



## **Brief Information on the Situation of the Rights of Older Persons in the Republic of Azerbaijan and Activities Carried out in the Given Sphere**

### **Prepared for the contribution to the report on the implementation of the resolution titled “Follow-up to the Second World Assembly on Ageing”**

*1. Please provide information on current situation of human rights of older persons, including particular challenges and threats that may prevent the full realization of their rights*

The Republic of Azerbaijan guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, age, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging. Recognition of human rights and freedoms as highly valuable is one of the components of legal state and is inseparably connected with the provisions of the Article 7 of the Constitution.

The facts that normative legal act regulating the activity of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan is the Constitutional Law and the Commissioner is provided with broad guarantees for carrying out the duties vested in her prove once more that ensuring human and civil rights is the supreme aim of the state.

Concluding from the assessment on the situation of rights of older persons in the country, as a result of the goal-oriented state's social policy, appropriate and consecutive work was carried out for improving the situation of this group of people. A number of activities were implemented in the sphere of their medical, social and professional rehabilitation, provision of employment and solution of housing problems.

Along with other state agencies the Commissioner always pays attention to the situation of older persons and the issues of the protection of their rights as well as takes necessary measures within her competence for possible solution of problems of this group in need of care. There are numerous challenges in the provision of the rights of older people; some of them have conceptual character, others – practical.

One of the problems is connected with the occupation of 20% of Azerbaijani lands by Armenia and occurrence of nearly a million of IDPs and refugees, 30% of which are older persons living in difficult conditions. In the situation of war Azerbaijani women, especially older ones, lost their husbands, sons, brothers and fathers and now face various psychological and financial constraints. Also, numerous difficulties are endured by the women captivated during the armed conflict and not released yet and those living in IDP settlements or temporary places of residence. The violated rights of these people have not been restored yet because of indifference of international organization and double standard attitudes.

In spite of appropriate measures taken by the state, the victims (including old people) of war, to which Azerbaijan was involved by force, inhabit abandoned public buildings, kindergartens, schools, campsites as well as other places of temporary residence and are exposed to numerous social problems. The migration from villages to cities and abroad appearing in the connection with the socio-economic problems of the transitional period also had huge influence on ageing process in the country. Thus, the proportion of elderly, especially old women has raised in villages. Besides, decrease in the infant mortality affected the index of life expectancy. In 2009 this index in Azerbaijan was 73,5 years, including 70,9 year for men and 76,1 – for women.

The Commissioner addressed the responsible state agencies with proposals and recommendations on important matters and issues reflected in her annual reports with regard to effective ensuring human rights and freedom and the solution of socio-economic problems of appropriate group of the population, including older persons. It should be mentioned that the majority of them were taken into consideration and applied.

***2. Please provide information on existing legislation, policies and programmes to protect and promote human rights of older persons***

The rights and freedoms of older persons were specially indicated in the state Constitution what demonstrates that they have equal civil, political, social economic, cultural and personal rights as other citizens enshrined in the appropriate legislative acts.

As in other field, the state has made huge steps in the adoption of relevant legislation and continues taking measures in this direction. Thus, in accordance with the Presidential Decree dated 22 June 2001, the Law of the Republic of Azerbaijan “On Social Service to Older Persons” was adopted. Along with that, during last 10 years numerous Presidential Decrees and Orders as well as Decisions of the Milli Majlis (Parliament) were signed regarding social protection of old citizens, disabled people, veterans of the II World War and people from the this group. Changes and amendments were made to the Law “On Veterans”, “On Prevention of Disability, Rehabilitation and Social Protection of Disabled Persons” and other similar legislative acts several times. It led to the improvement of the social protection of older persons. Annual increase of pensions and social allowances as well as provision of sufficient privileges and concessions to them resulted in the enhancement of their standards of living.

In accordance with the Article 16 of the Constitution, state takes care about improvement of prosperity of all people and each citizen, their social protection and proper living conditions. Complying with the Article 38 of the Constitution, along with citizens belonging to separate categories (in case of ageing, illness, loss of bread-winner in the family, due to unemployment and in other cases), disabled people are provided with social allowances.

