 age group). Seventy-five per cent of unemployed young persons are people with lower education qualifications (incomplete and complete secondary education). In the upper age groups (age 30-65), the situation is the opposite: of the 132,000 unemployed in this age group, 64 per cent or 84,000 were skilled workers (with higher, secondary, and vocational education). This data suggests that young people are less at risk of unemployment when they obtain a good education. However, the education of the older generation does not meet the requirements of the labour market.

Figure 2 - Economically active and employed population in the country in 2019 (thousand people)⁵¹



GOVERNMENT EFFORTS TO ADDRESS UNEMPLOYMENT

The Law on Employment sets out that the authorities should:

- (i) ensure social protection of job seekers and the unemployed, take measures to help ensure the employment of persons having difficulty finding a job;
- (ii) apply compulsory unemployment insurance.

According to the State Employment Agency (SEA) figures, in the first quarter of 2021, about 35,000 unemployed and job-seekers were given job offers (as opposed to social benefits).⁵² Of them, 31,300 people were provided with suitable jobs, and about 3,500 people were involved in a self-employment programme to set up small businesses. Some 35,000 people have been employed through such self-employment measures in 2017-2021.

51 "Labour Market" statistical data section of the State Statistical Committee, <https://www.stat.gov.az/source/labour/>

52 Statement of the head of SEA to the media https://apa.az/az/xeber/sosial_xeberler/mustafa-abbasbeyli-yaxin-vaxtlarda-olkenin-mesgulluq-xeritesi-teqdim-olunacaq-musahibe-641825

In its Employment Strategy for 2019-2030⁵³, the Government recognises a need to improve the legal framework for unemployment insurance, strengthen the social protection of unemployed and job-seeking citizens, and expand the scope of the unemployment insurance system, in order to reduce unemployment. The Youth Development Strategy for 2015-2025⁵⁴ emphasizes the importance of measures to ensure effective employment of young people, especially the training of young people to meet the requirements and demands of the labour market. To implement this strategy, the State Programme for 2017-2021 was developed, establishing that the government should take steps to expand employment opportunities for graduates, including those deprived of parental care, orphans and young people with disabilities, organize labour fairs and exchanges for young people, strengthen vocational guidance for young people, and inform them about the professions and specialties most in demand.⁵⁵

Comprehensive research is necessary to assess the effectiveness of such programmes in practice but this goes beyond the scope of this research. The authors of this report are not aware of any official information on the effectiveness of these programmes. In November 2021, the UN Committee stated its concern at the high levels of unemployment and underemployment, which disproportionately affect ‘women, young people, persons with disabilities and internally displaced persons’. The Committee called upon the Government to continue its efforts in this regard, including aimed to promote the acquisition of the skills needed in the labour market.

INFORMAL EMPLOYMENT AS A KEY CHALLENGE TO LABOUR MARKET IN AZERBAIJAN

Informal employment is another significant issue in Azerbaijan, which affects many social groups, including youth. A large percentage of the economically active population engaged in informal employment is in a vulnerable social and economical situation as they are not protected by state social guarantees. The analysis of the existing governmental programmes aimed at addressing unemployment (see 4.2) do not appear to be sufficient to target informal employment as a systemic structural problem in the labour market. In its November 2021 Concluding Observations, the UN Committee referred to the high number of workers employed in the informal sector of the economy, especially in agriculture, construction and domestic work, and expressed concerns that these workers are not sufficiently provided for under labour and social protection laws, including in relation to a minimum wage, occupational health and safety, and protection from economic exploitation.⁵⁶

By law, persons who are employed informally are those who work without an employment or civil contract, carry out entrepreneurial activities or those who use agricultural land owned by them without registration.⁵⁷ Although official statistics do not provide information on the scale of informal employment, (which is most common in services such as cleaning or repair work), the researchers of this report estimated that up to 50 per cent of the working population in Azerbaijan is informally employed. This estimation was reached on the basis that about 1.7 million (35 per cent) of the 4.9 million employed people were employed under official employment contracts and covered by unemployment insurance,

53 Employment Strategy for 2019-2030, <http://e-qanun.az/framework/40416>

54 Youth Development Strategy for 2015-2025, <http://www.e-qanun.az/framework/29206>

55 State Program on Youth Development for 2017-2021, <http://www.e-qanun.az/framework/36474>

56 Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of Azerbaijan, E/C.12/AZE/CO/4, 2 November 2021, para 24

57 “Məşğulluq haqqında” Qanun, <http://www.e-qanun.az/framework/39846>

around 415,000 are registered as active individual taxpayers, and the status of the remaining 57 per cent of employed people is not provided in the official statistics.⁵⁸

One of the difficulties in understanding the issue of informal employment in Azerbaijan is the absence of official statistics on the number of people working under civil and legal contracts, those registered as individual entrepreneurs in practice, and those who are land shareholders of working age.

Land owners constitute a vulnerable social group in terms of access to state social protection in Azerbaijan. The Law on Employment considers all citizens who own agricultural land which is registered with the relevant authorities to be 'employed'. In case of a loss of the land, however, such individuals are not eligible to unemployment benefit. According to the Law on Unemployment Insurance, only those who work under an employment contract can contribute to the unemployment insurance fund and receive unemployment benefits.⁵⁹

According to ILO reports of April 2020, there were about 1.6 billion informally employed people worldwide, and six out of ten workers work informally.⁶⁰ The ILO database indicates that, as a rule, in developed countries, the share of population employed with employment contracts is very high.⁶¹ For example, in the United States, Norway, Germany, Finland, and Belgium, 86-94 per cent of the working population are employed on the basis of an employment contract. In countries geographically closer to Azerbaijan such as Russia, Belarus, Kazakhstan, Ukraine, this number is also high, varying between 76-96 per cent. Furthermore, approximately 22 per cent of unemployed persons worldwide (around 152 million people) can benefit from social protection measures. This figure is 5.6 per cent in Africa, 16.7 per cent in the Americas, and 42.5 per cent in Europe and Central Asia. In Western European countries, this figure reaches 100 per cent in Germany, Austria, and Ireland.⁶²

V. Right to a pension

The right to receive pensions in Azerbaijan is regulated by the Law on Labour Pensions⁶³ which stipulates that citizens are entitled to a retirement pension when they reach the appropriate retirement age, a disability pension when they lose their ability to work, or a pension for the loss of the head of the family when they lose the head of the family (e.g. one or both of the parents in the family). The total number of pensioners in the country in 2020 was 1,270,559, of which 144,532, or 11.4 per cent, were citizens receiving a pension for the loss of the head of the family.⁶⁴

Article 7 of the Law on Labour Pensions stipulates that the retirement age for men is 65 and 62 for women, and within the next five years, the retirement age for both men and women is expected to be

58 Opinion of the Chamber of Accounts on the draft budget of the Social Protection Fund for 2021, http://sai.gov.az/files/DSMF_yekun.pdf

59 Law on Unemployment Insurance, <http://www.e-qanun.az/framework/36310>

60 Impact of lockdown measures on the informal economy. ILO, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/briefingnote/wcms_743523.pdf

61 The database of the International Labour Organization on the employment status of the workforce by country, <https://ilostat.ilo.org/data/>

62 World social protection report/ ILO 2019: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_604882.pdf

63 Law of the Republic of Azerbaijan on Labour Pensions, <http://www.e-qanun.az/framework/11566>

64 The number of pensioners in Azerbaijan. https://www.stat.gov.az/source/healthcare/az/002_1_2.xls

65.⁶⁵ When a person reaches retirement age, he/she is entitled to a pension if they have accrued 25 years of insured work or have the required minimum capital is 28,800 AZN (approx. 14,400 EUR). If persons at the required age do not meet either of these requirements, they are entitled to an 'elderly persons benefit' from the state budget as set out in the Law on Social Benefits.⁶⁶ At present, the minimum pension is 200 AZN (approx. 100 EUR) and the elderly persons benefit is 130 AZN (approx. 65 EUR) per month.⁶⁷

The Law on Labour Pensions also provides for the right to early retirement.⁶⁸ For example, men can retire at the age of 60 and women at the age of 55 if they actively worked half of their 25 years and 20 years of work requirement respectively. Such rights are of particular importance for those working in hazardous workplaces. Prosecutors and highly ranked employees of the justice system are entitled to early retirement once they have reached 35 years of service, and servicemen are entitled to early retirement pension when they have reached 20 years of service.⁶⁹

Disability pension allowances are granted to persons with I degree disability (i.e. indicating the highest degree of disability in the categorisation of disabilities) if they have five years' worth of insurance contributions and at least four months of contributions for each year of service. Persons with II and III degree disabilities are awarded a disability allowance if they have the minimum amount of pension capital. Otherwise, social benefits are paid from the state budget and amount to 130 AZN for II degree disability and 110 AZN for III degree disability.⁷⁰ Domestic law guarantees that disability pension allowances must be no less than the minimum pension established by law (200 AZN (approx. 100 EUR) in 2020).⁷¹ According to official statistics, the average monthly disability pension allocations amounted to 230 AZN (approx. 115 EUR) in 2020.⁷²

The right to a pension for the loss of the head of the family applies to children of the deceased head of the family under the age of 18 (or under 23 years of age if they are in full-time education), a widow, and, in their absence, the parents of the deceased. According to official statistics, pension allowances for the loss of the head of the family amounted to 210 AZN (approx. 105 EUR) in 2020.⁷³

The inadequate size of the pension and its purchasing power is of particular concern as research suggests that pension allowances have not increased on a par with living costs over the last decade, meaning that many pensioners are unable to meet their basic minimum needs in Azerbaijan.

