

## **Law Of Azerbaijan Republic On Citizens' Provision Of Pensions (excerpts)**

*Adopted by the Law of Azerbaijan Republic No-305 of 23 September 1992, with amendments and supplements in accordance with below given Laws and Decisions*

*The Law of AR No-839 of 28 June 1994*

*The Law of AR No-1090 of 29 August 1995*

*The Law of AR No-321-IQD of 13 June 1997*

*The Law of AR No-358-IQD of 26 June 1997*

*The Law of AR No-375-IQD of 30 September 1997*

*The Law of AR No-646-IQD of 2 April 1999*

*The Decision of the Constitutional Court of AR., dated on 29 December 1999*

*The Law of AR No-817-IQD of 3 March 2000*

*The Law of AR No-70-IIQD of 2 February 2001*

*The Law of AR No-90- IIQD of 20 February 2001*

*The Law of AR No-108-IIQD of 27 March 2001*

*The Decision of the Constitutional Court of AR , dated on 22 May 2001*

*The Law of ARNo-219- IIQD of 23 November 2001*

*The Law of AR No-316- IIQD of 30 April 2002*

*The Law of AR No-333- IIQD of 24 May 2002*

*The Law' of AR No-356- IIQD of 2 July 2002*

*The Law of AR No-357- IIQD of 2 July 2002*

*The Law of AR No-3 98- IIQD of 3 December 2002*

*The Law of AR No-479- IIQD of 17 June 2003*

*The Law of AR No-589- IIQD of 13 January 2004*

### **Article 3. Persons having a right to labor pension**

2. Women, awarded the Ehrentitel "Mother-hero", enjoy the right to get labor pension.

### **LABOR PENSIONS - Pensions on Age**

#### **Article 12. Conditions of granting retirement pension**

The right to retirement pension belongs to:

- women - on attaining the age of 57 and with record of service not less than 20 years.

#### **Article 13. Privileged pensions for work conditions**

The right to the privileged pension due to work conditions on age, regardless the most recent work place have:

a) employees engaged in underground works, in works with harmful and difficult work conditions, sea oil industry workers - according to the list Jfel industries, professions, positions and indexes confirmed by the Cabinet of Azerbaijan Republic:

- women - on attaining the age of 47 and with record of service not less than 15 years, from which at least 7 years 6 months must be at specified works;

b) employees engaged in other works with harmful and difficult work conditions, - according to the list JVe2 industries, professions, positions and indexes confirmed by the Cabinet of Azerbaijan Republic:

- women - on attaining the age of 52 and with record of service not less than 20 years, from which at least 10 years must be at specified works;

c) persons taken part in works on elimination of consequences of Chernobyl APS catastrophe in alienation zone and equaled to them:

- women - on attaining the age of 47 and with record of service not less than 15 years;

d) persons who have dispatcher certificate, engaged in air traffic control:

- women - on attaining the age of 52 and with record of service not less than 20 years, from which at least 10 years must be at direct control of air craft flights;

e) engineers and other technical staff members on air craft service - according to the list confirmed by the Cabinet of Azerbaijan Republic:

- women - on attaining the age of 52 and with common record of service in civil aviation not less than 20 years, from which at least 15 years must be on air craft service;

f) air stewards of air crafts:

- women - on attaining the age of 52 and with common record of service not less than 20 years, from which at least 10 years must be on stewardess position;

g) employees of textile industry involved in looms and machines works -according to the list of industries and professions, confirmed by the Cabinet of Azerbaijan Republic - on attaining the age of 52 and with record of service on specified work not less than 20 years;

h) women working as tractor-drivers, mechanical engineers, traffic and handling machines, installed on the base of tractors and excavators - on attaining the age of 52 and with record of service not less than 20 years, from which at least 15 years must be at specified work;

k) mechanization experts (mechanical dockers) of multiple-skill crews on handling works in ports - on attaining the age of 57 and with record of service not less than 25 years, from which at least 20 years must be at specified work;

l) employees of collective farms, state farms and other agricultural enterprises:

- women - on attaining the age of 52 and with common record of service not less than 20 years, from which at least 15 years must be at specified work;
- women, working as dairymaids (operators of machine milking), poultry-maids, pig-tender-operators - on attaining the age of 52 and with record of service at specified work not less than 20 years.

