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**Promotion and protection of all human rights, civil,
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including the right to development**

Report of the Special Rapporteur on the right to food on her visit to Azerbaijan


Comments by the State*

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Comments of the Government of the Republic of Azerbaijan on the report of Ms. Hilal Elver, the Special Rapporteur on the right to food, on her visit to the Republic of Azerbaijan on 1-11 October 2019

I. Introduction

1. The Government of the Republic of Azerbaijan welcomes the visit of the United Nations Special Rapporteur on the right to food, Ms. Hilal Elver to the Republic of Azerbaijan from 1 to 11 October 2019 and appreciates the constructive dialogue with the Special Rapporteur during her visit.
2. The Government of the Republic of Azerbaijan welcomes the report of the Special Rapporteur. The Government takes note of the recommendations included in the report and will give them due consideration.
3. The Government of the Republic of Azerbaijan thanks the Special Rapporteur for the opportunity to present its comments on the report. The Government of the Republic of Azerbaijan would like to take this opportunity to provide additional information on some of the main matters regarding the realization of the right to food in Azerbaijan.

II. Comments on the report

1. Paragraph 8

4. The GDP of Azerbaijan reached US\$ 74.16 billion in 2013 with oil and gas production generating 42.9% of the overall GDP.

2. Paragraph 11

5. According to the information provided by the State Statistics Committee of Azerbaijan, oil and gas represented 91.7% of the country's exports in 2018. Agriculture accounted for 5.25% of GDP and employed 36.26% of the population in 2018. Industry accounted for 52.21% of GDP and employed 14.72% of the population in 2018. Services accounted for 34.74% of GDP and employed 49.02% of the population in 2018.

3. Paragraph 12

6. The poverty rate in Azerbaijan dropped from 49.0% in 2001 to 5.1% in 2018.

4. Paragraph 16

7. As a result of the use of force and occupation by Armenia, the Nagorno-Karabakh region and seven surrounding districts of Azerbaijan are presently occupied by Armenia. The ethnic cleansing carried out by Armenia against Azerbaijanis in Armenia itself and in the occupied Nagorno-Karabakh region and seven surrounding districts of Azerbaijan has resulted in more than one million Azerbaijanis who became refugees and internally displaced persons (IDPs).

5. Paragraph 18

8. Azerbaijan is a party to the International Convention on the Elimination of All Forms of Racial Discrimination that also contains provisions relevant to the realization of the right to development.

6. Paragraph 24

9. The following legislative acts are also relevant in the context of the realization of the right to food:
 - Law on water supply and sewage;

- Law on phytosanitary control;
- Law on food stuff;
- Law on public health care;
- Decree of the Cabinet of Ministers dated 3 April 2014 “On trade, household and other types of service”.

7. Paragraph 27

10. The following State Programmes are also relevant in the context of the realization of the right to food:

- - State Programme for Ensuring Food Safety in Azerbaijan for 2019-2025;
- - Strategic Roadmap for the production and processing of agricultural products in the Republic of Azerbaijan.

8. Paragraph 47

11. According to the results of research on farmgate and market prices conducted by Agro Research Center, 92.3% of farmers surveyed responded that they do experience any difficulties with access to market. Statistics provide that in 2017 and in 2019 respectively 81.4% and 83.4% of farmers expressed their satisfaction with the sale prices. The recent development of market infrastructure for agricultural products together with the establishment of logistics centers in the regions and improvement of road infrastructure have substantially enhanced farmers’ access to market. In addition, from 35% to 75% of the retail price of agricultural products is the farmgate price.

12. Every year a number of agricultural products fairs are organized by the Ministry of Agriculture jointly with the local authorities in different regions of the country, in line with the Order of the President of the Republic of Azerbaijan from January 16, 2014 on “Additional measures to improve the action of the agricultural and food markets”.

9. Paragraph 48

13. All agricultural producers in Azerbaijan, including small farms are supported by the state. According to subsidy data, 76.6% (293743) of farmers in subsidy system are considered to be small farmers with less than 3 hectares of land. At the same time, the producers are supplied with provision of seeds, fertilizers and pedigree animals.

10. Paragraph 49

14. The interaction processes between farmers and state are delivered through farm councils, commissions, State Agro Development Center. The consultation policy is implemented through regional offices of the Ministry of Agriculture and other related bodies under the Ministry, including research institutes. As a part of this policy, the Ministry holds regular consultations and vis-à-vis meetings with farmers.

15. Electronic Agricultural Information System (EAIS) is going to be developed to improve the efficiency and effectiveness of the management and decision-making processes in this field. EAIS includes the creation of modules covering all business processes from initial to final stage, in terms of transparency and efficiency.

11. Paragraph 57

16. Ministry of Agriculture organizes trainings for farmers on a regular basis in line with the Action Plan developed by the Department of Education and Training of the Ministry of Agriculture. In 2019, 2784 trainings and seminars were held for farmers. Overall these trainings and seminars were attended by 46320 farmers and agricultural producers. The trainings mainly cover crop, livestock, technical safety, agrarian insurance and other related areas.

