

**IV PERIODIC REPORT**

**ON IMPLEMENTATION OF COMMITMENTS**

**OF THE REPUBLIC OF AZERBAIJAN**

**RELATED TO**

**UN CHILD RIGHTS CONVENTION**

**Future CRC/C/AZE/4**

**[As received on 17 November 2009]**

**2009**

## **Introduction**

Child policy is an integral part of the state policy of the Republic of Azerbaijan. Protection of children's rights and freedoms, providing children with good quality education and health care services meeting high standards, taking care of them, and creation of necessary conditions for children to grow in high-level moral and social environment, and shaping as all-round persons and dignified citizens constitute priority directions of the child policy of the Republic of Azerbaijan.

The Republic of Azerbaijan has joined the UN Convention on the Rights of the Child on July 21 1992, and later ratified the Convention's Optional Protocols. The Republic of Azerbaijan also has joined the Convention on the Rights of Persons with Disabilities on October 2, 2008 adopted by the UN General Assembly on December 13, 2006.

Nowadays, people under the age of 18 constitute 29% of the country's population. 152,100 babies were born in 2008 in Azerbaijan, and 48,400 babies - during 4 months of the current year. 53,4% of them are boys and 46,6% - girls. According to calculations, the average lifetime for children born last year is estimated 72,6 years, including 69,9 years for boys and 75,4 years for girls.

Since the last reporting year, the integrated State body dealing with children, women and family issues in the Republic of Azerbaijan - The State Committee for Family, Women and Children Affairs was established on February 6, 2006 by Decree #361 of the President of the Republic of Azerbaijan.

A Republican Coordination Center on Child Issues under the leadership of the State Committee for Family, Women and Children Affairs was established based on the Final Opinion of 41<sup>st</sup> Session of UN Committee on the Rights of the Child in 2006 and its recommendations to the Republic of Azerbaijan.

2009 was announced "Child Year" in Azerbaijan in December 22, 2008 by a Decree #103 of the President of Azerbaijan. The President of Azerbaijan has approved the Action Plan related to the Child Year by his Decree #163 of February 18, 2009.

Creation of appropriate conditions for upbringing of children in healthy environment, increasing of the State care to the children deprived from parental care, prevention of negligence towards children, exploitation of child labor, violence against them etc. are main directions of the State policy on child problems.

### **Information on the existing challenges on implementation of the Child Rights Convention and the latest Final Recommendations of the Committee on the Rights of the Child**

It is necessary to develop a National Strategy on Child Development and Rights Protection that meets the contemporary requirements;

Existence of the TV programs damaging children's moral, behavioral and psychic development and insufficient number of educational TV programs for children;

Necessity for existence of the State social rehabilitation services for children living and working in the street;

Insufficient number of child summer camps and recreational institutions under State child institutions for organization of leisure time and recreation of children;

Due to the fact that, except newly built settlements, the majority of the schools for refugee and IDP children are located in the premises not meeting the standards (farms, old cabins and uncompleted buildings), there are still difficulties with provision of opportunities to the children to maximum benefit from the education system;

Although new settlements have been built, as a result of refugee and IDP residing in located in the premises not meeting the standards (farms, old cabins and uncompleted buildings), there are certain difficulties to provide medical security of the children of the mentioned categories;

Since the poverty level among refugees and IDPs reaches 35%, there are difficulties in elimination of child labor among the children from these categories of the population;

There is necessity to carry out relevant projects for effective organization of refugee and IDP children's and juvenile's leisure time in the places of their residence;

## **I. GENERAL IMPLEMENTATION MEASURES**

(Articles 4, 42 and 44, Para. 6)

Article 4. Provision of rights. The following actions were carried out taking into account the recommendation form Article 4 of the Committee on the Rights of the Child.

The legislation acts adopted since 2003.

The Law of the Republic of Azerbaijan, and decrees and directives of the President of the Republic of Azerbaijan:

The Law of the Republic of Azerbaijan №585-IIQ of January 13, 2004 on joining the Convention «On the Prohibition of the Worst Forms of the Child Labor and Urgent Measures for their Elimination» (including the recommendation # 190 that complements its provision);

The Law of the Republic of Azerbaijan №611-IIQ of 30 March 2004 on joining the Convention «On Protection of Children and Cooperation in Respect of Inter-Country Adoption»;

The Law of the Republic of Azerbaijan № 904-IIQ of May 3, 2005 “On Blood and Blood Components Donation and Blood Service”;

The Law of the Republic of Azerbaijan № 905-IIQ of May 3 2005 “On the State Care to the Persons suffering from the blood diseases of Hemophilia and Thalassemia”;

The Law of the Republic of Azerbaijan № 919-IIQ of May 24, 2005 “On the Prevention of Negligence towards Minors and their Delinquency”;

The Law of the Republic of Azerbaijan № 1039–IIQ of October 21, 2005 “On the Targeted State Social Assistance”;

The Law of the Republic of Azerbaijan № 113-IIIQ of May 23, 2006 “On Oncological Assistance”;

The Law of the Republic of Azerbaijan №515-IIIQ of October 10, 2006 “On Provision of Gender (men and women) Equality”;

The Law of the Republic of Azerbaijan № 208-IIIQ of December 22, 2006 “On Medicines (remedies)”;

The Law of the Republic of Azerbaijan № 557-IIIQ of April 1, 2008 “On Natural Cure Resources, Recreation and Treatment Places and Resorts”;

Decree №32 of the President of the Republic of Azerbaijan of February 12, 2004 on implementation of the Law of the Republic of Azerbaijan “On the State care to the Persons Suffering from Diabetes”;

Directive № 298 of the President of the Republic of Azerbaijan of July 1, 2004 “On approval of the State Program on Improvement of Living Condition of Refugees and IDP and Increase of their Employment ”;

Directive №355 of the President of the Republic of Azerbaijan of August 21, 2004 “On approval of the Program for Provision of General Education Schools with Information and Communication Technologies (2005-2007)”;

Directive № 982 of the President of the Republic of Azerbaijan of August 30, 2005 “On approval of the Azerbaijan Youth State Program (2005-2009)”;

Directive № 1210 of the President of the Republic of Azerbaijan of December 27 2005 “On the composition of the delegation of the Republic of Azerbaijan to the 41st Session of the Committee on the Rights of the Child of the United Nations to be held in January 9-27, 2006 in Geneva related to discussions of 2nd and 3rd periodic reports of the Government of Azerbaijan”;

Directive № 361 of the President of the Republic of Azerbaijan of February 06, 2006 “On Establishment of the State Committee for Family, Women and Children Problems of the Republic of Azerbaijan”;

Decree № 373 of the President of the Republic of Azerbaijan of February 24, 2006 “On application of the Law on Social Allowances”;

Decree №1386 of the President of the Republic of Azerbaijan of March 29, 2006 “On approval of the State Program on De-institutionalization and Alternative Care for Children in the Republic of Azerbaijan (2006 - 2015)”;

Directive № 1414 of the President of the Republic of Azerbaijan of April 17, 2006 “On the State Program for Development of Creative Potential of Especially Talented Children (young people) (2006 - 2010) »;

Decree № 484 of the President of the Republic of Azerbaijan of November 29, 2006 “On Application of the Law of the Republic of Azerbaijan “On Provision of Gender (men and women) Equality””;

Directive №1840 of the President of the Republic of Azerbaijan of December 19, 2006 “On Increasing of the Monthly Meal Allowances for IDPs”;

Directive № 1898 of the President of the Republic of Azerbaijan of January 22, 2007 “On Increasing of the Salaries of the Employees of Social Security Institutions”;

Directive № 1899 of the President of the Republic of Azerbaijan of January 22, 2007 “On Increasing of the Salaries of Education Workers”;

Directive № 1921 of the President of the Republic of Azerbaijan of January 27, 2007 “On granting authority for signing of " The Administrative Agreement between The State Committee for Family, Women and Children Problems of the Republic of Azerbaijan and the French Ministry of Labor, Social Equality and Living”;

Directive № 2089 of the President of the Republic of Azerbaijan of April 12, 2007 “On approval of Updating of the Pre-School Education Program (2007-2010)”;

Directive № 2090 of the President of the Republic of Azerbaijan of April 16, 2007 “On approval of the State Program on Education of Azerbaijani Young People in Foreign Countries in 2007-2015”;

Directive № 2282 of the President of the Republic of Azerbaijan of July 3 2007 “On approval of the State Program on Development of the Vocational Education (2007-2012)”;

Directive № 2353 of the President of the Republic of Azerbaijan of August 22, 2007 “On Improvement of the Material and Technical Capacity of Baku Musical Academy”;

Directive №2373 of the President of the Republic of Azerbaijan of September 4, 2007 “On Establishment of the Awards for the Best General Education School and the Best Teacher”;

Directive № 2377 of the President of the Republic of Azerbaijan of September 5, 2007 “On Financing of 2007-2008 Academic Year Activities of the State Program on Education of Azerbaijani Young People in Foreign Countries in 2007-2015”;

Decree № 637 of the President of the Republic of Azerbaijan of October 15, 2007 on implementation of the Law of the Republic of Azerbaijan on implementation of amendments and changes to the Law of the Republic of Azerbaijan "On Social Allowances";

Directive № 3015 of the President of the Republic of Azerbaijan of August 27, 2008 “On Increasing of the Social Allowances for the Persons being in Partially Paid Social Vacation for Taking Care of Child”;

Directive № 3026 of the President of the Republic of Azerbaijan of September 3, 2008 “On approval of “The State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan in 2008-2015”;

Directive № 3043 of the President of the Republic of Azerbaijan of September 15, 2008 “On Increasing of the Salaries of Employees of Social Security Institution”.

## DECISIONS OF THE CABINET OF MINISTERS

*(№ 24 of March 4, 2004)* On Approval of the Charter on Pre-school Special Education Institutions for the Persons with Health Limitations;

*(№ 65 of May 13, 2003)* "On approval of the Exemplary Statute for Special Education institutions of Open and Closed Type”

*(№ 193, December 13, 2004)* On making amendments to the Decision #200 of the Cabinet of Ministers of the Republic of Azerbaijan of December 25, 2001 “On Determination of the Amount of the Allowance for the Parents and other Legal Representatives of the Children Studying in Special Education Institutions for Their Transportation to and from the Special Education Institutions, Health Care and Rehabilitation Centers”;

*(№ 20 of February 3, 2005)* “On Approval of the Development Plan on Organization of Education of the Children in Need of Special Care (with health limitations) in the Republic of Azerbaijan”;

*(№ 24, February 7, 2005)* On approval of “The State Program on Identification of Actions for Social Protection of Handicapped Persons in 2005” and “The State Program on Identification of Actions for 2005 year related to Social Protection of Unemployed Citizens and Citizens Seeking for Job for the First Time”;

*(№37 of March 7, 2005)* On approval of «The Rule for rendering medical, defectology and psychological assistance (services) to children and elderly people with refugee or IDP status and living in temporary residences and hospitals, low-income persons and people who lost their family head, persons participated and injured during emergency rescue and medical assistance operations, citizens of the Republic of Azerbaijan suffering from HIV/AIDS, organ and (or) tissue donors with regard to surgery operations, and children with limited medical and health conditions;

(№ 101 of June 7, 2005) On approval of “the State Program on Diabetes”;

(№ 241 of December 6, 2005) On approval of “The Rules for Development and Maintaining of the Register on the Persons with Genetic Diseases of Hemophilia and Thalassemia”;

(№ 32 of February 2, 2006) On approval of "The Rules for Requesting for, Assignment, Issuance and Refusal to Issue Social Allowances " and "The Rule for Calculation of Average Monthly Family Income";

(№ 211 of September 15, 2006) On approval of «The Action Plan on Protection of Mother and Child Health Program»;

(№ 233 of October 30, 2006) On approval of the decision the Cabinet of Ministers of the Republic of Azerbaijan on General Education Concept (National Curriculum);

(№ 17 of January 29, 2007) On approval of “The List and Quantity of the Annually Allocated Medicines for Oncological Patients, including Narcotic and Non-narcotic Pain Relievers”;

(№ 102 of June 25, 2007) On approval of ‘The Concept and Strategy for Uninterrupted Pedagogical Education and Teachers Training’;

(№ 66 of March 7, 2008) On approval of “The Rule on Provision of Services to Minors in the Specialized Social Rehabilitation Institutions for Minors”;

(№ 166 of July 22, 2008) On approval of «The Rule for Accreditation of the Bodies Providing Legal Assistance to the Foreigners and Stateless Persons related to Inter-country Child Adoption»;

(№ 181 of August 11, 2008) On the amendments to “The Salaries and (or) other Types of Incomes from which Parents Pay Alimony for their Children” approved by the Decision #98 of May 23, 2001 of the Cabinet of Ministers of the Republic of Azerbaijan;

(№ 258 of November 19, 2008) On making amendments to the Decision #200 of the Cabinet of Ministers of the Republic of Azerbaijan of December 25, 2001 “On Determination of the Amount of the Allowance for the Parents and other Legal Representatives of the Children Studying in Special Education Institutions for Their Transportation to and from the Special Education Institutions, Health Care and Rehabilitation Centers”

(№ 67 of April 21, 2009) On approval of “The Criteria for Identification of the Level of Health Limitations of Children”;

Along with other rights, the measures for protection of child rights are envisaged in “The National Plan of Action on Protection of Human Rights in the Republic of Azerbaijan” approved by the Order of the President of the Republic of Azerbaijan, dated 28 December 2008. Taking into account the recommendations of the UN CRC, the provisions of the National Action Plan on children developed by the State Committee for Family, Women and Children Problems and approved by the Cabinet of Ministers were reflected in “The National Plan of Action on Protection of Human Rights in the Republic of Azerbaijan”. The Action Plan identifies the ways of full implementation of the commitments implied from the Child Rights Convention, the “Protocol on Prevention, Elimination of and Punishment for Child Trafficking“, strengthening of measures for implementation of commitments stipulated in the international conventions on child labor and other documents of the International Labor Organization, cooperation with non-governmental organizations and international organizations for combating negligence towards minors and their social rehabilitation, and the measures to be undertaken for protection of children’s rights.

The Cabinet of Ministers of the Republic of Azerbaijan considered the proposals of the Ministry of Education on naming of the special-type boarding schools. The submission of the proposal was grounded with the fact that special-type boarding schools for children with physical and psychical defects are

operating within the system of general secondary education system. And naming of these education institutions as boarding school for children with physical and mental disability, boarding school for deaf children, boarding school for children with hearing difficulties and with acquired deafness, boarding school for blind children and children with eye-sight defects, boarding school for children experienced poliomyelitis and cerebral palsy and etc., creates some problems. The indication of the defects of children in the name of education institutions has psychological implications for parents, students and society in general and causes the children's feeling of isolation from the society and their difference from peers. Many ministries have already expressed their positive opinion on such change.

According to Article 12 of the Law of the Republic of Azerbaijan on Children, if children's rights and interests are violated, including when their parents (or one of them) do not fulfill their responsibilities on children education and upbringing or when parents use their rights, child has the right to apply to the Commission on Minors' Issues under the Cabinet of Ministers of the Republic of Azerbaijan, the Cabinet of Ministers of Nakhchivan Autonomous Republic, Commissions on Minors' Issues and Rights under district, town, district town executive authorities, State Committee on Family, Women and Children Problems, as well as the Ministry of Internal Affairs of the Republic of Azerbaijan, and to the court upon reaching the age of 14.

The State Committee for Family, Women and Children Affairs together with the relevant bodies undertakes the measures for establishment of the Republican Coordination Council on Work with Children.

Child's parents, as well as adopters, custodians, guardians and administration of children's houses are the ones who protect the children's rights and interests.

The State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan, created by the Decree of the President of the Republic of Azerbaijan of February 6, 2006, has a number of authorities and responsibilities such as provision of children's rights within its authorities and prevent their violation, maintaining of overall registry of the children deprived from parental care and adopted children, as well as the registry of foreign citizens or persons without citizenship wishing to adopt the children who are citizens of the Republic of Azerbaijan, issuance of permissions to foreign citizens or persons without citizenship wishing to adopt the children who are citizens of the Republic of Azerbaijan, and undertaking of necessary measures on inter-country adoption issues. The State Committee undertakes the following activity since inception of its operation:

- the mechanisms of child rights protection system are created and the relevant law and legislative acts in the field are regularly reviewed.
- the Child Rights Convention is promoted.
- the early marriage problem is studied.
- seminars are conducted in all regions of the country for identification of the situation with children and involve other relevant executive authorities.
- the ideas of reproductive health, the fight against violence, drug abuse and HIV/AIDS are broadly promoted.
- great deal of attention is paid to integration of the children with limited abilities to the society.

Court defense constitutes the basis of the rights protection system in Azerbaijan. Because, unlike other state bodies, direct function of the court is protection of human rights and freedoms.

