

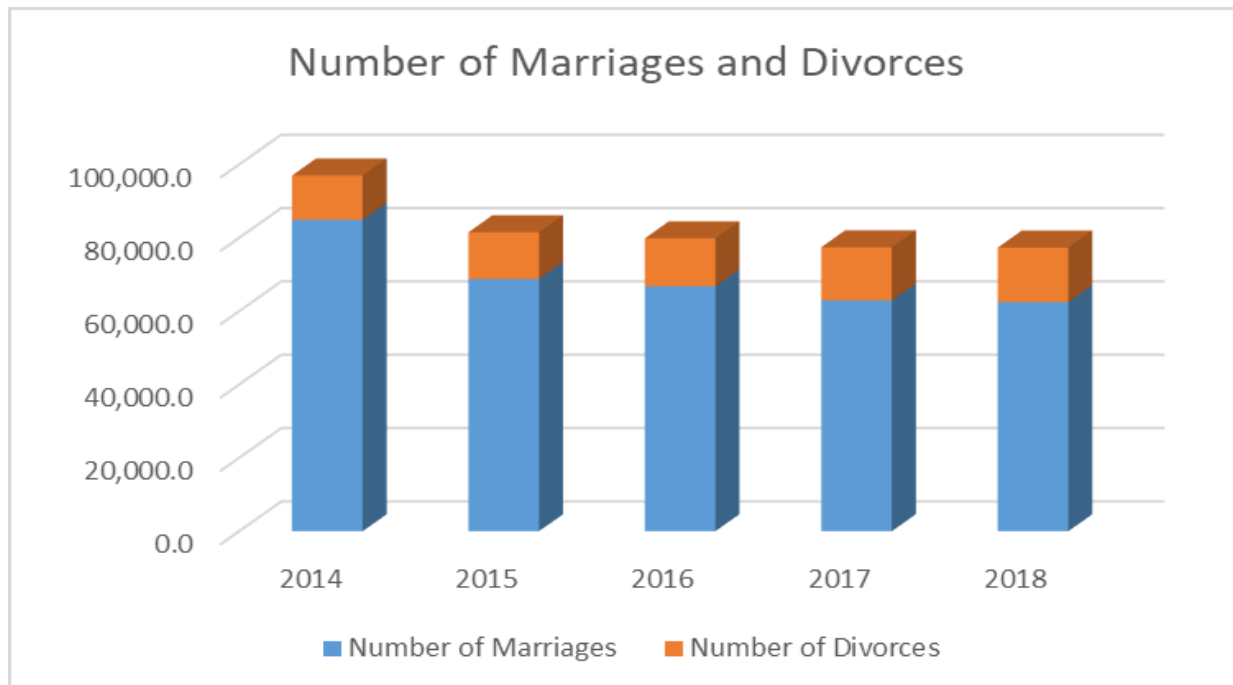
Baku, Azerbaijan

20 September, 2019

Alimony Problem in Azerbaijan

I. Introduction

In recent years, alimony obligations and problems created by them have become a regular topic in the society. Especially, as a result of increased number of divorces, there has been a rise in the claims regarding getting alimony in courts¹.



¹ <https://www.stat.gov.az/news/index.php?id=4131>

According to the information from Statistics Committee, while in 2005, the statistics on the execution of court decisions regarding getting alimony was 3757, in 2017, this number was 82 162. On the other hand, in 2005, the number of marriages and divorces in the country has been recorded to be 71 643 and 8895, but in 2017, statistics were 62 913 and 14 514 respectively. Indeed, as seen from the graphic, as the number of marriages gets decreased, the number of divorces rises up. Besides, when the divorces increase, legal proceedings regarding alimony rise up too. Logically, if such a sharp social change has happened in the country since 2005, legislation and the approach should have also shown an adequate shift.

