



Animal Protection Index (API) 2020

Republic of Azerbaijan: ranking G

Executive summary

There is a lack of overarching animal welfare legislation in Azerbaijan. The country's legislation does not recognise animal sentience, and animals lack basic protection. Only brutal treatments causing death or severe injuries to animals are prohibited in the **Code on Administrative Violations**. There is no duty of care onto animal owners. There is a clear lack of legislation regarding the rearing, transport and slaughter of farm animals, as well as the utilisation of animals in scientific research. Azerbaijan also authorises the culling of stray animals. Furthermore, the country allows for the use of animals for fur farming and entertainment purposes, such as circuses.

The Ministry of Ecology and Natural Resources is responsible for the conservation of wild animals in Azerbaijan. However, there is no Ministry responsible for animal welfare. There is a lack of government bodies dedicated to animal welfare in general, as well as to specific animal welfare issues, such as the use of animals in scientific research.

The Government of Azerbaijan is urged to enact a comprehensive animal welfare legislative act that would enshrine animal sentience, define animal welfare in line with the OIE standards, and prohibit animal cruelty. Further animal welfare provisions will stem from this recognition of sentience. In particular, the Government of Azerbaijan is urged to ban the worst forms of confinement for animals reared in farming, and to mandate humane slaughter for all livestock animal species. In addition, the Government of Azerbaijan is strongly encouraged to fully ban fur farming, which is inherently cruel and causes pain, distress and suffering to animals. The Government of Azerbaijan is urged to outlaw the culling of stray animal populations, and to implement spay-and-neuter campaigns as a tool to control stray animal populations. The Government of Azerbaijan is also strongly encouraged to ban the use of all animals for entertainment, including their use in circuses. Overall, the Government of Azerbaijan is strongly encouraged to align its current legislation with OIE standards. Responsibility for animal welfare should be allocated to a Ministry, and a specific government body should enact and ensure the implementation of animal protection legislation. Such a government body should include representatives from animal welfare organisations. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	G
<p>Brutal treatments of animals, defined as resulting in their death or severe injury, is prohibited by the Code of the Azerbaijan Republic on Administrative Violations¹ (Article 129). Apart from this minimal protection, the Government has not developed any policy or legislation by which animal sentience is acknowledged or recognised.</p> <p>Analysis</p> <p><i>As it stands today, there is no formal evidence or signal from the Government to recognise sentience as an independent issue that will inform discussions of animal issues in the country. As such, sentience is not included and does not inform public policies that could be potentially linked to animals, such as environmental or sustainable production policies.² The Code of the Azerbaijan Republic on Administrative Violations recognises that animals can suffer, by prohibiting causing them 'severe injury', however, this protection is minimal. Furthermore, as the term 'animal' is not defined in the Code, it remains unclear as to which animals this basic protection applies.</i></p> <p><i>Following the publication of the first API in 2014, the Government still does not appear to consider animal welfare an important issue. This is concerning, especially considering Azerbaijan is a member of the OIE, which has guiding principles on animal welfare that are based on the premise that animals are sentient beings.</i></p>	
Enforcement mechanisms	
<p>According to the Code of the Azerbaijan Republic on Administrative Violations, persons involved in causing brutal treatments to animals are to be fined 25 to 45 manats (approximately US\$15 to US\$17). However, there is no enforcement mechanisms arising from the recognition of animal sentience.</p>	
Key recommendations	
<ul style="list-style-type: none">• Given the extensive body of scientific evidence proving that animals are sentient, the Government of Azerbaijan is urged to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are	

¹https://www.legislationline.org/download/id/3439/file/Azerbaijan_Code%20on%20Administrative%20offences_2000_eng.pdf

² <http://www.aspa.az/enconvproject.html>



sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.