As a result of successfully implemented the court legal reforms, a new legal system that dramatically differs from previous legal system in principle, has been established in the country, the courts received exclusive

authorities, the court authority's position is strengthened, material and social protection of charges is significantly improved, and the number of people applying to courts for protection of their violated rights has been increased notably.

Close collaboration have been established with many leading international organizations in order to utilize experience and reputation of these organizations for improvement of the efficiency of courts.

Special importance in this direction is given to the cooperation with the Council of Europe and Azerbaijan-Council of Europe joint working groups on assessment of independence, selection, assignment and activity of judges, judicial ethics and deontology, discipline of judges and their training have been established, the special action plan for identification of the scope of activities on improvement of the court work has been adopted and rational recommendations have been made.

Adoption of the laws "On Court-Judicial Council" and "On Amendments and Additions to the Law on Courts and Judges", as well as the decrees signed in 2006, are of special importance for modernization of the court system and improvement of court of justice. Thus, Court-Judicial Council composed mainly of judges and the representatives of the President, Parliament, General Prosecutor's Office and Collegium of Lawyers has been established. This body carries out the self-government functions of the judicial power and in fact is a new body. The terms of immunity and authority of judges are reviewed, the lifetime assignment of judges is approved, the discipline liability of judges is improved and this liability is referred to the exclusive authority of the Court-Judicial Council. In addition, the training sector of judges and prosecutors under the Court-Judicial Council is established and other measures have been taken in this direction.

The number of judges and staff of courts are increased for improvement of judicial activity and expansion of opportunities for the citizens to apply to judicial institutions, the procedures for selection of candidates to judge posts are further improved, the most advanced procedure of their selection through oral and written exams, based on the long-term trainings and the results of final interview is introduced, the Judge Election Committee is formed, the work of the judge associations is restructured, and for the first time, the candidates to judge positions are selected after evaluation of their activities through new procedures.

It should be noted that according to the Decree of the President of January 19, 2006 "On Improvement of the Judicial System", the Reviewing and Appellate Courts are recommended to organize the work on learning of the precedent law of the European Court of Human Rights and to consider the law in the judicial practice.

In accordance with the decree, the Supreme Court of the Republic of Azerbaijan has carried out the unification of the judicial practice in this field for the purpose of providing methodical assistance to the courts on correct application of the legislation and international conventional norms and based on the results of this assistance, the Plenary Decision of the Supreme Court of 30.03.2006 on application of the provisions of the European Convention "On Protection of Human Rights and Freedoms" and the practices of the European Court of Human Rights is made.

The mentioned decision of the Plenary Session is distributed to all courts and preliminary investigation bodies for implementation in practice.

### **General measures for realization of rights. Coordination and monitoring.**

The State Committee for Family, Women and Children Affairs is the body that carries out the State Child Policy. According to its statute, the Committee participates in the development of the integrated State policy in this field and provides the implementation of this policy. It also coordinates the relevant activities of other executive bodies.



Children are aware of the State Committee for Family, Women and Children Affairs. Thus, “Child Rights School” was established in 2008 under the State Committee for Family, Women and Children Affairs, the students of the school are educated by the experts and employees of the State Committee for Family, Women and Children Affairs on the Convention on the Rights of the Child, violence, healthy life-style and other topics, debates with children, meetings and discussions with child institutions and community families are organized during holidays. Since 2006, the State Committee for Family, Women and Children Affairs employees organized meetings, conducted trainings with children and young people in all districts of the country, and conducted a national campaign within the Child Year.

Two Child and Family Support Centers are operating under the State Committee (Goranboy and Shuvelan districts) and the centers conduct capacity building trainings for workers of boarding schools, local municipal and other executive authority employees, and children.

Since the year of starting of its activity, the Committee holds annual and quarterly report meetings and collegiums. As other agencies, it presents relevant activity reports in accordance with the legislation at the end of each year.

Taking into account Item 15 of the recommendations of the UN CRC to the Republic of Azerbaijan in 2006, the Child Rights Center is established under the Ombudsman in 2006 within the project titled “Child rights protection: strengthening of the work of Ombudsman in the field of child rights” and the Center has been provided with human resources and supplies. The Center carries out the following activities: protection of children’s rights, analysis of the child rights-related complaints, monitoring of implementation of the UN CR Convention and national legislation, development of relevant education modules and programs On the Rights of the Child considering age and gender aspects, enhancement of child rights education work with public, monitoring of the information in mass media related to violation of children’s rights, conduct of education campaign on children’s rights, investigation of cases of violence against children in state institutions (children’s houses, boarding schools, police stations, and in the institutions for detention of children), study of the international experience on protection of child rights, and other tasks.

A Working Group under the Ministry of Education is established by the Directive #174 of the Cabinet of Ministers of the Republic of Azerbaijan, dated June 28, 2007 for implementation of the State Deinstitutionalization Program and coordination of activities of different programs operating in this field and other relevant executive institutions.

National experts of the Working Group together with UN Children Fund (UNICEF) have conducted an assessment of 55 State child institutions and around 15 000 students of the institutions and created a database.

Information on the results of the assessment conducted in the State child institutions

<b>Sex</b>	<b>Persons</b>	<b>Percentage</b>
Man	2900	71,5
Woman	1155	28,5
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

Number of children	Persons	Percentage
0 - 3 year old	74	1,82
4 - 6 year old	106	2,61
7 - 11 year old	1509	37,21
12-16 year old	1833	45,20
17-18 year old	373	9,20
Older than 18	160	3,95
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

Date of institutionalization	Persons	Percentage
2008	99	2,4
2007	816	20,1
2006	554	13,7
2005	526	13,0
2004 and earlier	2060	50,8
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

Child's education	Persons	Percentage
At pre-school age	178	4,39
I grade	360	8,88
II grade	360	8,88
III grade	396	9,77
IV grade	419	10,33
V grade	398	9,82
VI grade	412	10,16
VII grade	393	9,69

VIII grade	347	8,56
IX grade	300	7,40
X grade	114	2,81
XI grade	70	1,73
Vocational school	22	0,54
College	6	0,15
Group (relates to the education organized at the boarding school under Ministry of Labor and Social Protection )	280	6,91
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

<b>Legal status of the child</b>	<b>Persons</b>	<b>Percentage</b>
Both parents died	75	1,8
One of the parents died – FATHER	55	1,4
One of the parents died – MOTHER	42	1,0
Deprived from parental care	72	1,8
Abandoned (without document)	259	6,4
Abandoned (parents unknown)	68	1,7
Temporarily placed (based on parent's request)	3484	85,9
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

<b>Place before institutionalization</b>	<b>Persons</b>	<b>Percentage</b>
Biological family	3492	86,1
Extended family	99	2,4
Adoptive family	4	0,1
Custodian-guardian family	28	0,7
Medical institution (maternity)	50	1,2
Other child care institutions	277	6,8
Found in street	56	1,4

Other institution (Shelter)	49	1,2
<b>TOTAL</b>	<b>4055</b>	<b>100,0</b>

Reason for child's institutionalization	Persons	Percentage
Both parents died	80	1,97
Mother died	181	4,46
Father died	412	10,16
Deprived from parental care	212	5,23
Parent imprisoned	144	3,55
Parents divorced	836	20,62
Single mother/father	1142	28,16
Parent alcohol and drug abuse	8	0,20
Parent without place to reside	337	8,31
Parent unemployment	796	19,63
Children subject to maltreatment and negligence in the family	14	0,35
Serious illness of parents	207	5,10
Hard economic state of the family (low-income)	1909	47,08
Bad living conditions	982	24,22
Parents living abroad	51	1,26
Serious illness of the child	308	7,60
Child in need of special education	1219	30,06

Authority making decision on institutionalization	Persons	Percentage
Ministry of Labor and Social Protection	267	6,58
Ministry of Education	3677	90,68
Ministry of Health	111	2,74
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

<b>Child's guardian</b>	<b>Persons</b>	<b>Percentage</b>
Biological family	1633	40,27
Biological mother	1581	38,99
Biological father	236	5,82
Extended family	184	4,54
Custodian	43	1,06
Parent adopting a child	3	0,07
Under institutional care	375	9,20
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

<b>Child's siblings</b>	<b>Persons</b>	<b>Percentage</b>
none	1059	26,12
1 person	1432	35,31
2 persons	880	21,70
3 and more	684	16,87
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

<b>Place of residence of siblings</b>	<b>Persons</b>	<b>Percentage</b>
Biological family	1631	40,22
Extended family	33	0,81
Custodian family	9	0,22
Adoptive family	7	0,17
In the same institution	1607	39,63
In other institution	104	2,56

Majority age	229	5,65
No information on siblings	332	8,19

<b>Child's contact with relatives</b>	<b>Persons</b>	<b>Percentage</b>
Child visits his/her family	2860	70,53
Relatives visit the institution	2809	69,27
Via correspondence	50	1,23
Telephone calls	744	18,35
No contact	387	9,54

<b>Frequency of child visits to home</b>	<b>Persons</b>	<b>Percentage</b>
Every week-end	1329	32,77
Sometimes visiting	2030	50,06
Not visiting at all	696	17,16
<b>TOTAL</b>	<b>4055</b>	<b>100</b>

<b>Child's health</b>	<b>Persons</b>	<b>Percentage</b>
Chronic diseases	191	4,71
Mental deficiencies	813	20,05
Hearing deficiencies	392	9,67
Eye-sight deficiencies	173	4,27
Loco-motor limitations	210	5,18

Enuresis	203	5,0062
Speech deficiencies	390	9,6
Genetic diseases	8	0,20
Congenital physical disabilities	34	0,84
Mantoux test - positive (virage)	177	4,36
Hepatitis C	1	0,02
AIDS	1	0,02
Practically healthy	3318	81,82

The results of the assessment have been analyzed based on the international criteria and the recommendations on each institution have been indicated in the Master Plan on transformation of State child institutions.

According to the Master Plan, the intention is to transform 12 institutions in the current year, 20 during next 3 years and 23 during another 5 years. Depending on the area of location, existing infrastructure and the quality of services provided to children it is designed in the Plan to (a) close the institutions, or (b) reduce the number of children there and continue operating as institutions, or (c) create alternative day care centers, development and rehabilitation centers, institutions or general education schools, vocational lyceums and gymnasiums as temporary shelter-care institutions. The institutions' staff will be involved in qualification enhancement courses depending on their education, age, professionalism and will have opportunity to continue their work in the institutions.

Some work has been done in this direction. The Master Plan has been submitted to the Government for approval. After being approved by the Government, a comprehensive plan will be developed including calculation of the required funds for each institution. To this end, UNICEF provided two international and one local expert.

In accordance with the Master Plan, Gazakh town general education boarding school has been transformed to a humanitarian science-biased lyceum, and foreign languages biased general education boarding school to foreign languages biased gymnasium.

"Day Care Center" has been opened in the children's house #2 of Surakhani district. The purpose for creation of the center is prevention of institutionalization of children. Therefore, the center accepted only the children, who live in the territory of Surakhani district and who belong to the risk groups, children from low-income families with unfavorable living conditions.

While the activity of this center, which is created as an alternative to the State child institution, enhances, the Children's House will gradually transformed to a day care center. At the moment, the admission of the children, who want to overnight in the children's house, is stopped. The Center is provided with a transport mean to transfer children to their homes. At the same time, the Center's employees continue to work with the children's families, provide trainings and render psychological aid.

It is planned to start operation of a child development and rehabilitation center soon under the national assistance boarding school for the children deprived from parental care.

Besides, Save the Children passed its “Child and Family Support Center” in Mingachevir to the Ministry of Education. The Center conducts actions on development, education and social adaptation of children with health limitations, and provides psychological and legal assistance to their families.

The mechanisms (concept) such as “de-institutionalization of children and alternative care” and “organization of social services for children” have been developed and their piloting is planned for this year.

To this end, a pilot project on “de-institutionalization of children and alternative care” has been developed. The Ministry of Education, Ministry of Labor and Social Protection, The State Committee for Family, Women and Children Affairs and UN Children Fund (UNICEF) reached the agreement on joint implementation of the project.

The purpose of the project is de-institutionalization of children by transferring them to their biological or alternative families in the pilot district or their transfer to the alternative care, as well as provision of protection of the risk group children from institutionalization.

It is planned to open the rehabilitation and development center under the national support boarding school #1 for the children deprived from parental care.

The Government of Azerbaijan and UNICEF agreed upon “Strengthening of Child Protection System”. Just for this purpose, UNICEF together with the NGO Alliance for Child Rights started studying of child problems and implementation of a project on provision of services to the children in different fields. According to the program, the employees of the Child Rights Clinic of the NGO Alliance for Child Rights conducted a study of children in open type special education institution for boys in Mardakan settlement of Baku and children residing in the special education institution in Guba district. The main goal of the study is to identify problems of the children in the mentioned institutions, to develop individual development plan for each child and to provide assistance to their transfer to families.

The initial examination work has been done in the mentioned institutions in November and December 2007. The second examination work has been conducted in the institution in late March and early April 2008. As a result of the study, 9 children were selected from the institutions.

At the moment, some measures are being undertaken together with the Ministry of Education for transfer of the children to their families and resolution of their families’ problems. Two children from Baku-based families residing in the “Children and young people social rehabilitation center” of the “Children Rights Clinic” have received psychological support and services for their social integration. The children who are in the last grade of the boarding school have benefited from the center’s services during their summer vacations.

By the Ombudsman’s initiative and for increase of the efficiency of implementation of the State De-institutionalization and Alternative Care Program, a monitoring of the state of de-institutionalized children was conducted in 2006. For this, the list of the children transferred to their biological or alternative families were acquired from the Ministry of Education and some districts and towns were visited. Children and families were interviewed using a questionnaire specially designed for this purpose and a field study was conducted. As a result of the monitoring, the families were accessed to the relevant bodies with regard to reception of the targeted social allowances and their cases were successfully completed. It was also identified during the monitoring that some children dropped their education after the transfer to families. A list was prepared with this regard and submitted to the Ministry of Education for further actions.

During other monitoring, it was identified that children sometimes are engaged in advertising of the goods not related to them. There was made an appeal to the relevant bodies (by the State Committee for Family, Women and Children Affairs and Ombudsman) based on the contradiction of such cases to Article 21.2 of the Law of the Republic of Azerbaijan on Advertisement and the advertisements were dismantled from billboards.



Between 2003 and first half of 2009, 154 non-governmental organizations, including a number of NGOs with the activity purpose of child rights protection got the State registration.

Solution of problems of refugee, IDP and handicapped children and children with health limitation, and veterans, the programs and projects of NGOs related to children, women and young people's social, physical and moral development are given first priority in accordance with "the Concept on State Support to Non-governmental Organizations" approved by the President of the Republic of Azerbaijan on July 27, 2007.

NGO Support Council under the President of the Republic of Azerbaijan announced a tender for NGO project financing in 15 different fields on June 12, 2008. One of the directions of the tender was support to solution of family, women, child and youth problems.

The amount of the fund ,allocated under this direction is 85000 manat. The Council decided to fund total 23 projects in this field, including 11 projects namely on child problems.

## **II. DEFINITION OF CHILD**

### **Article 1. Determination of childhood age**

According to the Election Code of the Republic of Azerbaijan, Except for the cases stipulated in the legislation, every citizen of the Republic of Azerbaijan, who has attained the age of 18 by or on the day of Parliamentary, Presidential or Municipal elections or the day of a referendum, shall enjoy active suffrage, i.e. have the right to vote in an election, to vote in a referendum, to observe elections (referendums), to participate in a pre-election (pre-referendum) campaign, and to participate in carrying out activities as provided for in this Code regarding election operations and preparation for a referendum.

According to the Article 1 of the Law of the Republic of Azerbaijan "On the Rights of the Child" and Article 49.1 of the Family Code, the persons not reached 18 (majority) and not acquired full capability shall be considered child.

At the same time, in accordance with the Convention, the legislation of the Republic of Azerbaijan enshrines earlier majority age for the definition of child in the applicable law. Thus, pursuant to Article 28 of the Civil Code of the Republic of Azerbaijan civil legal capacity of a physical person shall be fully effective upon the person reached 18. Upon consent of parents, as well as adopters or custodians, if not such consent available, upon a court decision, the minor can be considered a capable adult (emancipation). The minor who reached 16 and working on labor agreement or carrying on entrepreneurship activity by consent of his/her parents, adopters or guardians, he/she can be considered as a person with full legal capacity.

### **On the Marriage Age**

According to the provisions of Article 10 of the Family Code of the Republic of Azerbaijan, the marriage age in the Republic of Azerbaijan for men is 18 and for women – 17. If there are legitimate excuses, and based on a written request of the persons, who has not reached majority, to the local executive authorities, the authorities may permit to reduce their marriage age for not more than 1 year.

The State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan submitted a proposal on increasing the marriage age for women to 18, for protection of gender equality and prevention of early marriages and the proposal is currently being considered by the parliament.