**Article 14. Pensions to mothers with many children, mothers of disabled children, fathers and custodians independently upbringing children**

Mothers-heroes enjoy the right to full pension on the following conditions:

- irrespective of age and with record of service not less than 10 years;
- on attaining the age of 50 irrespective of record of service.

Women, who have given birth to 3 or more children and brought them up to 8 years, have a right to pension on age on the following conditions:

- having 9 children - on attaining the age of 45 and with record of service not less than 10 years;
- having 8 children - on attaining the age of 46 and with record of service not less than 11 years;
- having 7 children - on attaining the age of 47 and with record of service not less than 12 years;
- having 6 children - on attaining the age of 48 and with record of service not less than 13 years;
- having 5 children - on attaining the age of 49 and with record of service not less than 14 years;
- having 4 children - on attaining the age of 50 and with record of service not less than 15 years;
- having 3 children - on attaining the age of 51 and with record of service not less than 16 years.

On fixing the pension on age on conditions of the present Article, unadopted children of a died mother are considered equally with the blood children of a step mother on the stipulation that their factual upbringing was carried out in the new family up to the age of 8.

Mothers of the disabled children, bringing them up to the age of 8, enjoy the right to the pension on age on attaining the age of 30 and with record of service not less than 15 years.

At that, the disabled children under the age of 16 are referred to the list of handicapped persons from birth.

The period of taking care of children is included to the record of service in case of its determination in accordance with the present Article.

Fathers, independently bringing up 3 and more children up to the age of 8 because of mother's death or divorce with her, or deprivation of her mother's rights, without re-marrying, as well as custodians, independently bringing up the adopted 3 or more children up to the age of 8, enjoy the right to pension on attaining the age of 55 and with record of service not less than 20 years.

### **Article 15. Pensions to blind citizens, Lilliputians and dwarfs**

Blind citizens (invalids of the I group on vision), as well as persons sick with hypophysial nanism (Lilliputians) and disproportional dwarfs have a right to pension on age:

- women - on attaining the age of 42 and with record of service not less than 10 years.

### **Article 16. Pension on age to war invalids**

Military men, who became invalids because of injury, confusion or any other mutilation, got in the period war or on performing other military service duties, or because of disease connected with being on front, have a right to pension:

- women - on attaining the age of 52 and with record of service not less than 20 years.

### **Article 19. Pensions with incomplete record of service**

The right to pension on age with incomplete record of service and with minimum 5 years record of service, giving the right to get pension, have:

- women - on attaining the age of 57 years.

Women with 3 and more children, as well as mothers of handicapped children from birth, who have not less than 5 years of record of service, giving the right to pension, have a right on labor pension with incomplete record of service on attaining the age determined by Article 14 of the present Law.

### **Article 35. The period for which the disability pension is granted**

Pensions are granted for the whole period of disability, determined by medico-labor commission of experts, and life pension to the disabled men older than 62 and women

older than 57 years old, and their re-examination is carried out only by personal application.

#### **Article 40. Family members who have a right to pension**

Disabled family members of the died person, which were dependent on him/her, have a right to pension (Article 44). Regardless of the fact dependency-on the died person, in case of loss of a bread-winner, the right to pension belongs to disabled:

- parents, children, widows of citizens perished in war;
- children of the died citizens as well as one of the persons, indicated in point 'c' of the present Article.

Disabled family members are considered to be:

a) children, brothers, sisters and grandchildren not attained the age of 18 or over age if they became invalids before attaining the age of 18.

Brothers, sisters and grandchildren have the right to pension if they do not have able-bodied parents.