2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation	
Ranking	F
<p>There is no legislation dedicated to animal welfare in Azerbaijan. Brutal treatments of animals, defined as resulting in their death or severe injury, is prohibited by the Code of the Azerbaijan Republic on Administrative Violations (Article 129). Persons involved in such animal are to be fined 25 to 45 manats (approximately US\$ 15 to US\$ 27).</p> <p>Analysis</p> <p><i>The mention of animal cruelty in the Code of Administrative Violations is a good first step towards establishing further animal protection provisions. However, the definition of animal cruelty is very succinct in this Code. Animal cruelty necessitates more extensive legislation, with further details as to what is considered animal abuse. Furthermore, the law should prohibit cases of negligence, and a failure to act in case of animal cruelty. At present, the application of this Code is limited since the term 'animal' is not defined. There is no indication given as to which animal species are concerned by Article 129, or what are the authorities responsible for monitoring the treatment of animals. As a result, the ability to implement this law is severely restricted.</i></p> <p><i>Following international trends, developing national legislation and policies to promote animal protection by preventing acts and omissions which cause animal suffering are the first steps to reach a comprehensive animal protection in any given country. Similar economies and some neighbouring countries in the region have taken this step, hence Azerbaijan is encouraged to follow this trend.</i></p>	
Enforcement mechanisms	
<p>According to the Code of the Azerbaijan Republic on Administrative Violations, persons involved in causing brutal treatments to animals are to be fined 25 to 45 manats (approximately US\$15 to US\$17). Such a fine is very small; hence it can be doubted that this Article will effectively prevent animal cruelty.</p>	
Key recommendations	
<ul style="list-style-type: none"> • The Government of Azerbaijan is strongly encouraged to adopt basic anti-cruelty legislation preventing animal suffering by deliberate acts or negligence. Animal cruelty cases should be prosecuted with sanctions such as fines and imprisonment. 	



Goal 2: Presence of animal welfare legislation

3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation	
Ranking	G
<p><u>Rearing</u></p> <p>There are no animal protection laws with regards to animals used in farming. A law on animal breeding, passed on 18 December 2007 (No. 516 IIIG),³ covers issues on animal productivity, genetic enhancement, embryos and administrative procedures regarding reproduction, but contains no animal welfare components. Veterinary Act No. 922-IIQ,⁴ amended in September 2014, disciplines veterinary medicine. None of these laws address the welfare of animals.</p> <p>Since the API was first published in 2014, the Government of Azerbaijan has published a Concept note entitled 'Azerbaijan 2020: Look into the Future', whereby the government sets out its priority areas of policy for 2020.⁵ Emphasis is put on growing and modernising the agricultural sector.</p> <p><u>Rearing – pigs</u></p> <p>No legislation has been found specifically relating to the rearing of pigs.</p> <p><u>Rearing – broiler chickens</u></p> <p>No legislation has been found specifically relating to the rearing of broiler chickens.</p> <p><u>Rearing – egg-laying hens</u></p> <p>No legislation has been found specifically relating to the rearing of egg-laying hens.</p> <p><u>Rearing – dairy cattle and calves</u></p> <p>No legislation has been found specifically relating to the rearing of dairy cattle and calves.</p> <p><u>Transport</u></p> <p>No legislation has been found specifically relating to the transport of farm animals.</p> <p><u>Slaughter</u></p>	

³ <http://extwprlegs1.fao.org/docs/pdf/aze159029.pdf>

⁴ <http://extwprlegs1.fao.org/docs/pdf/aze159225.pdf>

⁵ <http://extwprlegs1.fao.org/docs/pdf/aze176989.pdf>

Brutal treatments of animals, defined as resulting in their death or severe injury, is prohibited by the Code of the Azerbaijan Republic on Administrative Violations (Article 129). Apart from this provision, no legislation has been found specifically relating to the slaughter of farm animals.

Analysis

The fact that the country has not developed any policy or legislation in relation to animals used in farming means that very large numbers of animals are left outside any potential legal protection. The Government does not appear to have any interest in animal welfare as an issue separate to that of animal health. The only protection granted in the law focuses on not causing the 'brutal death' of animals, which is not equivalent to mandating the humane slaughter of farm animals.

Furthermore, the lack of legislation or policy for animals used in farming makes it very difficult, in fact almost impossible, for other categories of animals to be considered in decision-making debates in the country. It is noted as a concern that the only laws found on animals in farming appear to be focused on productivity, enforcing the perception of animals as mere commodities, thus undermining the chance of animal welfare discussions taking place in the near future.