In the cases when law allows to get married before 18, the person under 18 acquires full legal capacity from the moment he/she gets married. The legal capacity acquired as a result of marriage shall be fully effective even the marriage gets broken before the person reaches age of 18.

### **III. GENERAL PRINCIPLES**

#### **A. Article 2. Discrimination**

Pursuant to Article 6 of the Law of the Republic of Azerbaijan “On the Rights of the Child”, all children have equal rights. Children shall not be subject to discrimination irrespective of social and property status of their parents or persons substituting them, children’s health, race and nationality, language, education, religion, political views and place of residence. Children are not responsible for actions of their parents or persons substituting them and their rights must not be limited due to the causes related to their parents. No matter whether a child is born in marriage or out of it, children have the same rights in relation with their parents.

In addition, it must be noted that the Republic of Azerbaijan joined the UN Convention on Elimination of Racial Discrimination by its Law of May 31.

According to Article 43 of the Family Code of the Republic of Azerbaijan, rights and responsibilities of children are based on verification of their origin in the manner established by the legislation.

According to Article 43 of the Family Code of the Republic of Azerbaijan, the origin of the child by his mother (motherhood) shall be identified by the relevant executive power body based on the document from a medical institution verifying the birth of the child by his/her mother and based on the document presented by the doctor delivered the birth in case the birth took place out of medical facility. If such documents are not available, the origin of the child by his mother (motherhood) shall be determined by court based on the testimonies of witnesses and other evidences.

Verification of child’s origin shall be carried out through State registration of the fact of his birth in accordance with the legislation.

For achievement of the Millennium Development Goal on “Elimination of inequality and discrimination between boys and girls in primary and secondary education and achievement of gender equality with regard to the education right through guaranteeing full and equal access to high quality education by 2015” and taking into account the principles of the programs called “Education for All”, special attention is paid to elimination and prevention of any form of discrimination against children.

The Ministry of Education carried out analyses based on 18 indicators regarding gender and discrimination cases in basic and secondary education levels in the country. Joint project and programs on gender and discrimination issues in education are carried out with international organizations.

The Convention Against Discrimination in Education is ratified by *the Milli Majlis* (Parliament).

#### **B. Article 3. Child’s best interests**

According to Article 5 of the Law of the Republic of Azerbaijan «On the Rights of the Child», the governmental bodies, all physical persons and legal entities must give priority to children’s interests and create conditions for observation of their rights. Normative-legal acts of the Republic of Azerbaijan, decisions of the relevant governmental bodies must not be against children’s interests, and their implementation must not affect children’s development and upbringing. Any transaction that limits child’s rights and interests is void.

Painting, photo, applicable art, dance and other contests and festivals on different topics are regularly held among students of general education schools, and CR Convention is promoted.

In some case protection of children’s rights and legal interests are not sufficiently provided in practice. Usually child’s opinion and interest are not taken into consideration when parents get divorced, and judges,

based on their practice, make decision for child to stay with his/her mothers. During the divorce process and when court decision is made on division of property or apartment, assignment of alimony rights and children's rights and legal interests are not fully taken into consideration, and court decisions sometimes are not timely executed. This, in turn, negatively affects child's material and moral state. As a result, we observe some oppressive cases of children dropping schools and been forced to work and earn money.

The State Committee for Family, Women and Children Affairs regularly conducted painting, photo, essay, applicable art contests on different topics with students, children in need of special care, refugee and IDP children, children in residential care institutions, as well as regular exhibitions and compositions titled "My Rights" are held in the child and mother support centers under the State Committee for Family, Women and Children Affairs and trainings on the same topic and events dedicated to State holidays.

The State Committee for Family, Women and Children Affairs regularly organizes summer vacations for children in need of special care, especially talented and other children, and ensures their participation in international exhibitions and festivals.

The State Committee on Standardization, Metrology and Patent together with the relevant bodies regularly conducts joint monitoring for ensuring that child nutrition products and toys comply with the relevant normative documents and the imported child consumable goods meet the requirements of safety standards and quality indications.

There are no enterprises in the country producing child nutrition products.

In 2009, employees of the State Control Department of the State Committee on Standardization, Metrology and Patent have examined different child nutrition trademark products of six manufacturers, imported to the country. The revised products met the requirements of the normative documents in terms of their quality and safety. Some shortcomings were identified in documentation, storage and certification of the imported products in some enterprises and the appropriate warnings are sent to the enterprises with regard to elimination of those shortcomings.

At the same time, the examination of child nutrition products of different trademarks, taken as samples for revision from trade networks, showed that the products comply with the safety regulations of the normative documents.

Along with this, samples of the toys manufactured in China were taken from 14 trade networks and presented to the laboratories of the Hygiene and Epidemiology Center of the Ministry of Health and the State Committee on Standardization, Metrology and Patent for examination.

According to the results of the tests, the toys from 10 out of 14 trade networks did not meet the safety standards, hygiene norms, were low quality and dangerous for kids.

Based on the results of the tests, selling of the toys not meeting the standards, hazardous and dangerous for human health were prohibited.

The monitoring activities for identification of compliance of the child consumption goods to the safety and quality indicators are going on.

The State Committee organizes education campaigns in schools and education institutions for children and conducts other measures in this direction.

The work in the following direction is done with the children in residential care institutions:

- organization of children's leisure time in compliance with their interests;
- regular medical examination and treatment activities on children's health are undertaken;

- the staff of the residential care institutions is uninterruptedly trained on topics such as child rights and normal child development and other this type of topics, and individual care plans are developed for each child.

### **C. Article 6. Survival and right to develop**

The Law of the Republic of Azerbaijan “On the Prevention of Negligence towards Minors and their Delinquency” became effective on May 24, 2005. In relation to the implementation of the law and in accordance with the Task 17/17/4260-11 of November 7, 2006 of the Cabinet of Ministers of the Republic of Azerbaijan, a Working Group is established. It is composed of the representatives of Ministry of Labor and Social Protection, Ministry of Justice, Ministry of Education, Ministry of Sport and Youth, Ministry of Finance, the State Committee for Family, Women, Children Affairs of the Republic of Azerbaijan, and Baku city Executive Authorities. The Action Plan on implementation of the law was discussed at the meeting of the Working Group in 2007, and after taking into consideration the opinions and recommendations of the relevant governmental agencies, international and local NGOs, its final version was submitted to the Cabinet of Ministers of the Republic of Azerbaijan.

It is planned to construct a specialized rehabilitation institutions for minors in Baku for 50 children and 5 institutions in 5 districts for 30 children each and 5 social shelter for 25 children each.

Moreover, according to the relevant order of the Ministry of Internal Affairs, service revisions are conducted by the area police bodies on all registered cases of suicide and attempts to suicide, the results are analyzed and related suggestions and recommendations are sent to the relevant governmental agencies when necessary.

Pursuant to Article 18 of the Law of the Republic of Azerbaijan “On Traffic” of July 3, 1998, the safety rules on roads are regularly taught to citizens, including in pre-school, general education and special education institutions based on the exemplary programs and methodical guidelines jointly developed by the relevant governmental bodies, including Ministry of Internal Affairs, Ministry of Labor and Social Protection, Ministries of Health and Education, programs are developed and implemented by local and central government authorities for their safety and protection from accidents and crashes on traffic.

According to Articles 24 and 25 of the Law, the integrated State registry system is maintained on the main indicators of traffic (persons victims of traffic accidents, persons and drivers violated the traffic rules, measures taken in this field and etc.) in the territory of the country. Mass media outlets and the public are regularly informed about traffic and traffic participants’ safety. Registered traffic accidents and people suffered or became victims of the accidents, including children.

5 books, including 3 exercise books are developed during recent years for strengthening of education in the direction of protection of children from traffic accidents and prevention of the accidents, and the application of books in the education process are provided in general education secondary schools.

Ministry of Health together with UNICEF implements programs on child mortality analysis and decreasing programs (Child Mortality Survey 2007-2008). During the reporting period (2007), child mortality rate was 12.1. cases per 1000 live births.

Perinatal death per each 1000 birth - 8.9

Child mortality per disease:

HIV/AIDS-2

TB-25

Malaria-0

Hepatitis-2

Poliomyelitis-0

KRX-51

Each woman has the right to make decision on maternity. Induced abortion is applied by the wish of women before 12<sup>th</sup> week of pregnancy. For social reasons, induced abortion can be carried out until 22nd week of pregnancy (The Law of the Republic of Azerbaijan on Protection of Population's Health, Art. 30).

The Information and Statistics Department of the Ministry of Health collects data on pregnancy of all girls under 19: 15483 (2007)

The Republic of Azerbaijan recognizes the inherent right of life of each child, and provides, at maximum level, his/her survival and healthy growth.

#### Number of deaths

Years	Person			Per 1000 population		
	Total population	Urban population	Rural population	Total population	Urban population	Rural population
2003	49001	24999	24002	6,0	6,0	6,1
2004	49568	25867	23701	6,1	6,1	6,0
2005	51962	27347	24615	6,3	6,4	6,1
2006	52248	27581	24667	6,2	6,4	6,1
2007	53655	28162	25493	6,3	6,4	6,2

#### Deaths by gender

Years	Person			Per 1000 population		
	Both sex	men	women	Both sex	men	women
2003	49001	25563	23438	6,0	6,4	5,7
2004	49568	26039	23529	6,1	6,5	5,7
2005	51962	27474	24488	6,3	6,7	5,8
2006	52248	27639	24609	6,2	6,7	5,8
2007	53655	28636	25019	6,3	6,9	5,8

Deaths by age group							
Years	Person			Per 1000 population based on their place of residence and age group			
	Total population	Urban population	Rural population	Total population	Urban population	Rural population	
2003			24002				
Total	49001	24999		6.0	6.0	6.1	
including:							
Up to 18 (0-17)	3453	1232	2221	1.2	0.9	1.5	
2004							
Total	49568	25867	23701	6.1	6.1	6.0	
including:							
Up to 18 (0-17)	3494	1415	2079	1.3	1.1	1.5	
2005							
Total	51962	27347	24615	6.3	6.4	6.1	
including:							
Up to 18 (0-17)	3236	1360	1876	1.2	1.1	1.3	
2006							
Total	52248	27581	24667	6.2	6.4	6.1	
including:							
Up to 18 (0-17)	3236	1595	1641	1.2	1.3	1.2	
2007							
Total	53655	28162	25493	6.3	6.4	6.2	
including:							
Up to 18 (0-17)	3100	1556	1544	1.2	1.3	1.1	

## Perinatal death

Years	person	Live/still birth per 1000 population
2003	866	7,6
2004	1059	8,0
2005	1427	10,0
2006	1529	10,2
2007	1369	9,0

## Infant mortality cases (before 1<sup>st</sup> birthday) disaggregated by the death reasons

- respiratory organs diseases	766	712
- perinatal period cases	333	321
- contagious and parasitic diseases	152	138
<i>including:</i>		
TB	<b>1</b>	.
Acute inflammation of upper respiratory tracts		
Respiratory infections	<b>58</b>	64
- congenital abnormalities	<b>369</b>	270
- accidents, poisoning, and		
- injuries	<b>37</b>	26
<b>Per 10 000 live birth</b>		

- respiratory organs diseases	54,1	49,1
- perinatal period cases	21,8	21,7
- contagious and parasitic diseases	9,4	9,7
<i>including:</i>		
TB	0,1	-
Acute inflammation of upper respiratory tracts		
Respiratory infections	3,9	4,2
- congenital abnormalities	17,4	21,2
- accidents, poisoning, and		
- injuries	2,3	2,1

#### Abortion by age groups

	2003	2004	2005	2006	2007
<b>Number of abortions - Total</b>	<b>16912</b>	<b>19806</b>	<b>19586</b>	<b>20867</b>	<b>22325</b>
including:					
Up to 20 y.o.	809	725	822	1014	1100
20-24 y.o.	4119	4555	4731	4765	4944
25-29 y.o.	5120	6681	6104	6643	6977
30-34 y.o.	4133	4832	4623	4896	5440
35-49 y.o.	2731	3013	3306	3549	3864
<b>Abortions per each 1000 women of 15-49 y.o. - Total</b>	<b>6,9</b>	<b>8,0</b>	<b>7,8</b>	<b>8,1</b>	<b>8,6</b>



including:					
Up to 20 y.o.	1,9	1,6	1,8	2,2	2,4
20-24 y.o.	11,2	12,0	12,1	11,7	11,8
25-29 y.o.	15,6	19,9	17,8	19,0	19,5
30-34 y.o.	12,3	14,8	14,4	15,3	16,9
35-49 y.o.	2,8	3,0	3,2	3,4	3,7

#### **D. Article 12. Respecting child's views**

Pursuant to Article 49 of the Civil Procedural Code of the Republic of Azerbaijan, if under 16 minors' full capability is verified (emancipation), he/she can administer his/her rights and responsibilities before court. Rights, freedoms and law-protected interests of minors of the age between 14 and 18, as well as persons with limited physical capacity before court shall be defended by their legal representatives. However, the court can involve both the minors and the persons with limited physical capacity to this activity. In the cases provided for by the law, minors themselves can defend their rights, freedoms and law-protected interests related to the transactions on disposal of the salaries emerged and received from the civil, family, labor, administrative and other relations or the income acquired from entrepreneurship activity.

In accordance with Article 197 of this Code, interrogation of under 14 witnesses and witnesses between ages of 14 and 16 by court order shall be conducted with the participation of a representative of the education institution he/she studies in. In the cases of necessity, parents, adopters, custodians or guardians of the minor witness are also invited to the court. The mentioned persons can give questions to the witness upon agreement of the court chairperson and express their suggestions with regard to the witness' personality and testimony.

As exception, when it is necessary to identify the circumstances of the case, this or other person participating in the case, as well as any person present at the courtroom can be withdrawn from the room by the decision of the court during the questioning of the minor witness. The person participating at the case and withdrawn from the courtroom must be informed about the content of the minor's testimony and given chance to address questions to the witness.

According to Article 52 of the Family Code, child has the right to express his/her own opinion during solution of any issue affecting his interests in the family and be heard during court investigation and administrative enquiry. Except the cases contradicting his/her interests, opinion of the person who has already reached 10 must definitely be taken into consideration.

In the cases provided for in the legislation, court or trusteeship and guardianship authority can make decision upon consent of the person who has reached 10.

According to Article 432 of the Criminal Procedure Code, the main procedural guarantees on provision of rights of minors must be observed during all stages of the preliminary investigation on the minors, such as:

- The right to obtain information on the laid charge;
- The right to refuse to give testimony;
- The right for defense;
- The right of participation of parents or other legal representatives;
- The confidentiality right.

Investigator must provide participation of a teacher or psychologist during conduct of investigation actions involving minors under 16 with signs of mental disabilities. In all instances, cancellation of criminal cases on minors must be done upon receipt of consent of the minors' themselves or their parents (other legal representatives). When informing an accused minor about the end of preliminary investigation and presenting the criminal case materials to him/her, the investigator and prosecutor who undertakes procedural lead of the preliminary investigation based on their own suppositions may decide not to share the materials of the investigation with the minor due to possible negative effect of the materials on him/her. In such case, the minor's attorney or legal representative must be obligatorily familiarized with the materials. When minor is detained, his/her parents or other legal representatives shall be informed about it.

In accordance with the Administrative Offences Code, if physical persons or victims, against whom an administrative offence charge has been filed, have not reached majority age or cannot independently assert their rights due to physical or psychical defects, their legal representatives have the right to represent their interests. If physical persons or victims, against whom an administrative offence charge has been filed, do not have legal representative, the authorized official leading the administrative offence case shall consider custodian and guardianship bodies as legal representatives of the persons or victims.

If the person detained under administrative proceeding is minor, does not understand the language the proceeding, is administered, is mute, deaf, blind or cannot exercise the defense of his/her rights, the participation of attorney in the cases is obligatory. In the mentioned cases, the refusal to have attorney by the person being under administrative proceeding is not accepted.

Pursuant to Article 145.3 of the Family Code, child's transfer to a guardian family shall be carried out by taking into account his/her opinion. The child who reached 10 can be transferred to a guardian family only if he/she agrees with this transfer.

As a rule, consultations and discussions with children and youth non-governmental organizations and initiative groups have been conducted during development of the report on the Child Rights Convention and information on their events and achieved results have been collected. Around 20 NGO representatives and children group got involved in and discussed the preparation of the present report.

The currently used student guidelines have been developed by the experts selected among leading education specialists and by the Working Group in accordance with the Education Law in 1994-1995. The guidelines were approved by the Ministry of Education and distributed to all general education schools.

## **IV. CIVIL RIGHTS AND FREEDOMS**

### **A. Article 7. Name and Citizenship.**

Pursuant to Article 10 of the Law «On the Rights of the Child», every child shall be registered after the birth in accordance with the legislation of the Republic of Azerbaijan and acquire citizenship.