65 Article 7 of the Law on Labour Pensions

66 Law on Social Benefits, <http://www.e-qanun.az/framework/11508>

67 Officially approved amount of social benefits, <https://sosial.gov.az/imper-centC3per-centBCavinper-centC9per-cent99t/per-centC9per-cent99r>

68 Article 9 of the Law on Labour Pensions

69 The list of professions and jobs entitling to early retirement on preferential terms was approved by Resolution No. 320 of the Cabinet of Ministers dated June 21, 1993

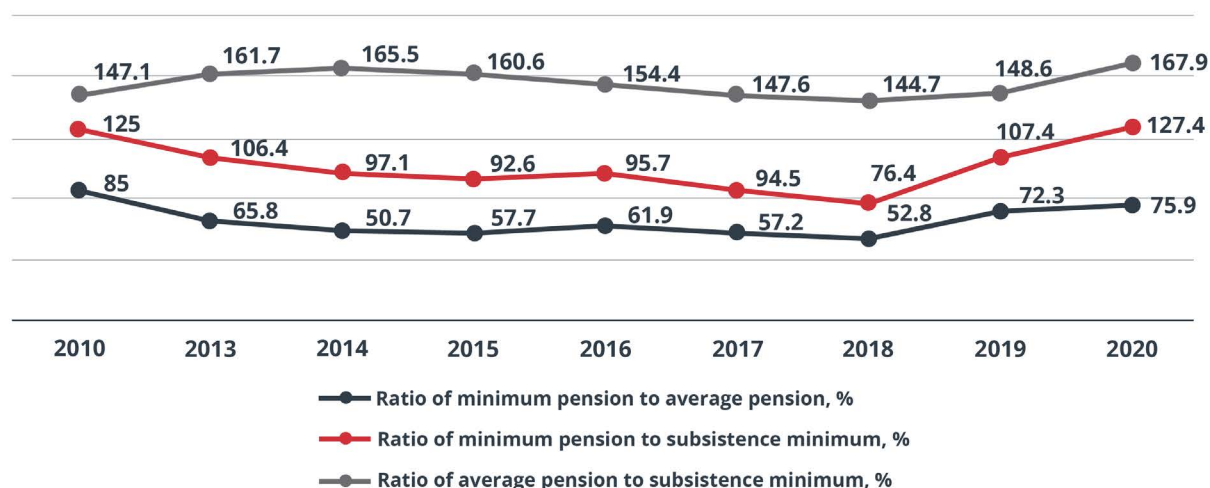
70 "Sosial müavinətlərin məbləğiə dair Prezident Fərmanı": <http://www.e-qanun.az/framework/26488>

71 According to Article 13 of the Law on Labour Pensions,

72 Statistics on the amount of pensions. https://www.stat.gov.az/source/healthcare/az/002_1_3.xls

73 Statistics on the amount of pensions. https://www.stat.gov.az/source/healthcare/az/002_1_3.xls

The purchasing power of minimum and average pensions in Azerbaijan⁷⁴



An analysis of official data suggests that while the ratio of the minimum pension to the official cost of living (subsistence minimum) for pensioners was 125 per cent in 2010, this fell to 76.4 per cent in 2018. The ratio of the average pension to the cost of living (subsistence minimum) for pensioners decreased from 165.5 per cent in 2014 to 144.7 per cent in 2018. In the last two years (2019-2020), although pensions have risen so has the cost of living and therefore pensioners have only reached the level of 2020-2014 at best due to the ratio of minimum and average pensions to the subsistence minimum. This means that pensioners have not benefitted from increased purchasing power in the last 10 years. It would be more appropriate to measure the purchasing power of retirees on the basis of consumer baskets that tally with a decent standard of living rather than the current consumer baskets, which take into account the basic minimum needs.⁷⁵

Another systemic problem concerns the exercise of the right to a preferential pension. In order to be eligible for early retirement from work in hazardous and difficult working conditions, for example, three requirements must be met: minimum work experience (25 years for men, 20 years for women), minimum duration of work in hazardous workplaces (12 years 6 months for men, 10 years for women) and the possession of the required minimum pension capital of 40,800 AZN. These rules are in fact stricter for persons entitled to a preferential than for those entitled to a normal pension where only one of the two requirements need to be met. Furthermore, the size of required minimum capital is higher at 40,800 AZN (approx. 20,400 EUR) as opposed to 28,800 AZN (approx. 14,400 EUR) and the number of red months of work at 204 compared to 144 months for an ordinary pension. Persons entitled to preferential pensions, such as those working in hazardous conditions, are therefore unfairly subjected to higher thresholds than those working in regular conditions.

CASE STUDY: PROBLEMS WITH IMPLEMENTATION OF THE RIGHT TO PENSION

As a part of this study, 25 people entitled to the right to a pension in the last five years were interviewed about the problems they faced. The results suggest two main problems: the determination of the

74 Minimum pensiyayaya dair statistika (https://www.stat.gov.az/source/healthcare/az/002_1_1.xls), orta pensiya məbləğinə dair statistika (https://www.stat.gov.az/source/healthcare/az/002_1_3.xls), pensiyaçıların yaşayış minimumunun dəyəri hər il təsdiqlənən müvafiq qanunlardan götürülüb (<http://www.e-qanun.az/>). Hesablama müəllif tərəfindən aparılıb

75 The minimum consumer basket, approved by the Government, is understood as a set of food and non-food goods and services necessary for the minimum level of human health and activities, determined by the state on the basis of scientific norms.

duration of years worked in the period before the introduction of the insurance system (before January 2006), and the definition of the average wage of persons entitled to preferential pensions for that period. For example, in some instances, businesses which had subsequently closed down had failed to archive the necessary documents required by law. Confirmation of the years worked and salaries for refugees and internally displaced people (IDPs) for the 1980s and 1990s is also often problematic.

It is often difficult to access the right to a disability allowance. For example, in June 2020, Khayal Mirzayev, a resident of Kolayir village of Samukh District, reported that he had difficulties accessing his disability allowance following his diagnosis with tuberculosis which he contracted during military service. His diagnosis was officially recorded by the medical commission of Military Hospital No. 230 and he was assessed as having a Group 2 disability by the Medical Social Expert Commission (MSEC). The MSEC, however, indicated in the official records that Mr. Mirzayev had contracted the disease in 'regular' circumstances, i.e. not during his military service. Despite the request the Samukh Central Hospital medical commission to have the records corrected, the MSEC did not only fail to correct it but also revoked the decision to recognise Mr Mirzayev's Group 2 disability. Mr Mirzayev appealed the decision to the Ganja Economic Court, which was upheld. The court decision granted him the right to his disability allowance, which, by law, needed to be upheld by the Central MSEC. However, at the time of writing the court decision has not been implemented.

In another case, 61 year old Zemfira Talibova, a resident of Kurdamir District, who has a Group II disability for 14 years and has undergone four surgeries, had her disability status revoked by the State Social Protection Fund (SSPF) in March 2021. The decision to revoke it was made without any assessment by the medical commission, which would normally examine a person's health condition in such cases. Mrs. Talibova received an SMS from the SSPF informing her that her disability would be cancelled in March 2021, without further explanation. Mrs. Talibova undergoes a medical examination at the Oncology Center of the Medical University every three months and in January 2021, just two months before the cancellation of her disability entered into force, she was hospitalized due to her poor health. Removal of her disability status has left her without any income as she is not able to work due to her ill health and has no family to support her. She considers the SSPF decision was illegal and has no means to challenge it.