In addition, the Government's Concept Note focuses on increasing the productive capacity of the agricultural sector. Increasing the productive capability of existing agrarian processing enterprises through 'modern technologies' is detrimental to animal welfare, if livestock farming incorporates the same techniques as factory farming. Azerbaijan intends to produce 'eco-friendly-agricultural and food products', yet no mention is made of ensuring animal welfare standards, despite increasing production of agricultural outputs.

Enforcement mechanisms

According to the Code of the Azerbaijan Republic on Administrative Violations, persons involved in causing brutal treatments to animals are to be fined 25 to 45 manats (approximately US\$15 to US\$17). However, since there is no legislation associated with the rearing and transport of farm animals, there is a lack of enforcement mechanisms for this category of animals.

Key recommendations

- **The Government of Azerbaijan is urged to enact legislation detailing specific welfare requirements for farm animals during the phases of rearing, transport and slaughter. Such requirements should be legally binding and species-specific. Regular inspections onto farms and slaughter establishments should be carried out with a special focus on animal welfare.**
- **In addition, the Government is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum of 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.**

- The Government of Azerbaijan is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.⁶ Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.
- Legislation regarding the transport of animals should protect their Five Freedoms. Due to the significant animal welfare concerns associated with long distance transport, the Government of Azerbaijan is strongly urged to ban the export of live animals for long distances (i.e. over than eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	E
<p><u>Zoos</u></p> <p>Azerbaijan has legislation on the conservation of wild animals (Law of the Azerbaijan Republic on Fauna - 4 June 1999 (No.675-IG)).⁷ Some of its provisions apply to animals kept in 'confined' and 'semi-confined' conditions, zoo collections and other forms of private captivity. The legislation includes some duties on owners and keepers of animals, similar to a duty of care, in specified circumstances such as the treatment of illness, natural disasters and emergency situations. In addition, a general provision in the law includes responsibility for the violation of legal protection for cases of cruelty to animals, a provision which unfortunately does not offer further insights into its meaning as to enable a clear assessment.</p> <p><u>Private keeping of wild animals</u></p>	

⁶ [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))
⁷ <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC132754>



Municipal Decree No. 117 (2000)⁸ on Native Wildlife Species lists the species that may be privately and municipally owned, namely: mammals, birds, reptiles, amphibians, fish, cyclostomes, molluscs, worms, arthropods, cnidarians and prokaryotes. The specified animal species shall only be owned by municipalities and private owners with a certificate issued by the State Committee of Control over Ecology and the Use of Natural Resources and the State Concern 'Azerbalig'.

Fur farming

No legislation has been found specifically relating to fur farming.

Analysis

The European Convention for the Protection of Pet Animals lays down important principles for the welfare of companion animals, notably by creating a positive duty of care onto animal owners and through prohibiting the abandonment of companion animals. It is also positive that the Convention prohibits surgical procedures on companion animals for appearance purposes.

However, the Convention does not provide as strong protections for the welfare of stray animals. In fact, the Convention authorises the killing of stray animals, instead of mandating their rehoming or placing them in a non-kill shelter.

It is positive that Law No. 65-IG contains a duty of care with regards to animal keepers and prohibits cruelty towards animals. However, the wording of the law is quite vague, and it is not apparent that the Five Freedoms of animals kept in captivity should be respected. Furthermore, it is not explicit that zoos must be licenced to operate.

Most of the regulations of the Law on Fauna (No.675-IG) are related to conservation and resource management; hence this legislation does not support effective protection of individual animals of those species that are likely to be kept captive. This legal precedent could make it difficult to introduce elements of protection into future legislation. In addition, the law regulates different forms of 'use' of animals, which is quite indiscriminate and imprecise, making it relatively easy to fall under these descriptors. The law specifically removes from its protection farm animals and tame animals and does nothing to discourage the captivity of wild animals except to introduce some administrative regulations to keep such animals and to offer additional protection to animals listed in the 'Red Book'.

It is positive that there are some restrictions with regards to the private keeping of wild animal species. However, Municipal Decree No. 117 states that to apply for a permit to keep such a wild species in a home environment, the application should contain information about the 'purpose' of and the 'conditions of storage', however, there is no criteria mandating adequate animal welfare standards.

