



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fourth periodic report of Azerbaijan\*

#### I. General information

1. Please provide information on the measures taken to raise awareness of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights and of their justiciability among the general population, as recommended by the Committee. Noting the information on decisions taken by the State party's courts (E/C.12/AZE/4, para. 17), please provide further examples of such decisions and any related information, including statistical data if available and the rights concerned.
2. In view of the limited number of civil society organizations working on the rights protected by the Covenant, please provide an update on any revisions to the laws on non-governmental organizations and on grants (E/C.12/AZE/4, para. 170), including the provisions relating to the use of funds received from external sources, with a view to simplifying and making funding more accessible.
3. Please provide information on the existing regulatory framework to ensure that State-owned companies and companies under the State party's jurisdiction exercise human rights due diligence and respect economic, social and cultural rights in their operations and to ensure also that victims of violations have access to effective remedies. Please inform the Committee of measures taken by the State party to respond to violations of Covenant rights by businesses that have been brought to its knowledge. Moreover, please indicate how the State party ensures that the exploitation of natural resources brings tangible benefits to local communities.
4. Please indicate whether the State party intends to improve the target of reducing by 35 per cent the level of greenhouse gas emissions with a view to achieving carbon neutrality by 2050, including through energy efficiency and changes in consumption patterns. Please inform the Committee of any other measures envisaged by the State party to reduce the adverse impact of fossil fuels extraction on economic, social and cultural rights, including on the health and livelihood of local communities.

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\* Adopted by the pre-sessional working group at its sixty-fifth session (21–25 October 2019).



## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Maximum available resources (art. 2 (1))**

5. In order to assess whether the State party uses its maximum available resources to give effect to Covenant rights, please provide information on the changes, over the past 10 years, in:

(a) The proportion of persons living below the poverty line and the level of inequality, preferably defined as the ratio of the total income of the richest decile of the population to the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) The rates of tax on corporate profits and on personal income, the rates of value added tax (excluding taxes on luxury items, on tobacco and alcohol, on sugared drinks and snacks and on fuel) and the percentage of total revenue generated from the personal income tax levied on the richest decile of the population;

(d) Public expenditure as a percentage of the gross domestic product and the proportion of total public expenditure that is devoted to social spending (employment, social security, food, housing, water and sanitation, health, education and culture);

(e) Absolute levels of social spending adjusted for inflation.

### **Non-discrimination (art. 2 (2))**

6. Please provide statistical data on court cases brought under article 154 of the Criminal Code for violation of the equality of individuals, especially in relation to the enjoyment of rights such as housing, health, education and work. Please also indicate whether the State party intends to expand the prohibited grounds of discrimination. Moreover, please indicate how the State party's legislation defines indirect discrimination, temporary special measures and permissible differential treatments.

7. Please describe any measures taken, and their impact, to decrease the high level of disparities in the enjoyment of Covenant rights among regions and between urban and rural areas, in particular in relation to the availability of public services and infrastructure, as well as employment opportunities and thus income (E/C.12/AZE/4, annex, table 22).

8. Please provide an update on the adoption of a legal framework to regulate the local integration of refugees in the State party and on the measures taken to realize their economic, social and cultural rights.

9. Please provide information on the enjoyment of economic, social and cultural rights, such as housing, employment, social security and education, by internally displaced persons resulting from the implementation of the measures described by the State party (E/C.12/AZE/4, paras. 42–48). Please indicate the extent to which the measures have supported the integration of internally displaced persons into society and provided them with durable solutions for their settlement.

10. Please provide information on the measures taken to prevent discrimination on grounds of sexual orientation or gender identity, including those aimed at raising awareness of the human rights of lesbian, gay, bisexual, transgender and intersex persons among the general population. Please also provide information on measures taken to address discrimination against lesbian, gay, bisexual, transgender and intersex persons in courts and by law enforcement agencies so that they can seek redress for violations of their economic, social and cultural rights, such as in the reported cases of forced eviction of gay and transgender persons from their places of residence in 2017.

### **Equal rights of men and women (art. 3)**

11. Please provide information on the impact of the efforts made by the State party, including those undertaken by the State Committee for Family, Women and Children's Affairs, to combat gender stereotypes and improve the sharing of domestic and care

responsibilities. Please also provide information on measures taken to eliminate the practice of sex selection, which has resulted in a distorted sex ratio at birth in the State party.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

12. Given the limited reach of measures described by the State party (including the State programme on the education of Azerbaijani Youth in foreign countries in 2007–2015, the self-employment programme, the “Alumnus” labour fair and the “first step in career” events, which benefited approximately 5,000 students and young people), please provide information on other public services available to young people and on the implementation of other measures (for example, the pilot subsidy programme aimed at expanding the opportunities for decent employment of young people), including their scope and their impact on the reduction of unemployment among young people. Please also indicate the extent to which these measures address the challenges faced by young graduates, including those identified by the State party, such as the lack of work experience and professional skills.

13. Please provide information on the measures taken, and their impact, to promote the participation of women in full-time, stable and formal employment. Provide information on the measures taken to address vertical and horizontal gender segregation and encourage the employment of women and men in professional fields where they are underrepresented. In addition, please provide information on the steps envisaged to lift restrictions on female employment in some professions.