II. Alimony in Legislation

According to Article 75 of Family Code, “parents have to keep their children”.²The article obliges parents to keep their children without putting any distinction between the parents. Based on the same article, in case there is no contract about “keeping children” among parents, one of them may apply to the court and raise a claim about imposing alimony. In the same code, Article 76 defines the amount of alimony based on the number of children:

For 1 child: one-fourth of revenues

For 2 children: one-third of revenues

The interesting point here is that based on the the article 76.2 of Family Code, “the amount of the alimony can be decreased or increased considering the family and financial situation of the parents and other factors. Here the other points to pay attention to and the issue of how to decrease or increase the amount are still not known exactly. And this leads to different court decisions on the similar cases that we will touch on in the rest of research. As an example, while Ganja court fined 340 Azn for 3 children in Ali’s claim, Khatai court decided 240 Azn for 3 children in the same claim of Sabir. Such cases lessen the confidence of people in courts and cause corruption claims to increase. The Family Code recognizes the right of one parent to file a lawsuit against another parent to keep a child, the duty of adult children to keep their parents (the article 82), the duty of couple to keep each other (the article 84), the duty of sister or brother to keep each other (the article 88), and the duty of grandfather and grandmother to keep their grandchildren (the article 89). However, in practice, use of above-mentioned rights happens rarely.

The amount of alimony is fixed according to the subsistence minimum of children. The subsistence minimum for children has been determined to be 160 Azn for 2019³. It means that when court determine alimony, it cannot define the amount below 160 Azn, which is minimum living amount. In such case, an interesting point comes out. If a woman with 2 children addresses to the court to require alimony, logically, 320 Azn has to be fined for 2 children. Considering the fact that the minimum wage will become 250 Azn as of September 2019, a father earning this much a month will not be able to pay that alimony. In addition, we know that so far the minimum wage has ranged between 120 and 180 Azn. In this case, how a person earning this much will pay subsistence minimum for a child falls under question. When such a payment does not realize, people who do not pay the alimony

² <http://www.e-qanun.az/code/10>

³ <http://www.e-qanun.az/code/10>

become subject to administrative detentions. Although the number of people who have been subject to administrative detentions in the reports of Statistics Committee, based on the general information,⁴ 21.4 %, namely 13 392 people of 62 113 cases that were looked at by Courts of First Instance have got administrative punishment.

III. The impact of Alimony Issue on Society

The issue of paying alimony defined by the decision of court leads to suicides and crimes in society. Those suicides and crimes are reviewed in the media monitoring below. Initially, in Google search engine, according to alimony and suicide keywords, 71 600 results have come out. Some of those problems have been described shortly below:

- 28 years old Bahram Tagiyev living in Novkhani gardens settlement in Binagadi region hang himself from the attic in the yard of his house⁵. He has written in the letter that I do not have any choice except from ending my life because I cannot provide a decent life for my children.
- On April 5, 2019, the Baku Court of Grave Crimes sold 9,000 manuscripts for the sale of human organs or tissues, forcing them to be transplanted, and Rustam Yamaguchi, a resident of Bilajari in the expression of Vahib Khudatov accused of human trafficking. said. Rustam said in his statement: "I used to live in rent in Bilecari. I was in a very difficult situation, I was paying rent and alimony. I could not, so I agreed. We talked about nine thousand manats. Then I came and gave blood at the Republican Hospital "
- Nurlan Beylaroglu, who is known as a psychologist in the media in 2016, committed suicide. His ex-spouse told that his reason for suicide was his inability to pay alimony.
- Kamran Tagiyev, a 32-year-old resident of Kochasgar village of Agstafa district, is suicidal.⁶ Tagiyev, who has been married twice, has lost both of his spouses. He has paid alimony to his four children from both marriages. Before suicide, he said that he had repeatedly succumbed to his mother's alimony and would kill himself.
- Elnur Aliyev, born in 1979, went to a cemetery near his house and drank vinegar there. It is reported that a 40-year-old man committed suicide had problems with his wife. They had also come face to face in court duet o alimony issue.
- Konul Shiraliyeva, a resident of Goychay district, 1992, tried to commit suicide by cutting a vein.⁷ According to the press, the reason for Shiraliyeva's suicide was her inability to receive alimony from her ex-husband.

⁴ <https://novator.az/2019/04/10/inzibati-x%C9%99talar-statistikasi/>

⁵ <https://sputnik.az/incidents/20190307/419715536/ata-ovladina-gor-ozunu-oldurdu.html>

⁶ <https://modern.az/az/news/1760>

⁷ <https://www.azadliq.info/133341.html>

- Jeyhun Zeynalov argued with his wife, 29-year-old Arzu Zeynalova, 29, on the morning of October 29, 2016, near the bridge in Mardakan, Khazar district.⁸ His ex-wife complaint to him about not paying the alimony for his children has made Ceyhun Zeynalov furious. He poured gasoline that he brought with him on a plastic container on his wife and set fire to it. With the help of a taxi driver living in the neighborhood, Ceyhun extinguished the fire and transported Arzu Zeynalova to the hospital.