Another serious problem has arisen from the the rapid increase in the retirement age in recent years without taking the demographic situation into account, including average life expectancy. Between 2010 and 2020 the retirement age was increased from 61 to 65 years for men and from 56.5 to 62 years for women.⁷⁶ According to official statistics,⁷⁷ the average life expectancy in Azerbaijan increased by more than three to 76.4 years. However, data from the UN Global Human Development Reports provides significantly different figures. According to the UN statistics,⁷⁸ over the past 10 years, the average life expectancy in Azerbaijan has increased by only two years to 73 years. Another official and public source indicates that over the last five years (2014-2019), there has been a 2.4 per cent decrease in the number of people aged 75 and (6,000 people).⁷⁹ The decline in a number of men in this age group was more

76 Information on the retirement age for 2010 from the issue of the SSC on the labour market (page 15, https://www.stat.gov.az/menu/6/statistical_yearbooks/source/labour_2020.zip). The information for 2020 was taken from the database of the MLSP (<https://www.sosial.gov.az/yashagoreemekpensiyasi>)

77 Life expectancy statistics at birth of the SSC, https://www.stat.gov.az/source/demography/az/002_4.xls

78 UN statistics on life expectancy at the birth for countries in the world in 1990-2020, <http://www.hdr.undp.org/en/indicators/69206>

79 The issues of the SSC on the demographic situation of the population: statistics for 2014 (see link: page 23, <http://lib.bbu.edu.az/files/book/749.pdf>), statistics for 2019 (see link: page 27, https://www.stat.gov.az/menu/6/statistical_yearbooks/source/demography_2020_1.zip)

pronounced at 3.5 per cent (about 4,000 people). However, the retirement age for men in Azerbaijan is higher and has increased rapidly over the past 10 years. These statistics indicate that the reliability of the national statistics on life expectancy in Azerbaijan is questionable and that the number of elderly people who die before reaching retirement age is increasing. Another important indication is that the mortality rate has a tendency to increase at working age (15-65 years) in Azerbaijan.⁸⁰ According to the figures from 2019, about 37 per cent of all deaths were in the 15 to 65 age group, whereas between 2005 and 2010, this figure was in the range of 31-32 per cent.

In conclusion, the negative demographic trends, as well as obstacles for people in accessing pensions are reflected in the number of retired pensioners in Azerbaijan. According to official statistics⁸¹, pensioners decreased by 14 per cent from 2010 to 2020. However, between 2000 and 2010, this figure had increased by 17 per cent. This sharp decline in the number of pensioners in 2010-2020 coincides with a period when the total population increased by 10 per cent and the population over the age of 60 rose by 65 per cent (about 500,000 people). The number of people receiving lower old-age benefits (instead of a retirement pension) is also growing rapidly due to the fact that they are not eligible for pensions as the domestic law excludes them from the right to access a pension. According to official statistics relating to social benefits,⁸² the number of elderly people receiving old-age benefits in 2010-2020 increased almost fivefold and reached 85,000. At the end of 2021, the elderly persons benefit of 130 AZN (approx. 65 EUR) was 35 per cent lower than the minimum pension allowance, which in turn is lower than the official cost of living (subsistence minimum), making it impossible for the majority of elderly persons to meet their basic needs.

This report sets out a number of stark challenges facing the Government of Azerbaijan in upholding its obligation to protect and ensure a right to work to its population. This wide spectrum of issues severely affecting the population's socio-economic wellbeing includes ensuring rights in the workplace and striving for gender equality, as the current gender disparity is stark, with many women of a working age are housewife in their households; the unemployment levels need to be reduced, particularly among young people, and their qualifications increased; those earning minimum wage and pensioners are not able to meet their minimum needs and those of their families, and a significant part of the working population lack formal employment, leaving them outside the state's social security system. The Government needs to step up its efforts to address these challenges to ensure that the Azerbaijani population can live lives with dignity and meet their minimum needs and beyond.

Recommendations

In light of the findings of our research, we make the following recommendations to the Government of Azerbaijan:

- Collect and publish comprehensive statistics on the labour market, including data on formal and informal employment, types of employment, their distribution by sectors, gender age and geographical focus in order to facilitate the analysis and improvement of policies concerning the right to work;

80 SSC's population mortality statistics by age, https://www.stat.gov.az/source/demography/az/004_1.xls

81 SSC's information on the number of pensioners, https://www.stat.gov.az/source/healthcare/az/002_1_2.xls

82 SSC's information on the number of people receiving social benefits, https://www.stat.gov.az/source/healthcare/az/002_1_7.xls

- Amend relevant national legislation to promote and ensure equal employment opportunities, and eliminate discrimination; including the repeal of Government Resolution No. 170 of 1999 banning women from working in certain industries and professions;
- Amend domestic legislation to explicitly establish criminal and/or administrative responsibility for sexual harassment at work;
- Ensure equal pay for women and men in all sectors of the economy, occupations and specialties;
- Take proactive, practical measures to encourage women to work, and set up businesses;
- Set the ratio of the minimum wage to the average wage, as well as the medium and long-term targets to ensure the right to a decent minimum wage; ensure that the minimum wage is indexed to the rate of inflation;
- Develop and apply methodology which meets the standards of the International Labour Organisation to the documentation of unemployment in Azerbaijan;
- Provide state support to employers hiring young people in entry level positions by means of tax reductions and other social guarantees to incentivize youth employment; ensure governmental programmes provide financial support to companies to fund the vocational training of young employees;
- Set specific targets for the reduction of the scale of informal employment, particularly in the sectors where it is most prevalent; carry out regular labour inspections and occupational health and safety;
- Expand the scope of the unemployment insurance mechanism to cover those who are not covered by an employment contract, such as those providing individual services;
- Extend the unemployment insurance mechanism to landowners and ensure they are and entitled to unemployment benefits in case of loss of their land;
- Harmonise requirements for pensions and pensions on preferential to ensure fair treatment of both groups by law;
- Reconsider the decision to increase the retirement age given the worsening demographic conditions in the country;
- The minimum pension and old-age benefits should correspond to the official cost of living estimate (subsistence minimum) for the elderly and must be indexed annually in accordance with the annual inflation rate.

Annex 1. List of normative acts relevant to labour protection in Azerbaijan

- Resolution⁸³ of the Cabinet of Ministers of the Republic of Azerbaijan No. 137 of 22 August 2002, on the determination of the minimum amount of increments (coefficients) ensuring high remuneration of employees who are working in difficult and harmful work conditions and in the workplaces which are not unfavorable for climatic conditions;
- Resolution⁸⁴ of the Cabinet of Ministers of the Republic of Azerbaijan No. 1 of 3 January 2000, on approval of the List of jobs of professions (positions) for which a medical certificate on the health of employees is required when concluding an employment contract in workplaces with

83 <http://www.e-qanun.az/framework/1644>

84 <http://www.e-qanun.az/framework/309>

difficult, harmful, and dangerous working conditions, where there are factors that adversely affect the health of the employee, as well as in the food industry, catering, health, trade, and other similar workplaces for the purpose of protecting the health of the population;

- Resolution⁸⁵ of the Cabinet of Ministers of the Republic of Azerbaijan No. 170 of 20 October 1999, on approval of the List of industries, professions (positions), as well as underground jobs where the use of women's labour is prohibited and of which working conditions are harmful and difficult;
- Resolution⁸⁶ of the Cabinet of Ministers of the Republic of Azerbaijan No. 58 of 24 March 2000, on approval of the List of productions, professions (positions), as well as underground works with harmful and severe working conditions, where the employment of employees under the age of 18 is prohibited;
- Resolution⁸⁷ of the Cabinet of Ministers of the Republic of Azerbaijan No. 92 of 5 July 2004, on approval of the List of industries, professions and positions with harmful and difficult working conditions, giving the right to additional leave due to working conditions and the nature of the job function;
- Resolution⁸⁸ of the Cabinet of Ministers of the Republic of Azerbaijan No. 175 of 6 November 2004, on approval of the List of labour-intensive productions, professions and positions where employees are entitled to reduced working hours not exceeding 36 hours per week and working conditions are harmful to human health due to physical, chemical, biological, as well as other difficult production factors;
- Resolution⁸⁹ of the Cabinet of Ministers of the Republic of Azerbaijan No. 95 of 30 May 2005, on approval of Rules of application of the List of industries, professions and positions with harmful and difficult working conditions, giving the right to additional leave due to working conditions and the nature of the job function, approved by Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 92 of 5 July 2004;
- Resolution⁹⁰ of the Cabinet of Ministers of the Republic of Azerbaijan No. 146 of 26 July 2005, on approval of Rules of application of the List of labour-intensive productions, professions and positions where employees are entitled to reduced working hours not exceeding 36 hours per week and working conditions are harmful to human health due to physical, chemical, biological, as well as other difficult production factors, approved by Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 175 of 6 November 2004;
- Resolution⁹¹ of the Cabinet of Ministers of the Republic of Azerbaijan No. 550 of 14 December 2017, on approval of the List of production facilities with harmful, difficult, and underground working conditions for providing free medical and prophylactic food, milk and equivalent products to employees and the Rules for providing free medical and prophylactic food, milk and equivalent products to employees;

85 <http://www.e-qanun.az/framework/3085>

86 <http://www.e-qanun.az/framework/893>

87 <http://www.e-qanun.az/framework/6304>

88 <http://www.e-qanun.az/framework/5708>

89 <http://www.e-qanun.az/framework/9900>

90 <http://www.e-qanun.az/framework/10571>

91 <http://www.e-qanun.az/framework/37311>

The Right to Education

Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - a. Primary education shall be compulsory and available free to all;
 - b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - d. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - e. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Introduction and summary of key findings

This report provides an overview of Azerbaijan's legislative and institutional framework for the protection of the right to education (as a constitutional right of citizens) and discusses the exercise of this right in practice. The report draws on publicly available official data, as well as the results of research conducted by the authors, including a targeted survey.

