

THE LAW OF THE AZERBAIJAN REPUBLIC

“On social protection of forcibly displaced persons and persons equated to them”.

Article 1. The purpose of the present Law

The present Law determines measures on placing and social protection of forcibly displaced persons and persons equated with them in the Azerbaijan Republic and associated duties of the state bodies.

Article 2. Forcibly displaced persons and persons equated with them.

For the purposes of this Law the persons being forced to leave the place of permanent residence in territory of the Azerbaijan Republic, moved in the other place within the country as a result of external military aggression, capture of the certain territories or presence of such territories under regular bombardment are considered IDPs.

The persons left the places of permanent residence in territory of the Republic of Armenia as a result of ethnic cleansing conducted in Armenia and other countries, both come and placed not permanently in the Azerbaijan Republic, are equated with forcibly displaced persons.

Article 3. Scope of this Law

This law applies to the persons, who has become the IDP since January 1, 1988 till the effective date of the present Law and who have come to the Azerbaijan Republic due to the reasons stipulated in part 2 of Article 2 of this Law.

The measures on social protection stipulated by this Law, are valid within 3 years from date of creation of the conditions for return of IDPs to their former place of residence and from the date of creation the conditions for permanent residence or for return equated with them persons to their former place of residence.

Acquisition of separate living space by persons equated with IDPs according to the housing legislation and civil-legal acts is considered as their permanent accommodation.

Article 4. Measures on social protection of forcibly displaced persons and persons, equated with them.

In regard to forcibly displaced persons and persons equated with them, (hereinafter referred to as “forcibly displaced persons”) the following measures of social protection are applied:

- provision of temporary dwelling;
- provision with employment;

- social maintenance;
- medical provision;
- provision of education rights;
- privileges on usage of transport and public-municipal utilities;
- tax privileges.

The other measures of social protection can be determined for advantages of the IDPs by the legislation of the Azerbaijan Republic.

Article 5. Provision of the forcibly displaced persons with living space.

Accommodation of the forcibly displaced persons is carried out by the appropriate executive authorities. The inhabited administrative and subsidiary buildings also other buildings which are habitable or can be made habitable, and are used for accommodation. In case if the accommodation of the forcibly displaced persons in such buildings is not possible due to the high density of the residence in the certain settlements, they are accommodated in the camps, specially organised for forcibly displaced persons. The camps should meet the requirements necessary for residence. Forcibly displaced persons can be allowed to find temporary residence independently rights and lawful interests of other persons are not violated. In such cases the appropriate executive authorities should ensure resettlement of the forcibly displaced persons the other living space within the same district.

Article 6. Allocation of land plots for forcibly displaced persons, granting of loans and rendering technical assistance.

For conducting agricultural activity in areas of accommodation of the forcibly displaced persons are provided with the temporarily land plots on account of state and municipal land fund, are granted with preferential loans, technical and other aid, as stipulated by the state program. Regulations and conditions for the allocation of the land plots, granting loans and rendering assistance is determined by the appropriate executive authority.

Article 7. Provision of employment of the forcibly displaced persons.

The employment of the forcibly displaced persons is provided by the appropriate executive authority in conformity with the state program. The state creates necessary conditions for independent employment of forcibly displaced persons and conducting commercial and free ownership activities.

The provision of employment for the forcibly displaced persons is carried out by definition of quota in state bodies, enterprises and organizations, establishing new posts, vacancies and realization of other measures.

If the provision of the forcibly displaced persons with the permanent job the appropriate executive authority organizes attraction of forcibly displaced persons to temporary and seasonal works. It's not obligatory for IDP to present a labor book when employed.

During the staff reduction or number of the workers at the enterprises, institutions and organizations they have advantageous right to be kept employed.

Forcibly displaced persons engaged in commercial and ownership activity, can obtain the bank loans in an order established by the appropriate executive authority.

Article 8. Social provision for the forcibly displaced persons.

If the forcibly displaced person hasn't the documents regarding working experience and salary he/she will get pension in an order established in the Law of the Azerbaijan Republic "On pension provision of the citizens".

Payments of social insurance to the forcibly displaced person for temporary loss of ability to work are paid in full amount irrespective of working experience.

Article 9. The financial assistance to the forcibly displaced persons.

The provision of *forcibly displaced persons* with one-time and regular financial aid of foodstuffs and industrial goods is carried out by the appropriate executive authority.

The legal and physical persons, international organizations are independent in rendering financial and other humanitarian assistance. The activity in rendering the humanitarian assistance to IDPs is coordinated by the appropriate executive authority.

Article 10. Medical provision of forcibly displaced persons.

The health services of forcibly displaced persons are delivered by the health bodies located directly in territory of residence. The health services rendered to forcibly displaced persons, accommodated out of the settlements are organized by the appropriate executive authority.

Forcibly displaced persons are placed in state medical institutions firstly. Forcibly displaced persons use all kinds of health services free-of-charge.

Forcibly displaced persons are provided with free-of-charge medical preparations in an order established by the appropriate executive authority.

Article 11. Provision of the rights on education of forcibly displaced persons

The preschool and general secondary education of children of forcibly displaced persons, placed in the camps established outside settlements, is organized of the appropriate executive authority in conformity with the educational standards. Children of forcibly displaced persons, getting study in secondary schools are provided free-of-charge with the textbooks and educational accessories. Forcibly displaced persons, getting study on the paid basis in the state high and secondary special educational institutions can provided the certain advantages for normal education of forcibly displaced students.

Article 12. Transport services for forcibly displaced persons.

The appropriate executive authority allocates the vehicles for organization of movement to the nearest settlement for forcibly displaced persons, placed in camps, located out of the settlements. If forcibly displaced person changes the place of settling on the basis of the decision of the appropriate executive authority, expenses for transportation of their property are incurred for the account of the state.

Article 13. Privileges on housing and municipal services.

Forcibly displaced persons are exempted from payment of housing and of municipal services (water supply, gas, electric energy, etc.) and also usage by the telephone (for the exception of long-distance and international conversations).

Article 14. Tax privileges of forcibly displaced persons.

Forcibly displaced persons are exempted from payment of the tax on profit, on obtaining the identification card, and also from payment of state duties and taxes stipulated for operations on maintenance, payment for change of state numbers, driver's certificate and technical passport of the cars, purchased on the basis of the property right up to June 1, 1994.

Article 15. The international agreements

In case of arising of the contradiction between the present Law and international treaties of the Azerbaijan Republic, the international treaties are applied.

The president of the Azerbaijan Republic Heydar Aliyev
Baku, May 21, 1999.
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