

LAW OF THE REPUBLIC OF AZERBAIJAN
(unofficial English translation¹)

On Social Services

In accordance with Paragraph 16 of Part I of Article 94 of the Constitution of the Republic of Azerbaijan, this Law determines the legal, economic and organizational bases of the state policy in the field of providing social services to persons living in difficult living conditions in the Republic of Azerbaijan and regulates relations in this field.

Chapter 1

GENERAL PROVISIONS

Article 1. Basic concepts

1.0. The main concepts used in this Law have the following meanings:

1.0.1. **social services** - complex measures taken to eliminate the social problems of a person (family) living in difficult living conditions and to create opportunities for their equal participation in public life with other people;

1.0.2. **difficult living conditions** - a situation that creates a basis for providing a person (family) with social services and objectively disrupts life activities, which they cannot eliminate on their own;

1.0.3. **subjects providing social services** - state authorities, legal entities and individuals (social service institution, social worker, social service provider) operating in the field of determining the demand for social services and providing social services;

1.0.4. **social service institutions** - legal entities carrying out activities in the field of providing social services to the population, regardless of the type of ownership and organizational-legal form;

1.0.5. **social worker** - a person who assesses and determines the demand for social services in the manner prescribed by this Law, as well as provides social services;

1.0.6. **social service provider** - a person providing social services;

¹ Translation into English made within the framework of the project: **Improving the adequacy of government and civil society policies to the needs of persons over 65**

1.0.7. **person (family) provided with social services** - a person (family) provided with social services due to difficult living conditions;

1.0.8. **elderly** - a person who has reached the age of 70;

1.0.9. **standards for the provision of social services** - conditions that determine the quality and volume of social services by regulatory legal acts;

1.0.10. **social disadaptation** - loss of the ability of a person (family) to adapt to the social environment;

1.0.11. **social deprivation** - limitation and (or) deprivation of a person's (family's) ability to meet basic living needs independently;

1.0.12. **social environment** - a set of economic, social, political and moral conditions for the existence, formation and functioning of a person (family).

Article 2. Legislation of the Republic of Azerbaijan on social services

The legislation of the Republic of Azerbaijan on social services consists of the Constitution of the Republic of Azerbaijan, this Law, the international treaties to which the Republic of Azerbaijan is a party and other regulatory legal acts.

Article 3. Scope of the law

This Law shall apply to citizens of the Republic of Azerbaijan in need of social services, foreigners permanently residing in the Republic of Azerbaijan and stateless persons.

Article 4. Purpose of social services

The purpose of social services is to prevent situations that aggravate the living standards of citizens, complicate their socio-psychological situation, lead to their isolation from society, and provide social services to those in need in difficult situations.

Article 5. Basic principles of state policy in the field of social services

5.0. The main principles of state policy in the field of social services are as follows:

5.0.1. observance of human rights and freedoms;

5.0.2. humanism, voluntariness, confidentiality, tolerance, targeting, fairness and accessibility;

5.0.3. prevention of discrimination and stigmatization;

5.0.4. ensuring equal opportunities for providing persons (families) in difficult living conditions with social services;

5.0.5. social integration and improving the quality of life of the population;

5.0.6. ensuring public participation.

Article 6. Duties of the state in the field of social services

6.0. The duties of the state in the field of social services are as follows:

6.0.1. formation and implementation of state policy in the field of social services, as well as adoption of regulatory legal acts and state standards in this field;

6.0.2. supporting the participation of municipalities, non-governmental organizations, legal entities and individuals in activities in the field of providing social services to persons in need of social services;

6.0.3. preparation of a single classification of social services;

6.0.4. creation and development of necessary infrastructure and conditions for providing social services, including material and technical base;

6.0.5. ensuring the provision of social services to persons (families) in need of social services in the forms and types of social services established by this Law;

6.0.6. development of international cooperation in the field of social services and creation of conditions for exchange of experience;

6.0.7. implementation of other measures in the field of social services.

