

Information of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan on the 13th Session of the UN Working Group on Ageing

The state policy in the field of social protection of older people is implemented on the basis of the principles and obligations set out in international documents, including the Madrid International Plan of Action on Aging and its Regional Implementation Strategy.

According to Part 1 of Article 16 of the Labor Code of the Republic of Azerbaijan, along with other grounds (citizenship, gender, race, religion, nationality, language, place of residence, property status, social origin, marital status, beliefs, political views, membership to trade unions or other public associations) any discrimination due to the age of the employee, as well as their business qualities, professional standing, other factors unrelated to the professional qualifications, job performance, or professional skills of the employees, establishing privileges and benefits or directly or indirectly limiting rights on the basis of these factors is strictly prohibited. According to this Article, there is no age discrimination among employees and their rights are protected when they are in labor activity.

In accordance with Article 47 of the Labor Code of the Republic of Azerbaijan, a fixed-term employment contract may be concluded between an employee and employer if the employer wishes to work upon reaching the retirement age.

Pursuant to parts 4 and 5 of Article 7 of the Labor Code of the Republic of Azerbaijan, a new contract on vocational training and qualification may be concluded immediately upon the conclusion of an employment contract, as well as in the course of labor relations with the mutual consent of the employer and the employee. The terms, rules, duration and obligations of the parties of the new vocational training or acquisition of the profession are regulated by the relevant agreement or employment contract concluded on the basis of the agreement reached. Using these norms provided in the Labor Code, the employer ensures the exchange of their knowledge and skills, as well as experience to the younger generation by employing representatives of the older generation.

According to Articles 231 and 232 of the Labor Code of the Republic of Azerbaijan, the employer is obliged to transfer employees whose health requires them to perform lighter work in accordance with a medical certificate and with their consent. In order to ensure the protection of the employee's health, he/she may be transferred to a lighter or a lower-paid job that does not adversely affect his/her health. In this case, the average salary of the employee for the previous job (position) shall be retained for one month from the date of transfer to lighter work. According to this article, older people are transferred to lighter work by mutual agreement with the employer.

According to Article 43 of the Labor Code of the Republic of Azerbaijan, the creation of conditions for the employee to engage in physical activity and sports, including rehabilitation and professional-practical exercises in working environment and after work, sports and recreational tourism, must be specified in the employment contract. This article also applies to older people, helping them to be healthier and more active in their work activities, lead a healthy lifestyle and increase longevity.

Employees working in other fields in the Republic of Azerbaijan, except for the civil service and its special forms, may retire voluntarily upon reaching the retirement age. At the same time, in accordance with the law, a pensioner has the right to receive both his pension and salary fully when working. Relevant awareness raising is carried out in this direction in the

country, explanations are given on this issue and relevant work is done to protect the rights of citizens.

In accordance with Article 8.0.4 of the Law of the Republic of Azerbaijan dated June 29, 2018 "On Employment", which determines the legal, economic and organizational basis of state policy in the field of employment, as well as state guarantees in the field of labor and social protection of the unemployed, all people shall be provided with equal opportunities in exercising their rights to free choice of labor and employment regardless of race, ethnicity, religion, language, gender, disability, including limited health capabilities (except in cases where it is difficult to perform due to their limited capabilities) and family status, social origin, place of residence, property status, beliefs, membership to political parties, trade unions and other public associations.

According to Article 24.9 of the Law of the Republic of Azerbaijan "On Employment" for the purpose of assistance to self-employment "In the organization of self-employment of the unemployed, persons receiving targeted state social assistance, persons with disabilities, including children under the age of 18 with disabilities, members of the martyrs' families, people registered as unemployed for more than one year, persons less than two years to retirement age, persons released from prison and unemployed are given preference".

Globalization, the creation of new job opportunities, the application of modern production and management technologies, and the modernization of working conditions increase the need for a highly skilled workforce, necessitate the implementation of a flexible labor market policy in the field of education, training and professional development. In view of this, the "Employment Strategy of the Republic of Azerbaijan for 2019-2030" approved by the Order No. 602 of the President of the Republic of Azerbaijan dated October 30, 2018 identified the formation of the result-based national qualification system for the improvement of workforce skills and labour standards, including the improvement of a system of vocational training and retraining for older people have been identified as a priority. At the same time, ensuring inclusive employment is one of the main directions of the Strategy.