Furthermore, it is regrettable that cruel practices such as fur farming is not restricted in legislation.

Enforcement mechanisms

⁸ <http://extwprlegs1.fao.org/docs/pdf/aze163100.pdf>

Article 44 of the Law on Fauna (No.675-IG) describes the provisions that the ‘appropriate executive bodies’ have to seek enforcement of this legislation, including detaining individuals and vehicles, and reviewing documents. There are some unclear references in terms of the mechanisms. For instance, there is a reference to crimes and law enforcement agencies, but no further explanation of what constitutes a crime and how this differs from the administrative infractions mentioned in the text, apparently leaving officials with some level of discretion in enforcement.

However, since no legislation has been found on animals used for fur, there are no enforcement mechanisms associated with this category of animals.

Key recommendations

- The Government of Azerbaijan is highly encouraged to produce detailed legislation specifying the conditions under which wild animals may be kept in captivity. Such regulations should include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of all individual animals.
- The Government of Azerbaijan is encouraged to amend Law 675-IG so that all zoos and facilities with animals in captivity should be licenced. Such a licence should not be granted if the Five Freedoms of the captive animals are not guaranteed. Furthermore, the Government of Azerbaijan should mandate regular inspections to be carried out at zoos. Results of such inspections should be made publicly available.
- The Government of Azerbaijan is encouraged to develop a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.
- The Government of Azerbaijan is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	G
<p><u>Care of companion animals</u></p> <p>The European Convention for the Protection of Pet Animals⁹ is a treaty of the Council of Europe to companion animals and ensure minimum protection standards. Signed in 1987, the treaty entered into force in 1992 and is now open to countries outside members from the Council of Europe. As of</p>	

⁹ <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007a67d>



March 2019, the Convention has been ratified by 24 countries, among which Azerbaijan in 2003, with an entry into force in 2008.

Apart from this international Convention, the Government has no basic animal protection legislation of its own with regards to companion animals.

Stray animals

No legislation has been found specifically relating to stray animals.

Analysis

As Azerbaijan does not currently have an overarching animal protection legislation, it is difficult for issues such as the protection of companion animals to be improved in the country. Although it is significant that the country has signed the European Convention for the Protection of Pet Animals as a first step towards changing conditions for companion animals, this does not appear to have resulted in any effective animal welfare discussions in the country.

Reports of inhumane culling of cats and dogs in the capital Baku appeared internationally as the country prepared to host the 2012 Eurovision Song Contest.¹⁰ In an interview in late 2012, the Chief of the Enforcement Department in Baku said that stray dogs would in the future be caught and kept in a designated compound, and that it could be possible for the skin of stray dogs to be used in the future.¹¹ This comment demonstrates a poor understanding of international animal welfare concerns regarding humane treatment of companion animals, and of actions taken by countries such as the European Union 27 Member States to prohibit the production of cat and dog fur. Further reports of culling activity persisted from 2013 and 2015 ahead of the European Games.^{12,13}

Enforcement mechanisms

The European Convention for the Protection of Pet Animals does not contain any enforcement mechanisms. As such, there are no enforcement mechanisms for this indicator.

Key recommendations

- **The Government of Azerbaijan is urged to enact a comprehensive animal welfare act, which should include a duty of care of animal owners onto their companion animals. The Government should also promote responsible pet ownership, with encouraging adoption over the purchase of commercially bred companion animals.**
- **The Government of Azerbaijan is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and**

¹⁰ <https://iwpr.net/global-voices/stray-dogs-lose-out-azerbaijan-prepares-eurovision>

¹¹ <http://news.milli.az/society/85621.html#comments>

¹² <http://www.rferl.org/content/azerbaijan-dog-cull-video/25061562.html>

¹³ <https://www.independent.co.uk/news/world/video-reveals-appalling-dog-cull-as-azerbaijan-clears-streets-ahead-of-european-games-10090330.html>

reproduction control programmes. Culling is unnecessary, cruel and has been proven to be ineffective.

- The Government of Azerbaijan is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.