The report identifies a number of challenges and gaps in the education system, which affect access to education at different levels. Attendance at preschool institutions is generally low, and it is of great concern that two out of three children aged 5-6 do not participate in compulsory preschool activities aimed at preparing them for school. This is likely to result in unequal opportunities among children starting school. Official statistics are of further concern with regard to compulsory general education. According to figures from 2019, around 10% of all children dropped out of school before completing grade 9, and around 30% before completing grade 11, which is required to receive a diploma of full general education and be admitted to higher educational institutions. While general education is free, many parents who were surveyed reported paying for private tutor services for their children attending such institutions.

Moreover, although national law grants everyone the right to complete a higher educational programme for free, only around 30% of all students in public universities receive education which is fully free. The rest pay considerable fees, which are high in relation to the average income in Azerbaijan. Our study found that university tuition fees increased four to five times in the past 10 years, while the nominal income and average monthly salary only doubled during the same period. Our findings suggest that many parents have to spend as much as 50% of their annual income on the annual tuition fees for their children's university studies.

Our research results also indicate that boys/men have better access to education than girls/women in Azerbaijan, particularly in the regions outside the capital. Dropout rates from school are high among both sexes, with over 30% of all students dropping out before completing grade 11. However, dropout rates are the highest among girls in rural regions.

The COVID-19 pandemic negatively affected equal access to education, with especially children from socio-economically vulnerable families and rural regions experiencing barriers to effectively participating in distance education due to the lack of computer and internet access.

I. Legislative and institutional framework for the right to education in Azerbaijan

The right to education is a constitutional right, enshrined in Article 42 of the Constitution of the Republic of Azerbaijan.¹ According to the Constitution, the education system, which sets the minimum educational standards, is managed by the State. The State guarantees the right to free primary and secondary education, which is obligatory for all, and to free continued education of talented students irrespective of their financial situation. Article 45 of the Constitution recognizes the right of everyone to education in any language of their choice.

¹ <http://www.e-qanun.az/framework/897>

A number of domestic laws, including the Law on Education, the Law on Preschool Education, the Law on General Education and the Law on Vocational Education form the legislative basis for ensuring the protection, promotion and implementation of the right to education in the country.² Azerbaijan is obliged to guarantee the right to education under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other relevant international agreements to which it is a party.

The Law on Education of 2009 (hereafter Education Law) establishes the main principles of the state education policy and sets out the general conditions for the regulation of educational activities in the country.³ According to the Education Law, the state education policy is based on the principles of humanism, democracy, equality, nationalism and secularism, quality, efficiency, continuity, unity, permanence, succession, liberalization and integration. The State guarantees that every citizen has the opportunity to receive education and that no one will be discriminated against in education on grounds of gender, race, language, religion, political beliefs, ethnicity, social status, origin or health opportunities.⁴

The Education Law ensures the right of children to receive free general education in public educational institutions, including both primary (grades 1-4) and secondary education (grades 5-11).⁵ Everyone also has the right to receive a one-time free-of-charge education at secondary vocational-professional educational institutions and at each level of higher education (bachelor and master programmes). In accordance with the law, the state is obliged to create conditions for the employment of graduates, to ensure continued education of talented students regardless of their financial status, as well as to ensure education of those in need of social protection.

Institutional education is carried out either at the expense of the state or on a paid basis. Special purpose education (e.g. military, state security) is carried out in dedicated educational institutions at the expense of the State. The State covers the costs for education of orphans and children deprived of parental care in all types of state educational institutions up until master's level.⁶ These children maintain the right to free education at all levels in the case of adoption.

THE EDUCATION SYSTEM IN AZERBAIJAN IS STRUCTURED AS FOLLOWS:

- Preschool education (including education in nursery-kindergartens, kindergartens, orphanages, and special preschool institutions for children with disabilities) is the first stage of education targeted at children aged 1-6. Preschool education aimed at preparing children for school is compulsory for children of age five to six. The legal, economic, and organizational basis for preschool education in Azerbaijan is set out by the Law on Education and the Law on Preschool Education⁷. Students in public preschools are provided with food and teaching aids at the expense of the State.

2 <http://www.e-qanun.az/framework/18343>

<http://www.e-qanun.az/framework/35791>

<http://www.e-qanun.az/framework/42543>

<http://www.e-qanun.az/framework/39275>

3 <http://e-qanun.az/framework/18343>

4 Article 5 of the Law

5 Article 5.4 of the Law on Education.

6 Article 14.8 of the Law

7 <http://www.e-qanun.az/framework/35791>

- General education (including education in primary, general secondary and full secondary schools, general boarding schools, institutions for children with special needs, schools for gifted students, gymnasiums and lyceums) covers the stages of school preparation, primary, general secondary, and full secondary education. General education is regulated by the Law on Education and the Law on General Education⁸. Primary education (grades 1-4) begins at the age of six and is free and compulsory for all. General secondary education, which begins at grade 5, is also compulsory -- up to grade 11 -- and free in public educational institutions. Students in state and municipal general education institutions are provided with textbooks at the expense of the State.
- Vocational education (including primary vocational education, technical vocational education and higher technical vocational education) provides training of qualified personnel for various professions on the basis of general secondary education and full secondary education in accordance with the needs of the labour market. The duration of study in vocational education institutions varies from six months to four years, depending on the profession. The legal, economic, and organizational basis of vocational education is established by the Law on Education and the Law on Vocational Education⁹. Education in state vocational education institutions is carried out at the expense of the State and/or on a paid basis.
- Secondary special education is provided in colleges and dedicated structural units of higher education institutions, resulting in the award of a sub-bachelor degree. Those admitted to secondary special education on the basis of general secondary education receive full secondary education. The state certificate on secondary special education grants the right to enter higher education institutions in the country.
- Higher education (including education resulting in bachelor, master and doctoral degrees) provides education and training for future highly qualified specialists, scientific and scientific-pedagogical staff. Every citizen has the right to receive higher education free of charge at the expense of the state once. At the time of the writing of this report, no specific law on higher education existed in Azerbaijan, however, a draft law on higher education is projected to be adopted in Parliament (Milli Majlis) in 2022 (it had not yet been adopted at the time of writing this report).¹⁰ Until the new specialized law is adopted, issues relating to higher education are regulated by Law on Education and the Law on State Standards and Programmes on Higher Education.¹¹

In order to encourage vocational, secondary, and higher education in state institutions, scholarships and other financial assistance are offered.

8 <http://e-qanun.az/framework/42543>

9 <http://e-qanun.az/framework/39275>

10 <https://apa.az/az/xeber/sosial-xeberler/Ali-thsil-haqqinda-qanun-layihsi-hazirlanib-639020>

<https://apa.az/az/xeber/sosial-xeberler/milli-meclisin-elm-ve-tehsil-komitesinde-ali-tehsil-haqqinda-qanun-layihesi-muzakire-olunub-yenilenib-650334>

<https://meclis.gov.az/news.php?id=3358&lang=az>

11 <http://www.e-qanun.az/framework/19531>

II. Access to education in Azerbaijan: practical considerations

Free education is one of the most important guarantees for access to education in any country. Generally, free education is available in public educational institutions in Azerbaijan. However, part of the higher education provided in public educational institutions is subjected to a fee. Starting in mid-1990s, with the emergence of market economy in Azerbaijan, private educational institutions began to emerge. In 1995, about half of the country's higher educational institutions (43.5%) were private universities, including both local universities and branches of international universities and academies. Following increased government scrutiny of the quality of higher educational services, the number of private educational institutions significantly decreased, and as of 2021, only one in four universities (23.1%) is private, with the share of students studying in private institutions not exceeding 10%. In 2019, the average number of students enrolled in private universities was 1553, or three times smaller than the average number of students enrolled in state universities (4,225): see Table 2 below.

Unlike private universities, private preschools and general education institutions began providing services only in the mid-2000s. Their share, albeit currently small, is growing. From 2005 to 2019, the share of private preschools increased from 0.2% to 8.5%, covering 5% of children in preschool education in the country. On average, 41 children are enrolled per private preschool, compared to 73 children study per public preschool. In 2005-2019, the number of both private kindergartens and children attending such institutions increased threefold. During the same period, the number of public kindergartens increased by only 1.7%, and the number of children attending such institutions grew by 6.6% (Table 2).