Chapter 2

ORGANIZATION OF SOCIAL SERVICES FOR A PERSON (FAMILY) IN DIFFICULT LIVING CONDITIONS

Article 7. Grounds for considering a person (family) in difficult living conditions

7.1. A person (family) is considered to be in a difficult living situation if they have at least one of the following grounds:

7.1.1. loss of parents or deprivation of parental care;

7.1.2. limited health opportunities for children;

7.1.3. neglect or socially dangerous situation of minors;

7.1.4. lack of self-sufficiency due to illness, disability or old age, as well as lack of able-bodied relatives or legal representatives who can provide care and assistance to the person (family). The absence of relatives who can provide care and assistance to persons who are unable to take care of themselves due to illness, disability or old age shall be determined

by the relevant executive authority in accordance with the procedure approved by the relevant executive authority;

7.1.5. restriction of a person's life activity due to a socially dangerous disease;

7.1.6. being a victim of human trafficking;

7.1.7. suffering from domestic violence;

7.1.8. lack of a certain place of residence;

7.1.9. the absence of a place of residence for persons who lived in social service institutions due to the loss of their parents or loss of parental care after they leave those institutions;

7.1.10. the person is in a state of social disadaptation and social deprivation.

7.2. The list of documents confirming that a person (family) is in difficult living conditions on the grounds provided for in Article 7.1 of this Law shall be determined by the relevant executive authority.

Article 8. Rights of a person (family) in difficult living conditions

8.0. A person (family) in difficult living conditions has the following rights:

8.0.1. to use social services provided by social service providers in accordance with this Law, if there are grounds established by Article 7 of this Law;

8.0.2. to apply for social services;

8.0.3. to receive information on the possibility, procedure and conditions of social services, forms and types of social services, as well as their rights and responsibilities;

8.0.4. to participate in the identification and assessment of the need for social services;

8.0.5. to choose an enterprise providing social services, taking into account the nature of the demand for social services;

8.0.6. to consent to the provision of social services or to refuse social services;

8.0.7. to demand respect for their honour and dignity from social service providers, as well as to complain about their actions (inaction) in an administrative manner and (or) in court;

8.0.8. to be provided with conditions that meet sanitary and hygienic requirements in social service institutions;

8.0.9. to be provided with a separate place for the performance of religious rites in social service institutions, provided that they do not violate the rules of internal discipline;

8.0.10. to be provided with mass media;

8.0.11. to demand the confidentiality of personal information;

8.0.12. to receive free psychological assistance in accordance with the Law of the Republic of Azerbaijan "On Psychological Assistance". [1]

Article 9. Duties of a person (family) in difficult living conditions

9.0. The duties of a person (family) in difficult living conditions are as follows:

9.0.1. to provide complete and accurate information for determining the need for social services and decision-making;

9.0.2. to immediately inform social service providers about changes affecting the provision of social services;

9.0.3. to follow the internal disciplinary rules of social service institutions;

9.0.4. to perform other duties provided for by the law.

Article 10. Application for social services

10.1. A person in difficult living conditions shall apply to the relevant executive authority of the place of residence for the provision of social services with an application and other documents confirming the relevant grounds provided for in Article 7 of this Law, attached to the application. One of the adult family members can apply for social services to the family in difficult living conditions.

10.2. In the interests of a person (family) in difficult living conditions, the person's parents, other legal representatives (guardians, trustees), municipalities, non-governmental organizations, as well as other persons with the consent of the person may apply to the relevant executive authority for social services.

10.3. State authorities and municipalities shall send information about persons in difficult living conditions and in need of social services to the relevant executive authority in order to identify them and provide them with social services.

10.4. Necessary measures shall be taken to provide social services in accordance with this Law when other persons apply for social services to a person (family) in difficult living conditions in accordance with Articles 10.2 and 10.3 of this Law.

Article 11. Procedure for assessing and determining the demand for social services

11.1. The provision of social services is based on the assessment and determination by a social worker of the needs of a person (family) living in difficult living conditions for social services.

