

## **About the addressed state social assistance**

### LAW OF THE REPUBLIC OF AZERBAIJAN

This Law regulates the goals and principles of the provision of targeted state social assistance, the legal basis for its determination and other relations arising in this field .

#### **Article 1. Basic concepts**

1.0. The following basic concepts are used in this Law:

1.0.1. need criterion - the limit approved for each year together with the state budget for the purpose of determining targeted state social assistance for the main socio-demographic groups of the population or depending on the minimum wage ;

1.0.2. family - persons who are related by kinship or other characteristics defined by legislation, living together, having a common household or living alone;

1.0.3. income of the family - all types of income of family members, including gifts donated to family members, collection of monetary and in-kind incomes obtained or to be obtained from property, property belonging to family members, personal auxiliary economy;

1.0.4. average monthly income of the family - the average monthly income of the family;

1.0.5. low-income family - a family whose average monthly income is below the aggregate of the need criterion for each family member ;

1.0.6. Targeted state social assistance (hereinafter - social assistance) is monetary assistance provided by the state to low-income families.

#### **Article 2. Legislation of the Republic of Azerbaijan on addressed state social assistance**

The legislation of the Republic of Azerbaijan on addressed state social assistance consists of the Constitution of the Republic of Azerbaijan, *the Law of the Republic of Azerbaijan "On Administrative Proceedings"*, this Law, other normative legal acts and international agreements to which the Republic of Azerbaijan is a party. [\[1\]](#)

#### **Article 3. Families entitled to social assistance**

A person whose average monthly income is entitled to social assistance due to reasons beyond their control (family members are unable to work, a *person who is able-bodied family member has been diagnosed with disability due to 81-100 percent impairment of body functions , and has been diagnosed with disability under the age of 18 ) to take care of a person or a child under the age of 8 , to receive full-time education up to the age of 23, in the relevant executive authority being registered as unemployed due to the liquidation of a state body or legal entity or the reduction of the number of employees or staff , death , being considered missing or dead by the court, deprivation of liberty, the whereabouts of a family member being unknown (etc.)* low-income families with less than the sum of the need criterion for each family member . [\[2\]](#)

#### **Article 4. Purpose and principles of social assistance**

4.1. The purpose of social assistance is to ensure social protection of low-income families .

4.2. The main principles of social assistance are:

4.2.1. targeting - social assistance is assigned only to low-income families;

4.2.2. fairness - social assistance is determined in the amount of the difference between the average monthly income of the family and the sum of the criteria of need for each family member ;

4.2.3. equality - social assistance is assigned to all low-income families.

#### Article 5. **Financial source of social assistance**

Social assistance is financed at the expense of the state budget.

#### Article 6. **Applying for receiving social assistance, its determination, granting and refusal to grant it**

6.1. Social assistance is assigned to low-income families by the relevant executive authority ~~at the place of residence~~. [3]

6.2. The rules of applying for receiving social assistance, its appointment, giving and refusing to give it are determined by the relevant executive authority according to *the Law of the Republic of Azerbaijan "On Administrative Proceedings"* and this Law . [4]

6.3. *Electronic services related to the receipt of social assistance are provided through the centralized electronic information system of the relevant executive authority.* [5]

#### Article 7. **Amount of social assistance**

7.1. The amount of social assistance is calculated as the difference between the average monthly income of the family and the sum of the criteria of need for each family member .

7.2. The need criterion is gradually brought up to the country's living minimum ;

7.3. The procedure for calculating the average monthly income of the family is determined by the relevant executive authority.

#### Article 8. **Duration of social assistance**

8.1. Social assistance is granted for a period of *1 year* from the 1st of the month in which the application is made . [6]

8.2 A low-income family has the right to reapply for social assistance.

#### Article 9. **Persons who are not taken into account in the family composition during the determination of social assistance**

9.0. When determining social assistance, the following persons in the family are not taken into account for the provision of assistance:

9.0.1. persons on full state support (persons living in orphanages and boarding schools, *elderly and disabled persons, as well as* persons living in social service institutions for children under 18 years of age , special educational institutions ); [7]

9.0.2. persons in full-term military service;

9.0.3. persons serving sentences in penal institutions;

9.0.4. wanted persons;

9.0.5. Citizens of the Republic of Azerbaijan who do not live in the territory of the Republic of Azerbaijan;

9.0.6. foreigners (except those who live permanently in the territory of the Republic of Azerbaijan) . [8]

## Article 10. Review of the right to receive social assistance [9]

10.1. When applying for social assistance, the family must provide complete and correct information about the circumstances that may lead to determining or changing the amount of social assistance (about the composition of the family, property and income).

10.2. If there is a change in the family's income after the social assistance has been assigned, the family receiving social assistance shall inform the body (institution) determined by the relevant executive authority about this within 15 (fifteen) working days (from the information resources of the authority (institution) determined by the relevant executive authority and with the exception of the information obtained from their systems).

