

**Information provided by the Azerbaijani authorities with regard to the US Department of Labor  
Questionnaire on Child Labor and Forced Labor  
/January 15, 2014/**

***Laws and regulations on the worst forms of child labor:***

In Labor Code of the Republic of Azerbaijan the minimum age for employment was determined as 15 years. The Code envisages features of employment of person under the age of 18 and relevant guarantees for them.

According to Labor Code, an employment contract must be concluded with persons aged 15 to 18 with the written consent of their parents, adoptive parents, one of tutors, or persons substituting them.

Labor Code defines that persons under the age of 15 must not be employed. In order to improve article 249 of Labor Code related to implementation of minimum age convention 138 and broadening its application area, draft law had been elaborated with the technical support of the ILO and submitted to the Milli Majlis (National Parliament). The draft law intended to define lighter works and reduced working hours for persons at the age of 15 according to the Article 7 of the Convention No138, together with preserving minimum age according to the Constitution of Azerbaijan as 15 years, to make additions to Civil Code in order to extend the minimum age for employment to persons employed by civil contracts.

Provisions on employer's responsibilities to not involve children in the jobs with the danger to their life, healths and morals were introduced to the Labor Code.

There are also some concessions defined by the Labor Code in order to create favorable working conditions for the persons under age of 18. The duration of reduced working hours shall not exceed 24 hours per week for employees up to the age of 16 and 36 hours per week for employees aged from 16 to 18. Employees under the age of 16 shall be eligible for 42 calendar days of leave per year; and employees aged from 16 to 18 shall be eligible for 35 calendar days.

According to Article 250 of the Labor Code of the Azerbaijan Republic, it is prohibited to employ persons younger than 18 years old in jobs with difficult and hazardous work conditions, also in underground tunnels, mines and other underground jobs, also in such places as night clubs, bars and others which could be detrimental to development of his/her wisdom, and also in places where alcoholic beverages, narcotic components and toxic material are carried, kept, or sold and also where the circulation of narcotic drugs, psychotropic agents and their precursors is performed.

According to the Labor Code, it is prohibited to employ persons younger than 18 years old for execution of jobs which may deprive them of the opportunity to receive full education.

The list of jobs with difficult and hazardous work conditions, professions, as well as underground works forbidden for application of child labor was adopted by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan “On approval of list of jobs with difficult and hazardous work conditions, professions as well as underground works where application of labor of children under age of 18 is prohibited” dated March 24, 2000, No 58. Use of labor of workers under age of 18 beyond the limits specified for lifting or carrying of heavy objects from one place to another is prohibited. Employees under age of 18 are recruited only after passing medical examinations and until they reach age of 18 they shall be medically examined every year with expenses paid by the employer.

No employee under the age of 18 shall be permitted to work at night or perform overtime work, to work on weekends, holidays, and other days considered as non-business days, as well as to be sent on assignment. For employees under the age of 18, the hours of 20:00 PM till 7:00 AM shall be considered as night time. According to the Article 97 of the Labor Code for the other employees the working hours at night shall be defined as the period from 10:00 PM to 6:00 AM.

Labor contract of the employee under the age of 18 may not be cancelled on the ground of that he/she does not fit to position he/she holds because of lack of skills or professionalism.

Employees under the age of 18 who work part time shall be paid the full amount of wages foreseen for the same kind of work performed by employees over the age of 18.

According to the Labor Code, employers on their own account shall involve children dismissed as result of job destruction, who had lost their parents and without parental custody in new vocational training for finding jobs in the same or in another enterprise.

The State Labor Inspection Service under Ministry of Labor and Social Protection of Population was instructed to strengthen control in the following cases of prohibited application of child labor:

- any paid work carried out by children under the minimum age for labor activity;
- dangerous labor which puts under threaten child’s physical, mental, and spiritual well-being because of its labor conditions and character of labor functions
- the worst forms of child labor.

Since the percentage of children below age 15 among internally displaced persons is 38 % (about 235 000 persons) it becomes difficult to solve the problem in decreasing of cases of using of child labor throughout the Republic.