The Republic of Azerbaijan joined the UN 1961 Convention “On the Reduction of Statelessness” on May 31 1996.

706596 births and 62805 out-of-marriage births were registered during the reporting period.

Pursuant to Article 167 of the Family Code, information about child birth must be provided not later than 3 month after the birth, and not later than 3 days in case of still birth.

On entry of incorrect information into certificates on registration of citizenship status acts, it should be noted that there are no serious shortcomings in the State birth registry, because the registration is carried out on official documents. This work is under constant control of the Ministry of Justice of the Republic of Azerbaijan and regularly reviewed in accordance with “The Guidelines for State Registration of Citizenship Status Acts” approved by the Order #11-T of the Minister of Justice of June 2, 2005. Besides, the electronic database of citizenship status acts has been created, the temporary guidelines on organization of the relevant registration bodies, an electronic network of all registration bodies of Baku has been established and other district registration branches have joined the network.

At the same time, a methodic regulation on rules for completion of citizenship status acts registration books is developed in accordance with the amendments and changes to the Decision #52 of the Cabinet of Ministers of the Republic of Azerbaijan of March 1, 2001 “On Approval of some Normative-legislative acts related to the

application of the Family Code of the Republic of Azerbaijan based on the Decision#145 of the Cabinet of Ministers of the Republic of Azerbaijan, dated July 22, 2005, and also a new form allowing optic recognition of act registration templates is developed for simplification of the work of the bodies dealing with the registration of citizenship status acts.

Introduction of the new act registration templates serve to prevention of any difference between 2-copy acts, clarity and readability of records forms and ensuring of accuracy of statistic reports.

Along with the above-mentioned, the reforms on improvement of the state registration are continued. Local district (town) registration offices are established for simplification of physical persons' State registration work within the citizenship status acts registration bodies based on the Decree of the President of the Republic of Azerbaijan "On Development of Justice Bodies" of August 17, 2006.

Regulation of provision of protection from statelessness by the national laws – According to Article 13 of the Law of the Republic of Azerbaijan "On Citizenship of the Republic of Azerbaijan" child being in the territory of the Republic of Azerbaijan, both parents of who are unknown, is a citizen of the Republic of Azerbaijan.

Provision of full birth registration of all children – the fee for getting birth certificate for inclusion in the State registration is liquidated based on the Decision #224 of the Cabinet of Ministers of the Republic of Azerbaijan, dated October 14, 2006.

At the same time, as new residential areas in a number of districts of Baku are recently settled, mobile registration of citizenship status acts in the remote areas has been provided by the representatives of the district registration offices.

Change of the names of children who reached majority – According to Article 53 of the Family Code, child has the right to have name, patronymic and surname. Pursuant to Article 54 of the Code, the relevant executive authority can permit change of the name of a child, as well as change of his/her surname to other parents surname before he/she reaches 18 and only upon joint request of both parents and by taking into consideration the child's interests.

In accordance with the requirements of the "Main Principles identifying the rules for making changes, recovery and liquidation of the records in the citizenship status acts" approved by the Decision #52 of the Cabinet of Ministers of the Republic of Azerbaijan on March 1, 2001, the change of a citizen's name shall be carried out by the local registration bodies and consulate sections, if the change is sufficiently grounded and there is no dispute between the relevant persons. If there is a dispute between the relevant persons, the rectification to the change shall be done based on the court resolution.

### **Article 8. Protection of identity**

The Republic of Azerbaijan gained certain legal experience in cooperation on international child adoption, prevention of child kidnapping and detaining. Thus, the Republic of Azerbaijan joined the Hague Convention of May 29, 1993 by the Law "On Protection of Children and Cooperation in Respect of Inter-Country Adoption" of March 30, 2004. According to Article 1 of the Convention, the objects of the Convention are to establish safeguards to ensure that inter-country adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law, to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children, and to secure the recognition in Contracting States of adoptions made in accordance with the Convention.

Provisions of the Convention shall apply where a child habitually resident in one Contracting State ("the State of origin") has been, is being, or is to be moved to another Contracting State ("the receiving State") either after

his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.

It must be noted that the Republic of Azerbaijan made 5 statements on the Convention when joining the Hague Convention by its law of March 30, 2004. By the statements, the Ministry of Justice of the Republic of Azerbaijan assigned the body that approves child adoption in compliance with item 1 of Article 6 and Item 2 of Article 23 of the Convention; set the provision that the adopted children may leave the territory of the Republic of Azerbaijan only by legally effective court decision; set the rule for administration of adoption of the children habitually residing in the territory of the Republic of Azerbaijan within the scope allowed by the relevant national legislation; as well as stated that it will not recognize child adoptions based on the agreements the Republic of Azerbaijan is not signatory.

The Law of the Republic of Azerbaijan of December 15, 2006 made changes to the statements of the Republic of Azerbaijan in respect of the Hague Convention and Items 1 and 4 of the statements on assignment of the Ministry of Justice as Central Authority (Item 1, Article 6 of the Convention) and Authorized Body certifying child adoption (Item 2, Article 23 of the Convention) were removed from the text.

In accordance with “The Guidelines on Accreditation of the Authorities Providing Legal Assistance to Foreigners and Stateless Persons with regard to Inter-country Child Adoption” approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan of July 22, 2008, and in compliance with Article 6, Item 1 of the Hague Convention, the State Committee for Family, Women and Children Problems is assigned as the Central Authority of the Republic of Azerbaijan. The experience of the Republic of Azerbaijan in the field of inter-country adoption is limited to the mentioned Hague Convention. The application of the Convention’s provisions at the national legislation level is carried out through the Family Code of the Republic of Azerbaijan, and the following decisions of the Cabinet of Ministers of the Republic of Azerbaijan and other normative acts: “On application of guidelines for registry of children deprived from parental care and adopted children, and registry of foreigners and stateless persons willing to adopt children who are citizens of Azerbaijan, dated September 20, 2000; “on approval of the guidelines for accreditation of authorities providing legal assistance to foreigners and stateless persons with regard to inter-country adoption”, dated July 22, 2008.

Pursuant to Article 1 of the Law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan”, the person born in the territory of the Republic of Azerbaijan or from the citizens of the Republic of Azerbaijan is a citizen of the Republic of Azerbaijan. The person one of parents of which is a citizen of the Republic of Azerbaijan, is citizen of the Republic of Azerbaijan. Pursuant to Article 10 of this Law, the attribution of the citizen of the Republic of Azerbaijan to a foreign State citizenship shall not be recognized, except the cases settled in compliance with Article 109.32 of the Constitution of the Republic of Azerbaijan or the international agreements the Republic of Azerbaijan is signatory to.

Chapter XI of the Family Code is dedicated to children’s rights in family. Child has the right to have name, patronymic and surname. Child is given name by agreement of parents and patronymic is given based on father’s name.

The trusteeship and guardianship bodies of the local executive authorities can permit changing the name of a child, as well as changing his/her surname to other parents surname before he/she reaches 18 and only upon joint request of both parents and by taking into consideration the child’s interests.

Name and surname of a child who reached 10 can be changed only at his/her consent.

Child has the right to communicate, i.e. to have contacts with his parents, grandparents, siblings.

Pursuant to Article 25 of the Law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan”, citizenship of children between the ages of 14 and 18 can be changed only at their consent. The

relevant services of the internal affairs agencies carried out measures in 2003-2008 on prevention of delinquency among minors, abuse and violence against them, as well as improved the work for elimination of street life of minors and regular actions were undertaken with this regard.

As an integral part of constant measures taken within the ministry system, consistent improvement based on the plan was achieved last years in the field of work with juveniles and functional objectives of the ministry, new legal and normative acts were adopted in accordance with the requirements of the national and international norms On the Rights of the Child, a number of reforms were made by the Ministry of Internal Affairs for reorganization and improvement of the service field for work with juveniles in compliance with the requirements and principles of the international special human rights, including UN CR Convention, “Standard Minimum Rules for the Administration of Juvenile Justice” (Beijing Rules – 1985), “UN Ruling Principles for the Prevention of Juvenile Delinquency” (Ar-Riyadh Guidelines), “UN Resolution for Children Protection and Development in 90s” and the country laws, the adequate measures were taken for bringing the activities in compliance with the international experience and the abovementioned reforms are presently going on.

### **Article 13. Freedom of expression**

Article 47 of the Constitution of the Republic of Azerbaijan states that everyone may enjoy freedom of thought and speech. Nobody should be forced to promulgate his/her thoughts and convictions or to renounce his/her thoughts and convictions. Propaganda provoking racial, national, religious and social discord and animosity is prohibited.

Article 50 of the Constitution sets forth everyone’s freedom to look for, acquire, transfer, prepare and distribute information.

Article 14 of the Law of the Republic of Azerbaijan «On the Rights of the Child» states that every child has the freedom of conscience, thought and speech. Parents, other persons and State authorities should respect child’s freedom of conscience, opinion and speech. According to Article 15 of the Law, every child has the freedom to look for, acquire, transfer, prepare and distribute information that is necessary for his/her physical and mental development in accordance with the legislation of the Republic of Azerbaijan.

### **Article 14. Freedom of Thought, Conscience and Religion**

We mentioned above the fundamentals of child’s right for freedom of conscience, opinion and speech in accordance with the legislation of the Republic of Azerbaijan (Article 13).

Pursuant to Article 52 of the Family Code of the Republic of Azerbaijan, child has the right to express his/her view in the issues effecting his/her interests in family, and also to be heard during administrative proceedings and court investigations. Except the cases contradicting his/her interests, the opinion of the child reached 10 must be taken into consideration. Court, custodian and guardianship authorities can make decision only upon consent of the child reached 10 in the cases provided for in the legislation.

Pursuant to Article 48 of the Constitution of the Republic of Azerbaijan, everyone has the right to define his/her attitude to religion, to profess, individually or together with others, any religion or to profess no religion, to express and spread one’s beliefs concerning religion. Everyone is free to carry out religious rituals; however, this should not violate public order and contradict public morale. Religious beliefs and convictions do not excuse infringements of the law.

According to Article 14 of the Law of the Republic of Azerbaijan «On the Rights of the Child», it is prohibited to engage child in religious rituals that harm his/her health.

The religious education is not an integral part of the regular curriculum. Religion is free. Religion is separated from education and school. Getting religious education beyond the school is the right of every child.

### **Article 15. Freedom of association and free and peaceful assembly**

Pursuant to Article 58 of the Constitution of the Republic, everyone has the right to join other people. Unrestricted activity of all unions is ensured. Nobody may be forced to join any union or remain its member.

Activity of unions intended for forcible overthrow of legal state power in the whole territory of the Republic of Azerbaijan or on a part thereof is prohibited. Activity of unions, which violates the Constitution and laws, might be stopped by decision of law court.

According to Article 26 of the Law of the Republic of Azerbaijan «On the Rights of the Child», children has the right to create public unions and public self-activity bodies and join in them in their education institutions and place of residence in the manner established in the legislation of the Republic of Azerbaijan.

It is prohibited to involve children, children public unions, and public self-activity bodies to political activity.

Children became notably active recent years. It must be specially noted that 85-deputy Child Parliament started its activity since 2007 and it is envisaged to assist the Milli Majlis with discussion and solution of child issues. Local “child parliament” representative are present in all districts and schools of the country.

### **Article 16. Right to protection of privacy**

According to Article 32 of the Constitution of the Republic of Azerbaijan, everyone has the right for personal immunity. Everyone has the right for confidentiality concerning personal and family life.

Gaining, storing, use and spreading information about the person private life without his/her consent is not permitted.

The state guarantees everyone the right for confidentiality with respect to correspondence, telephone communications, post, telegraph messages and information sent by other communication means. This right might be restricted, as specified by legislation, to prevent crime or to find out true facts when investigating criminal case.

Article 33 of the Constitution of the Republic of Azerbaijan sets forth everyone’s right for sanctity of his/her home. Except cases specified by law or decision of law court nobody has the right to enter private home against the will of its inhabitants.

### **Article 17. Right to obtain information**

Article 50 of the Constitution of the Republic of Azerbaijan sets forth everyone’s freedom of information, i.e. everyone is free to look for, acquire, transfer, prepare and distribute information. Everyone has the right to require rectification or removal (liquidation) of information about him/her, which is not true, incomplete and acquired by breaching the law.

Article 1 of the Law of the Republic of Azerbaijan “On Obtaining Information” sets forth that establishment of legal basis for provision of the right for free and unobstructed collection of information based on equal access for everybody and on the principles of open society and democratic legal State, and creation of conditions for public control over the implementation of public responsibilities by the citizens are the objectives of this law.

Obtaining of information in the Republic of Azerbaijan is free. Irrespective of the age, everyone has the right to request information from its source directly or through a representative, and to choose the type and the way of obtaining of the information.

Physical persons have the right to unrestricted access to, obtaining of the information about themselves, require clarifying rectifications about the information, and to learn whom and for what purpose uses the information.

Article 50 of the Constitution of the Republic of Azerbaijan reads that freedom of mass media is guaranteed. State censorship in mass media, including press is prohibited. Mass media outlets shall use the State language in the territory of the Republic of Azerbaijan.

The citizens of the Republic of Azerbaijan have the right to use other languages that people of Azerbaijan speak and other worldwide languages upon development of mass media products.

Use of the mass media with the purposes of distribution of secrets guarded by the legislation of the Republic of Azerbaijan, violent overthrow of an existing constitutional state formation, attempt on integrity of the state, propagation of war, violence and cruelty, national, racial, social hate or intolerance, printing under cover of a title of an authoritative source of hearings, lie also of prejudiced publications humiliating honor and a dignity of the citizens, pornographic materials, slander or undertaking of other unlawful operating is not enabled.

It must be specially note that pursuant to Article 14 of the Law of the Republic of Azerbaijan “On Mass Media Outlets”, no permission is required for establishment of a media outlet.

3750 media outlet is registered by 31.07.2008.

The following activities have been done for increase of significance of diversity values and education in the field of human rights and children rights protection:

- Public education trainings and seminars conducted, articles and materials developed together with media;
- UN CR Convention and other documents have been translated into Azerbaijani language, distributed to schools and promoted;

### **Article 37. Inhuman treatment. Torture and imprisonment**

**Article 133 of the Criminal Code of the Republic of Azerbaijan (Torturing) sets the following sanctions for torturing:**

133.1. Causing strong physical pains or mental sufferings by regular causing battery or other violent actions is punished by imprisonment for the term up to three years.

133.2. The same act committed:



133.2.1. concerning two or more persons or person recognized as hostage either stolen, or committed by order;

133.2.2. concerning woman who is obviously taking place in a condition of pregnancy;

133.2.3. by group of persons, on preliminary arrangement by group of the persons, by organized group or criminal community (organization);

133.2.4. concerning minor or person in helpless condition which was obvious for guilty;

133.2.5. concerning a victim or his close relatives in connection with implementation of service activity by him or performance of the public debt –

is punished by imprisonment for the term from three up to seven years.

133.3. Commitment of the acts which is provided by articles 133.1 and 133.2 of the present Code, by official with use of service position or his instigation with a view to receipt information or compulsion of his recognition, or with a purpose of punishment for committed act or to which commitment the given person is suspected –

is punished by imprisonment from five till ten years.

**Article 145 of the Criminal Code of the Republic of Azerbaijan sets the following sanctions for illegal imprisonment:**

145.1. Illegal deprivation of freedom of a person, not connected with kidnapping –

- is punished by corrective work for the term of up to two years or imprisonment for the term of up to one year.

145.2. The same action committed—

145.2.1. against two or more persons;

145.2.2. against the woman, who was pregnant and guilty of illegal imprisonment knew about it;

145.2.3. against the minors;

145.2.4. committed by a group of persons, by a group with a premeditated conspiracy or by an organized group or criminal community (criminal organization);

145.2.5. with application of violence, which puts in danger life or health of the victim;

145.2.6. with application of weapon or a subjects used as the weapon –

- is punished by imprisonment for the term of three to five years.

145.3. The action provided by articles 145.1 or 145.2 of the present Code, on negligence ended with death of the victim or other serious consequences –

is punished by imprisonment for the term of five to ten years.

Since 2001, 16 laws were adopted on making amendments and additions to the Code on Implementation of Sentences for expansion of prisons, improvement and humanization of the detention conditions by paying special attention to the rights of minors.

Thus, according to the amendment made to Article 124.2 of the Code on Implementation of Sentences of the Republic of Azerbaijan by the Law of the Republic of Azerbaijan “On Making Amendments and Additions to the Criminal Procedure Code of the Republic of Azerbaijan”, dated June 24, 2008, the prisoners detained in the general-type education institutions can spend up to 50 manat monthly (previously this amount was up to 9 manat) for buying of food and goods of prime necessity. Pursuant to the amendment made to Article 124. 3. 1, if the prisoners detained in the general-type education institutions do not violate the internal regulations, shows proper attitude towards labor and education, their detention condition can be improved after serving of a quarter of the sentence term. In such cases, the prisoners are eligible to spend up to 15 manat more for buying of food and goods of prime necessity (previously this amount was up to 9 manat).