The role of the National Action Plan for the Protection of Human Rights (NAP) signed by the country President on 28 December 2006 in the mobilization of the capacity of the society for the solution of priority issues in the protection of the population rights, especially the rights of vulnerable categories, is undeniable. The NAP created opportunities for organization of the work on the protection of human rights, including civil, political, economic, social and cultural rights, through the efficient cooperation of state agencies and NGOs. It also facilitated the mobilization of social potential in order to solve the national priority issues.

The Commissioner for Human Rights of the Republic of Azerbaijan heading the Working Group on the NAP implementation has conducted public hearings in each of 58 districts covering various strata of the population.

Furthermore, appropriate state bodies made their contribution to the implementation of the NAP and conducted numerous events on the protection of human rights as well as on the improvement of the legislation in compliance with international standards.

***3. Please provide the information on existing legislation, policies and programmes to address the discrimination against older persons, including measure to address multiple discrimination (e.g. discrimination based on age and gender)***

Numerous steps are taken in order to eliminate the discrimination against older persons in the country. The state joined the UN "Convention on the Elimination of All Forms Discrimination against Women" and periodically submits the reports on the implementation of this document. It creates opportunities to review implemented and unfulfilled work as well as to define further aims.

The Commissioner receives numerous complaints from older persons mainly with regard to dismissal on the ground of illness from the place they have worked for long period. After investigating the problems, the Commissioner provides consultations to the complainants, addresses appropriate state bodies and provides her recommendations.

Moreover, in accordance with the Article 39 of the NAP, there were conducted regular awareness-raising activities in the country towns and districts by appropriate state agencies and the Institute of the Commissioner for improving the legal awareness and legal culture of people, prohibiting the discrimination as well as the promotion of the culture of peace and tolerance. The Commissioner has carried out more than 200 educational activities for reaching the above-mentioned aims.

In the annual report the Commissioner stated that the state programs should include the events on studying national and international experience for the protection and provision of the rights of older persons and aimed at elimination of discrimination and violence. The Commissioner considers that along with examining the reasons of family discrimination, it is necessary to take measures for attracting the attention of the mass media to the prevention of the discrimination against older persons and creating their positive image in the society.

***4. Please provide information on existing legislation, policies and programmes to address violence and abuse against older persons in the private and public spheres***

In Azerbaijan-country speedily integrating to the world community, such issues as preventing gender equality and domestic violence are always on the spotlight and a number of measures are taken for their promotion. Thus, in 2006 the Law "On Gender Equality" was adopted; in 2007 the Cabinet of Ministers approved the "Complex Program of the Republic of Azerbaijan on Combating Daily Violence in Democratic Society"; and gender matters were defined as a separate part of the "State Program on Poverty Reduction and Sustainable Development". By the way, despite that Azerbaijan is in a state of war for more than 20 years, the poverty has decreased from 46% to 9,1% what positively affected the solution of social problems of older persons.

At the same time, the NAP implied strengthening the fight against violence towards women, including domestic violence; provision of victims of the violence with legal protection tools, rehabilitation as well as medical and psychological aid; and conduction of broad enlightenment work in the given area. Moreover, the adoption of the Law "On Prevention of Domestic Violence" on 22 June 2010 provided the legal definition of domestic violence, its components well as regulated measures on its elimination at the legislative level.

The functions of the National Preventive Mechanism (NPM) implied by the paragraph 1 of the Presidential Decree "On Provision of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" No.112 dated 13 January 2009 were vested in the Commissioner for Human Rights. The subgroup on examination of the NPM group created upon the decree of the Commissioner is paying visits to places of residence of the population's various categories, including older persons. At the same time, the complaints submitted to the Commissioner as well as information on degrading treatment reflected in mass media are investigated, and appropriate measures are taken for the elimination of these cases. The Commissioner considers that it is of outmost importance to combat domestic violence on various levels, eliminate violence against older persons by preventive measures at first, place old people facing violence to special asylums and provide financial and psychological aid to them.

Unfortunately, still there are cases when old people are exposed to pressure from their descendants or refused. That is why broad awareness-raising activities should be implemented in this direction. The family members should be involved in psychological conversations as well as Mediation Institute or specialized psychological service must be established.