10.3. In the case specified in Article 10.2 of this Law, as well as the information obtained from the information resources and systems of the body (institution) determined by the relevant executive power body (the amount of pensions, social benefits, the minimum amount of the labor pension established by the body (institution) determined by the relevant executive power body and increasing the amount of the minimum monthly wage, indexation of labor pensions and information on the property provided for the organization of the chosen self-employment direction), when circumstances that may lead to the suspension or change of the amount of social assistance are discovered, the payment of social assistance is stopped and the family's right to receive social assistance is reviewed.

10.4. During the examination of the family's right to receive social assistance, if it is found that incorrect or incomplete information has been given about the circumstances that may lead to the determination or change of the amount of social assistance (about the composition, property and income of the family), or if the requirement of Article 10.2 of this Law is violated, that the family loses the right to receive social assistance for a period of 1 (one) year.

10.5. In cases where a member of a low-income family is engaged in self-employment in accordance with the Law of the Republic of Azerbaijan "On Employment", the right of that family to apply for social assistance is restricted during the period of validity of the contract on the transfer of property for the chosen self-employment direction.

10.6. A family receiving social assistance when excess funds are paid due to the fact that the family deliberately provided incomplete or incorrect information during the appointment of social assistance, as well as the failure to provide information on changes in the family's income during the period of social assistance payment (except for those mentioned in Article 10.3 of this Law) must voluntarily return the amount of already paid social assistance to the body (institution) determined by the relevant executive authority. If this is refused, the dispute is considered in court.

## Article 11. Liability for violation of the law

Persons guilty of violating this Law shall be held responsible in accordance with the legislation of the Republic of Azerbaijan.

## Article 12. Entry into force of the law

This Law enters into force on January 1, 2006.

**Ilham Aliyev,**

**President of the Republic of Azerbaijan**

Baku city, October 21, 2005

No. 1039-IIQ

## LIST OF AMENDMENTS AND AMENDMENTS TO THE ACT

1. Law of the Republic of Azerbaijan No. [641-IIIQD](#) dated June 13, 2008( [Legislative Collection of the Republic of Azerbaijan, 2008, No. 6, Article 474](#) )
2. Law of the Republic of Azerbaijan No. [648-IIIQD](#) dated June 13, 2008( [Legislative Collection of the Republic of Azerbaijan, 2008, No. 7, Article 602](#) )
3. Law of the Republic of Azerbaijan [No. 1204-IVQD dated February 24, 2015](#) (" [Azerbaijan](#) " newspaper, March 17, 2015, No. 60, ( [Legislative Collection of the Republic of Azerbaijan, 2015, No. 3, Article 257](#) )
4. Law of the Republic of Azerbaijan [No. 1084-VQD dated April 24, 2018](#) ( "[Azerbaijan](#)" newspaper, May 20, 2018, No. 113 , [Legislative Collection of the Republic of Azerbaijan, 2018, No. 5, Article 871](#) )
5. Law of the Republic of Azerbaijan [No. 1482-VQD dated February 1, 2019](#) ( "[Azerbaijan](#)" newspaper, March 14, 2019, No. 59, [Legislative Collection of the Republic of Azerbaijan, 2019, No. 3, Article 3 80](#) )
6. Law of the Republic of Azerbaijan [No. 111-VIQD dated May 19, 2020](#) ( "[Azerbaijan](#)" newspaper, July 18, 2020, No. 139 , [Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 829](#) )
7. Law of the Republic of Azerbaijan [No. 125-VIQD dated June 2, 2020](#) ( "[Azerbaijan](#)" newspaper, July 19, 2020, No. 140 , [Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 840](#) )
8. Law of the Republic of Azerbaijan [No. 349-VIQD dated June 22, 2021](#) ( "[Azerbaijan](#)" newspaper, August 19, 2021 , No. 173 , [Legislative Collection of the Republic of Azerbaijan, 2021, No. 8, Article 895](#) )

## LIST OF SOURCE DOCUMENTS USED

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[1] Law of the Republic of Azerbaijan [No.125-VIQD dated June 2, 2020](#) ("Azerbaijan" newspaper, July 19, 2020, No. 140, [Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 840](#)) "From the Law of the Republic of Azerbaijan on Administrative Proceedings were added before the words from this Law in Article 2

[2] With the Law of the Republic of Azerbaijan [No.1084-VQD dated April 24, 2018](#) ("Azerbaijan" newspaper, May 20, 2018, No. 113, [Legislative Collection of the Republic of Azerbaijan, 2018, No. 5, Article 871](#)) In Article 3, after the word in the body in connection with the liquidation of the state body or legal entity or the reduction of the number of employees or staff" were added.

With the Law of the Republic of Azerbaijan [No. 125-VIQD dated June 2, 2020](#) ( "[Azerbaijan](#)" newspaper, July 19, 2020, No. 140 , [Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 840](#) ) before the words " in the relevant executive authority " in the article, the words "taking care of a person with a first-degree disability, a child under the age of 8 or a child with limited health capabilities up to the age of 18, receiving full-time education up to the age of 23", and " etc. " have been removed.