6. There are laws that apply to animals used for draught or recreational purposes

Analysis of the legislation	
Ranking	G
<p><u>Animals used for entertainment</u></p> <p>No legislation has been found specifically relating to animals used for entertainment. Azerbaijan</p> <p><u>Draught animals</u></p> <p>Law No. 255-IIIQ (2007)¹⁴ sets out the duties of the Government with regards to horse breeding. More precisely, it determines the principles on certification, state control, registration and reproduction procedures of horse breeding and pedigree horses, horse selection-breeding programmes, artificial insemination of horses, scientific research on horse breeds and export and import of horses.</p> <p>Apart from Law No. 255-IIQ, there is no evidence of policy or legislation pertaining to working animals.</p> <p><u>Analysis</u></p> <p><i>There is a clear lack of legislation and policy regarding the welfare of animals used for draught and animals used for entertainment purposes. With regards to animals used for draught, Law No. 225-IIIQ holds the Government accountable by creating a legal basis for horse breeding, however, this legislation is motivated by the conservation of genetic resources of pedigree horses. As such, no mention of horse welfare is made.</i></p> <p><i>With regards to animals used for entertainment, there is evidence of public adverts from circuses with wild performing animals in the country, indicating that it the practice is most likely legal there in the</i></p>	

¹⁴ <http://www.fao.org/faolex/results/details/en/c/LEXFAOC159030>

country.¹⁵

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- The Government of Azerbaijan is highly encouraged to enact an animal welfare act, which would prohibit the use of animals for entertainment purposes. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on wild animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.
- The Government of Azerbaijan is strongly encouraged to adopt specific legislation to address the welfare of working animals, including working equids, following the requirements of the OIE's animal welfare standards. Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition that may impair their welfare must be treated promptly and, if necessary, they must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

7. There are laws that apply to animals used for scientific research

Analysis of the legislation

Ranking

G

There is no evidence of policy and legislation for this category of animals.

Analysis

Azerbaijan has not developed any legislation or policy aimed at protecting the welfare of different animal categories including animals used for scientific research. In the Law of Fauna (No.675-IG) there is a reference to research as this activity appears in the list of accepted 'uses' of animals in the country in a series of articles that regulates paying fees and other administrative procedures for research, cultural, educational and aesthetic purposes. The law does not give indications or guidelines as to what should be understood by the word research in this context, but rather refers to the circumstances in which such activities take place, namely by considering separately activities that involve, or do not involve, taking animals from their natural habitat. As this law addresses mainly issues that relate to conservation, it is not possible to conclude that these provisions apply to the category of

¹⁵ <https://www.azernews.az/culture/142523.html>



animals used in research and therefore none of these provisions can be said to have a positive impact on animal welfare in the country.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- The Government of Azerbaijan is urged to enact legislation which would protect all animals used in scientific research from unnecessary pain and suffering. The Three Rs principles – Replacement, Reduction, Refinement – should be enshrined in legislation.
- The Government of Azerbaijan is encouraged to create ethics committees, in charge of scrutinising applications for animal research. Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must have full responsibility for animal welfare at all times.
- Furthermore, the Government of Azerbaijan is urged to ban the testing of cosmetic products and their ingredients on animals.

8. There are laws that apply to wild animals

Analysis of the legislation

Ranking

E

Azerbaijan has several laws pertaining to environmental protection (No. 678-IQ¹⁶ and a 2006-2015 National Action Plan on strengthening the capacity to respond to challenges of biodiversity conservation, climate change and desertification/land degradation¹⁷) but no mention of animal protection is made.

The National Constitution of Azerbaijan¹⁸ includes in Article 39 the 'right to a healthy environment' and, as such, the state is said to guarantee the preservation of the ecological balance and protection of wild plants and animals as are determined by law. As such, some legislation has been produced, notably the 1999 Environmental Protection Law (No. 678-IQ). The purpose of this Law is to guarantee environmental safety and the ecological balance of the environment, prevent the impact of

¹⁶ <http://extwprlegs1.fao.org/docs/pdf/aze32661.pdf>

¹⁷ https://www.preventionweb.net/files/60655_azerbaijan.pdf

¹⁸ <https://www.wipo.int/edocs/lexdocs/laws/en/az/az057en.pdf>



socioeconomic and other activities, preserve biological diversity, and effectively manage the use of nature.