11.2. The criteria for assessing and determining the demand for social services are as follows:

11.2.1. social disadaptation;

11.2.2. social deprivation;

11.2.3. failed social environment.

11.3. The application for the provision of social services is forwarded to the social worker within 5 working days from the date of receipt by the relevant executive authority to assess and determine the needs of the person (family) for social services. Within 10 working days from the date of receipt of the application, the social worker assesses and determines the needs of the person (family) for social services.

11.4. The social worker prepares a report on the assessment and determination of the demand for social services, reflecting the form, type, place and duration of social services and an individual plan for the provision of social services to the person (family).

Article 12. Decision to accept or reject a person's (family's) request for social service

12.1. The decision to provide social services to a person (family) at the expense of the state budget or to refuse to provide social services shall be made by the relevant executive authority within 5 working days after the submission of the report by the social worker. The decision to provide social services to a person (family) at the expense of the state budget or to refuse to provide social services shall be submitted (sent) to the applicant within 3 working days. The decision to refuse to provide social services must state the reasons for the refusal. The original documents attached to the application shall be returned to the applicant.

12.2. The grounds for refusing to accept a person's (family's) request for social services are as follows:

12.2.1. absence of at least one of the grounds specified in Article 7 of this Law;

12.2.2. inaccuracy of submitted information and documents.

12.3. A person (family) is provided with social services from the day the decision is made to provide social services at the expense of the state budget.

12.4. In cases where the failure to provide social services to a person poses a serious threat to his life and health, the person shall be immediately admitted to temporary social services. When a decision is made to provide a person with social service, the period of temporary social services is not suspended and the person is provided with permanent social services.

12.5. The guaranteed amount of social services provided to persons (families) in difficult living conditions at the expense of the state budget shall be determined by the relevant executive authority.

12.6. Except for the cases provided for in Article 12.7 of this Law, social services shall be provided at the place of residence of the person (family).

12.7. In cases where a person (family) is subjected to violence or is in danger of social disadaptation, as well as social deprivation, social services are provided regardless of the place of residence.

Article 13. Placement of a person (family) in difficult living conditions in a social service institution

13.1. Persons in difficult living conditions who are considered incapable by the court and are unable to provide for their basic needs independently, if their relatives or legal representatives who are obliged to take care of them submit applications that they are unable to look after them, can be placed in a state social service institution based on a decision by the relevant executive authority. When placing a person in a state social service institution, the rights defined in Article 8 of this Law shall be taken into account.

13.2. The procedure for placing persons (families) in difficult living conditions in state social service institutions shall be established by the relevant executive authority.

Chapter 3

SUBJECTS THAT PROVIDE SOCIAL SERVICES

Article 14. Individuals operating in the field of social services

14.1. Persons with higher education and appropriate vocational training have the right to engage in professional activities in the field of social services as social workers.

14.2. Persons with general secondary education may be employed as social workers.

Article 15. Rights and duties of a social worker

15.1. The rights of social workers in connection with the provision of social services are as follows:

15.1.1. to undergo a medical examination at the expense of the employer at the time of employment;

15.1.2. to receive additional education at the expense of the employer in order to increase and improve the level of vocational training;

15.1.3. to be provided with necessary clothes and equipment at the expense of the employer while performing their official duties, to receive monetary compensation for transportation expenses in the amount determined by the relevant executive authority;

15.1.4. to send requests for necessary information;

15.1.5. to have other rights provided for by the law.

15.2. The duties of social workers in connection with the provision of social services are as follows:

15.2.1. to provide social services, to assess and determine the demand for social services, to draw up an individual plan for the provision of social services to the person (family) receiving social services;

15.2.2. to assist in solving and eliminating the problems of a person (family) in difficult living conditions;

15.2.3. to comply with the legislation and norms of professional ethics in the field of social services;

15.2.4. to ensure that social services meet the requirements of standards for the provision of social services;

15.2.5. to respect the rights, honour and dignity of the persons they serve;

15.2.6. to prevent discrimination, inhuman or degrading treatment of persons they provide with social services;

15.2.7. to inform the persons they provide with social services about legal, social, medical and other guarantees, social protection measures established by the law and opportunities for improving the welfare of a person (family) in difficult living conditions;

15.2.8. to ensure the confidentiality of information obtained in the performance of their duties;

15.2.9. to carry out other duties provided for by the law.