As you can see from the above mentioned reports, the issue of alimony payments is not only problematic but also 'contributes' to the increase in criminal cases. As for the reasons, the problem of judicial independence from unemployment plays a role here. Although official government estimates the unemployment rate to be 5 percent⁹, independent experts say that this figure is not true and unemployment is higher. According to some unofficial studies, unemployment in the country is 21 percent¹⁰. On the other hand, 78 out of every 100 working-age men and 63 out of every 100 women are economically active. Of every 100 people who are able to work and do not work for various reasons (housework, early retirement, education, disability, etc.), 66 are women and 34 are men. " Economist Rovshan Agayev points out that about 45% (630,000) of women are economically inactive and are not involved in any official activity. Women, especially in areas where there are few jobs, are unable to work and keep their children after divorce. As a result, mothers have to sue for alimony to ensure that their children have a minimum standard of living.

IV. Alimony Problem in the Annual Reports of Ombudsman

In 2018, the Commissioner for Human Rights of the Republic of Azerbaijan Elmira Suleymanova noted in her annual report to the Parliament¹¹: "In 2018, the Ombudsman received 1,414 appeals, including 552 appeals on alimony payment." The Commissioner referred to the alimony problem under the heading "Execution of court decisions". The report clearly states that measures taken by the state to address this problem have not yielded effective results: "There are growing complaints about non-enforcement of court orders on alimony claims. This is becoming a serious problem in society.

"In addition, the report states: "Non-performance of the debtor, absence of official employment, non-disclosure of property and other incomes to which the claim can be directed, failure to work of the incapable debtor, retirement or underpayment and concealment, and departure from country may result in difficulties in repaying the alimony, or make the payment impossible. The imposition of penalties on a person who does not pay the debt or is not able to repay the debt makes the overall situation even more difficult. It is

⁸ <http://aia.az/11203-ovladlarina-aliment-odemekdekin-imtina-etdi-arvadini-yandirdi.html>

⁹ <https://www.bbc.com/azeri/azerbaijan-45873707>

¹⁰ https://www.faktyoxla.info/2019/03/07/ilham-%C9%99liyev-az%C9%99rbaycanda-issizlik-5-faizs%C9%99viyy%C9%99sind%C9%99dir/?fbclid=IwAR32J7BQIWuO4N-nl4LCoBCOSSAqGfm_D27ELRDTOQTL0HbjPmEaDG87aQ

¹¹ <http://www.ombudsman.gov.az/az/view/pages/59>

interesting that while repayment of the alimony debt is not ensured for months and years, the penalty amount imposed by the court is paid in the short term. That fine could also help pay off the alimony for a few months”.

In fact, we see many of the problems mentioned above are reflected in the Ombudsman's report. The ombudsman also notes that there are executives as the cause of the problems: “In the course of execution of court decisions, some executives are subjected to harassment and rudeness, neglect and sometimes bias in the execution of cases, and often unreasonable delays in the execution of court decisions, as well. Failure to comply with the law as required by law, unlawful actions and shortcomings adversely affect the effectiveness and prestige of justice, but do not allow the problem to be adequately addressed. In such cases, enforcement officials should not be left out of their responsibility, their control over their activities should be strengthened, and further measures should be toughened against enforcement officials who are unable to cope with their work, who are unprofessional and indifferent, and who violate ethical conduct. By the way, according to the Ministry of Justice, in order to strengthen the executive discipline, disciplinary action was given to 33 employees with serious shortcomings in 2018”

V. Executive Officers and Alimony

The precedent of the European Court of Human Rights (*Hornsby v. Greece*, *Scordino v Italy*) states that enforcement of the decisions is an integral part of the right to a fair trial.¹² There is no comprehensive information on enforcement or enforcement mechanism in Azerbaijan. The reason for this is that statistics are not shared with the press. The Ministry of Justice's web site covers 2017 only. The same statistics show that¹³ in 2017, the number of cases put into operation was 852,019, while the number of work done in the same year was 415,508. This is just 48% of the work done. Many factors play a role in the low performance of these indicators. The main reason is that corruption¹⁴ in the country seriously affect the independence and transparency of the courts¹⁵.