12. Paragraph 81

17. It should also be noted that the share of old-age pension recipients within the total number of pensioners in 2018 amounted to 58.3%, disability pension recipients amounted to 30.1%, recipients of survivor pension amounted to 11.6%. Besides, the pension provision covered 13.1% of the population in 2018.

13. Paragraph 92

18. Major water users in Azerbaijan are the industry and agriculture, forestry and fisheries. In 2018, 2.5 billion m³ of water was used by industry; 6.7 billion m³ of water was used by agriculture, forestry and fisheries sector, a big part of which is shared in irrigation¹.

14. Paragraph 93

19. According to the information provided by the State Statistics Committee of Azerbaijan, the water resources in the country are assessed to be at the level of 31.6 billion m³ in 2018.

15. Paragraph 98

20. According to agricultural census data for 2015, the share of women in Azerbaijan within the total number of people engaged in agricultural sector was 48.6%. As a result of state programmes and different projects, the number of women entrepreneurs has increased from 4% to 29%.

16. Paragraphs 99-101

21. Since 2011, the United Nations Development Program and the State Committee for Family, Women and Children Affairs (SCFWCA) have been implementing the project “Technical Assistance to Promote Economic and Social Life of Women in Rural and Regional Areas”. The main objective of the project is to increase the economic opportunities and skills of women for their active participation in economic life, entrepreneurial activities and employment. Within the framework of the project, Women Resource Centres were established in 8 regions of the country. Totally, 5500 women benefited from the project, 102 women started the entrepreneurship activities, and 50 women were provided with jobs since 2011. The State Committee for Family, Women and Children Affairs jointly with the Azerbaijan Microfinance Association conducted trainings on “Financial literacy” and “Start and develop business in the regions” within the framework of the project “Training of women in the regions of Azerbaijan and development of female entrepreneurship”.

17. Paragraph 103

22. Azerbaijan has started the process of accession to the 2011 Istanbul Convention. To ensure improved institutional response capacity, as well as collection, analysis and use of data on domestic violence, the inter-agency Gender Based Violence (GBV) Database was developed by the Government. The SCFWCA acts as the Administrator of the Database. Totally 650 facts were registered in the electronic data bank within the period from October 2017 to the end of 2018. The SCFWCA initiated a two-year project entitled “Combating gender-based violence in Azerbaijan” in close partnership with UNFPA and USAID in 2016-2017. The main objective of the project was to support the Government of Azerbaijan to develop effective guidance and response mechanisms to combat GBV. The project was implemented through the series of interrelated components on improvement of legal and policy framework, large scale awareness-raising campaigns, provision of trainings for relevant service providers, as well as development of integrated strategies to coordinate multi-sectorial approaches to addressing violence against women. The Government currently develops the National Action Plan on GBV prevention and response, as well as the guidelines for establishment of the inter-agency coordination mechanism.

¹ <https://www.stat.gov.az/source/environment/?lang=en>.

18. Paragraph 105

23. In 2019, the estimated total area for cotton production was 100 thousand hectares. More than 86% of the cotton area was harvested by agricultural machines. Generally there was no lack of agricultural machineries in harvesting and transportation. Manual harvesting of cotton was implemented on a paid basis. There was no information on lack of labor force and/or the use of child labor in any form observed or reported. There is no officially justified statistical or monitoring background on the use of child labor in agriculture.

19. Paragraph 106

24. SCFWCA conducted a research in 2015 and 2016 to study the situation of child labour in the regions of the country, and no facts were registered on child labour in the above-mentioned agriculture sectors.

20. Paragraph 108

25. The conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan has produced almost one million refugees and IDPs: 250,000 refugees that fled their homes in Armenia as the result of ethnic cleansing and became refugees in Azerbaijan, and more than 750,000 IDPs that fled the Nagorno-Karabakh region and seven surrounding districts of Azerbaijan to other parts of the country. The internally displaced persons temporarily resettled not only in Baku, but also in other regions of the country.

21. Paragraph 111

26. It should be stated that as a result of the measures taken by the Government, more than US\$ 6 billion were invested into the settlement of social problems of IDPs, mainly from the state budget and oil revenues of the country. In total, 106 settlements provided with all social infrastructure were established for IDPs. IDPs have been receiving monthly amount for paying communal fees and allowances for covering their per diem. In 2019 the total amount of monthly allowance to IDPs from state budget was 304 million Azerbaijani Manats (AZM) (US\$ 179 million). In 2019, the Government allocated more than AZM 522 million (US\$ 307 million) to IDPs for construction of new houses, monthly allowances and education fees.

22. Paragraph 112

27. In accordance with the national legislation, Azerbaijan has created greater opportunities and privileges for IDPs. It covers basic areas such as employment, healthcare, education and many other areas. It should be stated that Azerbaijan has established its activities in two directions with regard to the integration of IDPs into society: first, improvement of living conditions, provision of employment for IDPs on a temporary basis until political solution of the Armenia-Azerbaijan Nagorno-Karabakh conflict is found. As a result of the activities in this area, 300,000 IDPs have already been relocated to new apartments and 106 new residential settlements have been built. Another direction is the development of "Great Return" program elaborated with the participation of the Government agencies and international organizations taking into account their views and suggestions and international experience.