As for general education, available statistics show that the public sector significantly outperforms the private sector in terms of both the number of educational institutions and students. The share of private general education institutions increased slightly from 0.3% to 0.8% in the period from 2005 to 2019, with the number of such schools being 33 in 2019. The share of students enrolled in private schools remained below 1% in 2019 (see Table 1). Thus the overwhelming majority of students are still enrolled in public schools, the number of which decreased from 4,538 to 4,400 from 2007 to 2019 due to the merging of schools in rural areas. On average, 364 students are enrolled in state-owned secondary schools compared to 464 students in private schools (Table 2).

A survey, which we conducted as part of our research for this report, indicates that annual fees in private general education schools vary significantly. Parents of students enrolled in private general education schools, who were surveyed¹², reported paying fees ranging from 350 AZN (approx. 175 EUR) to 8,500 AZN (approx. 4235 EUR). More specifically, 26.1% of the respondents reported paying a fee below 1,000 AZN (approx. 500 EUR), 21.7% between 1,000-3,000 AZN (approx. 500-1,500 EUR), 21.7% between 3,000-5,000 AZN (approx. 1,500-2,500 EUR), and 30.4% more than 5,000 AZN (approx. 2,500 EUR). In addition, 22% of the respondents said that they incurred additional expenses in private schools.

12 An online survey was conducted to collect information on expenses related to general education in the country. A total of 182 respondents took part in the survey conducted through the website freeonlinesurveys.com. 44% of the respondents indicated that they had one child, 47% of respondents had two children, 9% had 3 children 1% had 5 children in general education schools. 87% of respondents indicated that their children study in public schools, 8% in private schools, and 5% of the respondents indicated that their children studied in both types of schools.

Table 1. Distribution of educational institutions by type of property

Type of educational institution	Years									
	1990	1995	2000	2005	2010	2015	2016	2017	2018	2019
Distribution of preschool education institutions by type of property, in percent										
Public	100	100	100	99.8	99.1	96.2	95.0	94.1	93.1	91.5
Private	0	0	0	0.2	0.9	3.8	5.0	5.9	6.9	8.5
Distribution of general education institutions by type of property, in percent										
Public	100	100	100	99.7	99.6	99.5	99.4	99.4	99.4	99.2
Private	0	0	0	0.3	0.4	0.5	0.6	0.6	0.6	0.8
Distribution of higher education institutions by type of property, in percent										
Public	100	56.5	71.7	68.1	70.6	75.9	74.5	76.5	76.9	76.9
Private	0	43.5	38.3	31.9	29.4	24.1	25.5	23.5	23.1	23.1

Source: State Statistical Committee

Table 2. Distribution of the number of students in educational institutions by type of property

Type of educational institution	Years									
	1990	1995	2000	2005	2010	2015	2016	2017	2018	2019
Distribution of children in preschool institutions by type of property, in percent										
Public	100	100	100	99.9	99.3	98.0	97.4	96.9	96.1	95.0
Private	0	0	0	0.1	0.7	2.0	2.6	3.1	3.9	5.0
The average number of children per preschool, in people										
Public	80	69	62	62	69	69	70	72	73	73
Private	0	0	0	50	52	36	35	37	40	41
Distribution of students in general education institutions by type of property, in percent										
Public	100	100	100	99.7	99.5	99.4	99.4	99.3	99.2	99.1
Private	0	0	0	0.3	0.5	0.6	0.6	0.7	0.8	0.9
The average number of students per general education institution, in people										
Public	316	332	364	348	292	303	328	342	351	364
Private	0	0	0	421	379	363	350	390	447	464
Distribution of higher education institutions by type of property, in percent										
Public	100	87.3	76.1	81.6	85.9	87.2	88.2	91.5	91.3	90.1
Private	0	12.7	23.9	18.4	14.1	12.8	11.8	8.5	8.7	9.9
The average number of students per higher education institution, in people										
Public	6,180	3,319	3,139	3,312	3,347	3,430	3,803	3,932	4,033	4,225
Private	0	625	1,592	1,597	1,317	1,584	1,483	1,194	1,283	1,553

Source: State Statistical Committee

2.1. LOW ATTENDANCE AT PRESCHOOL INSTITUTIONS

Preschool education in Azerbaijan is targeted at children aged 1-6. As already mentioned above, it is compulsory for children from age five to six to participate in preschool activities aimed at preparing them for school.

An analysis of publicly available statistical data from 2019 suggests that the share of children aged 1-5 in preschool education was very low: only 16.5% of all 743,000 children of these ages attended such institutions (it should be noted that we looked at statistics for children aged 1-5 as corresponding statistics for children aged 1-6 is not publicly available). According to information from the State Statistical Committee, between 1990 and 2019, there was a significant decrease in the number of both preschools and children attending preschool institutions (see Chart 1 below). In 1990, 2,185 preschools were operating in the country, but by the end of 2019, this number (including both public and private institutions) had decreased to 1,840 (or by 15.8%). In the same period, the number of children attending preschool institutions decreased from 180,870 to 128,826 (or by more than 28.8%). During this period, the total population of the country increased by 41.1%, from 7.13 million to 10.07 million, which suggests a further reduction of the share of children in preschool education.

Official data also suggests that a major part of children aged 5-6 are not involved in compulsory preschool activities aimed at preparing them for school: 2 out of 3 children do not attend such programmes. The lowest attendance for school preparatory programmes in the last 30 years (or 15.5%) was recorded in 2015. Since then, it has significantly increased, up to 31.3% in 2019 (Chart 1), but nevertheless remains limited. Low involvement in compulsory preschool education is in particular a problem in rural areas where infrastructure is poor. For example, not all villages have their own kindergartens, and it is not always easy for children to attend kindergartens in neighbouring villages. This results in that many children living in rural areas are deprived of the opportunity to attend preschool institutions and participate in compulsory school preparatory programmes. However, it is difficult to assess the full scale of the problem since the State Statistical Committee has not published any data on the number of kindergartens in rural areas.

According to the legislation regulating preschool education, children of families of those killed in the Karabakh war, soldiers and volunteers of the Karabakh war, including those who became disabled as a result of the war, children of single working parents, children of persons with I and II degree disabilities, children of parents in military service, children of studying mothers, children from large families, and children under guardianship are given priority in the admission to state preschool educational institutions.

Chart 1. The share of children attending preschool institutions/school preparatory programmes among children aged 1-5



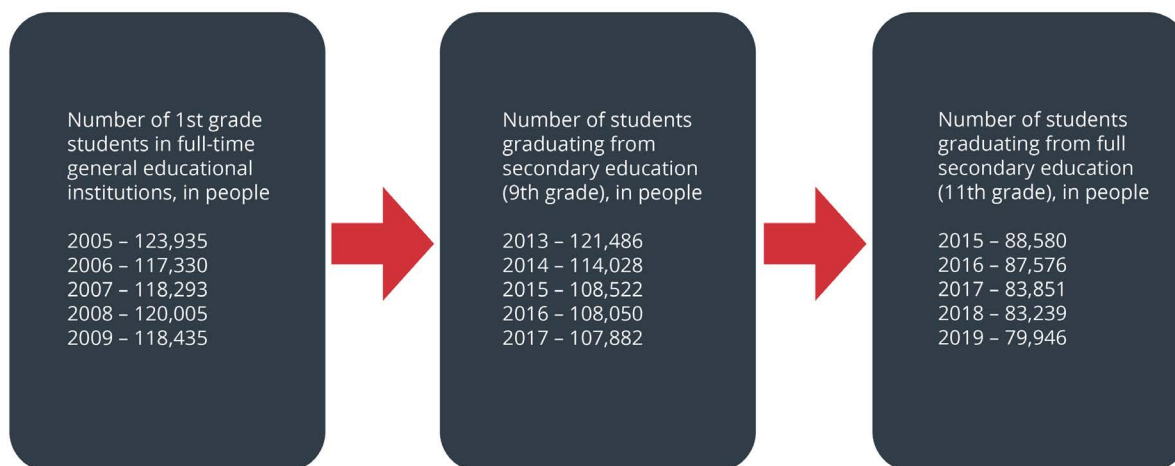
Source: State Statistical Committee

2.2. SECONDARY EDUCATION: THE NUMBER OF GRADUATES FROM FULL SECONDARY AND GENERAL SECONDARY EDUCATIONAL INSTITUTIONS IS DECLINING

As previously mentioned, general secondary education is compulsory in Azerbaijan and the State is responsible for its enforcement. According to the calculations made by the authors of this report on the basis of the publicly available data from 2020, around 85% of the population aged 6-17 attend general educational institutions.