15.3. The rights provided for in Article 15.1 (except for Article 15.1.4) and the duties provided for in Article 15.2 (except for Articles 15.2.1 and 15.2.7) of this Law shall also apply to the social worker.

Article 16. Social service system

The social service system consists of the relevant executive authority working in the field of social services, state, municipal and private social service institutions, social workers and social service providers, as well as non-governmental organizations and volunteers providing social services with their own or borrowed funds. The units of the Republican Red Crescent Society are an integral part of this system.

Article 17. Social service institutions

17.1. In order to provide social services to people in difficult living conditions in accordance with various forms and types of social services, social service institutions (the elderly, people with disabilities, including boarding schools for disabled children under 18, psychoneurological boarding schools, assistance centres for victims of human trafficking, social adaptation centres for persons released from penitentiary institutions, day care centres, specialized social rehabilitation institutions for minors, social and psychological assistance centres, temporary shelters, vocational guidance centres, palliative care centres, hospices, community-based rehabilitation centres, foster families, small group homes, temporary care services, social shops and canteens, and other establishments and services) are established and operate. [2]

17.2. Discounts may be established in accordance with the law for individuals and legal entities that allocate funds for social services for charitable purposes, and for social service institutions that carry out this activity on unpaid terms.

Chapter 4

FORMS AND TYPES OF SOCIAL SERVICES

Article 18. Forms of social services

18.0. Forms of social services are as follows:

18.0.1. home (mobile) social services;

18.0.2. semi-inpatient (daily) social services;

18.0.3. inpatient social services;

18.0.4. social counselling assistance.

Article 19. Home (mobile) social services

19.1. Home (mobile) social services to lonely elderly people, elderly couples who do not live in the same area as their able-bodied relatives or legal representatives and need social services, persons with disabilities, including children under 18 years of age with disabilities, people in the terminal (final) stage of their disease shall be provided in accordance with the procedure established by the relevant executive authority. [3]

19.2. Home (mobile) social services include:

19.2.1. assistance in obtaining medicines, necessary food and basic necessities;

19.2.2. assistance in the organization of recreation, food intake and other household services;

19.2.3. assistance in obtaining medical and psychological assistance, escorting to a medical and educational institution;

19.2.4. adaptation of living conditions to sanitary-hygienic requirements;

19.2.5. assistance in obtaining legal advice;

19.2.6. provision of rehabilitation services to persons with disabilities, including children under 18 years of age with disabilities. [4]

Article 20. Semi-inpatient (day) social service

Semi-inpatient (day) social services include the provision of social, medical, cultural and other services to the elderly and people with disabilities, including minors in difficult living conditions who are able to meet their basic needs independently and have active mobile capability during the day or night, effective organization of leisure time, and their involvement in appropriate labour activities. [5]

Article 21. Inpatient social service

21.1. Inpatient social service consists of the creation of living conditions in accordance with the physical condition and health of persons (families) receiving social services in the institution established for this purpose, the implementation of medical and social rehabilitation measures, and the organization of care.

21.2. Family members living in a social service institution are provided with a separate living area. The management of the social service institution shall ensure the protection of personal things and valuables of persons (families) in difficult living conditions living in the institution.

1.3. Persons with mental disorders in need of inpatient social services are placed in special inpatient facilities in accordance with the law.

Article 22. Social counselling assistance

22.1. The purpose of social counselling is to ensure the integration of people (families) in difficult living conditions into society.

22.2. Social counselling assistance includes:

22.2.1. identifying persons (families) living apart from their relatives or legal representatives and are in need of social counselling assistance;

22.2.2. taking necessary measures to involve government agencies, municipalities and non-governmental organizations in solving the problems of persons (families) in difficult living conditions;

22.2.3. providing advice on social services.