The Commissioner is concerned that due to poor statistics on age and gender abuse, irrespective attitudes and domestic violence, the violence against older persons, women and children is kept in the background. The Commissioner recommended to make efforts on strengthening the implementation of human rights of vulnerable groups of people and advised the state agencies to add these issues in their reports.

In order to restore the rights and freedoms of people in more operative way, the hotline of "Rapid investigatory group of torture and violence" is functioning for receiving complaints. Moreover, the complaints are personally submitted during the visits of the Commissioner and the Institute's staff to penitentiary facilities, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of IDPs and refugees as well as medical and social protection facilities. Majority of revealed problems were resolved in the cooperation with state bodies and violated rights were restored.

***5. Please provide information on existing legislation, policies and programmes addressing old age-sensitive services and facilities, such as those related to mobility, age-adequate design, long-term care, primary health care and adult and continuous education***

The protection of health of older persons is among priority issues. In accordance with the information provided by the Ministry of Health the older persons were registered in regional healthcare centers and local departments of the Red Crescent Society of Azerbaijan and have passed medical examination free of charge. They are also provided with medical aid and necessary medicaments for free. During 2010, there were carried out work on health protection of older persons and medical rehabilitation. They were provided with the opportunity to receive medical treatment abroad, including in Saki city of the Ukraine.

In compliance with the data provided by the Ministry of Labour and Social Protection, some measures were taken for organizing leisure time of older disabled people. 218 persons from this category living in Baku and Sumqayit had an opportunity to have a rest in Nabran recreation area. As disabled veterans of the II World War are mostly in need of such care, more attention was paid to them in this regard.

In order to improve the situation of older persons in the given area, the Commissioner put forward several recommendations:

- To pay attention to every older person;

- By attracting experts of various specialization to conduct appropriate research on studying socio-economic, ecological and physiological features that lead to diseases and disability of older persons;
- To create gerontological center and gerontological department in every local polyclinics for the protection of the rights to health of older persons;
- To separate areas for physical therapy, herbal medicine as well as for sport and fitness;

The Article 42 of the Constitution states that every citizen has the right for education what was reflected in the Law “On Education” adopted in 2009 and in the Draft Law “On Education of Older Persons”. Along with that, the Labour Code, the Law “On Employment”, the charters of the facilities on improvement of professional skills and retraining as well as various state programmes include the provision on the education of older persons.

In accordance with the Article 9 of the Labour Code of the Republic of Azerbaijan that the employee has the right to obtaining new specialty, advanced training and retraining. The Article 7 of the same Code states that an agreement for training in a new profession and specialty may be concluded on the basis of mutual consent of employer and employee directly when an employment contract is signed or in the process of labor relation. Furthermore, the introductory part of the “Reform Programme in the Sphere of Education of the Republic of Azerbaijan” approved by the Presidential Decree of 15 June 1999 states that one of the main aims of the Reform Programme is to improve the potential collected at the levels of pre-school, secondary, professional and supplementary education.

***6. Please provide information on existing legislation, policies and programmes concerning social protection measures as well as right to work and rights to social security with regard to older persons.***

In accordance with the instructions approved by the Law “On Social Services for Older Persons” dated 22 June 2001, the Decision of the Board of the Ministry of Labour and Social Protection dated 16 April 1997 and coordinated with appropriate state bodies. Complying with the Law of the Republic of Azerbaijan “On Social Allowances” men and women who do not have the right to labour pension obtain the right to receive age-related social allowances reaching 67 and 62 years respectively. Additionally, men and women giving birth to 3 and more children and bringing them up until 8 years obtain the right to receive age-related social allowance at 67 and 62 respectively.

Moreover, there are several state programmes on improvement of the social security of older persons. One of the them is the “State Program on Strengthening Social Protection of Older Persons” approved by the Presidential Decree No. 1413 dated 17 April 2006 for strengthening social protection of older persons. Another is the “State Programme on Improvement of Insurance and Pension System in the Republic of Azerbaijan for 2009 - 2015” approved by the President.