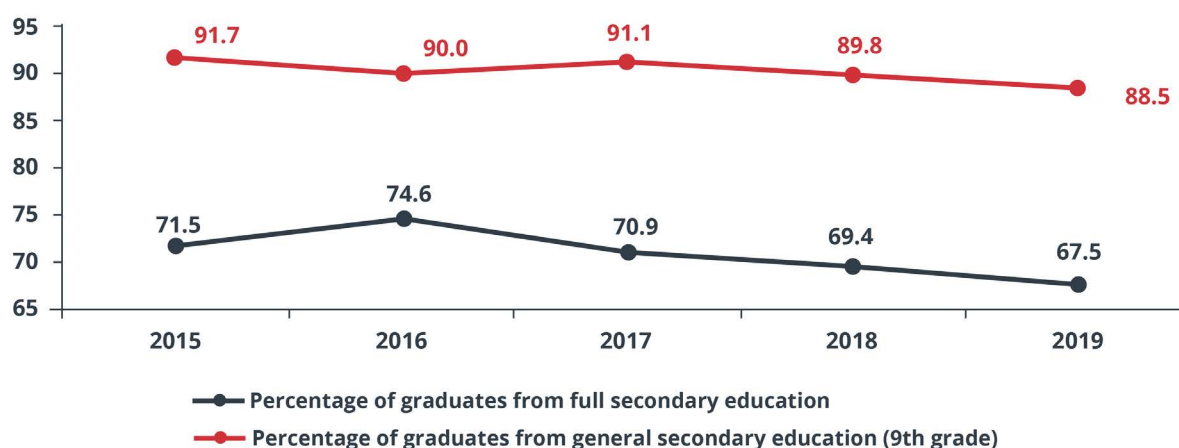
Everyone wishing to receive full secondary education must complete grades 1 to 11. Official data, however, shows that a significant number of those enrolled in primary schools do not complete full secondary education. For example, 71.5% of the students who completed the first grade in 2005 (or 88,580 out of 123,935 students) subsequently completed the 11th grade in 2015, with nearly 30% of the students dropping out before this (Figure 1). A similar number, nearly 32%, was observed in 2019 (Chart 2).

Figure 1. Number of students graduating from general educational institutions



Source: State Statistical Committee

Chart 2. Number of students graduating from general educational institutions



Source: State Statistical Committee

A slight increase in the drop-out rate among students completing general secondary education (grades 1 to 9) can also be observed. While 91.7% of those who started the first grade in 2007 graduated from the 9th grade in 2015, this share fell to 88.5% in 2019, meaning that 9 out of 10 students completed 9th grade that year (Chart 2).

2.3. DECLINE IN ACCESS TO FREE HIGHER EDUCATION

A decrease in the share of free educational programmes offered in public higher educational institutions has been observed since 2001, meaning that fewer students are able to receive education for free. According to official data, 45.4% of students paid for their studies in the 2000/2001 academic year, whereas over the next 20 years, this share rose to 59.7% (Chart 3). Taking into account that 9.9% of students study in private universities, the data suggests that only 30% of all students studying in universities receive free higher education in Azerbaijan.

Tuition fees in public universities varied between 1,000 AZN (approx. 500 EUR) and 4,500AZN (approx. 2,240 EUR) per academic year in 2019 and 2020.¹³ The fees are lower in the regions outside the capital, ranging from 1000 to 1500 AZN (approx. 500-750 EUR) per year. Similar fees apply in private universities.¹⁴ In comparison, in the 2008/2009 academic year, the annual tuition fees in public universities varied from 300 to 700 AZN (approx. 150 to 350 EUR), meaning that fees have increased 4-5 times over the past 10 years. During the same period, the population's nominal income and average monthly salary have only doubled.¹⁵ According to the estimates of the authors of the report, the median income of the population currently varies between 300-400 AZN (approx. 150-200 EUR). This suggests that parents, on average, need to spend half of their annual income to pay the annual tuition fees for their children's university studies.

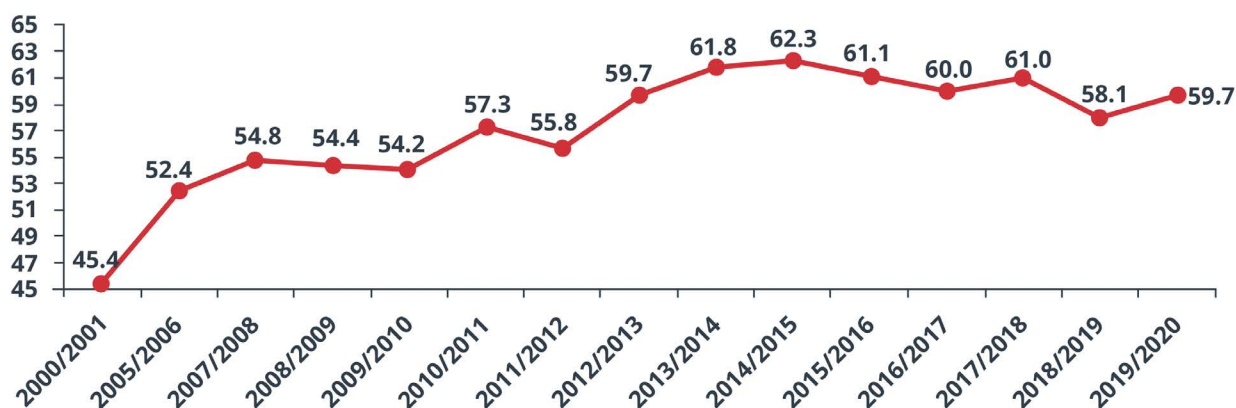
13 Entrant's magazine, 4th issue, 2019. Selection of specialties for universities for the 2019/2020 academic year.

14 For example, the following tuition fees stand at public universities: 1,400-2,600 AZN at the Western Caspian University, 1,600 AZN at the Baku Eurasian University, 1,600-2,000 AZN at the Azerbaijan Cooperation University, and 2,000-3,000 AZN at the Azerbaijan University, whereas in private universities were 6,000 AZN per year at ADA, 4,000 AZN at Khazar University, and 4,500 AZN at the Baku Higher Oil School.

15 https://www.stat.gov.az/source/budget_households/?lang=en

Given the high tuition fees in universities and the difficult economical situation for a major part of the population (see IPHR reports on a Right to Adequate Living and a Right to Work in this series of reports on economic and social rights), the low share of of free higher educational programmes currently available seriously restricts access to higher education for young people in Azerbaijan.

Chart 3. The share of students studying in higher public and private education institutions with full payment of tuition fees on a contractual basis, in percent



Source: State Statistical Committee

III. Access to education and gender (in)equality in Azerbaijan

Equal access to education is fundamental to achieving gender equality and women empowerment. Under the ICESCR, Azerbaijan is committed to ensuring access to education without any discrimination, including on the grounds of sex.¹⁶ In its General Comment No.13 on the Right to Education, the Committee on Economic, Social and Cultural Rights (which monitors implementation of the CESCR by State parties) stated that this obligation includes the states' duty 'to remove gender and other stereotyping which impedes the educational access of girls, women and other disadvantaged groups'.¹⁷ This section discusses how the principle of gender equality is reflected in the education system in Azerbaijan.

An analysis of publicly available data suggests that boys/men have better access to education than girls/women in Azerbaijan, particularly in the regions outside the capital. In some areas, the difference is more significant than in others, but overall, fewer girls/women than boys/men fully exercise their right to education. In 2020, the gender share per 100 students at all levels was as follows: 47.3 girls/women and 52.7 boys/men. The share of female students was 46.7% in preschools, 46.7% in general education institutions, and 48.8% in higher education institutions (Table 3). The share was significantly lower in vocational schools: only 23.8% of students were girls/women.¹⁸ The only type of education where the share of girls/women was higher than that of boys/men is special secondary education, where it was 64.1% in 2020.¹⁹

16 Article 2(2) of the Covenant.

17 CESCR General Comment No. 13: The Right to Education (Art. 13), adopted at the Twenty-first Session of the Committee on Economic, Social and Cultural Rights, on 8 December 1999

18 https://www.stat.gov.az/source/gender/az/qk/003_7.xls

19 https://www.stat.gov.az/source/gender/az/qk/003_6.xls

Girls/women primarily enrol in educational programmes in education (87.8%), humanitarian and social sciences (92%), culture and arts (68.2%), economics and management (68.7%), and health, welfare, and services (74.8%).²⁰