Executive officers and their activities are governed by the Executive Law. According to Article 1 of the same law¹⁶, "Executive legislation is based on the principles of ensuring the rule of law and equality before the law, impartiality and fairness." A search conducted by Google on the search engine called "Executive Officers Ambiguity" found 194,000 results. While all of this is beyond the reach of research, several recent developments in the press have been interesting in terms of analysis: Yasamal resident Nargiz Aliyeva told the media¹⁷:

¹² [https://hudoc.echr.coe.int/eng#{"itemid":\["001-58020"\]}](https://hudoc.echr.coe.int/eng#{)

¹³ <http://www.justice.gov.az/categories/242>

¹⁴ <https://www.transparency.org/cpi2018>

¹⁵ <https://www.oecd.org/corruption/acn/OECD-ACN-Azerbaijan-Progress-Update-2019-ENG.pdf>

¹⁶ <http://www.e-qanun.az/framework/1406>

¹⁷ <http://7gun.az/353-absheron-rayonunda-icra-memurlarinin-ozbashinaliqlari.html>

“Three years ago, my belongings were transported to Absheron Municipality without warning me and justifying. The items remained in the municipality's room for 1 year and 6 months. They were then transported to the courtyard of Alakbarthe municipality. When I found the man's yard after a long search, they were all broken. The mayor said the items and equipment had already been broken when they were transported to his yard because they behaved as if they wanted it during the transportation. Although the landlord asked me to carry my equipment and other items out of the yard, I stated that these items were not justified when they were evicted. In addition, half of the items were missing, and the rest were damaged. So I can't take it anywhere. He called the executors near me and told them what I said. An executive officer, Asem, told him that she could, or she could not, we would come in for a week and take them all to one of the orphanages.

Aghdash resident Azad Abdurrahmanov told Meydan TV ¹⁸ that in October 2017 the executive officers came to his address and tried to execute a court order. He and his mother did not want the court to execute the decision. said:

“For more than 18 months, no any body was left that I have not complained about the executive officer beating me. In protest, my mother tried to burn herself and was prevented. Once I burnt myself. But no body was interested and did not call or ask. What is your concern that you have tried suicide? ”

- Goychay resident Sabuhi Guliyev told Maidan TV ¹⁹ that on December 25 at noon, another Goychay District Executive and Probation Officer arrived at Samir, Punhan and another unidentified address. Officers demanded that he go to court with them. Sabuhi Guliyev refused to go with them because there was no court order. He claims he was beaten as a result: “They did not have any documents. They demanded that I go to court with them. I said that there was no delay in alimony so far. Moreover, I have not received any notice of summons to the court. If you have, give it, and I have a look at. They said, we are ourselves the document, start to move ahead of us. I said, go and send the court notice, and if I do not count the court, you will come. When they tried to close the door, they grabbed me and hit my face and chest. ”

“From the foregoing, it is clear that the problem of arbitrariness of executive officials is still a fact. It is no coincidence that Article 7 of the Decree of the President of the Republic of Azerbaijan “On Deepening Reforms in the Judicial-Legal System” ²⁰ instructs the Ministry of Justice to “ensure enforcement of decisions of courts and other bodies within the timeframe; take serious measures to prevent executive officers from harassing and abusing.” Here, the President has officially acknowledged that the executive officers have committed harassment and abuse.

¹⁸ <https://www.meydan.tv/en/article/icra-memuru-doydu-ozumu-yandirdim-hele-de-tedbir-gorulmur/>

¹⁹ <https://www.meydan.tv/en/article/goycay-sakini-qapiya-gelen-icra-memurlari-meni-doydu/>

²⁰ <https://president.az/articles/32587>

The following measures can be taken to eliminate these problems:

A) Examples from Europe

Today, in many EU countries, it is envisaged by law that the alimony, which cannot be recovered from the parent, is paid by the state at least until the end of compulsory education for the child.

In this regard, the Council of Europe Council of Ministers issued a recommendation on February 4, 1982, "On State Payments to Care for the Child":²¹

1) to adopt, take the principles outlined in the appendix to this recommendation, a system of advance payments to care for children when the debtor fails to comply with his / her obligation if they already have a system aiming at the same objective. adapt to it, if necessary, to the above-mentioned principles

If the person who is responsible for the alimony fails to perform this duty as a result of the prosecution, the advance payments to meet the needs of the child must be made within a system developed by the state.