In addition, the 1999 Law of the Azerbaijan Republic on Wildlife (No. 675-IG) contains provisions relating to wild animals, which are complemented by the 'Red Book', an official document on the protection of specific endangered species.¹⁹ Article 73 of the Code of the Azerbaijan Republic on administrative violations forbids to take animals from their natural habitat, without permission defined by Law of the Azerbaijan Republic on Wildlife.

Since 1979, Azerbaijan has also approved the Convention on the Conservation of European Wildlife and Natural Habitat (the Bern Convention),²⁰ which entered into force in 1999. The aim of this Convention is to ensure conservation of wild flora and fauna species and their habitat, with special attention given to endangered and vulnerable species.

In addition, a series of Ministerial Decrees specifically apply to the protection of wildlife. Decree No. 117 (2000)²¹ sets out provisions on environmental safety standards to ensure protection of wildlife and habitats and to avoid environmental hazards. This Decree underlines that waste disposal, oil spill and radioactive waste disposal into wildlife habitats are prohibited.

Decree No. 176 (2004)²² establishes fees for the 'efficient use of wildlife' and fines for illegal hunting. Such revenues are collected by the state treasury and transferred to the state fund for protection of the environment.

Analysis

Overall, the existing legislations with regards to wild animals is focused on the conservation of species and does not consider the welfare of individual animals. The fact that Ministerial Decree No. 176 dictates the 'efficient use of wildlife' clearly shows that wild animals are recognised in the law for their use by humans. Although the existing legislation does not cover specifically animal welfare provisions, it does include measures to protect certain species of wild animals from exploitation. It should be highlighted as a progressive step that Azerbaijan punishes all legal persons for the poaching of wildlife, which is a much broader consideration than focusing on natural persons. The Government is encouraged to build on the foundations of such legislation and to promote the welfare of all wild animals.

No clear provision was found in this law about the allocation of responsibilities for activities relating to this indicator. The Law on Wildlife (No.675-IG) has indications in Article 8 on public executive bodies and organisations in charge of administrating the resources that this law is protecting. These provisions are somewhat undefined and further clarification could be sought, probably via secondary legislation. In relation to wildlife, Articles 47 to 51 present a list of elements that are part of the budget allocated for activities related to wildlife conservation, including a quota on the federal budget and

¹⁹ <http://redbook.az/>

²⁰ <https://www.coe.int/en/web/bern-convention>

²¹ <http://extwprlegs1.fao.org/docs/pdf/aze163101.pdf>

²² <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC160381>



funds obtained from fines and compensation by individuals responsible for wildlife and environmental damages. However, there is no clear indication of what this entails.

Enforcement mechanisms

Mechanisms described in Article 44 of the Law on Wildlife (No.675-IG) seem to be designed for protection of certain species for conservation grounds and include inspections, checks and other police prerogatives. Further than that, there are indications of procedures and forms of evidence gathering for violations regarding wildlife protection. Ministerial Decree No. 176 (2004) mandates fines in case of illegal hunting.

Article 73 of the Code of the Azerbaijan Republic on administrative violations forbids to take animals from their natural habitat, without permission defined by Law of the Azerbaijan Republic on Wildlife. This activity entails imposition of fines: i) 250-500 manats (150-295 USD) for natural persons ii) 2,000-2,500 manats (1,180-1,475 USD) for officials and iii) 5,000-7,500 manats (2,945-4,420 USD) for legal persons.

Key recommendations

- **The Government of Azerbaijan is encouraged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself and one's family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.**

Goal 3: Establishment of supportive government bodies

9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation

Ranking

F

The Ministry of Ecology and Natural Resources of Azerbaijan is responsible for the protection of wild animals, although the remit of the legislation at present does not extend to animal welfare. There is no evidence to suggest that any government body has been given responsibility for improving animal protection, other than for wild animals.