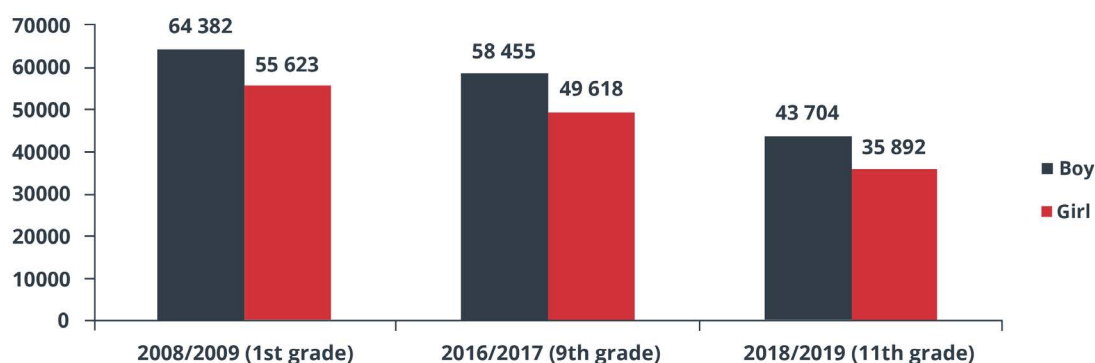
Table 3. The share of girls studying in educational institutions in 2020

Type of educational institution	Years									
	1990	1995	2000	2005	2010	2015	2016	2017	2018	2019
The share of girls in preschool education institutions, in percent	44.0	44.8	48.5	47.3	45.8	46.3	46.2	46.4	46.6	46.7
The share of girls in general education institutions, in percent	49.1	50.8	48.4	47.5	46.3	45.9	46.5	46.1	46.9	46.7
The share of girls in higher education institutions, in percent	37.9	43.8	41.7	47.7	46.4	48.8	48.3	48.2	48.2	48.8

Source: State Statistical Committee

A significant drop-out from general education schools is observed among female students in the final years of school (9th and 11th grades, after both of which it is possible to complete secondary general education). For example, in the school year 2018/2019, the number of female students completing the 11th grade was 27.7% lower than the number of female students who completed the 9th grade two years earlier (35,892 vs. 49,618 girls) (Chart 4 below). If we compare the number of female students completing the 11th grade with the number of female students enrolled in first grade in the school year when this age cohort started school (2008/2009), the drop out amounted to 35.5% (Chart 4). The drop out rates are also significant among male students, amounting to 32.1% when the number of male students completing 11th grade is compared with the number of students attending first grade (Chart 4).

Chart 4. Gender distribution of students attending first grade and taking part in the final exams for grades IX and XI, in people



Source: State Examination Center

The gender disparity among students in the final school years is particularly noticeable in regions outside the capital. For example, in the southern regions (Lankaran, Astara, Lerik, Yardimli, Jalilabad, and

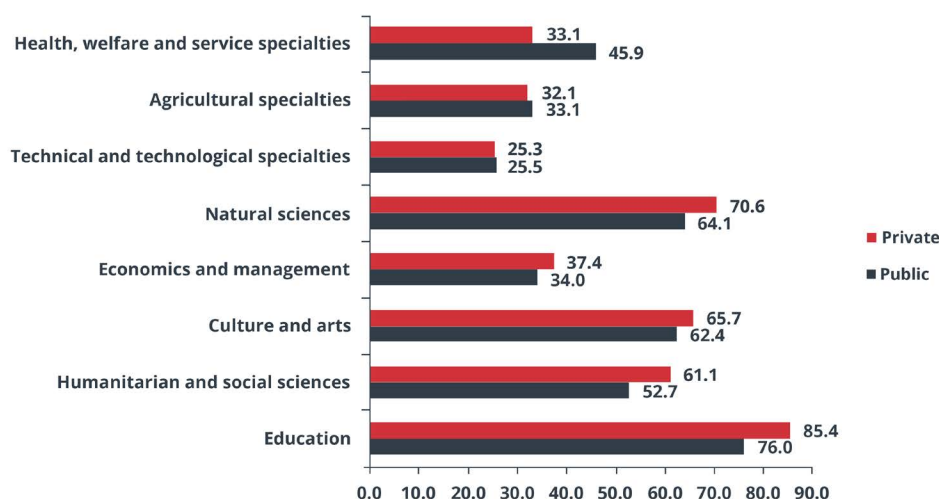
²⁰ https://www.stat.gov.az/source/gender/az/qk/003_8.xls

Masalli), female students constituted 45.84% of all students in 9th grade in 2017, whereas their share dropped to 40.68% when they reached 11th grade in 2019. Among the key reasons for this decrease are: the poor socio-economical situation of the population in rural areas, leading to young people being forced to look for work instead of continuing their education; cases of early marriage (still practiced in the southern regions of Masalli, Lerik, Astara), which often lead to early drop out from school; poor infrastructure in rural areas, which makes it difficult for children to travel to school and also creates safety concerns among parents of girls.²¹

As for higher educational institutions, the country's average indicates near gender equality, however, the situation varies significantly in different regions of the country. For example, the share of female students in state-owned universities was 48.5% and 51.4% in private universities in the academic year of 2019/2020 (compared to the share of women being 50,1% in the Azerbaijani population overall).²² No significant gender gap was observed among female (49.9%) and male (50.1%) students in the capital Baku.²³ In 3 out of 10 regions female students outnumbered male students: in Ganja-Gazakh (56.1%), Shaki-Zagatala (54.7%) and Guba-Khachmaz (53.5%), The highest number of female students was recorded in Naftalan (67.6%), Dashkasan (64.9%), and Samukh (61.1%) districts of Ganja-Gazakh economic region. The lowest share of female students was seen in Yardimli district (28.6%), followed by Masalli (41.6%) and Jalilabad (41.3%) districts, all forming a part of the Lankaran economic region. The share of girls/women among students in Lankaran economic region was 43.6%. In general, the southern regions of the country, such as Lankaran, Masalli, Astara, Lerik and others have the lowest access to higher education for women, which primarily results from the early drop out from schools (see the reasons discussed above).

In both state owned and private universities, the share of women was the highest in the areas of education (76%), culture and arts (62.4%), natural sciences (64.1%), and humanitarian and social sciences (52.7%) (Chart 5).

Chart 5. The share of female students enrolled in different areas in public and private higher educational institutions, in percent (academic year of 2019/2020)



Source: State Statistical Committee

21 M. M. Abbaszade, T. A. Badalov, O. Y. Shelaginov. Gender aspects of the results of the entrance and final exams. In addition to the 12th issue of Entrant's magazine. Baku - 2019, pages 46-48

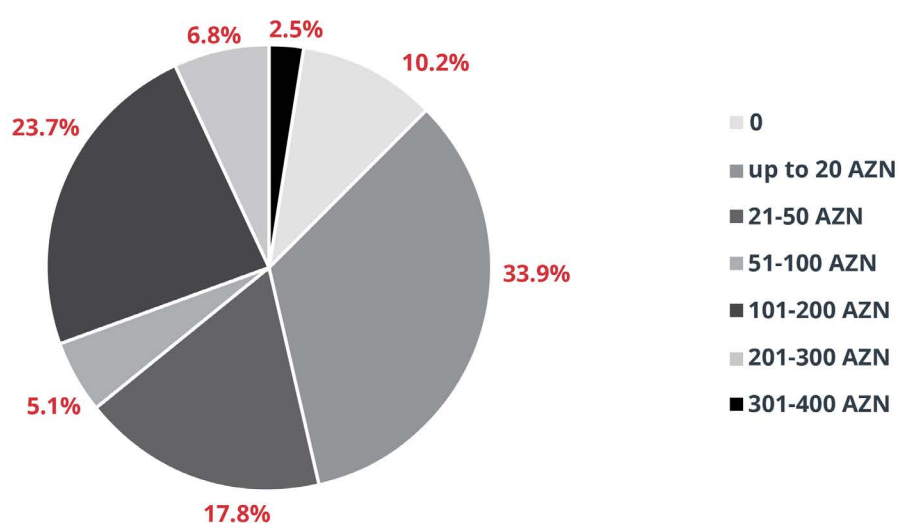
22 https://www.stat.gov.az/source/gender/az/qk/003_12.xls