2) To strengthen the means of restoring advances from a resident debtor in another state and, to this end, to facilitate the recognition and enforcement of decisions concerning the maintenance of duties for children where appropriate by ratifying relevant international instruments.

Each state decides how long these payments will continue to be paid. In any case, however, this payment must continue until the child completes compulsory education.

3) The payment of these payments by the State does not relieve the borrower of liability to the state and the child.

In light of these principles, many European countries have begun to introduce a prepaid alimony system. For example, the conditions for the German advance payment system are as follows²²:

- The child must be under 12 years of age.
- Child living with a single parent, widow, divorced or permanently separated from a spouse
- Placement of a parent or husband's spouse with a child for at least 6 months for illness, disability or by court order (eg, neurological or psychological dispensaries)
- Failure or late payment of the alimony by another parent to the parent living with the child.

The amount paid by the state is maximum for 72 months (6 years). The point here is that the payment of alimony in Germany is divided into two age categories: for children aged 0-6 and for children aged 6-12. . Both categories provide different amounts of payments.

²¹ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804f9d38

²² GRUBE, 59, 48; WENDL/STAUDIGL, Rn. 264; www.beck-online.beck.de, 01.11.2015

As a main principle, the factor that parents' difficulties decrease when child grows up has been defined. This number is 5 years in Austrian laws.

One of the main issues here is that if the debtor's condition gets better, state may stop the payment partially or fully. Meaning that, when a debtor without any job find somehow any job, and state identifies it through research and decides he can pay his own debts, in that case, the payment is automatically stopped by the state.

B) Solutions for Azerbaijan

In 2009, Ombudsman Elmira Suleymanova delivered a speech at the National Assembly²³, "In accordance with a court decision, it was proposed to create a State Social Protection Fund or a special alimony fund if the child's alimony was subsequently forced." We do not see any discussion on this topic.

MP Elmira Akhundova raised the issue of "Alimony Fund" in Parliament in 2011²⁴.

The deputy said during his speech that there was a way to create a breakdown in repayment of the alimony debts:

"A special alimony fund should be created by the state. Against this background, a certain amount of budget should be provided. If this or any other divorced woman is talking about, basically, our ladies, the court-appointed amount will be paid to the fund if it confirms the right to receive alimony, but fails to enforce it. At the same time, broader powers are given to fund to search about the background of those who refuse to pay alimony and receive alimony from them if they work at normally paid jobs. The main thing is that the employees of the foundation should be interested in searching for those people and getting alimony from them. Part of the fund's budget should depend on the collection of employee bonuses, allowances and other alimony debts. There may be different options. The main thing is that the state should not let a divorced woman, who has one or more children under her care, face her problems alone and help her in a timely manner. But the person who avoids the alimony knows that it is better to pay alimony on time and in full, not just to attract the fund's attention. "

Elmira Akhundova gave examples of a similar problem from neighboring Russia:

"Recently, a relevant document has been submitted to the Russian State Duma to establish such a fund. I think we can create a similar organization. The main thing is that a person who avoids alimony always feels the sword on his head and deepens his responsibility to the family he leaves. "

An interesting issue here is the attitude of Ziyafat Askerov, chairman of the parliament that day:

"Come on, Elmira said unilaterally. She spoke about the right of women to receive alimony from that fund. Alimony is not only for women, but also for men. How can it be? Let's create a fund for him? "

Ziyafat Askerov does not comment on the need for separate foundation.

²³ <http://www.majlis.az/?/az/stenogram/166>

²⁴ <http://www.majlis.az/?/az/stenogram/253>

Following the report of Elmira Akhundova in 2011, the media held a series of discussions about the "Alimony Fund".²⁵ However, there has not been much public debate about this in general. The discussions were more local and focused on the words of a deputy or expert. Note that since 2011, Elmira Suleymanova, who has used the term "Alimony Fund" the most, and has put forward this issue in her report, has suggested. Later, various thinkers, MPs and public figures defended the idea of the "Alimentary Fund".

Deputy Fazil Mustafa said on the issue: "The work of giving birth to a child is not over. It is important to grow it, to meet its needs, to provide healthy food and education. The absence of the Alimony Fund makes it difficult for a child to get a normal education at the right time. Therefore, the Alimony Fund should be set up in Azerbaijan²⁶".