No violence and maltreatment cases were registered towards accused and sentenced minors in pre-trial detention facilities of the penitentiary service and education institutions in 2003-2008.

Notably, the improvement of the penitentiary system within the framework of democratic legal reforms in the Republic of Azerbaijan is carried out through learning of best practices on improvement of penitentiary system, and cooperation with high-reputation international organizations and transparency.

Professional service preparedness of the staff working with accused and sentenced minors is paid special attention. For this purpose, capacity under the Training Center of the penitentiary service is used. 3-month preliminary training course is provided to the newly employed staff. Every 3 years, the service staff gets involved in 45-day re-qualification courses. Special education programs have been developed for both categories of staff. The programs, inter alia, include the topics on human rights and international documents related to maltreatment of sentenced persons. Majority of staff of the education institution passed the preliminary and qualification courses during last 3 years.

Besides, in March and April 2008, the staff of MIA Penitentiary Service and Main Medical Office visited Italy and Estonia (with assistance of Chief Director of the Council of Europe on Legal Issues) for learning international best practice and got acquainted with the functioning of the penitentiary system of the countries, the activity of NGOs in this field, prisoners’ detention conditions. They paid special attention to bringing the rules for implementation and service of sentence into compliance with the international standards.

Article 10 of the Code of the Republic of Azerbaijan on Implementation of Punishments vests, as one of the main rights (along others) of sentenced persons, including minors, the right to service the sentence in human conditions and to get legal assistance. Two more rights were added to the rights of sentenced persons by the Law of the Republic of Azerbaijan of June 24, 2008 «On Changes and Amendments to the Code on Implementation of Punishments and Criminal Procedure Code of the Republic of Azerbaijan» – right to get psychological assistance and right to familiarize with the decision affecting them, present opinion about and file complaint on the decisions.

The Code of the Republic of Azerbaijan on Implementation of Punishments also provides opportunities for sentenced minors to watch sport, cultural-mass and other events out of education facility under the supervision of a representative of the education institution in addition to the encouragement events envisaged in the Code on Implementation of Punishments for good behavior, honest attitude towards labor and education, active participation in self-activity organizations and upbringing events organized in the education institution. The sentenced persons allowed watching sport, cultural-mass and other events out of education facility under the supervision of a representative of the education institution as encouragement measure shall be provided with a special uniform during attendance of the events. The timeframe for going out of the education institution shall be established by the management of the institution and should not be more than 8 hours.

Additionally, no suicide cases registered among sentenced juveniles since 2003.

The Law of the Republic of Azerbaijan of May 26, 2007 “On Social Adaptation of the Persons Released from Penitentiary Institutions” pays special attention to social adaptation of minors released from prison.

Social adaptation of the persons released from penitentiary institutions means adjustment of the persons to social environment, protection of their right, freedoms and legal interests, system of legal, economic, organizational and socio-psychological measures for prevention of the aspects contributing to repeat crimes and criminogenic aspects that influence those persons.

If the minors who lost their parents, deprived from parental care and released from prison do not have place to live, they are transferred to boarding school in the manner established by the legislation (by the relevant executive authority) and taken under full social security.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Article 5. Parental guardianship**

According to Article 34.4 of the Constitution of the Republic of Azerbaijan, care and education of children constitute both right and responsibility of parents.

Pursuant to Article 58 of the Family Code of the Republic of Azerbaijan, parents have the right and are obliged to bring their children up; they are responsible for their children’s upbringing, health, psychical, physical, moral development. Parents are obliged to provide their children with general education. State may interfere to these rights and responsibilities only when such interference is required by the child’s interests and in the manner established in the law.

Pursuant to Article 44.3 of the Family Code of the Republic of Azerbaijan, fatherhood status of the person who is not in marriage with the child’s mother shall be identified through submission of a joint request of the father and mother of the child to the relevant executive authority (to the district (town) registration departments of the Ministry of Justice of the Republic of Azerbaijan and the Ministry of Justice of Nakhchivan Autonomous Republic in the territory of Nakhchivan Autonomous Republic);

“The Guidelines for Organization of the Work of the Board of Guardians under Education Institutions” is approved by the Decision #16 of the Cabinet of Ministers of the Republic of Azerbaijan on January 15, 2001.

The Board of Guardians helps the administration of education institutions in organization of education and training process, strengthening of its material and technical base, solution of social protection issues of prisoners, and creation of favorable labor and domestic conditions for the released persons.

According to Article 44.4. of the Family Code of the Republic of Azerbaijan, upon death of mother or when she is considered not having legal capacity, or her location cannot be identified or she is deprived of parental rights, fatherhood shall be identified by a court decision based on the written request of the child’s father and agreement of the relevant executive authority (custodian and guardianship bodies of local executive authorities).

According to Article 44.5. of the Family Code of the Republic of Azerbaijan, when impossibility or difficulty of submission of joint request on identification of the fatherhood after the child’s birth is assumed, the parents of the future child who are not married have the right to submit this request to the district (town) registration departments of the Ministry of Justice of the Republic of Azerbaijan and the Ministry of Justice of Nakhchivan

Autonomous Republic in the territory of Nakhchivan Autonomous Republic during the pregnancy of the mother. The record on the parents shall be made after the birth of the child.

According to Article 44.6. of the Family Code of the Republic of Azerbaijan, it is permitted to identify fatherhood of a majority age child only upon his/her consent, and if the child is considered not having legal capacity, upon consent of his/her custodian or the custodian and guardianship bodies of the local executive authorities.

### **B. Article 18. Responsibility of parenthood**

Article 11 of the Law «On the Rights of the Child» sets forth the right of every child to comprehensive development, to be brought up on the national and global values, humanistic and morale principles.

The child's upbringing is carried out in family, school, pre-school and out-of-school education and training institutions.

Pursuant to Article 123.1 of the Code on Implementation of Punishments of the Republic of Azerbaijan, the minors sentenced to certain period of imprisonment shall serve their sentences in prisons with a general and reinforced regime.

The Board of Guardians within education institution consisting of the representatives of State enterprises, offices or organizations, public unions, other enterprises and physical persons is established for provision of assistance to the administration of the education institution in organization of the upbringing and education process, resolution of social problems of the convicted persons, strengthening of the institution's internal capacity, and creation of favorable labor and domestic conditions for the released persons.

Pursuant to Article 125 of the Labor Code of the Republic of Azerbaijan, employed women shall be given 126 calendar days paid maternity leave during her pregnancy and postnatal period (70 calendar days before and 56 calendar days after the delivery). If the delivery is difficult, or two and more children are delivered, the postnatal leave period shall be extended to 70 days.

The women working in the agriculture production sector are given the following period of maternity for pregnancy and child delivery:

- upon normal delivery - 140 calendar days (70 calendar days before and 70 calendar days after the delivery);
- If the delivery is difficult - 156 calendar days (70 calendar days before and 86 calendar days after the delivery);
- If two and more children are delivered - 180 calendar days (70 calendar days before and 110 calendar days after the delivery).

The Milli Majlis considers extending of the terms of the maternity leave.

Women who adopted children younger than 2 months or rising them without adoption have the right to use 56-day postnatal social leave, as well as the additional and partially paid leaves provided for by the Labor Code.

According to the Decree of the President of the Republic of Azerbaijan “On Increase of the Social Allowances” of August 27, 2008, the amounts of social allowances are increased as follows:

- Monthly allowances:
  - Allowance to U-18 children with health limitations - 50 manat;
  - Allowance upon lost of the family head - 40 manat;

- Allowance to the children of the persons in basic military service - 40 manat
- Allowances to custodians (guardians) of the children who lost their parents and children deprived from parental care – 25 manat;
- Allowance to the low-income families having less than 12-month child - 20 manat.
- One-time allowances:
- Allowance for child birth - 50 manat;
- Funeral allowance – 100 manat.

According to the Directive of the President of the Republic of Azerbaijan “On Increase of the Allowances Issued to the Persons Taking Partially Paid Social Leave for Taking Care of Child” dated August 27, 2008:

- The amount of the monthly allowance for the persons taking social leave to take care of their children younger than 18 months is 20 manat;
- The amount of the same allowance for taking care of the children between the age of 1,5 and 3 is 10 manat.

Pursuant to Article 6 of “The Statute on Calculation and Payment of the Compulsory Social Security Allowances and the Allowances Paid to the Temporarily Disabled Persons at the Expense of the Insurer” approved by the Decision #189 of the Cabinet of Ministers of the Republic of Azerbaijan, dated September 15, 1998, if there is necessity to look after the ill family member, the insured person shall be given the temporary disability allowance. The temporary disability allowance shall be assigned based on the illness sheet (reference on disability) issued in the manner established by the legislation.

### **C. Article 9. Separation from parents**

Pursuant to Article 65 of the Family Code of the Republic of Azerbaijan, deprivation from parental rights shall be carried out through judicial procedures.

According to Article 66, the parents deprived from their parental rights shall lose all the rights with regard to the kinship relations with the child, including the right to receive and use benefits, as well as allowances for the children assigned by the State.

Pursuant to Article 61, parent living separately from his/her children has the right to communicate with them, and participate in solution of the issues related to their upbringing and education. Parents living separately from their children can make a written contract on the rule for carryout of the parental rights. If they cannot reach the agreement, the dispute shall be resolved at their requirement (of one of them) by court with participation of the local authorities’ trusteeship and guardianship authority.

The parent not following the court decision shall be taken measures in accordance with the civil-procedural legislation. If the resolution is not followed deliberately by one of the parents, at the other parents’ request and taking into account the child’s interests and opinion, the court can adopt a resolution on the child’s transfer to other parent.

Pursuant to Article 50 of the Family Code, cancelation of the parent’s marriage or its invalidity, or parents’ separation shall not affect the child’s rights.

Child has the right to communicate with both parents when they are separated.

Child has the right to communicate with both parents, even if they reside in different countries.

In extraordinary circumstances (when detained, arrested, placed in the treatment institutions and etc.), child has the right to communicate with his/her parents and relatives in the manner established by the legislation.

According to Article 60.2 of the Family Code, while carrying out their parental rights, the parents must not harm moral development, physical and psychical health of their children. The parents violating rights and interests of their children shall be liable in the manner established by the legislation.

The total number of cases on deprivation of parental rights considered by the first instance courts in the Republic of Azerbaijan from 2003 until the end of the first half of 2008 is as follows in chronological order:

2003: 79/53

2004: 104/60

2005: 150/94

2006: 145/96

2007: 172/123

First 6 months of 2008: 108/48

Some additions were made to Article 16.1 of the Code on Implementation of Punishments of the Republic of Azerbaijan, in compliance with the requirements of Article 9.3 of the Child Rights, by the Law of the Republic of Azerbaijan “On Amendments and Additions to the Code on Implementation of Punishments and Criminal Procedure Code of the Republic of Azerbaijan” adopted in June 24, 2008. According to Article 16.1, the sentence implementation institution’s or body’s officials, **at consent of the sentenced person**, must give information to his/her family or one of the close relatives, **or the person indicated by the sentenced person** about implementation of his/her sentence, the place of the serve of the sentence, the movements of the sentenced person and his/her release.

55 child institutions operate in the country. The number of the children in the institutions is 4063. Presently, the number of the children residing in the State institutions and deprived from parental care is 1037.

### **Number of parentless children and children deprived from parental guardianship**

*(by end of year)*

	2003	2004	2005	2006
Number of children taken care in guardian (custodian) families, person	9215	8842	7716	6670

Proportion of 0-17 y.o. population, percentage	0,3	0,3	0,3	0,3
Number of children adopted and taken care in families, persons	14749	14228	13293	11746
Proportion of 0-17 y.o. population, percentage	0,5	0,5	0,5	0,5

### **Adoption of children under 18**

**(According to the information of the Ministry of Justice of Azerbaijan)**

	2005	2006	2007
Total number of adopted children, persons	803	929	972
Up to 1 y.o.	134	156	197
Among them – girls	65	77	104
1-5 y.o.	324	384	413
Among them – girls	138	180	148
6-10 y.o.	198	189	211
Among them – girls	97	78	81
11-17 y.o.	147	200	151
Among them – girls	65	74	64

### **List of institution for children separated from their parents**

(on districts)

Region	District	No.	Institution
Nakhchivan	Ordubad	1	Ordubad district general education boarding school
	Azizbekov	2	Baku city foreign language biased boarding school after S.Rustam
		3	Boarding school No. 2 for parentless children and children deprived from parental care
		4	Republican boarding school for support to parentless children and children deprived from parental care
		5	Baku city special boarding school No. 16 for children suffering from cerebral palsy and poliomyelitis
		6	Baku city special general education boarding school for children with hearing difficulties and acquired deafness
		7	Baku city republican special boarding school after E. Mirzayev for children with speech deficiencies
		8	Sanatorium-type boarding school for children with different initial and fading phase of tuberculosis
		9	Open-type special education and training institution for boys
		10	Boarding home No.3 for mentally diseased children
	Khatai	11	Children's home No. 3
	Garadagh	12	Baku city boarding school No. 4 after E. Quliyev for children with speech deficiencies
	Narimanov	13	Baku city psycho-neurological children's home
		14	Baku city republican boarding school for children with eye-sight disabilities
	Nasimi	15	Baku city nursery No. 1



Baku	Nizami	16	Baku city children's house No. 1
		17	Baku city boarding school No. 1 for deaf children
		18	Baku city republican special boarding school No. 3 for deaf children
	Sabunchu	19	Special boarding school No. 1 for parentless children and children deprived from parental care
		20	Baku city special boarding school No. 11
		21	Baku city sanatorium-type boarding school No. 10 for children suffering from rheumatism
	Suraxanı	22	Baku city children's house No. 2
		23	Surakhani special boarding school No. 7 for mentally disabled children
Absheron	Absheron	24	Boarding school No.7 for mentally ill children
Ganja	Ganja	25	Ganja city children's house
		26	Ganja city boarding school No. 1 after P.Huseynov
		27	Ganja city sanatorium-type basic boarding school No. 4
		28	Ganja city nursery
Mingechevir	Mingechevir	29	Mingechevir town secondary boarding school
Neftçala	Neftchala	30	Neftchala town basic general education boarding school after M. Safarov
Sumgayit	Sumgayit	31	Sumgayit town French-English language biased boarding school
		32	Sumgayit town secondary general education boarding school after General M. Asadov
		33	Sumgayit town special boarding school for mentally and physically disabled children
Agsu	Agsu	34	Agsu town secondary boarding school after P. Mirzayev

Balaken	Balaken	35	Balaken town basic boarding school
Bilasuvar	Bilasuvar	36	Bilasuvar town secondary boarding school after K. Agayev
Goranboy	Goranboy	37	Goranboy town basic boarding school after R. Agakishiyev
Goychay	Goychay	38	Goychay town secondary boarding school after S. Vurğun
Lenkeran	Lenkeran	39	Lenkeran town mixed-type children's house after O. Mirzəyev
		40	Lenkeran town foreign language biased boarding school
		41	Lenkeran town special boarding school organized for children with mental and physical deficiencies
Lerik	Lerik	42	Lerik district secondary boarding school after V. İbrahimov
Tovuz	Tovuz	43	Govlar settlement general education boarding school
Guba	Guba	44	Guba town special secondary general education boarding school
		45	Guba town special vocational school
Gusar	Gusar	46	Gusar town secondary boarding school
Salyan	Salyan	47	Salyan town basic boarding school after A. Safarov
Sheki	Sheki	48	Sheki town mixed-type children's house
		49	Sheki town mixed-type boarding school
Siyazan	Siyazan	50	Siyazan town basic boarding school
Zagatala	Zagatala	51	Zagatala town boarding school
Barda	Barda	52	Barda town secondary boarding school after R. Musayev
Fizuli	Fizuli	53	Fizuli town secondary boarding school after M. Khazani
Gazakh	Gazakh	54	Gazakh town secondary boarding school after M.Huseyn

Yevlakh	Yevlakh	55	Yevlakh town secondary boarding school after T.Azimov
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#### **D. Article 10. Family Reunification**

Pursuant to Article 49.2 of the Family Code of the Republic of Azerbaijan, every child has the right to live and be brought up in family, to know his/her parents and enjoy their care and to live together with them, except the cases that contradict the interests of the child.

Pursuant to Article 60.4 of the same Code, when the parents are separated, the place of residence of their children shall be determined by taking into consideration the children's opinion (connectivity of the children to their siblings, each of the parents, creation of conditions for the children's development and upbringing).

