



**Permanent Mission
of the Republic of Azerbaijan
to the UN Office and other
International Organizations**

GENEVA

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the letter of the Special Rapporteur on the human rights to safe drinking water and sanitation dated 28 November 2019, has the honour to transmit herewith the information received from the relevant authorities of the Government of the Republic of Azerbaijan in response to the questionnaire.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 4 pages

Geneva, 18 March 2020



**Office of the United Nations
High Commissioner for Human Rights
GENEVA**

Current situation and trends

1. How does the private sector participate in water and sanitation provision in your country? Please clarify the modalities of relationship with the different tiers of government and types of contracts.

Please provide information separately for water service provision and sanitation service provision.

In accordance with the State Programs for the development of water supply and sewage systems in the capital city and regions of the Republic of Azerbaijan, the State owned Water Operating Company "Azersu" OJSC, carries out design, construction and operation of water supply and sewage with the involvement of private companies. In addition, the private sector is involved in providing the population with drinking water together with the Water Operating Company "Azersu" OJSC through the delivery of drinking water in drinking tanks directly to the population. The private sector also participates in joint projects of foreign companies to introduce new technologies for treating and neutralizing drinking water and wastewater.

2. If there is no provision of water and sanitation by private entities in your country, please clarify the rationale behind such policy.

Private sector water supply and sanitation activities are undertaken in pursuance of the Laws:

- Law of the Republic of Azerbaijan "On Antitrust Activities" No. 526 of March 4, 1993;
- The Law of the Republic of Azerbaijan "On entrepreneurship activity" No. 405 of December 15, 1992

3. How has the level of involvement of private providers in water and sanitation evolved in the last decades?

With the involvement of the private sector in the construction of centralized water supply and sanitation over the past 10-15 years, the level of population access to safe and uninterrupted water that meets international standards at the national level has reached 70%, notably in the capital and urban areas of the Republic of Azerbaijan has reached 81.7%, population having access to sanitation in urban areas reached 98.2%.

4. What are the expectations of your Government about the level of involvement of private providers in the short, medium and long terms? If there is a trend of increasing or decreasing private provision, please clarify the underlying reasons.

The prospect of increasing the participation of private providers in the penetration of new technologies and construction of water supply and sanitation is a long-term program for the period of 2035-2050, regulated by the Roadmap on the development of utility services (electricity, heating power, water and gas), approved by Decree of the President of Azerbaijan Republic from 6.12.2016

5. Please provide detailed information on legislation concerning participation of the private sector in water and sanitation (please highlight whether the legislation of your country encourages, allows for or prohibits this to occur) and concrete examples of related instruments and mechanisms.

Private intellectual products in water supply and sewage services are protected by the state by the following legislative acts and regulatory framework:

1. Roadmap of Azerbaijan Republic on the development of utility services (electricity, heating power, water and gas), approved by Presidential Decree of December 6, 2016.
2. Preferential taxes for private entrepreneurs;
3. Concessional loans for individuals;
4. Grants, copyright protection

Private provision

6. In the event the private sector is involved in provision of water and sanitation services, what process has your Government (also if the decision was taken by a former executive) taken prior to the decision to adopt this model of provision? What types of concerns have been considered in such decisions?

The private sector provides individual services for the provision of drinking, mineral water and other soft drinks.

7. How has the private sector contributed to the realization of the human rights to water and sanitation in your country? What kind of drawbacks and risks does your Government identify and what instruments are available to overcome them?

Ensuring provision of "Strategic Road Map" of the Republic of Azerbaijan on the development of utility services (electricity, heating power, water and gas), as well as improvement of quality and quantity of water supply and sanitation services in the projects, implemented by Azersu OJSC and providing customer convenience always have been kept in the focus of attention. Important works are currently being carried out for management optimization and increase transparency in the field of water supply and sanitation services to customer, improvement of quality in the service provision, convenient and innovative technologies and provision of electron service for customer consent.

8. What would be the necessary conditions for an enabling environment for the realization of the human rights to water and sanitation by private service providers? How could eventual risks to the fulfillment of those rights be mitigated?

The private sector is involved in the development of regulations as participants or experts, in addition, the private sector is supported to participate in national and international product exhibitions, conferences.

9. How have courts ruled regarding alleged human rights infringements by private water and sanitation service providers? What are legal remedies for users' complaints regarding any aspect of alleged violations of the human rights to water and sanitation when private sector are in place?

Representation of "Azersu" Open Joint Stock Company at all "ASAN Service" and "ASAN Utilities" centers by the State Agency for Citizen Service and Social Innovation under the President of the Republic of Azerbaijan, has been facilitated consumer services and increased transparency in this area. The number of electronic services has been increased to 18 in official internet site of Azersu OJSC for simplifying relations between company and customers, ensuring transparency and accepting and solving customer appeals.

10. Who defines performance for private operators? Who oversees the prioritization of those unserved or underserved? Please clarify how regulation takes place when there is private provision.

The performance of private operators is supervised and monitored by the government and NGOs.

11. What types of specific policies are in place to ensure affordability and sustainability when there is a private provision?

12. In the case of private provision, who finances service expansion to the poor? Who finances infrastructure renewal?

The state, partially large companies of the Republic; foreign companies cooperating with Azerbaijan.

13. To what extent does the private actor bring its own financial resources to the service?

14. With climate change, many countries are facing problems related to water availability. What are the responsibilities of private providers on addressing risks of supply disruption due to water scarcity?

"Azersu OJSC continues its efforts to establish an efficient and effective water supply and sewer system in line with its core activities.

From this point of view, effective use of water resources, application of cost-effective technologies in water use, water loss reduction, cost of water and other issues are of great importance in terms of sustainable water supply.

15. Has your country faced any documented case of corruption involving private sector provision of water and sanitation services?

Remunicipalization

16. What are the legal means available to a local government when it is dissatisfied with the performance of a private service provider?

17. Has your country experienced cases of remunicipalization? Why and how has it occurred? What types of difficulties has the public authority faced to establish the new municipal provider? Please, provide details of those processes.

No