28. In his conclusions in the report on the follow-up mission to Azerbaijan in 2014, the Special Rapporteur on human rights of IDPs commended the Government of the Republic of Azerbaijan for its dedication to the issue of internal displacement and for continuing to assume the primary responsibility for the protection and assistance of persons internally displaced by the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan, and indicated that one of the main obstacles in the search for durable solutions for IDPs in Azerbaijan remains the absence of a political settlement to the unresolved conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan.

23. Paragraphs 116-118

29. Currently, in accordance with the requirements of Articles 72.1 and 123.1 of the Execution of Punishments Code of the Republic of Azerbaijan, juvenile convicts are held at

correctional institutions, while female convicts are held at prisons intended for women. A new modern penitentiary complex in line with international standards is being built in Zabrat district of Baku for juvenile and female prisoners.

30. Once the construction of the penitentiary complex is completed, female and juvenile prisoners will be transferred respectively to the women's prison and to the correctional institution within the complex. In accordance with the requirements of the legislation, pregnant prisoners and female prisoners with children under the age of three, juvenile convicts, as well as prisoners with illnesses and the I and II grade disabilities are provided with improved material and living conditions, and special food norms are determined for them.

31. The State Statistical Committee of the Republic of Azerbaijan provides comprehensive data system on different socio-economic issues that are also disaggregated by age, gender, ethnicity, geographic region, and socio-economic background. The detailed information on those data can be found on the webpage of the Committee.

24. Paragraphs 122-127

32. A series of amendments related to the NGOs registration were made to the Laws of the Republic of Azerbaijan "On State Registration of Legal Entities and State Registry" and "On Non-Governmental Organizations (Public Associations and Funds)" for the purpose of eliminating gaps in the legislation.

33. Thus, for the purpose of organizing state registration of legal entities at a higher level, ensuring rule of law in the activity of legal entities, and eliminating difficulties emerging in the application of law, the amendments were made to the Law of the Republic of Azerbaijan "On State Registration of Legal Entities and State Registry". These amendments cover not only NGOs, but all types of legal entities being participants of civil law interactions. As to the penalties mentioned in the Report of the Special Rapporteur, it should be noted that in 2019 no non-governmental organization was brought to administrative responsibility.

34. As continuation of measures taken to improve the legislation, in recent years the amendments were made to the Laws of the Republic of Azerbaijan "On Non-Governmental Organizations (Public Associations and Funds)" and "On Grants". The main purpose of these amendments is to increase transparency in the process of utilization of grants received from foreign sources.

35. In the framework of the amendments, provisions aimed at aligning the activity under NGOs' projects with the state programmes, strengthening the national donor institutions, directing the grants allocated by donors toward real needs, ensuring efficiency and financial and economic expediency of projects, and eliminating repetition in the financing of projects were added to the relevant regulatory acts.

36. As to the notion that these amendments create hindrances, it should be noted that, on the contrary, they resulted in the elimination of hindrances that used to exist in the legislation. Thus, according to the previous version of the Law "On Grants", only those legal entities could be donors, whose main purpose according to their statute was to collect funds for charity, or projects and programmes that may be subject to grants, and which did not aim to make profit from their activity. Such limitations were eliminated by the amendments.

37. The amendments in the field of NGOs legislation were prepared based on the Venice Commission Opinion "On the compatibility with human rights standards of the legislation on non-governmental organizations of the Republic of Azerbaijan", adopted on 19 October 2011, and on the opinion of the Expert Council of the Council of Europe International Non-Governmental Organizations Conference (INGO Conference).

38. It should be noted that as of 19 December 2019, 3411 non-governmental organizations and branches and representations of 117 foreign legal entities have been state registered by the Ministry of Justice. At the same time, at present 325 non-governmental organizations working on human rights have been state registered by the Ministry of Justice and operate successfully. In recent years, the Ministry of Justice has not suspended, nor closed the functioning of any non-governmental organizations or foreign non-governmental organizations.

39. In 2019 approximately 239 million AZN (141 million USD) was allocated to civil society institutions to finance their activities. The amount allocated from local donor organizations was 175 million AZN (103 million USD). Meanwhile, allocation from foreign donor organizations was 64 million AZN (38 million USD).

25. Paragraph 131

40. The Government of the Republic of Azerbaijan would like to provide updated information with regard to the recommendation made in subparagraph b, on the status of ratification of the Council of Europe “Convention on preventing and combating violence against women and domestic violence”. The Convention has passed through relevant domestic procedures and the relevant Draft Presidential Order, granting authority to sign it, has been prepared.

III. Conclusion

41. The Government of the Republic of Azerbaijan would like to assure the Special Rapporteur on the right to food, Ms. Hilal Elver of its continuous support for her mandate and wish to thank her for the report on the mission to Azerbaijan.