Alimammad Nuriyev, member of the Pardon Commission under the President of the Republic of Azerbaijan, said in a statement to the media²⁷:

"Some countries have such foundations. Although some of them have to pay for alimony, then the foundations get repays the payment back from the parents who normally has to pay for alimony. However, it is possible to create this foundation if sufficient budgetary funds are available. The creation of the Alimony Foundation can have both positive and negative consequences. This cannot be a "Public Fund" where individuals can make voluntary donations. Because we do not have a culture of voluntary donations, but it can be a state fund and in that case, there can be some problems, for example. If such a foundation is created, then parents who are legally indebted will try to avoid paying alimony. This mass deviation can also cause certain problems for the budget. We are witnessing a rapid increase in the number of divorces. "The majority of divorced men leave the country and go to Russia and Turkey. From whom will the government repay the alimony in return?"

In the media, the majority of those who comment on the Alimony Fund emphasize the importance of its creation. Unfortunately, the government has not taken any action so far.

The key points of countries participating in the alimony issue were the notion of "Social State" as contained in their constitution. One of those intentions, when declaring intentions in the preamble of the Constitution of Azerbaijan, was to ensure a decent standard of living for all, in accordance with fair economic and social rules". Article 16 of the Constitution states that "the state of Azerbaijan is concerned about the welfare of the people and every citizen, its social protection and decent living standards²⁸".

Article 17 of the Constitution is devoted to the family, children and the state as a whole. It says: "It is the parents' responsibility to care for and raise children. State control over the implementation of this debt"; "State control over the implementation of children's rights²⁹".

All of these articles tell us that, even though it is the parent's responsibility to keep children, the state controls the parents' obligation to keep their children. The word

²⁵ <https://azadqadin.az/qadin/qadinveproblemler/1506-aliment-fondu-yaraddlacaq.html>

²⁶ <https://sputnik.az/news/20181129/418132688/azerbaycanda-aliment-fondu-yaradilmalidir.html>

²⁷ <https://sherg.az/x%C9%99b%C9%99r/46191/>

²⁸ <http://www.e-qanun.az/framework/897>

²⁹ <http://www.e-qanun.az/framework/897>

“control” here is not to be interpreted simply as a follow. On the contrary, if the government sees gaps and shortcomings as a result of this oversight, it must intervene and create effective mechanisms to follow the principle of "welfare of the people."

Is the Alimony Foundation a solution?

Young Lawyers Group it is not possible to say "yes" or "no" to this question. However, it is clear that this issue cannot be solved simply by the creation of the Alimony Foundation. Given the 4-5% unemployment rate in the European countries providing alimony, there are reasons for this system's effectiveness. In Azerbaijan, though official statistics show a 4-5% unemployment rate, as noted above, independent research shows that this figure is below 21%. In this case, it would not be possible for the state to pay alimony instead of those who could not pay the alimony under such a huge burden. We can explain this for many reasons. For example, according to a study by the State Examination Center³⁰, there were 123,935 students in Grade 1 in 2005. 12,067 students disappeared until the ninth grade. In the final exams of the 9th class of 2014, 111 868 people (2781 students did not take the exam). 84 737 students participated in the 2016 Grade 11 Graduation Exam. Of these, 61 579 students received positive marks in all subjects. 62,356 students failed to finish 11th grade. In 2016, 61,724 students applied for admission to higher education institutions and secondary specialized secondary education institutions, ie about 50% of first-year students in 2005. 6626 students have the opportunity to continue their education in secondary special educational institutions, and 28,226 students in higher education institutions. Thus, in 2005, 34,862 students were enrolled in higher and secondary specialized schools. 89,073 (71%) could not continue their education.

According to the same study, 71% of young people entering the labor market in 2021 will enter the market without any ability.

This statistic alone gives us the impression that young people are illiterate and have no access to quality education, even if they are unsuccessful in their work or family life.

On the other hand, given that many of the higher education in Azerbaijan have moved abroad, we can form an opinion on the situation with which non-higher educated people live. For example, Migration Specialist and human rights activist Alovzat Aliyev says that there are between 1800 and 1900 doctors leaving Azerbaijan every year³¹.

On the other hand, the creation of the Alimony Fund has a number of advantages.

