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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
1-5 December 2003

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the second periodic report of AZERBAIJAN concerning the rights
covered by articles 1-15 of the International Covenant on Economic,
Social and Cultural Rights (E/1990/6/Add.37)**

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Please indicate the extent of the impact of the conflict over Nagorno-Karabakh on the ability of the State party to meet its obligations under the Covenant.
2. Please indicate how the cooperation of the State party within the framework of the Commonwealth of Independent States impacts the implementation of the rights in the Covenant?
3. Please indicate if the State party has adopted a national plan of action for the protection of human rights, in accordance with the Vienna Declaration and Programme of Action of 1993.
4. Please indicate if the State party envisages establishing a national human rights institution in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex).
5. Please indicate whether the rights under the Covenant are justiciable in the State party. Please include case law of the application of the Covenant.
6. Please indicate the extent of the independence of the judiciary and how this affects the implementation of the rights contained in the Covenant.
7. Please indicate if the Office of the Human Rights Commissioner has in fact started functioning and, if so, if it already has considered any cases in relation to economic, social and cultural rights.
8. Please indicate to what extent corruption is an obstacle to the full enjoyment of the rights in the Covenant.
9. Please indicate the position of the State party on the draft optional protocol to the International Covenant of Economic, Social and Cultural Rights.
10. Please indicate whether non-governmental organizations were consulted in the preparation of the report of the State party.
11. Please provide information on measures taken by the State party to increase awareness among the public at large and in particular among teachers, judges, police officers and other public authorities, as well as economic actors, of the provisions of the Covenant. Is there any information on the Covenant in the minority languages?
12. Please provide information on the implementation of the recommendations contained in the Committee's concluding observations on the initial report of the State party.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Non-discrimination (art. 2, para. 2)

13. Please provide information on how the State party guarantees that the various ethnic groups are able to enjoy the rights in the Covenant without discrimination.
14. What is being done to improve community infrastructure with a view to making it more accessible to persons with disabilities?

Equality between men and women (art. 3)

15. Please indicate what measures have been taken by the State party to eliminate all forms of discrimination against women due to cultural attitudes that continue to exist in society, with a focus on positions of political decision-making and of managerial responsibility in institutions and in companies. Please provide disaggregated statistical data to enable the Committee to evaluate the overall situation of equality between men and women in Azerbaijan.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Right to work (art. 6)

16. Please indicate what effective measures the State party has taken to reduce the level of unemployment among women, young people, internally displaced persons and refugees. How are quotas for job placement of unemployed persons from the most vulnerable groups of the population monitored?
17. Please indicate if the envisaged legislation to provide financial support to employers who create employment in various regions in the country has already been implemented and, if so, please include information on the progress achieved.
18. Does the Employment Act of 2 July 2001 apply to persons under the jurisdiction of the Republic of Azerbaijan who are not citizens of the country?
19. Please provide information on measures taken by the State party to combat child labour. Please indicate whether the State party intends to ratify International Labour Organization Convention No. 182.
20. Please indicate progress achieved in the State party's programme for regional development, especially with regard to access to employment in rural areas.

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

21. Please provide detailed information on how the minimum wage is established and on whether the level of the minimum wage provides a decent living for workers and their families.

22. The report includes tables that indicate the average monthly wage and the minimum wage in 2001. What are the corresponding indicators for the beginning of 2004?
23. Please indicate how efficient articles 238 and 239 of the Labour Code have been in providing safe working conditions for employees as well as compensation when they sustain injuries.
24. Please provide case law on the application of article 240 of the Labour Code which enables pregnant women and women with children under the age of 3 to enter into a contract of employment.
25. Please provide information on existing legislation on the prohibition of sexual harassment in the workplace.

Trade union rights (art. 8)

26. The definition of essential services with regard to which the right to strike is restricted appears to be too broad. Please indicate how these restrictions have been applied lately and whether the State party intends to reduce these restrictions.

Right to social security (art. 9)

27. Please indicate whether the State party intends to increase the amount of social benefits, in particular pensions for older persons, for persons with disabilities as a result of the accident at Chernobyl or of damage “suffered by civilians in the zone of military operations”, so that these groups are able to enjoy a decent standard of living.

Protection of the family, mothers and children (art. 10)

28. Please indicate the extent of the phenomenon of domestic violence in the State party and the measures undertaken to combat it.
29. Please indicate the results of the programme for children in need of special protection that the State party is implementing in cooperation with the United Nations Children’s Fund.
30. Please indicate the extent of the problems of prostitution, trafficking in women and children and child prostitution in the State party. Please also provide information on whether trafficking in persons has been criminalized.

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

31. Please provide further information about the poverty reduction strategy in place in Azerbaijan and indicate to what extent it has succeeded in securing a decent life for the majority of the population.
32. Please provide information on measures taken to provide internally displaced persons and refugees with an adequate standard of living.

33. Please indicate if article 10 of the Housing Code complies with the Committee's general comment No. 4 (1991) on the right to adequate housing.

34. Please indicate if article 10 of the Housing Code complies with the Committee's general comment No. 7 (1997) on the right to adequate housing: forced evictions.

Right to physical and mental health (art. 12)

35. What measures have been taken by the State party to improve the efficiency of the health-care system, in particular in the primary health sector so as to enable the majority of the population to access the public health system and exercise the right to health in accordance with the Committee's general comment No. 14 (2000), on the right to the highest attainable standard of health.

36. The State party's report states that programmes on immunoprophylaxis, tuberculosis control, AIDS prevention, malaria prevention, family planning and reproductive health have been adopted. Please comment in more detail on the content of these programmes and the results achieved.

Right to education (arts. 13 and 14)

37. Please provide information on what measures the State party has taken to make education accessible to refugees, internally displaced persons and to the various ethnic groups in their own language, with particular regard to Armenians.

38. Please provide information on the provision by the State party of special aid to blind and deaf children in education, so as to enable them to attend regular schools and, if necessary, special schools.

39. Please provide information on measures taken to increase the number of women enrolled in higher education and of women holding posts in higher education establishments.

Cultural rights (art. 15)

40. Please provide information on measures the State party has taken with regard to the suggestions elaborated by the Copyright Agency on protection of folklore.