Work is underway to improve the legal framework for expanding lifelong learning opportunities to bring the labor market and the economy in line with modern requirements. Therefore, the Law of the Republic of Azerbaijan "On Vocational Education" adopted in 2018 defines state responsibilities in the field of vocational education, including 4.0.22. on "Provision of vocational training and retraining for the older persons".

At the same time, based on "National Qualifications Framework for Lifelong Learning of the Republic of Azerbaijan" and according to the decision of the Cabinet of Ministers of the Republic of Azerbaijan, assessment and recognition of the knowledge, skills, competence and experience acquired by citizens through non-formal and informal forms of vocational education" are being conducted.

Guiding questions for the thirteenth session

Focus area 1. Right to health and access to health services

National legal and policy framework

1. What are the legal provisions and policy frameworks in your country that guarantee the right of older persons to the enjoyment of the highest attainable standard of physical and mental health including access to promotive, preventive, curative, rehabilitative and palliative health facilities goods and services?

Law on compulsory health insurance and law on population's health are two keystones ensuring older persons' right to health and to affordable healthcare. The health insurance system rolled out in 2020 and despite being new covers the whole country and provides healthcare coverage for all older persons based on payments from state budget. The older persons are entitled to full coverage of the healthcare services within the package of compulsory health insurance scheme and are exempt from monthly or annual payments/deductions to the health insurance fund.

The health insurance system covers over 3500 diagnosis and 1100 surgical procedures, including knee replacement surgeries, cardiovascular surgery and interventions, kidney replacement therapies, diabetes treatment, endovascular surgeries.

Cancer treatment is covered via the separate state program on provision of cancer care to the public and provided to older persons via National Cancer center and over dozens of cancer clinics and cancer departments of hospitals.

2. What steps have been taken to ensure that every older person has access to affordable and good quality health care and services in older age without discrimination?

Law on compulsory health insurance and law on population's health are two keystones ensuring older persons' right to health and to affordable healthcare. The health insurance system rolled out in 2020 and despite being new covers the whole country and provides healthcare coverage for all older persons based on payments from state budget. The older persons are entitled to full coverage of the healthcare services within the package of compulsory health insurance scheme and are exempt from monthly or annual payments/deductions to the health insurance fund.

The increase in state healthcare budget from 700 mln AZN to 1.7 bln AZN and allocation of most of this funding through compulsory health insurance enables to expand and extend the universal coverage of population and older persons in particular with regards to the healthcare services.

3. What data and research are available regarding older persons right to health and access to healthcare and services? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor the full realization of the right to health of older persons.

Information and Statistics Center collects and analyses the data on provision of healthcare services and health outcomes among older persons on annual basis. Mortality and morbidity

indicators, as well as number of cardiovascular interventions, registered patients with diabetes, kidney failure, multiple sclerosis, dementia are others aid to monitor the efficiency and health outcomes in this group of population.

II. The state takes necessary measures for the development of all types of healthcare operating on the basis of different types of ownership ensures sanitary-epidemiological safety, and creates opportunities for various types of medical insurance.

4. What steps have been taken to provide appropriate training for legislators, policymakers, health and care personnel on the right to health of older persons?

Public health and reforms centers of Ministry of Health have developed and distributed special information materials on older persons and their right to health among legislators and policy makers, as well as conducted special conferences and training courses with topics covering the right to health of older persons and relevant international and national legislation.

The Ministry of health, the compulsory health insurance agency and TABIB regularly conduct information sessions and also develop and stream video talks about access of older persons to healthcare and right to health through social media. In partnership with public TV and internet TV channels, these organizations convey information to general public and healthcare workers about older persons' right to health.

Progressive realization and the use of maximum available resources

5. What steps have been taken to align macroeconomic policies and measures with international human rights law, to use maximum available resources for the realization of older persons right to health, such as through expanding fiscal space, adopting targeted measures and international cooperation?

In 2020 the government has not only achieved to roll out compulsory health insurance scheme, but also increased the healthcare budget almost twice. This enabled better coverage of population including older persons with healthcare services including those living in remote areas with little access to specialized care. The budget increase helped to expand the services such as knee replacement surgeries, transplantations, cardiac surgeries and interventional cardiac procedures, diabetic medications and others.