Students, studying in full-time internal sections of educational institutions, have the right to pension in case of loss of a bread-winner before graduating from the institutes, but not further than attaining the age of 23.

b) a father, a mother, a wife if they attained the pension age (men - 62, women -57) or if they are invalids;

c) one of the parents or a spouse, or a grandfather, a grandmother, a brother, a sister, irrespective of age and ability to work, if he (she) is engaged in taking care of children, brothers, sisters, grandchildren of the dead or perished breadwinner, which haven't attained the age of 8 and do not work;

d) a grandfather and grandmother - in case of absence of persons who are obliged to keep them, according to the law.

Parents of the died person, who were not dependent on him/her, have the right to pension in case of his/her death, if afterwards they lost the source of livelihood.

#### **Article 41. The right to pension of stepfather, stepmother, stepson and stepdaughter**

A stepfather and a stepmother have a right to pension equally with a father and a mother, if they brought up or maintained the died stepson or stepdaughter not less than 5 years.

A stepson and a stepdaughter have a right to pension equally with blood children.

#### **Article 43. Suspension of paying pensions during a new marriage**

Payment of pension, granted for the loss of a bread-winner-spouse, is suspended at getting into a new marriage.

#### **Article 52. Pension to families of died pensioners**

The pension to family members of a died pensioner is granted on common basis, irrespective of his common record of service.

#### **Article 53. The period for which the pension is granted**

The pension is granted for the whole period, during which a family member of a died person is disabled, and family members attained the age of: men - 62, women - 57 - for a life time.

#### **Article 59. Conditions determining the right to pension of a flight and testing-flight crew of the civil aviation**

The right on long-service pension belongs to: men with long service not less than 25 years, women - not less 20 years on positions of a flight and testing-flight crew, dismissed from the flight job for state of health - men with long service not less than 20 years, women - not less than 15 years on positions of flight and testing-flight crew

The order of calculation of labor record of service of a flight and testing-flight crew is approved by the Cabinet of Azerbaijan Republic.

**Article 60. Conditions determining a right to pension in connection with pedagogical activity in educational institutions and children's educational facilities**

The right to long-service pension, relating with pedagogical activity in educational institutions and children's educational facilities on the list, approved by the Cabinet of Azerbaijan Republic, belongs to men with record of service for not less than 25 years, women - not less than 20 years.

**Article 61. Conditions, determining a right to pension in connection with medical and any other work on protection of health of population**

The pension on long-service in connection with medical and any other work on protection of health of population fixed according to the list, approved by the Cabinet of Azerbaijan Republic for men with record of service not less than 25 years, women - not less than 20 years at specified work in countryside and settlements of urban type (except settlements of towns of the republican subordination).

**Article 63. Conditions, determining a right to pension of employees of separate kinds of positions of the naval personnel of marine and the fleet of fishing industry**

Workers of separate professions and positions of the naval personnel of marine and the fleet of fishing industry have a right to long-service pension according to the list approved by the Cabinet of Azerbaijan Republic:

- women -with record of service on these crafts, on these professions and positions for not less than 20 years.

**Article 65. The amount of pension on long service**

On granting of the pension on long service from the number of a flight and testing-flight crew, dismissed from the flight job for state of health, the main amount of the pension is reduced at 2% for every year, missing for the required working record of service: 25 years - for men, 20 years - for women.



## **SOCIAL PENSIONS**

### **Article 90, Citizens having a right to social pension**

Social pensions are granted and paid to the following categories of disabled unemployed citizens, who do not have a right to labor pension:

- persons, attained the age: of 67 - for men; 62 - for women;
- on attainment of the age of 57 - mothers, who gave birth and brought up 3 and more children up to the age of 8;
- on attainment of the age of 57 mothers of handicapped children from childbirth, who brought them up to the age of 8;
- one of the parents or a spouse, or a grandfather, a grandmother, a brother, a sister, irrespective of age and ability to work, if they are engaged in taking care of children, brothers, sisters or grandchildren under the age of 8 of the died bread-winner and if they do not work.