For example, suppose that a person with a debt of 5,000 manat has been sentenced to 3 years in prison under Article 306 of the Criminal Code (failure to execute a judgment, decision or other act of the Court) for delinquent debts, Assuming that the minimum arrest cost is 10 manat, we calculate that the state will spend about 10095 manat per person in 3 years.³² In return for this amount the citizen will be imprisoned, which will not benefit the state, and during this time his family's financial situation will deteriorate. When he is released, it will be more difficult for him to find a job and to work. In this case, the state

³⁰ <http://tqdk.gov.az/activities/research/statistika/>

³¹ <https://www.amerikaninsesi.org/a/az%C9%99rbaycanl%C4%B1lar-v%C9%99t%C9%99nd%C9%99n-niy%C9%99gedir-/4729226.html>

³² https://musavat.com/news/azerbaycanda-24-min-dustagin-yemeyini-kimler-yeyir-arasdirma_373569.html

can pay half of that money in place of the borrower, boost the economy, raise the family's wellbeing and take care of the child.

VI. Results

As a result of non-execution of the alimony decisions that have been on the rise in Azerbaijan for years, serious social tension in the society is even reached, and people are even at the point of suicide. For many years, the government considers the issue to be a "parental problem" and has just ended its work by arresting debtors. Instead, the government can directly implement alimony decisions by addressing the social problems that have accumulated in the society for years. The first of these social problems is unemployment. Strengthening the state economy and creating new jobs can bring about significant changes in the welfare of people, which may result in the payment of alimony. The second major issue is the problem of education. As can be seen from the statistics above, young people are often unable to finish school due to the low level of education in the country. This causes them to focus more on "manual labor" than "brain labor". This prevents young people from working for high-paying jobs and earning a good income.

One of the main reasons for non-enforcement of court decisions, as the state itself acknowledges, is the possibility of "deficiencies and delays in the performance of executive officers." As Ombudsman Elmira Suleymanova's reports also noted, if the court fines the citizen for a maximum of 1-2 months, enforcement of alimony decisions takes more than 1-2 years. This shows that executive agencies and officials are often not interested in enforcing the decision or maximizing the execution of the case by entering into a corrupt relationship with the debtor.

Azerbaijan has serious shortcomings in the penal policy of the state. The arrest of an inability to pay an alimony debt, especially for "failure to comply with a court order" and spending more money on that convict than the alimony debt, suggests that the government should revise its policy in this area and put an end to the practice of arresting people for alimony.

For all these reasons, the absence of the "Aliens Fund", and the government's obligation to its citizens in the Constitution, is completely contrary to the notion of a "social state". Absence of the Alimony Fund can lead to many years of incarceration, especially for persons with disabilities and unemployed. However, it should be noted that the application of the Alimony Fund independently of the abovementioned problems will put an additional burden on the budget instead of solving the problem.

VII. Recommendations

- 1) The alimony payments of persons with disabilities and disability who are created and registered as unemployed by the Fund, should be paid by the state for 2-3 years;
- 2) The practice of arrest for alimony debt must be stopped and the costs incurred by the alimony should be paid to the alimony fund. For this purpose, first of all, it is necessary to de-criminalize Article 306 of the Criminal Code.
- 3) Recruitment activities should be reassessed and an effective mechanism should be established. All vacancies in employment offices must be submitted electronically and citizens must apply for those vacancies themselves;

- 4) There should be a significant change to the executive law, increased accountability of executive officials, decisions to be made at the implementation stage should be posted electronically, and monitor the progress of civil cases online.
- 5) The education policy should be revised, in particular the effectiveness of vocational schools should be improved;
- 6) Involvement of a strong civil society is essential to monitor and monitor the effectiveness of these mechanisms. Therefore, criminal cases opened against non-governmental organizations from 2014 should be closed and the problem of non-governmental organizations must be solved;
- 7) As the number of divorces has increased due to alimony disputes, the reasons for divorce must be seriously investigated, especially in areas where serious marital and divorce actions should be taken;
- 8) There is a need for the establishment of Family Courts to address alimony and other family matters. It is important not just to create a court, but to divide the field, starting with law faculties, so that future graduates of law faculties can specialize in Family Law and grow as skilled personnel in the judicial system.

**Young lawyers group of Institute for Citizen Rights
Baku, Azerbaijan**