With the Law of the Republic of Azerbaijan [No. 349-VIQD dated June 22, 2021](#) ( "[Azerbaijan](#)" newspaper, August 19, 2021 , No. 173 , [Legislative Collection of the Republic of Azerbaijan, 2021, No. 8, Article 895](#)) in the article " a person with a first - degree disability , a child under the age of 8 or a child under the age of 18 with limited health capabilities " to a person who has been diagnosed with a disability based on 81-100 percent impairment of body functions , a person who has been diagnosed with a disability under the age of 18, or a person who has not reached the age of 8 replaced by the words " a " .

[3] With the Law of the Republic of Azerbaijan [125-VIQD dated June 2, 2020](#) ("Azerbaijan" newspaper, July 19, 2020, No. 140, [Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 840](#)) on the place of residence from Article 6.1.

[4] With the Law of the Republic of Azerbaijan [125-VIQD dated June 2, 2020](#) ("Azerbaijan" newspaper, July 19, 2020, No. 140, [Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 840](#)) Before the words to this Law in Article 6.2, "On Administrative Proceedings" of the Republic of Azerbaijan and" have been added.

[5] With the Law of the Republic of Azerbaijan [1482-VQD dated February 1, 2019](#) ("Azerbaijan" newspaper, March 14, 2019, No. 59, Legislative Collection of the Republic of Azerbaijan, 2019, No. 3, Article 380) Article 6.3 has been added in the new content.

[6] Article 8.1 was revised by No. [641-IIIQD](#) dated June 13, 2008 (Legislative Collection of the Republic of Azerbaijan, 2008, No. 6, Article 474

The previous editorial said:

~~8.1. When applying for social assistance before the 15th of any month, it is set for a period of 6 months from the 1st of that month, and when applying after the 15th of the month, from the 1st of the following month;~~

8.1- with the Law of the Republic of Azerbaijan [No. 1204-IVQD dated February 24, 2015](#) ("Azerbaijan" newspaper, March 17, 2015, No. 60, ( Legislative Collection of the Republic of Azerbaijan, 2015, No. 3, Article 257 ) The words " 1 year " were replaced by the words " 2 years " in Article c

Article 8.1 the Law of the Republic of Azerbaijan [No. 125-VIQD dated June 2, 2020](#) ( "Azerbaijan" newspaper, July 19, 2020, No. 140 , Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 840 ) in the article, the words " 2 years " were replaced by the words " 1 year ".

[7] According to the Law of the Republic of Azerbaijan No. [648-IIIQD](#) dated June 13, 2008 Legislative Collection of the Republic of Azerbaijan, 2008, No. 7, Article 602 the words "and disabled" in Article 9.0.1, " disabled and or children with disabilities" were replaced by the words, after the words "in boarding houses" "in special educational institutions" were added.

9.0.1 with the Law of the Republic of Azerbaijan [No. 111-VIQD dated May 19, 2020](#) ( "Azerbaijan" newspaper, July 18, 2020, No. 139 , Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 829 ) In the article, the words " in boarding houses for the elderly, disabled or children with disabilities " were replaced by the words " in social service institutions for the elderly and people with disabilities, including children under 18 years of age with disabilities ."

[8] By the Law of the Republic of Azerbaijan No. [641-IIIQD](#) dated June 13, 2008 (Legislative Collection of the Republic of Azerbaijan, 2008, No. 6, Article 474), in Article 9.0.6, after the word "foreigners", "(Republic of Azerbaijan with the exception of those who live permanently in the territory)" were added.

[9] According to the Law of the Republic of Azerbaijan No. [641-IIIQD](#) June 13, 2008 (Legislative Collection of the Republic of Azerbaijan, 2008, No. 6, Article 474), in the second sentence of Article 10.2, after the word "aid", " words were added and the words "2 years" were replaced by the words "1 year"

The Law of the Republic of Azerbaijan [No. 125-VIQD dated June 2, 2020](#) ( "Azerbaijan" newspaper, July 19, 2020, No. 140 , of the Republic of Azerbaijan, 2020, No. 7, Article 840 ) the text of the article is given in a new edition.

The previous editorial said:

~~10.1. In the event of circumstances that may lead to the change of the amount of social assistance or the suspension of its provision (if the composition of the family or income changes), the provision of social assistance is suspended and the right of the family to receive social assistance is reviewed.~~

~~10.2. When one of the situations provided for in Article 10.1 of this Law occurs, the family receiving social assistance must inform the relevant executive authority about it within 7 days. If the circumstances that could lead to non-appointment, reduction of the amount or suspension of social assistance are not reported, that family loses the right to receive social assistance for a period of 1 year.~~

~~10.3. In cases where the aid has been paid due to the failure to provide necessary information about the circumstances that will affect the provision of social assistance , or the provision of incorrect information about the family composition and income of family members , the family receiving social assistance must voluntarily return the amount of the already paid assistance to the relevant executive authority, if they refuse to do so , the dispute is considered in court.~~