Article 23. Types of social services

23.0. Depending on the purpose, social services are divided into the following types:

23.0.1. social and household services - aimed at improving the living conditions of individuals (families);

23.0.2. medical and social services - aimed at improving the health of individuals;

23.0.3. socio-psychological services - provide psychological assistance for the adaptation of individuals to society; [6]

23.0.4. social and pedagogical services - aimed at preventing developmental delays and behavioral disorders in minors, creating positive interests in them, as well as organizing leisure time and supporting family upbringing;

23.0.5. socio-economic services - aimed at protecting and strengthening the living standards of individuals;

23.0.6. social and legal services - providing legal assistance, aimed at protecting the rights of individuals;

23.0.7. Palliative services - aimed at identifying and assessing physical, psychological, mental and other problems of incurable persons and their family members and providing assistance to these persons.

Chapter 5

FINANCING OF SOCIAL SERVICES AND SOCIAL SERVICE FEE

Article 24. Financing of social services

Social services are financed in accordance with the law from the state budget, funds received from the provision of paid social services, donations from legal entities and individuals, grants, as well as other sources provided for by the law.

Article 25. Payment of social service fees

25.1. In social service institutions and homes, social services are provided free of charge, are partially paid or fully paid.

25.2. Persons in difficult living conditions (families) are provided with guaranteed social services free of charge in state social service institutions and homes.

25.3. The procedure for providing social services in state social service institutions and homes on partially paid and fully paid terms and the amount of social service fees shall be determined by the relevant executive authority.

25.4. Paid social services are provided on the basis of a contract concluded between a person (family) in difficult living conditions and subjects providing social services.

25.5. Municipal social service institutions do not aim to generate income, and social service fees are determined by the municipality in accordance with the amount of social service costs, staff salaries and other current expenses. The fee for social services in private social service institutions is determined by the contract concluded between the institution and the person provided with social services.

Article 26. State orders in the field of social services

State orders in the field of social services may be submitted to municipalities, individuals and legal entities, as well as non-governmental organizations in accordance with the procedure established by the relevant executive authority.

Chapter 6

FINAL PROVISIONS

Article 27. Voluntary activity in the field of social services

Involvement of participants of voluntary activity (organizers of volunteer activity and volunteers) in the field of social services is regulated by the Law of the Republic of Azerbaijan "On Voluntary Activity".

Article 28. Control over the provision of social services

Control over the quality, efficiency and compliance with the requirements of state standards of social services provided by social service providers shall be exercised by the relevant executive authority.

Article 29. Liability for violations of the legislation on social services

29.1. The following cases resulting from the violation of this Law shall entail liability:

29.1.1. providing incorrect information to assess, determine and make a decision on the demand for social services provided by the state;

29.1.2. failure to inform social service providers about changes affecting the suspension of social services by the state in accordance with this Law;

29.1.3. providing a person who does not need social services with social services by the state illegally or groundlessly in accordance with this Law or refusal to provide a person with social services if there are grounds for providing social services;

29.1.4. failure to provide official information to the applicant on the decision to provide social services or refuse to provide social services within the period established by this Law, or failure to indicate the reasons for refusal in the decision to refuse social services;

29.1.5. failure to ensure confidentiality of information obtained in connection with the provision of social services;

29.1.6. violation of the requirements determining the quality, scope and conditions of social services.

29.2. Persons violating the requirements of this Law shall be liable in accordance with the law.

Article 30. Entry of the law into force

30.1. This Law shall enter into force three months after its publication.

30.2. From the date of entry of this Law into force, the Law of the Republic of Azerbaijan "On Social Services for the Elderly" (Legislative Collection of the Republic of Azerbaijan, 2001, № 8, Article 518; 2007, № 5, Article 401) is repealed.

Ilham Aliyev,

President of the Republic of Azerbaijan

Baku, 30 December 2011

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