As a result of joint cooperation and information exchange, the relevant service unit of the Ministry of Internal Affairs reviewed the applications on 176 juveniles from different counties of the Russian Federation, Ukraine, Uzbekistan, Georgia, Kirgystan, Kazakhstan, Turkmenistan and Turkey in 2003-2007 that for different reasons were left out of coverage of the law enforcement and social service bodies of the countries and became children at social risk. The children's identity, addresses and origin was identified. 155 of the questioned children were transferred to their parents or close relatives living in the Russian Federation, Ukraine and Georgia, based on the presented evidents and information. 21 were brought to the country in accordance with the Kishineau Agreement on cooperation between the CIS countries (07. 10. 2002). 12 children were given back to their parents and legal representatives and others to non-State residential institutions where they are provided with necessary care or assistance.

#### **E. Article 27. Recovery of maintenance for the child (Item 4)**

The Decree # 373 of the President of the Republic of Azerbaijan of February 24, 2006 on application of the Law of the Republic of Azerbaijan "On Social Allowances" with regard to recovery of costs for childcare is of significant importance. According to the legislation, the following category of citizens receive monthly social allowances in the amounts indicated below for their children under 16 (for those up to 18 and studying on general education institutions (on-site training):

- Children of martyrs – 10 manat;
- Children of disabled war veterans, of people who became disabled after January 20, 1990 events, of people who became I and II category disabled after Chernobyl accident, or children of died parents, as well as children of the participant of Chernobyl accident rescuers who are in dispensary registry - 5 manat.

The Law of the Republic of Azerbaijan "On Social Allowances" sets monthly social allowance in the amount of 40 manat for children of died person under 18 (before graduation from on-site education, but not older than 23), or children with identified health limitations before reaching 18, and disabled children older than 18. For bringing the law to compliance with the international standards, the term "disabled children under 16" is replaced with the term "children with health limitations under 18". People from this category receive 50-manat monthly social allowance.

From September 1, 2008, based on the Order #3015 of the President of the Republic of Azerbaijan of August 27, 2008 “On Increase of the Social Allowance to the Persons in Partially Paid Social Leave to Take Care of Child”, such persons shall receive monthly allowance in the amount of 20 manat, the persons taking care of the child between 1,5 and 3 years of age shall receive monthly allowance in the amount of 20 manat.

Family as the core cell of society is under special guardianship of the Azerbaijani State. Motherhood, fatherhood, childhood are protected by law. As one of the measures taken in this direction, Decree #829 of the President of the Republic of Azerbaijan “On Increase of the Social Allowance” dated August 27, 2008 identifies the following amounts of other types of social allowances:

- Monthly allowance to the children of people serving in army for fixed period – 40 manat
- Allowances to custodians (guardians) of the children who lost their parents and children deprived from parental care - 25 manat;
- Monthly allowance for low income families having a child less than 1 year old – 20 manat;
- One-time allowance for birth of child – 50 manat

10,8 thousand under 12 month children of 10,7 families received monthly social allowances and 23,6 thousand families received one-time social allowances for birth of 24 thousand children. Apart from this, 381,7 thousand children from 173,3 thousand families received targeted State social allowances.

Regular measures are taken in the direction of strengthening the State support to low-income families. Thus, the amount of monthly and one-time social allowances is increased and basic part of the minimum salaries and labor pensions are gradually raised to 75 manats during the year by the relevant Decrees and Orders of the President of the Republic of Azerbaijan. In addition, the salaries for budget-financed organizations are increased for 50%, minimum demand level for 2008 is approved at the level of 55 manat and 60 manat from 1<sup>st</sup> of January 2009. Presently, the average monthly salary in the country is 268 manat and this is for 24,2% more in comparison with the same period of the last year.

According to the Article 3.2 of the Law 768-IIQ dated on October 5, 2004 of the Republic of Azerbaijan “On Minimum Living Standard” and Article 2 of the Decision #74 of the Cabinet of Ministers of the Republic of Azerbaijan “On Approval of Composition of the Consumer Goods Basket in the Republic of Azerbaijan” of April 30, 2006, have identified the composition of the minimum consumer goods basket. The national per capita energy value of the foods included to the minimum food basket is raised from 2258 kkal to 2420 kkal based on the social-demographic groups of the country’s population, which is one of the highest figures within CIS area. The energy value for employable population is 2559 kkal, for pensioners – 2005 kkal, and for children – 2182 kkal.

According to the Law of the Republic of Azerbaijan “On the Minimum Living standard for 2009”, the minimum subsistence level for 2009 is identified at 84 manat, including for employable population - 92 manat, for pensioners - 65 manat, and for children - 69 manat. These figures are for 20% more than for previous year.

As a result of measures taken for poverty reduction in Azerbaijan, the poverty level went down from 44,7% in 2003 to current 13,2%.

### **F. Article 20. Protection of the child deprived from family environment**

The relevant governmental bodies support the children graduating from the residential care institutions to get jobs through involving them in different type of vocational courses.

As a result of the amendments made to the Constitution Republic of Azerbaijan on 18 March 2009, the title of Article 17 was changed to “Family, Children and State” and Items III-VI were added in the following editions:

- “III. Children without parents or custodians, and deprived from parental care are under State’s guardianship;
- IV. Involvement of children in the activities that can jeopardize their life, health or morality is prohibited;
- V. Children under 15 are not allowed to be employed;
- VI. The State controls implementation of the right of child;

Based on the Order of the President of the Republic of Azerbaijan of April 2, 2009, an instruction was given on development of the relevant legal acts in relation with the coming into force of the Referendum Act of the Republic of Azerbaijan “On Amendments and Additions to the Constitution of the Republic of Azerbaijan”.

For the purpose of implementation of the State Program “On De-institutionalization of Children and Alternative Care in 2006-2015” approved by the Order #1386 dated on March 29, 2006 of the President of the Republic of Azerbaijan, the placement of children into the State residential care institutions are kept under strict control. Thus, the cases are closely examined and only those children who are in desperate situation are allowed to place to the institutions. Despite the creation of the alternative care in the country, this system is not able to cover all districts and towns of the country. For the purpose of provision of normal condition for the children residing and educated in the residential care institutions, a Working Group is established by assistance of the Heydar Aliyev Foundation and this Group has conducted monitoring of the national children’s houses and boarding school to identify their problems. The number of children, annual norms for food, cloth, technical supply, general condition (education, health care, living, recreation) indicators has been identified. Then, major renovations are done in 31 child institutions, they are provided with new equipment and their communal systems are improved. Libraries are created in the institutions, children’s social reintegration is carried out, conditions are created for their effective leisure time and recreation and they are supported at a maximum level to return to their biological families. Computer courses and different hobby clubs are created for vocational education of the children. Besides, the children are integrated to the general education system and sent to regular schools.

50-apartment residential building has been constructed in Baku for orphan girls acquired the age of 18 ,girls from children’s houses in 2009 by the initiative of the Foundation. They are also provided with employment opportunities and the apartments are provided with necessary home supplies. The Foundation also strongly supports participation of this category of children in the international contests.

Apart from this, the President of the Foundation, member of Parliament Mrs. Mehriban Aliyeva raised the issue of employment and housing of the orphans graduating from the residential care institutions and the issue was discussed at the Parliament. It is planned to develop and adopt a draft law related to this issue soon.

### **G. Article 21. Child adoption**

According to Article 117 of the Republic of Azerbaijan of the Family Code, adoption of the minors shall be carried out only based on their best interests. One child cannot be adopted by two persons.

Pursuant to Article 118 of the Family Code, the adoption shall be effected by the court upon an application of the persons (a person), wishing to adopt the child. The cases on instituting the adoption of the child shall be considered by the court by conducting special proceedings, according to the rules, stipulated by the civil procedural legislation.

The rights and responsibilities of the adopters and the adopted child shall be effective from the date of effect of the resolution on the adoption of the child.

The court is obliged to forward the excerpt from the resolution on the adoption of the child to the Ministry of Justice and to the Ministry of Justice of Nakhchivan Autonomous Republic in the territory of Nakhchivan Autonomous Republic within 3 days after the issuance of the resolution.

Adoption of a child shall be registered in accordance with the rule for the State registration of citizens' status acts.

Any conditional adoption, or adoption for any period of time, or proxy adoption shall be prohibited.

Pursuant to Article 8 of the Convention "On Protection of Children and Cooperation in Respect of Inter-Country Adoption":

"The Central Authorities must prevent gaining any illegal financial or any other profit from child adoption activities and directly or through governmental bodies to take necessary adequate measures to eradicate all illicit practices contradicting the objectives of the Convention."

Guarantee for the right of child to know his/her parents and enjoy their care in the Republic of Azerbaijan shall be regulated by the Family Code and other laws of the Republic of Azerbaijan.

**According to Article 49 of the Family Code of the Republic of Azerbaijan ("The right of the child to live and be brought up in family"):**

Persons not acquired the age of 18 (majority age) and full legal capacity shall be considered children.

Every child has the right to live and be brought up in family, to know his/her parents and enjoy their care and to live together with them, except the cases that contradict the interests of the child.

Child has the right to be brought up by his/her parents, interests to be protected, all-round development and dignity to be respected.

When the parents are absent, or deprived from parental rights or in other cases when child loses parental care, the relevant executive authority specified in Article 18 of this Code shall provide care for the child in the manner established thereto.

**According to Article 50 of the Family Code of the Republic of Azerbaijan ("The right of the child to communicate with his/her parents and other relatives"):**

Child has the right to communicate with his parents, grandparents and siblings.

Child rights shall not be affected by cancelation of his/her parent's marriage or their separate residing.

Child has the right to communicate individually with each separated parents.

Child has the right to communicate with both parents, even if they reside in different countries

**According to Article 62 of the Family Code of the Republic of Azerbaijan (The right of grandparents, siblings and other relatives to communicate with the child);**

Grandparents, siblings and other relatives of child have the right to communicate with him/her.

If parents (one of them) object their child to communicate with close relatives, the relevant executive authority may require the parents (one of them) not to obstruct this communication.

When parents (one of them) do not obey the decision of the relevant executive authority, close relatives of the child of the relevant executive authority can file a claim to the court on lifting of the obstruction to communicate with the child. The court shall resolve the dispute taking into consideration the child's opinion and interest.

The parent not following the court decision shall be liable in accordance with the civil and procedural legislation of the Republic of Azerbaijan.

**According to Article 126 of the Family Code of the Republic of Azerbaijan (Change of the place and date of birth of the adopted child at the adopters' request):**

The date of birth of the adopted child can be changed until he/she reaches the age of 1.

The change of the child's date and place of birth shall be indicated in the court resolution.

**According to Article 127 of the Family Code of the Republic of Azerbaijan (Recording of the adopter as parents of the adopted child):**

Except the cases provided for in Article 124.6 of this Code, it is required to get consent of 10 year old adopted child for making such record.

**According to Article 130 of the Family Code of the Republic of Azerbaijan (Secrecy of adoption):**

The secrecy of adoption shall be preserved by law.

It is prohibited to provide the information on adoption, as well as issuance of references from the citizenship status act registry on the fact that the adopters are not real parents of the adopted child without consent of the adopters or if they died, the custodian and guardianship authority.

The persons disclosed the secrecy of adoption without consent of the adopter shall be liable in the manner established by law.

**According to Article 134 of the Family Code of the Republic of Azerbaijan (Legal consequences of adoption and cancellation of adoption):**

The adopted children and their relatives with respect to the adopters and their relatives, and the adopters and their relatives with respect to the adopted children and their relatives, shall be equalized in the personal non-property and property rights and duties to the relatives by the kinship.

The adopted children shall lose their personal non-property and property rights and shall be relieved of their duties with respect to their parents (their relatives).

If the child is adopted by one person, his personal non-property and property rights and duties may be retained at the wish of the mother, if the adopter is a man, or at the wish of the father, if the adopter is a woman.

If one of the parents of the adopted child dies, at the request of the deceased parent's parents (the child's grandfather or his grandmother), his personal non-property and property rights with respect to the deceased parent's relatives may be retained, if this is required by the child's interests. The right of the deceased parent's

relatives to communicate with the adopted child shall be exercised in conformity with Article 62 of the present Code.

The adopted child's maintaining relations with one of his parents or with the deceased parent's relatives shall be pointed out in the court decision on the child's adoption.

The legal consequences of the child's adoption, stipulated by Articles 128.1 and 128.2 of the present Code, shall arise regardless of the writing down of the adopters as the child's parents in the official entry on the birth of this child.

If the court cancels the child's adoption, the mutual rights and duties of the adopted child and of the adopters (of the adopter's relatives) shall cease. The mutual rights and duties of the child and of his parents (of his relatives) shall be reinstated, if this is required by the child's interests.

If the adoption is cancelled, the child shall be given back, by the court decision, to his parents. In the absence of the parents, and also if the child's return to his parents is contrary to his/her interests, the child shall be put into the charge of the trusteeship and guardianship authority.

The court shall also resolve the question of whether the child shall retain the name, patronymic and surname, awarded to him in connection with the adoption.

The name, patronymic and surname of the child, who has reached the age of 10 years, shall be changed only with his consent.

The court shall have the right, proceeding from the child's interests, to oblige the ex-adopter to pay out the means for the child's maintenance in the amount, fixed by Article 76-78 of the present Code.

Unless otherwise stipulated in the agreements that the Republic of Azerbaijan is signatory to, when the adoption of the child, who is the citizen of the Republic of Azerbaijan, by foreigners and Stateless persons is cancelled, the State Committee of the Republic of Azerbaijan on Family, Women and Children Affairs shall inform the Central Authority of the country where the adopter is citizen or (permanently) resides to take measures to return the child to the territory of the Republic of Azerbaijan or his/her placement in accordance with the rules of the country where the adopter is citizen or (permanently) resides. The child returned to the territory of the Republic of Azerbaijan shall be re-registered in accordance with Articles 114-116 and be placed in the proper manner.

Pursuant to Article 11 of the Convention "On Protection of Children and Cooperation in Respect of Inter-Country Adoption", pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation.

According to Article 174 of the Criminal Code of the Republic of Azerbaijan (Illegal adoption) illegal actions on adoption children, their transfer under trusteeship (guardianship), to host families committed from mercenary prompting is punished by the penalty at a rate from hundred up to three hundred of conditional financial unit, or corrective works for the term up to one year, or with imprisonment for the term of about six months with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.

According to Item 5.1 of «The Rule for Accreditation of the Bodies Providing Legal Assistance to the Foreigners and Stateless Persons related to Inter-Country Child Adoption» approved by the Decision #166 of the Cabinet of Ministers of the Republic of Azerbaijan of July 22, 2008, the authority applied for accreditation must be a non-profit legal entity and its activity must be of non-commercial nature.



The coordination of adoption cases shall be carried out among several governmental bodies.

The cooperation in the field of child adoption in the Republic of Azerbaijan, is carried out by the Ministry of Health, the Ministry of Education, the State Committee for Family, Women and Children Affairs (in the cases when the child who is citizen of the Republic of Azerbaijan is adopted by foreigners or Stateless persons) of the Republic of Azerbaijan, trusteeship and guardianship bodies the local executive authorities and local Commissions on the Affairs and Protection of the Rights of Minors (in the cases when the child who is citizen of the Republic of Azerbaijan is adopted by the citizens of the Republic of Azerbaijan).

The cooperation between agencies in the field of child adoption shall be regulated by the Family and Civil Procedure Code of the Republic of Azerbaijan. The adoption procedures between the governmental agencies are reflected in Chapter 19 of the Family Code of the Republic of Azerbaijan ("Adoption of children").

Adoption of the child who is citizen of the Republic of Azerbaijan by foreigners or Stateless persons shall be carried out by agreement of the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan.

The adoption shall be effected by the court upon an application of the persons (a person), wishing to adopt the child. The cases on instituting the adoption of the child shall be considered by the court by conducting special proceedings, according to the rules, stipulated by the civil procedural legislation by participation of the State Committee for Family, Women and Children Affairs (in the cases when the child who is citizen of the Republic of Azerbaijan is adopted by foreigners or Stateless persons) and guardianship bodies the local executive authorities and local Commissions on the Affairs and Protection of the Rights of Minors (in the cases when the child who is citizen of the Republic of Azerbaijan is adopted by the citizens of the Republic of Azerbaijan).

The court is obliged to forward the excerpt from the resolution on the adoption of the child to the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan (in the cases when the child who is citizen of the Republic of Azerbaijan is adopted by foreigners or Stateless persons) not later than within 3 days after the resolution becomes effective.

In the cases when the child who is citizen of the Republic of Azerbaijan is adopted by foreigners or Stateless persons, the legal assistance to the adopters shall be provided by the accredited authority.

The accredited authority shall be determined by the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan (in the cases when the child who is citizen of the Republic of Azerbaijan is adopted by foreigners or Stateless persons).