Since 2020 the healthcare budget have increased by 100% from about 700 mln AZN to 1.7 bln AZN

Equality and non-discrimination

6. What are the challenges faced by older persons in their enjoyment of the right to health, including the impact of intersectional discrimination and inequality based on age, gender, disability and other grounds?

The national legislation and policies adopted in the last 5 years have strengthened the older persons' exercise of their right to health and access to healthcare services. The nation-wide roll out of compulsory health insurance enabled universal coverage of older persons with essential health services including emergency medical care, provision of certain medications for high impact illnesses, surgeries including cardiovascular interventions and others.

7. What measures have been taken to eliminate ageism and discrimination based on age, including discriminatory laws, policies, practices, social norms and stereotypes that perpetuate health inequalities among older persons and prevent older persons from enjoying their right to health?

The older persons have equal access to healthcare services and exercise their right to health. The policies and legislation on compulsory health insurance covers the healthcare services of older persons directly from the state budget and thus all healthcare services for older persons are free of charge and paid for in advance. The historical and moral norms of the Azerbaijani society requires and ensures the special attention and care of elders which is also translated into healthcare system as well. The policies and legislation adopted in the last 10 years have been aimed and improved the provision of healthcare and social services to the most vulnerable groups of population including older persons

The vaccination policies for COVID19 was also prioritized for older persons given the highest health risks in this group of population. The positive discriminatory measures during pandemic were also directly supportive of older persons and aimed to ensure their access to healthcare services. Most government agencies and volunteer organizations were mobilized to provide necessary services to older persons during pandemic including transportation services by ASAN services and police departments to deliver older persons to clinics and hospitals and back

8. What measures have been taken to ensure that older persons are able to exercise their legal capacity on an equal basis with others including making an informed consent, decisions and choices about their treatment and care

The legislation of Azerbaijan does not differentiate between older persons and young persons with regards to the legal capacity to exercise their right to make decisions, informed consent and choices about the treatment and medical care. The older persons with no cognitive impairment fully exercise these rights. The decisions on treatment and care, as well as obtaining informed consent from older persons with cognitive impairment requires the judicial procedures and appointment of legal guardian usually from among relatives.

Each person, including older person, with full legal capacity will need to sign informed consent before their receive treatment and medical care except in cases of medical or public health emergency when this can be waived temporarily to save person's life

Accountability

9. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for the denial of their right to health?

The older persons have right to use judicial and non-judicial means to lodge a complain and seek redress for denial of their right to health. The Ministry of Health and TABIB are central health authorities that bear the responsibility to review and expedite the complaints lodged by citizens, including older people

In rare circumstances the older people can also appeal directly to the President of Azerbaijan Republic or Prime minister's office to seek the redress for rights that are allegedly infringed

If no redress found at the administrative levels, the older people have a right to lodge official complaint to the Ombudsman Office or court. The ombudsman office would try to resolve the case through administrative measures, while courts will use judicial measures

Judicial means are rarely utilized as there have been no cases of denial of the right to health and access to healthcare services. Therefore most older people use non-judicial measures which are quite effective.

10. What mechanisms are in place to ensure the effective and meaningful participation of older persons living in different geographic areas of the country in the planning, design, implementation and evaluation of health laws, policies, programmes and services that affect them

Older people are involved in development of public health policies and programs as well as services at national and local levels. Ministry of Health, TABIB and their relevant structures conduct biennial surveys among people above 65 years of age related to challenges in the healthcare and access to affordable healthcare services as well as on laws affecting them directly. Latest survey was conducted among 1000 elderly people in 2022 by Public health and reforms center of Ministry of health and covered wide range of issues. The results of the survey is to be used to shape and reshape the current and future policies and services.

The behavioural insight into covid19 vaccination study that was conducted by the Ministry of Health's public health and reforms center and supported by WHO and German University of Erfurt enabled to hear from and understand the needs and challenges of elder people during pandemic and thus develop specific programs and actions to support them.

The voices of elder people were also heard during pandemic when quarantine measures took effect and restrictions for movements for persons above 65 years of age were put in place. The serious health concerns of covid19 in elder people were weight in with health concerns of inactivity and being restricted in the apartments. Hence the government introduced supportive measures for elders to exercise their freedom of movement despite the public health emergency. The government also engaged ASAN Services and volunteers to aid the elderly and departments of social services and to provide necessary help to elderly visiting relatives, visiting healthcare services including hospitals and also to deliver food and other essentials for them during whole pandemic.