14. Please clarify how the State party’s statistical data on employment enables it to identify those individuals and groups who do not effectively or fully enjoy their right to work, for instance those in rural areas or in the informal economy.

#### **Right to just and favourable conditions of work (art. 7)**

15. In view of the reported prevalence of violations of labour rights, including by State-owned enterprises, please explain how the right to just and favourable conditions of work is ensured in the State party in the context of the moratorium on inspections of business activities until 2021. Please also provide information on measures taken to address concerns such as judges’ reported bias towards employers and their limited understanding of labour rights and, in this context, the concern that the State party’s courts are unable to render effective remedies for violations of labour rights.

16. Please provide information on the measures taken to address violations of labour rights of those in the informal economy and to extend social protection to cover them. Please indicate how the State party plans to regularize progressively informal employment and businesses.

17. Please indicate the measures taken by the State party to improve working conditions in agriculture, including in cotton farming, so as to protect the health of farmers and others working in rural areas, cease the practice of unpaid labour and combat child labour.

18. Please provide information on any measures envisaged by the State party to reform the current system for issuing and terminating work permits for migrant workers, which renders them vulnerable to abuse and exploitation.

#### **Trade union rights (art. 8)**

19. Please provide an update on the steps taken to amend the Labour Code in order to guarantee the right to strike of all workers, including in the air and railway transport sectors, as previously recommended by the Committee. Please inform the Committee of measures taken to ensure that workers, including those in the oil sector, can exercise their right to form and join trade unions without fear of reprisals. Please provide statistical data on the

proportion of workers in trade unions per industry, disaggregated by sex, over the past five years.

**Right to social security (art. 9)**

20. Referring to the State party report, according to which the minimum amount of labour pensions is indexed to the average monthly nominal wage (E/C.12/AZE/4, para. 92), please describe the mechanisms used to ensure that the other social benefits are indexed to the cost of living, in order to guarantee a decent living to beneficiaries. Please also inform the Committee of any revisions envisioned to eligibility requirements so that unemployment benefits are effectively granted in the event of loss or lack of earnings due to the inability to obtain or maintain suitable employment.

21. Please inform the Committee about any measures taken or envisaged to increase the effectiveness of the delivery of social protection services, including as regards case management and referral systems to better identify and respond to households in need. Please also provide information on any measures envisaged to integrate unpaid care into the State party's social security system.

**Right to an adequate standard of living (art. 11)**

22. Please indicate the extent to which existing housing programmes will enable the State party to address the acute shortage of affordable housing. Please also clarify the extent to which the State party's housing and urban planning policies are inclusive and benefit disadvantaged and marginalized groups.

23. Please provide an update on the implementation of the law on the restoration of the first "micro district" of Baku and the decrees on follow-up actions for accelerating the social and economic development of a number of districts of Baku. In particular, please provide information about the number of households affected, how compensation is estimated when houses are demolished or inhabitants are evicted and how alternative adequate accommodation is provided. Please also provide information, including statistical data, on recourses by households aggrieved by eviction, demolition or compensation decisions.

24. Please provide information on the impact of measures taken, such as the project on promoting women's participation in social and economic life in the regions and in rural areas, to reduce poverty in rural areas, particularly among women-headed households and households with more than three dependants. Please also provide information on measures taken to improve smallholder farmers' access to avenues for processing, marketing and distributing their products.

**Right to physical and mental health (art. 12)**

25. Please provide information on the impact of the measures taken to eradicate the practice of informal payments so as to ensure that services in public health facilities are effectively provided free of charge. Please also provide information on the measures taken to improve access to quality health and nutrition services in rural and remote areas.

26. Please indicate how the national strategy on reproductive health for 2019–2025 intends:

- (a) To decrease the number of early pregnancies;
- (b) To enhance the dissemination of information, including on sexually transmitted infections, HIV prevention and contraception;
- (c) To improve the availability of sexual and reproductive health services, including in rural areas, and of modern contraceptive methods.

27. Please inform the Committee whether the State party plans to decriminalize consensual sexual activities between adults and unintentional exposure to and transmission of HIV.

28. Please provide information on:

(a) The steps envisaged regarding the deinstitutionalization of persons with mental health conditions and the availability of non-residential and community-based services, and measures taken to raise awareness and address stigmatization regarding mental health conditions;

(b) The steps taken to ensure the availability of harm reduction drug treatments, such as opioid substitution therapies.

29. Please provide information on the impact of measures taken in the State party to address the problems of air, water, soil and sea pollution and to prevent further environmental degradation. Please also provide information on the impact of measures taken to improve access to safe drinking water and sanitation in rural areas. Please provide an assessment of whether the resources invested are commensurate with the need, including in terms of infrastructure installation and maintenance.

**Right to education (arts. 13–14)**

30. Please provide information on the measures taken to improve vocational training opportunities and to promote equal participation of boys and girls in primary vocational educational institutions and in specialized secondary educational institutions. Please also provide information on the impact of the measures mentioned in the State party report on the rate of enrolment in higher education (E/C.12/AZE/4, para. 155). Please indicate the extent to which the steps taken have made vocational and higher education more accessible and affordable for members of disadvantaged and marginalized groups.

**Cultural rights (art. 15)**

31. Please provide information on the measures taken to preserve and restore the cultural heritage sites in the State party, including the sites affected by earthquakes and natural disasters.

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