***Government task forces or commissions on child labor:***

1. For the purpose of execution of relevant provisions of the Action Plan on implementation of the “State Program on poverty reduction and sustainable development in 2008-2015” approved by the Presidential Decree No. 3043 dated 15 September 2008 (attached to the present

document), it was established a task force – the Control-Coordination Group composed of representatives of the State Committee on Family, Women and Children Affairs, the Ministries of Education, Health and Labor and Social Protection of Population. The Control-Coordination Group has conducted monitorings on children who are not attending schools and involved in child labor for 2012-2013 years. Monitorings were held in educational institutions, internet clubs and public establishments in different regions of the country.

According to monitoring results, main factor affecting children to skip lessons was the regular usage of internet clubs in urban areas and involvement of children in household in rural areas.

***Institutions and mechanisms for enforcements of labor laws regarding child labor and hazardous child labor:***

According to the Family Code children at the age of 14 have a right to apply to the court for defending their rights. Individuals and legal entities are obliged to complain for the protection of children rights. The State Labor Inspection Service investigates complaint on child labor and in case of any violation of law raises issues before relevant agencies.

The State Committee on Family, Women and Children Affairs, the Ministry of Labor and Social Protection of Population, Ministry of Internal Affairs and the Commission on juvenile issues and protection of minors` rights are responsible for the enforcement of the law relating to hazardous child labor.

The Commission on juvenile issues and protection of minors` rights under the Cabinet of Ministers consisted of relevant state agencies is a coordinating body. The Commission has local offices.

According to the Criminal Code forcing minors to perform any kind of work by using force, threatening to use force and in other cases stipulated in the legislation by limitation of freedom will be punished with the imprisonment from 7 to 10 years.

According to the Article 53.9 of the Code of Administrative Offences of the Republic of Azerbaijan employer who involves persons below age of 15 in labor activities is penalized – officials paying 1000-1500 AZN and legal entities 3000-5000AZN. According to Article 53.10 employer who involves children in labor which can be dangerous for their lives, health or morality is fined – 3000-4000 AZN in case of officials, 10 000-13 000 AZN in case of legal entities.

Two cases on breach of the Article 53.9 of the Code of Administrative Offences of the Azerbaijan Republic have been indentified by the State Labor Inspection Service and the employer was fined 2000 AZN for recruitment of persons under the age of 15. At the same time, during 2013 six cases regarding the violation of labor standards were revealed in trade, service and construction sectors.

***Institutional mechanisms for effective enforcement of criminal laws on child forced labor/trafficking commercial, sexual exploitation and use of children in illicit activities:***

The Department of Fight against Human Trafficking under the Ministry of Internal Affairs is responsible for enforcement of criminal laws on child forced labor/trafficking commercial, sexual exploitation and use of children in illicit activities.

***Government policies on child labor:***

Employment Strategy for 2006-2015 approved by the Presidential Decree dated 26 October 2005 envisages following measures:

- gradually achieve permanent employment of youth who had professional trainings;
- provide youth who are under the threat of dismissal with professional training and advance on those specialties for which there are demands in labor market, before the dismissal happens;
- identify work places by quota as defined in the legislation and strengthen incentives for employers to comply with this requirement;
- strengthen the process of provision of employment, professional training and advancement for youth released from army, providing methodological and practical assistance to start own business and arranging for special training course;
- create favorable environment for involving youth and adolescent in seasonal and public works;
- restore and develop folk art and ancient art and involve youth in such activities;
- implement various activities to train young specialist to work in tourism sector, as well as actions to increase the level of their qualification and professionalism;
- conduct sociological surveys with regard to unemployment among youth;
- create network of business centers to support young entrepreneurs and farmers in rural and urban areas;
- involve youth in the programs developed with new and effective technology in various fields of economy;

- in order to prevent the flow of youth into urban areas create new jobs in border and mountainous regions, and provide them with advisory services to involve in private business.

The Ministries of Youth and Sports, Labor and Social Protection of the Population, Economy and Industry, Education are responsible for the implementation of the Strategy.

In order to coordinate activities in the sphere of child labor the Ministry of Labor and Social Protection of Population and the State Committee on Family, Women and Children Affairs signed the “Joint Action Plan (2013-2015) on elimination of child labor exploitation” in September 2013. The following actions are planned to be implemented in the framework of the Plan:

- Preparation of social awareness raising campaigns on negative consequences of child labor exploitation;
- organization of seminars and round tables with the participation of different state agencies with the purpose of reinforcing fight against child labor exploitation;
- conducting researches on the situation of child labor throughout the country;
- conducting trainings for labor inspectors.