According to the “State Program on Preparation for and Celebration of 65th Anniversary of Victory at the War of 1941-1945” approved by the Presidential Decree dated 22 June 2009, in order to improve the state of veterans of 1941-1945 war it was planned to construct building with 81 apartments. Taking into consideration the proposal of the Council of Veterans, 524 of “OKA” and “Slavuta” cars, brought to the country, were given free of charge to the veterans of the II World War.

Since the first years of her activity the Commissioner addressed the Milli Majlis (Parliament) and at the time of the preparation of the Draft Law “On Labour Pensions” recommended to coordinate the sum of pensions paid to persons belonging to similar category but retiring at different times; provide old people with special financial benefits (for example, life insurance and others); and increase low level of pension up to the minimum living standard. Considering real demand of people and existing consumer price the Commissioner recommends to eliminate existing disparity in 2011 by raising minimal salary and basic part of pensions to minimum level defined for able-bodied population. The Commissioner also proposed to adopt the Article 23 of the European Social Charter with regard to the social protection of older persons.

The Commissioner considers that it is necessary to increase participation of older persons in social, economic and political life of the public and strengthen activities in the sphere of provision of the cooperation between state, civil society and private sector in the solution of ageing issue. Taking all of these into account, the Commissioner advised the state to adopt new programme on improving social protection of people.

At the moment, 1116 older persons are living on the state expenses in 1617 care and board homes for old and disabled people functioning within the Ministry of Labour and Social Protection. On traditional holidays celebration events were organized for more than 10 thousands of lonely old and disabled persons. They were also supplied with products and financial assistance. Moreover, old citizens living in Baku and districts were taken under guardianship by various funds, state bodies and private sector.

***7. Please provide information on existing legislation, policies and programmes to systematically collect, update and analyze information disaggregated by age.***

The Republic of Azerbaijan pays attention to the development of contemporary technologies what lead to increase of efficiency of implemented reforms. In this regard the year of 2002 should be highlighted. In December of this year the memorandum on the cooperation between the Open Society Institute and technical support project of Azerbaijan Government named “Preparation of the National Information Communication Strategy and Its Implementation at the First Phase” regarding the creation of “Electronic Data Bank of Citizenship Status Act” was launched.

In accordance with the Conventions and recommendations of the International Labour Organization, the State Statistical Committee creates the statistical database on employment and carries out statistical examination. Besides, in order to conduct survey on studying the problems of older persons special questionnaire was prepared. The results of the survey were evaluated and published into the report.

As the Commissioner is always in the center of media attention, since the time of the Institute’s establishment her statements as well as press releases were published in various newspapers and magazines as well as were sent to the Council of Europe. Also, the Commissioner participates and TV and radio programs as well as answers the questions of citizens whose rights were violated. Generally, the information on the Commissioner’s activities were broadcasted numerous times.

In compliance with the results of the monitoring of 34 newspapers conducted by the “Open World” Public Union, the Commissioner for Human Rights was on the first place for public activity. These results concluded from the information published in mass media on versatile measures of the Commissioner taken in the protection of human rights, activities on the solution

of problems of various strata of the population, including older and disabled persons, detainees, refugees as well as IDP, and appreciation of her work by CIS and foreign countries.

According to the Article 12.1 of the Law of the Republic of Azerbaijan “On Freedom of Information”, every person or his/her representative has the right to address the responsible body for obtaining information. During the period of her activity, the Commissioner numerous times addressed the Milli Majlis, including appeals regarding the laws “On Obtaining Information”, “On Telecommunication”, “On Electronic Signature” and others. Majority of these proposals were applied.

***8. Please provide information on existing legislation, policies and programmes to enhance participation and active engagement of older men and women in community, political and cultural life.***

Starting from 1993, every year on 1 October the Republic is celebrating “International Day of Older Persons”. As in the whole world, on the eve of this day executive bodies of country towns and districts, labour collectives, public organizations and NGOs learn the needs of local older persons, organize holiday celebrations, distribute products as well as conduct numerous charity and cultural events. 10 thousands of older and disabled persons are invited to the celebration tables, provided with products and financial support.

One of the directions of the Commissioner’s activity is the conduction of awareness-raising activities among the population in need of special care. The Commissioner attaches importance to the issue of protection of older persons’ rights, especially those with disabilities, and with this aim carries out meetings and round-table discussions in the Institute, care homes of older and disabled persons. The purpose of these events is rendering support to older persons in the implementation of their rights enshrined in the Constitution, addressing appropriate state bodies in order to improve health and living standards of this group of population, and promoting the usage of their capacity in assisting youth to learn national traditions.