23 https://www.stat.gov.az/source/gender/az/qk/003_12.xls

IV. Free general education: is it always free?

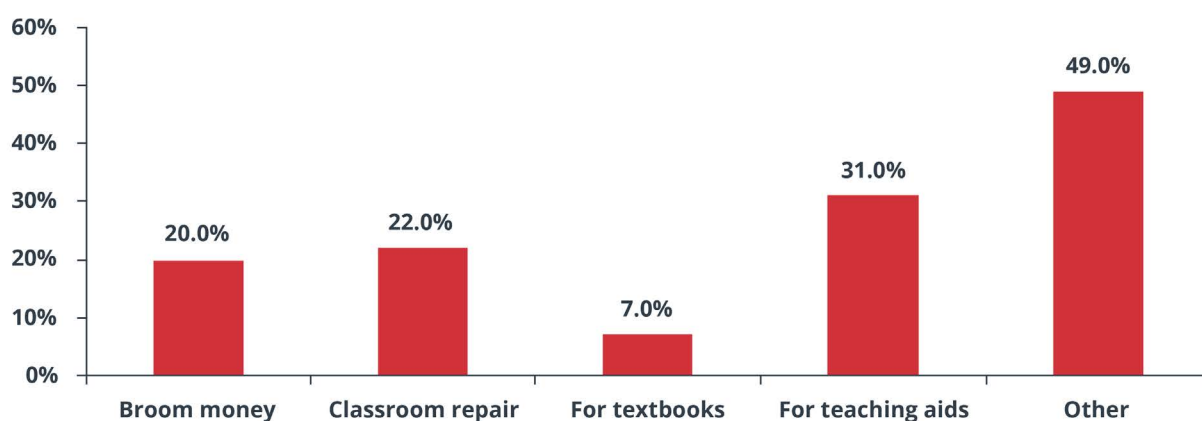
The survey conducted as a part of this research, involving 182 participants, included questions on any non-tutorial expenses parents had in relation to their children's education in public general education schools where education is free. Such expenses include both official expenses, such as contributions to the parents' fund, and "unofficial" payments required to receive certain services that are not a part of the official curriculum. Only 10.2% of the respondents whose children study in free public schools said they did not pay any fees. Among those who said that they had certain expenses, 33.9% indicated that these expenses did not exceed 20 AZN (approx. 10 EUR) per month, while 23.7% of the respondents indicated that they were 101200 AZN (approx. 50-100 EUR), 17.8% that they were 21-50 AZN (approx. 10-25 EUR) and 10% they they exceeded 200 AZN (approx. 100 EUR) (Chart 6).

Chart 6. Amount of monthly non-tutorial payments per student in public educational institutions



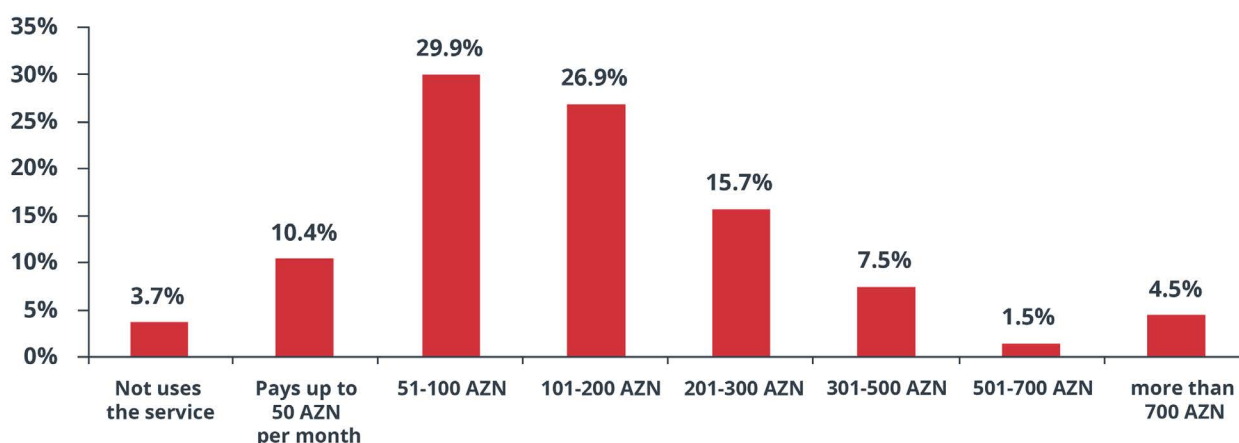
Among the survey respondents with children studying at public general education schools, 79% indicated that textbooks were provided for free to their children, while 17% said they partially had to pay for textbooks, and 4% said that they had to buy all textbooks themselves. The survey respondents also reported making "informal" payments for a number of purposes, including school cleaning (20%), classroom repairs (22%), textbooks (7%), and teaching aids (31%). Funds collected from parents for other purposes (49%) included holiday gifts for teachers, as well as after school activities (Chart 7).

Chart 7. Areas of "informal" payments, in percent



The survey specifically aimed to collect information about the use of tutoring services in schools and the applicable costs. Among the survey respondents, 96% indicated that they used tutoring services for their children, with the number of tutors whose services were used varying from one to five per month. Thus, 20% of the respondents said they used the services of one tutor, 37% - two tutors, 20% - 3 tutors, 11% - 4 tutors, and the remaining 12% - 5 or more tutors. According to the survey results, 73% of the respondents spent 51-300 AZN (approx. 25-150 EUR) for tutoring services per child per month (Chart 8). About 30% of the respondents indicated spending 51-100 AZN (approx. 25-50 EUR) 26.9% - 101-200 AZN (approx. 50-100 EUR), and 15.7% - 201-300 AZN (approx. 100-150 EUR) per month (Chart 8).

Chart 8. Monthly tuition fee for tutors per student, in AZN



V. Access to education during the COVID-19 pandemic

Access to education in Azerbaijan was significantly affected by the COVID-19 pandemic as children across the country had to adapt to distance education during extended periods of time. The closure of higher, secondary, and primary educational institutions as part of the quarantine measures introduced in response to the pandemic resulted in the transition to distance learning from home. In accordance with a decision of the Cabinet of Ministers, the school closure lasted from 2 March 2020 to May 2021, with a few interruptions when some schools reopened for brief periods of time before having to transition back to distance learning. The long period of distance learning increased the education associated expenses for many families as they had to obtain a computer for each child in the family, as well as reliable internet connections and telephone communications. A significant number of families, particularly those with several children and those in a difficult socio-economic situation struggled to ensure the necessary resources for their children, which negatively affected the access to education for these children.

Our research indicates that a key problem that prevented children from effectively carrying out their studies during the pandemic was the lack of access to computers, with each child expected to have his or her own computer for distance learning. According to the State Statistical Committee, in 2020, 86.6% of the households in Azerbaijan owned a computer, and in rural areas, this figure was only 60.5%.²⁴ In addition, some households include several children of school age, which aggravates the problem.

24 https://www.stat.gov.az/source/information_society/az/002_20.xls

Another major obstacle to effective and smooth distance learning during the pandemic was the lack of internet access. According to official data,²⁵ 84.5% of the residents have internet access in Azerbaijan. This figure is significantly lower in regions outside the capital, especially in rural areas. Moreover, while internet access through fixed telephone networks (ADSL) is still predominant in Azerbaijan, many families lack access to such networks. According to the State Statistical Committee,²⁶ in 2020, 64 out of 100 households nationwide had fixed telephone numbers, while this figure was significantly lower, or only 31 in rural areas.

In February 2021, residents of Khosrov village, in Aghdash district, complained that more than 30 families do not have fixed telephone and internet connections installed in their homes. When they appealed to the local authorities, they were informed that it was not possible to provide such services to them despite the fact that some of their neighbours have internet and telephone connections installed in their homes. The residents were particularly concerned that their children were not able to continue their education during the pandemic as distance learning was not possible without internet connection.

In addition to the factors mentioned above, inadequate housing conditions, interruptions in the supply of electricity, low internet speeds and other problems also negatively impacted access to and quality of distance education in Azerbaijan during the pandemic.

Recommendations to the government of Azerbaijan

On the basis of the findings of the report, we urge the Azerbaijani government to take the following steps aimed at improving access to education in the country, in particular in regions outside the capital:

- Collect and publicise comprehensive statistical data concerning all types of educational institutions in the country. In particular, the following information should be published in the 'Education' section of the State Statistical Committee's database: the number of educational institutions of different stages (preschool, general, secondary and higher educational institutions), as well as the number and gender distribution of students enrolled in different types of educational institutions per region, including administrative-territorial unit.
- Intergrate statistical data on the results of final and entrance examinations organized by the State Examination Center into the database of the State Statistical Committee and make it publicly available;
- Adopt a separate normative act regulating higher education - the Law on Higher Education;
- Develop a separate state programme aimed at significantly increasing the the share of children attending compulsory preschool programmes aimed at preparing them for school;
- Develop a state programme aimed at addressing the high drop out rates, especially among girls in general education schools in rural areas by supporting and encouraging students to complete full secondary education with emphasis on girls.
- Increase the number of free places in public higher education institutions and ensure that education is truly free in national universities and their branches located in different parts of the country;

25 https://www.stat.gov.az/source/information_society/az/002_23.xls

26 https://www.stat.gov.az/source/communication/az/003_1.xls

- Review the quality of education in state-owned schools and take any necessary measures to improve it, thereby also reducing the need for parents to obtain tutoring services for their children;
- Actively promote girls' access to education at all levels, including by initiating a programme for providing financial and other incentives to girls for completing higher education.