In addition, Ministerial Decree No. 176 (2004) outlines the conditions under which wild animal can be used and hunted. Fees for efficient use of wildlife and fines for illegal hunting of wild animals shall



be collected by the State Treasury and transferred to the State Fund for protection of the environment or to special funds of relevant authorities established for the conservation and management of protected areas. This Decree underlines that the Ministry of Ecology and Natural Resources shall allocate fund for the protection and the improvement of rare and endangered species of wild fauna, environmental audit and monitoring of wildlife. However, this Decree is much more focused on the conservation of the species rather than the protection of individual animals. As such, it appears that animal protection is not part of the government's agenda. This is confirmed by the Concept note outlining Azerbaijan's goals for 2020: albeit focusing on environmental protection and ecological issues, there is no mention of animal protection.²³

The Law on Fauna (No.675-IG) has some sections on administration and authorities; however, with the authorities that are designated as 'the appropriate executive bodies' in both Azerbaijan and Nakhichevan, there are no legal provisions describing the bodies, their conformation or the way in which responsibility is assigned to such authorities. Likewise, there are no provisions concerning financial resources in this law.

Analysis

Taking into consideration that the protection of wild animals in existing legislation focuses on aspects relating to conservation issues, and that certain activities which could have a negative impact on animal welfare have been legitimised or supported by legal provisions, discussions involving animals and animal welfare are challenging in the country.

The lack of recognition of the importance of animal welfare as an issue separate to those of animal health and disease control is a considerable barrier to progress. There was no evidence found in legislation that responsibility for animal welfare was allocated in the country (outside the limited remit of the protection of wild animals). This is an obstacle for the production of legal mechanisms that promote the production of legislation and policy to improve animal welfare. It is worth noting that in the case of wild animals, there is evidence of responsibility being allocated to executive bodies of the Government and a share of the federal budget being dedicated to this activity. The country could benefit from extending such organisational system to other categories of animals.

Enforcement mechanisms

The responsibilities of relevant government bodies are set out in legislation. However, no Ministry has direct responsibility for animal welfare.

Key recommendations

- **The Government of Azerbaijan is urged to assign responsibility for animal welfare, in addition to wild animal conservation, to a Ministry. This Ministry should be responsible for enacting animal welfare legislation and ensure the effective implementation of animal welfare standards.**
- **In addition, the Government of Azerbaijan is strongly encouraged to create a multi-stakeholder committee in order to effectively engage all actors involved in maintaining animals'**

²³ <http://extwprlegs1.fao.org/docs/pdf/aze176989.pdf>



well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.

Goal 4: Support for international animal welfare standards

10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

Analysis of the legislation	
Ranking	G
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.²⁴</p> <p>Despite being one of the 182 member countries of the OIE, Azerbaijan has not incorporated the OIE's guiding principles for animal welfare into policy nor legislation. No mention of the Five Freedoms has been found in the country's legislation.</p> <p>Analysis</p> <p><i>The OIE's standards on animal welfare not only represent a consensual position achieved by countries represented in the organisation with regards to this subject matter, but also provide the necessary scientific background to produce sound policy and legislation on animal welfare. Azerbaijan has participated in the OIE discussions of the standards, and therefore, the Government should be familiar with them. By developing policy and legislation focusing on the standards, the country could improve its overall system of animal protection.</i></p> <p><i>The country has severe limitations in its progress towards transposition and implementation of the OIE's standards. This does not appear to be an area of priority work and spending for the Government.</i></p>	
Enforcement mechanisms	
<p>There is no legislation relevant to this indicator, hence no relevant enforcement mechanisms.</p>	
Key recommendations	
<ul style="list-style-type: none"> • The Government of Azerbaijan is strongly encouraged to implement the OIE animal welfare standards and principles within policy and legislation. 	

²⁴ <http://www.oie.int/infographic/StandardsAW/index.html>



11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

Analysis of the legislation

The Government of Azerbaijan has not pledged in principle support for the Universal Declaration on Animal Welfare (UDAW).

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

Support for the UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a soft law source for decision makers interested in improving animal protection in the country.

The Government has not expressed a desire to improve animal protection in the country. The lack of recognition of the importance of animal welfare as an issue separate to those of animal health and disease control is a considerable barrier to progress.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- **The Government of Azerbaijan is encouraged to pledge in principle support for the UDAW. Support for the UDAW will likely underpin further animal protection measures.**

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