The Commissioner also cooperates with the Azerbaijan Women and Development Center. In 2001, with the support of the Institute the Resource Center for Old People was established within the Azerbaijan Women and Development Center. The key purpose of this center is to provide moral support to elderly people, partially solve their physical, psychological and health problems as well as organize their leisure time. Mainly, lonely women from IDPs and refugees families of victims of war are attracted to this center. In this resource center, special experts voluntarily provide psychological trainings, legal and medical consultations to the elderly. Moreover, celebration, holidays and other cultural events are conducted within the center with involvement of state officials and different NGOs. The center helps old women to feel that they are not lonely and surrounded by the support, care and attention and the Institute jointly with the center attracts professional lawyers and provides old people with legal assistance free of charge.

The results of trainings on legal education, psychological seminars, consultations of doctors and lawyers carried out in the resource Center demonstrates that every person at any age has the need and ability to learn and apply new knowledge what leads to positive changes in the life.

On the International Day of Older Persons upon the initiative of the Commissioner the event was conducted in the Resource Center for Old People with the involvement of well-known expert on gerontology, noted that “The work of the Resource Center is estimable and the conduction of regular meetings with doctors, psychologists and lawyers on voluntary basis demonstrates care and attention towards older people.”

The Commissioner considers that Resource Centers for Older Persons should be created in every towns and district in order to improve the state of protection of their rights, their leisure time should be effectively organized, these people should be provided with public nutrition services free of charge. Moreover, coordination council consisting of representatives of executive bodies, Confederation of Trade Unions, local entrepreneurs and private sector should be established in every municipality in order to ender financial support to older persons.

At the same time, with the aim to raise attention towards older persons, better protect their rights in every sphere and identify existing problems the Commissioner, taking into consideration 10 years of the UN General Assembly on the problems of older persons organized in Madrid in 2002, intends to conduct series of events dedicated to the rights of older persons during 2012. One of the important rights of Azerbaijani citizens is the rights to vote. The Article 55 of the Constitution states that Citizens of the Azerbaijan Republic have the right to take part in governing the state. They may exercise given right themselves or by means of their representatives.

The Commissioner attached special importance to the preparatory work to the elections and the monitoring on provision of the citizens' voting rights. Within the range of public hearing conducted in 58 districts of the country the Commissioner conducted appropriate legal awareness-raising work and recommended the Milli Majlis (Parliament) to create necessary conditions for candidates to equally participate in the election and for citizens to make their choice. Also, the Commissioner noted that local executive bodies and police should not interfere in this process.

***9. Please provide information on existing legislation, policies and programmes to ensure access to justice and judicial remedies for violations of the rights of older persons, including references to specific mandates of institutions such as national human rights institutions to address their rights.***

The Article 26 of the Constitution states that everyone has the right to protect his/her rights and liberties using means and methods not prohibited by law. The state guarantees protection of rights and liberties of all people. Legal protection of human rights and freedoms are reflected in the Article 60 of the Constitution.

In compliance with the Article 1.6 of the Constitutional Law, the Commissioner may examine complaints on violations of human rights relating to red tape, loss of or delayed delivery of documents in courts as well as delays in the execution of court judgments. According to the Commissioner's annual report for 2010, "the disciplinary proceedings against some judges carried out during last years due to violation of the legislation requirements, non compliance with executive discipline, fair discontent of citizens regarding red tape and other negative cases were completed in appropriate manner. Complying with the competence provided by the Constitutional Law, the Commissioner continued the cooperation with courts in previous year. Upon revealing the cases of human rights violations during the investigation of complaints on red tape as well as on the lost of documents or their delivery out of time measures were taken on their restoration."

It should be pointed out that during the term of Commissioner in the office 326 prisoners were pardoned or released upon the amnesty act following her motions. The Commissioner also attached special importance to the issue of pardoning of older persons, children, women, disable people and journalists. The Commissioner urged the responsible bodies for using alternative methods while punishing journalists.