Case of a child should be referred by local guardianship authorities (stating that adoption of a child is in his or her best interest) to the court in case if a child and perspective adoptive parents are citizens of Azerbaijan and to the State Committee on Family, Women and Children Affairs with proof documents on impossibility of relatives of a child to adopt him/her if a perspective adoptive parents are foreigners or stateless persons irrespective to their citizenship and place of residence.

Adoption of children from the educational establishments, medical centers, the institutions for the social protection and from other similar institutions shall be exercised upon issuance of a written consent of the managements of the mentioned institutions.

4044 children were adopted in the country from 2003 until the first half of 2008.

Adoption of children under the age of 18

	2005	2006	2007
Total number of adopted children, persons	803	929	972
Under 1 y.o.	134	156	197
Among them – girls	65	77	104
1-5 y.o.	324	384	413
Among them – girls	138	180	148
6-10 y.o.	198	189	211
Among them – girls	97	78	81
11-17 y.o.	147	200	151
Among them – girls	65	74	64

At the same time, according to the Family Code of the Republic of Azerbaijan, the State Committee for Family, Women and Children Affairs is authorized to carry out other necessary measures in respect with the inter-country adoption, as well as maintain the registry of children deprived from parental care and adopted children, including registry of foreign citizens and Stateless persons wishing to adopt children who are citizens of the Republic of Azerbaijan.

According to the information provided by the Commission on the Adoption Issues under the Cabinet of Ministers, the Commission issued permits for adoption of 213 children by 186 foreign families in 2000-2007. Out of the adopted children, 178 are given to families from USA, 19 - from Israel, 3 - Italy, 3 - Australia, 2 - Turkey, 2 - UK, 1 – France, 1 - Norway, 1- Canada, 1 – Germany, 1 - Spain, 1 – Kyrgyzstan.

After assignment of the State Committee for Family, Women and Children Affairs as the Central Authority in the Hague Convention, total 8 foreign families are issued permissions to adopt children who are citizens of the Republic of Azerbaijan. 7 families out of those were from USA and 1 from Belgium.

Currently, 17 families are registered at the Committee for child adoption and they are on the waiting list. Although majority of the families wishing to adopt children from Azerbaijan, those from France, Switzerland and Italy are also on the list.

### **Cooperation in Respect of Inter-Country Adoption**

As it is mentioned above, the Republic of Azerbaijan joined the Convention “On Protection of Children and Cooperation in Respect of Inter-Country Adoption” of May 29, 1993 by the Decision # 611-IIQ of the Milli Majlis of the Republic of Azerbaijan of March 30, 2004 and by the relevant statements thereof.

Based in the letter # 1-324/08 of the State Committee of March 18, 2008, the Committee submitted the Azerbaijani translation of the Statute of the Hague Conference on the Private International Law to the Ministry of Foreign Affairs of the Republic of Azerbaijan and requested to continue the activities on accession of our country to this organization.

Mrs. Hijran Huseynova, the Chairperson of The State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan visited the Kingdom of the Netherlands at the invitation of UNICEF Azerbaijan

office. The purpose of the meeting was protection of the child rights, discussion of the future prospective of the cooperation with the Standing Bureau of the Hague Conference on the Private International Law and the Ministry of Justice of the Kingdom of the Netherlands, and familiarization with the experience of the organizations in the relevant fields.

**The legislative acts on adoption includes, but not limited to the followings:**

Decision # 611-IIQ of the Milli Majlis of the Republic of Azerbaijan on joining the Convention “On Protection of Children and Cooperation in Respect of Inter-Country Adoption”;

The Family Code of the Republic of Azerbaijan;

The Civil Procedural Code of the Republic of Azerbaijan;

Decision #172 the Cabinet of Ministers of the Republic of Azerbaijan “On the Guidelines for Record-keeping of the children deprived from parental guardianship, the adopted children, the persons wishing to adopt children and the foreign and Stateless persons wishing to adopt the children who are the citizens of the Republic of Azerbaijan” dated September 20, 2000.

Decision of the Cabinet of Ministers of the Republic of Azerbaijan «On Approval of the Guidelines for Accreditation of the Bodies Providing Legal Assistance to Foreigners and Stateless Persons with regard to Adoption – approved by the Decision #166 of the Cabinet of Ministers of the Republic of Azerbaijan, on July 22, 2008.

**The adoption procedures**

According to Chapter 3 of the Civil Procedure Code of the Republic of Azerbaijan, the application on intention to adopt a child shall be filed by the person(s) wishing to adopt the child to the court covering the area of the place of his/her residence. When the child who is the citizen of the Republic of Azerbaijan is adopted by foreign citizens and Stateless persons, the application on the adoption shall be submitted to the court of covering the area of the place of the child’s residence by the person(s) wishing to adopt the child or by the accreditation body per his/her (their) request.

The application of child adoption must include the following information:

- the names, patronymics and surnames, year of birth, place of residence and occupation of the adopters (adopter);
- the name, patronymic and surname of the adopted child, his/her place of residence (location), information about the parents, and availability of siblings;
- the circumstances justifying the request of the adopters (adopter) on the child adoption and the proofs affirming the circumstances;
- the request for making a note in the child’s birth record on the change of the child’s name, patronymic, surname, date of birth (when under 12 months child is adopted), and on indicating the adopters (adopter) as the parents (parent) of the child.

The following documents must be attached to the application on adoption:

- copy of the birth certificate of the adopter when the child is adopted by the person who is not in marriage;
- copy of the marriage certificate of the adopter when the child is adopted by the person(s) who is (are) in marriage;

- if the child is adopted by either husband or wife — consent one of them to other or the document verifying that the spouses relations have stopped and they do not live together for more than 1 year. If the mentioned document (s) cannot be attached to the application, the application must contain proofs affirming the stated facts;

- medical opinion on the health condition of the adopter(s);

- reference from the place of work of the adopter(s) on the position and salary or other documents on his/her (their) income;

- the document verifying the right to use the place of residence or the right of ownership to the place of residence.

The documents indicated in Articles 347.1.1—347.1.6 of the Family Code, the agreement of the relevant executive authorities, as well as the opinion of the authorized body of the State of origin of the person who adopts the child (the State of permanent residence of the Stateless persons who adopt the child) about his/her living condition and capacity to adopt, the permission of the accepting State on entrance and residing of the child in its territory shall be attached to the application of foreigners and Stateless persons wishing to adopt the child who is the citizen of the Republic of Azerbaijan.

The documents indicated in Articles 347.1.1—347.1.6 of the Family Code, as well as the agreement of the legal representative of the child and the Committee on Family, Woman and Child Affairs of the State of which the child is citizen (permanently resides) and the child's consent, if required by the subject State and the international agreements that the Republic of Azerbaijan joined, shall be attached to the application on adoption of the foreign or Stateless child by the citizens of the Republic of Azerbaijan.

Except the cases envisaged in the international agreements that the Republic of Azerbaijan joined, the documents of the foreigners or Stateless persons must be legalized according to the rules. After the legalization, they must be translated into Azerbaijani language and verified by notary.

Except the cases of adoption of the child who is the citizen of the Republic of Azerbaijan by foreigners or Stateless persons, when the case is prepared for judicial proceeding, the judge shall issue the resolution on transfer of the application together with its attachments to the trusteeship and guardianship authority operating in the place of residence (location) of the child. The authority is obliged to provide its opinion on substantiality of the adoption and its correspondence to the interests of the child.

The opinion of the trusteeship and guardianship authority submitted to the court should contain the following:

- the act on examination of the living conditions of the adopter(s) drawn by to the trusteeship and guardianship authority operating in the place of residence (location) of the child or the adopter(s);

- the medical opinion on the health condition, physical and mental development of the adopted child;

- the birth certificate of the adopted child;

- consent of the child, who has reached the age of 10 years, to be adopted, as well as on possible change of his/her name, patronymic and surname, and indication of the adopter(s) as his/her parents (except the cases when such consent is not required);

- except the cases envisaged in the law allowing child adoption without his/her parents consent, the written consent of the child's parents to his/her adoption verified by notary;

- the consent of the child's custodian (guardian), step-parents or the manager of the residential care, where the child deprived from parental care resides, to his/her adoption;
- the document verifying the impossibility of adoption of the child by his/her relatives, when child is adopted by the citizens of the Republic of Azerbaijan residing outside the limits of the territory of the Republic of Azerbaijan, who are not the relatives of the child, irrespective of the fact that the child is in centralized registration, also irrespective of his/her citizenship and place of residence.

In the cases of necessity, the court may require other information.

After the trusteeship and guardianship authority's opinion enters the court, the case proceeding is renewed by the resolution of the judge.

When the child who is the citizen of the Republic of Azerbaijan is adopted by foreigners or Stateless persons, the court shall require from the relevant executive authority the documents provided by the trusteeship and guardianship authority and verifying the impossibility of adoption of the child by his/her relatives (siblings, grandparents, aunts, uncles and their children) irrespective of the child's citizenship and place of residence, and the opinion of the trusteeship and guardianship authority on compliance of the adoption to the interests of the child and serving as the agreement of the authority to the adoption, as well as the document verifying that the child is in general registration and the relevant documents provided by the authorized body of the State which the adopter is citizenship.

Upon closed judicial proceeding, the case shall be considered upon obligatory participation of the representatives of the trusteeship and guardianship authority of the adopter(s), in case of adoption of the child, who is the citizen of the Republic of Azerbaijan by foreigners and Stateless persons, participation of the relevant executive authority, and in case of necessity, the participation of other stakeholders and the child who acquired the age of 10.

Having considered the application, the court shall make decision on either satisfaction or rejection of the adopter(s) request. When satisfying the request on adoption, the court considers the child's adoption by concrete person(s) and the resolution indicates all information about the adopter(s) and the adopted child necessary to include to the registry of the State citizenship status acts registration office.

The court may satisfy the adopter(s)' request on adoption of a child, but reject their request to indicate him/her (them) as parent(s) of the child and change his/her place and date of birth on the birth certificate.

Unless otherwise stipulated in the international agreements that the Republic of Azerbaijan is signatory to, when the child who is the citizen of the Republic of Azerbaijan is adopted by foreigners or Stateless persons, the court resolution on the adoption must include the obligation of the foreigners or Stateless persons on regular provision of the information on maintaining, upbringing and education of the child to the authorized body of the State which the adopter is citizenship.

When the request is satisfied, mutual rights and duties of the adopter(s) and adopted child shall be identified from the day of effect of the court decision on the adoption of the child.

The court decision on the adoption of the child shall be submitted for registration to the relevant executive authority of the child's residence (location) and to the State registration body where the decision-making court is located for entering the record on the adoption within 3 days after the decision becomes effective.

In accordance with «The Rule for Accreditation of the Bodies Providing Legal Assistance to the Foreigners and Stateless Persons related to Inter-Country Child Adoption» approved by the Decision #166 of the Cabinet of Ministers of the Republic of Azerbaijan of July 22, 2008, the accredited body is responsible for informing the Central Authority of the Republic of Azerbaijan on the future life of the adopted child within its

authorities, enabling the Central Authority to monitor their life within the time period identified by the Authority, collection and submission of the information on the psychological and social state of the adopted child, the way he/she is treated in the family and his/her behavior, the child's adaptation to the family and other aspects to the Central Authority.

#### **H. Article 11. Illicit transfer from the country and non-return of children**

Pursuant to Article 144 of the Criminal Code of the Republic of Azerbaijan, committed against minor or by negligence brought to death of the victim or other serious consequences – is punished by imprisonment for the term of ten to fifteen years.

Pursuant to Article 1 of the Law of the Republic of Azerbaijan “On Leaving the Country, Coming Back and Passports” of June 14, 1994, every citizen of the Republic of Azerbaijan has the right to leave the country and come back passing through the specially set control posts.

Article 11 of the same Law reads that the citizens going abroad for permanent residence shall come back to the country for temporary living using their passports. For returning to the country for permanent residence, they must de-register in the consulates of the Republic of Azerbaijan in foreign countries.

Pursuant to Article 10 of the Law of the Republic of Azerbaijan “On the Labor Migration” of October 28, 1999, it is prohibited to put restriction to unification of the labor migrants with their families.

#### **I. Article 19. Maltreatment and abandonment (Article 19), including physical rehabilitation and social reintegration (Article 39)**

All forms of corporal punishment towards children are prohibited in the legislation of the Republic of Azerbaijan. Even according to Articles 64.0.4, 64.0.5 and 64.0.7 of the Family Code, parents (one of them) who physically and psychically suppress their children, exercise cruel treatment, abuse them, committed purposeful crime against children or husband (wife) against their health or life, such parents can be deprived from parental rights.

«The Rules for Public Participation in Correction of Convicted People and Public Oversight of the Activity of Penitentiary Institutions» have acquired State registration on April 27, 2006.

According to the rules, a Public Committee is established comprised of the representatives of prominent NGOs for correction of convicted people and public oversight of the activity of penitentiary institutions.

The Public Committee has unrestricted access to the penitentiary institutions and can meet with the prisoners any time. At the same time, a special opinion form is developed for simplification and expediting of the process of preparation of reports on the results of the visits of the mentioned committee and other organizations to the penitentiary institutions. A special paragraph is added to the report for identification of the cases of torture and maltreatment along with other points related to the public oversight of the institutions.

In 2006 – 2009, more than 175 monitoring sessions have been conducted in penitentiary institutions by the members of the Public Committee.

In 2000 – 2008, 279 visits to penitentiary institutions were made by the members of IRCC where they met with 63343 prisoners.

The Ombudsman of the Republic of Azerbaijan and the employees of her staff made 82 visits to penitentiary institutions operating under the Ministry of Justice.

The reports reflecting the relevant recommendations are presented as the result of these visits and necessary measures are taken based on the reports.

New effective right protection mechanisms for provision of lawfulness and human rights in penitentiary institutions, including the Inspectorate on Implementation of Sentences and Human Rights and Public Affairs Offices under the Ministry of Justice were established.

The draft of the Law of the Republic of Azerbaijan “On Prevention of Domestic Violence” has been prepared by initiative of the State Committee for Family, Women and Children Affairs. All relevant governmental bodies, as well as NGOs are actively involved in the drafting of the law. The draft law has also been reviewed by experts of local and international organizations (UNFPA, OSCE, and the Council of Europe). After agreement with the relevant governmental body, the draft has been submitted to the Parliament of the Republic of Azerbaijan. The draft law envisages adequate and effective protection of everybody, including children, from the domestic violence, serves the goal of respecting their honor and dignity, broad and comprehensive provisions on prevention of the domestic violence, protection measures that include shelters, domestic services, rehabilitation for the victims of violence, punishment of the perpetrator. Since the lack of information is identified as the main gap, the draft law includes provisions on creation of a statistic database and information collection methodology.

The legislation of the Republic of Azerbaijan provides for sufficient number of mechanisms for administering criminal liability towards the persons committed violence against minors. Thus, the Criminal Code envisages punishment for homicide, inflicting body injuries of different degrees, beating, torturing, intimidating by death or inflicting serious body injury, raping, forcing to the actions of sexual character and etc. Chapter 22 of the Criminal Code of the Republic of Azerbaijan is entirely related to the crimes against minors and family relations.

The National Action Plan on Protection of Human Rights in the Republic of Azerbaijan provides for strengthening of fight against domestic violence, provision of the victims of violence with legal aid tools, compensation, rehabilitation, medical and psychological assistance, and conduction of wide education events. The measures related to prevention of violence against children are reflected in a number of documents, including “The Republican Complex Program on Daily Violence in Democratic Society” approved by the Directive of the Cabinet of Ministers of the Republic of Azerbaijan of 2007, “the State Program on Implementation of the Employment Strategy of the Republic of Azerbaijan in 2007-2010” approved by Directive of the President of the Republic of Azerbaijan in 2007, as well as “the State Program on Poverty Reduction and Sustainable Development in 2008-2015” approved by Directive of the President of the Republic of Azerbaijan in 2008.

Starting 2006, every year, the Creational Festival-Contest of IDP and Refugee Children is held. Besides, different competitions are organized for social reintegration of these categories of children, and they are sent to participate in international events and festivals.

### **J. Article 25. Periodic review of custodian care**

Pursuant to Article 34 of the Civil Code of the Republic of Azerbaijan (trusteeship and guardianship authority) “within three days from the date of the decision declaring a person as not having legal capacity or having limited legal capacity, a court is obligated to inform the State guardianship and trusteeship authority for such person’s residence about such decision to establish guardianship or trusteeship over such person.”

According to the same article, “the State guardianship and trusteeship authority operating in the area of residence of persons under guardianship supervises the activity of state guardians and custodians thereof”.

The inspection of the child's residential care institution is the responsibility of the State bodies under which the institution operates.

The Charter of the trusteeship and guardianship authorities operating under district (town) education departments approved by the Order #68 of the Ministry of Enlightenment of 28.03.1988 includes the school inspector position for child protection. This staff position relates to the public service category and included to the staff list of district education departments. District education department chief and child protection inspector are members of the Commission on Minors' Affairs and Protection of Their Rights established under district executive authorities.

