**Response from Azerbaijan to questionnaire for Special Rapporteur on toxics and human rights**

**Mercury, artisanal and small-scale gold mining and human rights**

According to the Article 11 of the Law of the Republic of Azerbaijan No. 565-IQ of December 23, 2003 "On the list of items that may belong to some participants of civil turnover and whose inclusion in civil circulation is allowed by special permission (civil circulation is restricted)" substances with a strong effect, except narcotic drugs and psychotrops or toxic substances are included in the list of items with restricted civil circulation.

Metallurgical mercury and its salts (except import and export of lighting, meters, and other devices which has technical documents) are listed in the list of toxic substances in accordance with paragraph 30 of Annex 2 of the Law of the Republic of Azerbaijan of March 18, 2016 № 180-VQ "On approval of lists of substances with a strong effect and their quantities, as well as toxic substances".

According to the mentioned legislation the import and export of mercury is may be allowed in exceptional cases, with special permission obtained from the Cabinet of Ministers of the Republic of Azerbaijan.

Artisanal and small scale gold mining is not practiced in Azerbaijan, and in general is not a known activity in Azerbaijan. However, abovementioned legislation prohibits illegal trade of mercury for the purpose of all kind of activities.

According to the Article 398 of the Administrative Code of the Republic of Azerbaijan illegal trade and supply of restricted substances, including mercury is a subject to penalties in the ammount of up to four times more than obtained from the illegal trade and supply. Moreover, according to the Article 192 of the Criminal Code of the Republic of Azerbaijan illegal trade and supply of restricted substances, including mercury is a subject to up to 7 years of prison.

The use of imported mercury in accordance with the purpose is determined by the requirements of the "Rules for the control of circulation of goods with restricted civil circulation and compliance with its conditions" approved by the Cabinet of Ministers of the Republic of Azerbaijan dated May 8, 2006 No. 120 and "Additional conditions required for the circulation of restricted goods, depending on the nature of the cctivities'.

According to the paragraph 1.8 of the "List of goods and items prohibited for sending by post", approved by the Cabinet of Ministers of the Republic of Azerbaijan of December 9, 2004 № 191, mercury is included in the list of prohibited items for sending to the Republic of Azerbaijan by international as well as local post.

Country has not joined Minamata Convention on mercury yet, but takes meaningful steps to do so. International support and assistance is required for ratification and early implementation of the Convention in Azerbaijan.

Initial such support was conducting Minamata Initial Assessment in 2016-2017. The assessment shows that there is no ASGM activities practiced and observed in Azerbaijan.

It is worth mentioning that chlorine-alkaline and lamp plants, based on mercury technology were completely closed and decommissioned in Azerbaijan several years ago, well in advance of the Minamata Convention itself.

Official gold mining in Azerbaijan is conducting using modern technology and techniques. However, this activity is also a source of the mercury. Mercury vapors are captured by a special device and collected in hermetic containers, which minimize emissions to the environment. The collected mercury is sold as a non-ferrous metal to foreign countries, mostly to the Parties to the Minamata Convention, in accordance with the requirements of the legislation and relevant regulations.

Workers engaged in the processing of gold are provided with special personal protective equipment. Regular monitorings are being conducted to check the presence of mercury vapor in the processing area. In order to control the mercury exposure, employees periodically (once per month) passes appropriate analyses and medical examinations at the expense of the employer.