The issues related to trusteeship and guardianship are reflected in the Civil Code and the Family Code of the Republic of Azerbaijan.

The protection of the rights and of the interests of children in the case of the death of their parents, of the deprivation of their parents of the parenthood, of restricting them in the parental rights, of the parents' avoidance of bringing up their children or of protecting their rights and interests, including in the case of the parents' refusal to take their children from the educational establishments, medical centers, the institutions for the social protection of the population and from other similar institutions, and also in the other cases of the absence of parental care, shall be entrusted to the trusteeship and guardianship body of local executive authorities.

The trusteeship and guardianship body of local executive authorities shall identify children, left without parental care, shall register such children and, proceeding from the concrete circumstances of the loss of parental care, shall select the forms, suitable for the accommodation of such children, left without parental care (Article 123 of the present Code), and shall also exert control over the conditions of their maintenance, upbringing the education.

For the purpose of identification of the children subjected to violence, the Ministry of Health of the Republic of Azerbaijan is planning to hold trainings among doctors. The responsibility of these doctors will be identification of symptoms of the children subjected to violence and provision of come assistance to them. It is envisaged to establish rehabilitation centers for providing of psychological help to the children subjected to violence. The work of the centers will include:

- organization of professional and integrated aid to the victims of violence who reached majority;
- provision of timely and free legal, socio-psychological and medical assistance to the children and juveniles subject to violent treatment;
- prevention of sexual crimes and delinquencies among juveniles,
- formation of public opinion about the problems of violence against children and other related measures.

## **VI. PRIMARY HEALTH CARE SERVICES AND WELFARE**

### **A. Article 6. Survival and development (Item 2)**

Pursuant to Article 9 of the Law «On the Rights of the Child», selling of tobacco and alcohol products to juveniles is prohibited.

The juveniles kept in the penitentiary system shall be provided in- and out-patient medical services in the institutions they are serving their sentence. When entering the institutions, juveniles pass preliminary medical examination, their anthropological indicators are recorded, they go through x-ray and laboratory check. A personal registration book for each juvenile entered the pre-trial isolation facility. Complaints on their health, anamnestic information and the results of objective examination, traces of torture or violent treatment are



entered into the book. During their detention in the facility, they are provided with medical and sanitary help upon request, in the cases of necessity they are put under outpatient treatment in the medical institutions.

Measures are taken to identify the persons among minors in the sentence serving institutions who are suffering from contagious diseases. Thus, upon entering the institution their blood samples are voluntarily taken for HIV/AIDS tests, as well as x-ray fluorography of their thorax is made for TB detection. In the subsequent years of detention they pass through annual TB checks, in case of doubt, the HIV/AIDS examination may be repeated and the employees of the State AIDS Combat Center conduct the epidemiological examination. All minors are informed about HIV/AIDS and TB; they are distributed special education leaflets. Presently, there is nobody among the prisoners that infected with HIV/AIDS; just one prison that is in the inactive stage of TB is under the medical control.

### **B. Article 23. Children in need of special care**

There are 56,5 thousand children in need of special care in Azerbaijan.

The number of children in need of special care and residing in the special care boarding schools is 1282.

Within “the Development Program on organization of education of the children in need of special care (with disabilities) in the Republic of Azerbaijan (2005-2009)”, approved by the Decision #20 of the Cabinet of Ministers of the Republic of Azerbaijan, 3 inclusive education projects’ implementation are continued together with the international organizations. These projects covered more than 30 institutions in Baku, Sumgayit, Mingachevir towns and Yevlakh district, and more than 200 pre-school and school-aged children in need of special care.

19 schools and 6450 children in these schools are involved in special education.

2 Children Rehabilitation Centers (in Baku and Nakhchivan cities) in connection with the medical and social rehabilitation of the children with health limitations are constructed and running.

The criteria for identification of the health limitations children have been updated.

The work for provision of the children with health limitations with the rehabilitation means (prosthetic-orthopedic devices, wheel chairs, hearing devices and etc.) was continued.

Taking into consideration the necessity for building of a large center for children’s treatment and examination, the Heydar Aliyev Foundation constructed the Psycho-Neurological Center for Children in Baku in 2009. Active therapy, massage, examination rooms, wards and canteens supplied with the modern equipment creates good foundation for the soonest rehabilitation of children health.

Reconstruction of the medical institutions in the capital and districts is carried out at the Foundation’s initiative. A polyclinic in Turkan settlement of Azizbekov district, medical emergency station, a hospital in Shuvelan settlement, a Treatment and Diagnostics Center in Zira settlement are reconstructed and supplied with modern equipment. A hospital is constructed in Gala settlement in October 2008 by the Heydar Aliyev Foundation. The modern medical institution has a medical emergency point and a drug store, and is supplied with modern equipment.

The capital maintenance and reconstruction works started in the children sanatorium called “Tabassum (Smile)” by the Foundation in 2007, ended in January 2009.

A specialized music school for children with eyesight disabilities functions in Baku. State-owned child and family support centers for the persons with health limitations and disabled ones operate. 3 out of 16 rehabilitation and family support centers functioning in the country are State-run centers, and the rest are non-governmental organizations. 2 out 3 State institutions operate under the State Committee for Family, Women

and Children Affairs (in Shuvelan and Goranboy district), and one is the center under the Ministry of Education (in Mingechevir town). More than 1000 children and families benefit from each of the centers in Goranboy and Shuvelan. Active and art therapy, music classes, computer courses, English, Russian language courses are functioning in these centers (for IDP and refugee children, children from low-income families, de-institutionalized children).

The State Committee for Family, Women and Children Affairs regularly distributes wheel chairs, orthopedic shoes, special orthopedic chairs, and other equipment to the children benefiting from the activity of the centers. Besides, new active therapy equipment is installed, new rooms are prepared and equipment are bought for children with autism, and 4 specialists are sent to Turkey to gain practical and theoretical knowledge on work with the children having autism. It is planned that upon return, the specialists will prepare a training program, organize and conduct training sessions the staff of all rehabilitation centers and boarding institutions.

#### **Social allowances for population identified by the State**

	2007		2008	
	Number of people to receive social allowances, persons	Monthly allowance per person, manat	Number of people to receive social allowances, persons	Monthly allowance per person, manat
<b>Social allowances - Total</b>	<b>259712</b>	<b>17,44</b>	<b>275402</b>	<b>23,35</b>
<i>including:</i>				
Handicapped children under 16	48479	25,0	<b>X</b>	<b>X</b>
Children under 18 with health limitations	<b>X</b>	<b>X</b>	55066	35,0
Monthly for families having children	24364	6,09	25431	6,36
Families having under 1 y.o. children	3161	10,0	6280	15,0
Custodians of parentless children and children deprived from parental care	1260	5,0	1192	10,0
<b>One-time allowances - Total</b>	<b>101677</b>	<b>X</b>	<b>97250</b>	<b>X</b>
<i>including:</i>				
Allowance provided to families for born of child	90968	<b>X</b>	86861	<b>X</b>
Allowances provided to children	94909	28,82	90171	32,65

**Individual allowances provided by the State to the population**

*(based on the information of the State Social Protection Fund)*

	2006	2007
One-time allowance for born of child:		
Number of contingent, thousand persons	18,5	25,6
amount, thousand manat	555,5	854,3
Allowance for taking care of the child before he/she reaches the age of 3:		
Number of contingent, thousand persons	21,4	22,1
amount, thousand manat	553,7	684,2

**Number of children younger than 16, who first time considered as handicapped**

	2003	2004	2005	2006
Total, thousand persons including:	9,5	8,4	6,0	6,5
Urban population	4,5	3,9	2,7	2,9
Rural population	5,0	4,5	3,3	3,6
Per 1000 children under 16	4,0	3,6	2,6	2,9

**Under 18 y.o. children with limited health conditions**

	2007
Under 18 y.o. children with limited health conditions – including:	5,2
urban	2,4
rural	2,8
Per each 1000 children under 18	2,0

## Special boarding and general schools for children with health limitations

(by the beginning of academic year)

		Number of schools							No. of students in schools							
	2003	2004-	2005-	2006-	2007	2003-	2004-		2005-2006			2006-2007		2007-2008		
								Total	including		Total	including		Total	including	
						Total	Total		boys	girls		boys	girls		boys	girls
Number of schools	20	21	21	21	19	5313	6111	6402	4153	2249	6372	4136	2236	5850	3743	2107
Children in the classes established in general education schools for children with health limitations	„	—	—	.	.	581	575	611	407	204	617	391	226	600	374	226
<i>Including:</i>																
For mentally diseased	9	9	9	9	9	2344	2535	2695	1692	1003	2742	1944	798	2918	1972	946
For blinds	2	2	2	2	2	271	269	309	217	92	315	224	91	303	219	84
For deaf (deaf and mutes)	2	2	2	2	2	679	733	781	515	266	780	440	340	756	476	280
For children with hearing difficulties and acquired deafness	1	1	1	1	1	182	175	182	136	46	183	137	46	155	114	41
For children with poliomyelitis and cerebral palsy	1	1	1	1	1	228	209	211	132	79	175	114	61	165	116	49
For children with speech defects	2	2	2	2	2	519	523	550	356	194	543	357	186	537	357	180
Other	3	4	4	4	2	1090	1667	1674	1105	569	1634	920	714	1016	489	527

Children with health limitations are under the constant State care. Thus, within the project of the Heydar Aliyev Foundation called “The best care to the children with diabetes”, those children under 14 and suffering from diabetes, were regularly provided with insulin and needles-pencils during 2004-2009. According to the Decree #32 of the President of the Republic of Azerbaijan “On State Care to the Persons Suffering from Diabetes” of February 12, 2004, “The State Program on Diabetes” was adopted by the Decision #101 of the Cabinet of Ministers of the Republic of Azerbaijan, dated June 7, 2005.

Besides, for prevention of thalassemia in Azerbaijan, since February of 2005, Heydar Aliyev Foundation started implementation of the project dedicated to the problem of thalassemia - “For the Life without Thalassemia”. A Thalassemia Center has been constructed in Baku and supplied with the modern equipment for treatment and diagnosis of thalassemia.

### **C. Article 24. Health care and health care services**

According to the legislation of the Republic of Azerbaijan, alcoholic drinks and tobacco products are not sold to U-18 citizens. Selling of drugs and other harmful is prohibited. In addition, the State Committee on “Combating Distribution of Narcotic Means, Psychotropic Substances and Their Precursors” is implementing “The State Program on Combating Distribution of Narcotic Means, Psychotropic Substances and Their Precursors” (2006-2012). Children Dermatovenerologic and Psycho-Neurological Dispensaries are available.

The Ministry of Health of the Republic of Azerbaijan together with UN Children Fund implements the “Health and Nutrition Program” since 2002

The State Committee for Family, Women and Children Affairs together with the UN Population Fund is implementing the project called “The Southern Caucasus Youth Reproductive Health Initiative”. This project has been implementing for three years and has covered more than 23 towns and districts of the country and 4000 people. At the end of the project, the State Committee for Family, Women and Children Affairs plans to open training and consultation centers called “Friendship to Youth” in districts of Azerbaijan and Baku. 5 centers are already operating. 3 of them have been established within universities.

The State Committee for Family, Women and Children Affairs together with UNICEF conducted a research on early marriages to identify the situation with this phenomenon. Apart from this, 495 people were surveyed in 10 regions of the country at the Committee’s initiative, and their attitude towards early marriages was identified. As the result of the analysis, the regions with the highest trends for early marriages were detected. The southern region is among the most sensitive regions on this issue.

In addition, the State Committee for Family, Women and Children Affairs provided opening of a dental cabinet for the children suffering from hemophilia, thalassemia, diabetes and leukemia with “The Child Year”. The State Committee for Family, Women and Children Affairs together with the Ministry of Health organizes blood donation actions dedicated to April 17 International Hemophilia Day.

Regularly, at the State Committee for Family, Women and Children Affairs initiative and together with the Ministries of Health and Education, the Committee conducts repeated diagnostics of the children residing in the institutions for the children with physical and mental disabilities and as a result of this diagnostics, the children are placed to the institutions for normal children and involved to the inclusive education at maximum level.

It is planned to include free and regular medical examination of children in the remote districts to the health-related activities within 2009 Child Year.

1. Number of doctors per 1000 people - 333.9 (2007)
2. Per capita health care costs– 64.6 AZN. Funds allocated to the health care - 557.8 million AZN (2007).
3. U-5 mortality rate - 595 (2007).
4. Infant mortality rate - 1756 (2007)
5. Proportion of underweight children - 0.9 % (2007).
6. Acute underweight, U-5 – 3099.
7. Immunization (2007): TB – 97.8 %, Whooping cough – 94.8 %, diphtheria – 94.8 %, tetanus – 94.8%, poliomyelitis – 97%, measles- 96.2%, hepatitis B- 97.2%.
8. Maternal mortality: 53 cases (2007)
9. Proportion of the babies born in hospitals: 96% (2007)
10. Exclusively breastfed mothers' proportion and duration: up to 3 months - 34430, up to 6 months - 36627, up to 12 months – 49648 (2007).
11. Number of the children infected with HIV/AIDS, proportion: 0-13 y.o. - 3 HIV and 2 AIDS, 0-17 y.o. - 13 HIV and 2 AIDS.
12. Early pregnancy: up to 19 y.o. – 15483 persons.
13. Sexually transmitted diseases: 0-17 y.o. Syphilis – 12, Gonorrhea – 29, Trichomoniasis – 7, Chlamydiosis – 19, Genital herpes – 3.
14. Mental diseases 0-17 y.o.: new cases - 1853. Registered at dispensaries - 16115.
15. Drug abusing children: 0-17 y.o. - 3 persons alcohol – 0 Toxic substances.

Pursuant to Article 18 of the Law of the Republic of Azerbaijan “On Protection of Public Health”, and in the manner established by the Ministry of Health of the Republic of Azerbaijan, the children not reached the age of majority have the right to be under free dispensary control and get free treatment, to get education in the conditions meeting the sanitary and hygienic requirements, to get free consultations during identification of their professional appropriateness in the child and juvenile health care institutions of the State health system, to get nutrition under the favorable conditions in accordance with the rules established by the Cabinet of Ministers of the Republic of Azerbaijan at the expense of the budget funds. The minors with physical or mental disabilities can be kept in the institutions of the social security system at the request of their parents or legal representatives.

All persons' in the penitentiary institutions, including minors' right to pass medical examination, have corresponding notes registered and receive necessary medical aid during their detention is provided. In addition, the injuries are registered based on the appeals on maltreatment and the information is submitted to the relevant bodies. The prisoners and their attorneys are enabled to be familiarized with these records.

The issue of subordination of medical workers was reviewed in order to secure independence of the medical experts, the Health Department has been taken out of the penitentiary system by the relevant order of the Minister of Justice and the Main Medical Office has been established on its basis. The

position of psychologist is envisaged in all penitentiary institutions by the order of the Minister of Health. The ill prisoners fully provided with bed supplies and their sanitary and hygiene conditions have been improved.

#### **Number of doctors per 10 000 population**

*(by beginning of the year, persons)*

	2004	2005	2006	2007	2008 <sup>1)</sup>
Number of doctors per 10 000 population	36,4	36,6	36,8	36,6	38,1

#### **Health care costs allocated from the State budget**

*(Including the information on non-state medical institutions)*

	2003	2004	2005	2006	2007
Health care costs (million manat)	55,3	73,5	115,3	162,0	257,2

#### **Infant mortality coefficient (among under 1-y.o. children)**

*(per 1000 live births)*

	2003	2004	2005	2006	2007
Total	2452	2618	2201	2501	2351
including:					
boys	1351	1511	1229	1403	1321
girls	1101	1107	972	1098	1030



**Child mortality rate (among under 5 y.o. children) (*persons*)**

	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Total	1649	1892	1580	1882	1756
including:					
Boys / girls	931 / 718	1113 / 779	893 / 687	1072 / 810	966 / 790
Urban	719	889	780	1082	1036
including:					
Boys / girls	434 / 285	566 / 323	464 / 316	650 / 432	611 / 425
Rural	930	1003	800	800	720
including:					
Boys / girls	497 / 433	547 / 456	429 / 371	422 / 378	355 / 365

**Child mortality rate (among under 5 y.o. children)**

	2003	2004	2005	2006	2007
Total	24.1	20.7	17.6	16.2	16.1
Including:					
boys	24.6	21.6	18.6	16.8	16.8
girls	23.5	19.6	16.5	15.4	15.3

**Number of low weight live born children**

	2003	2004	2005	2006	2007
Number of live born children with the weight less than 2500 gr., persons	6478	8343	8517	8723	9283
Proportion to the total number of live born children, percentage	7.0	8.0	7.7	7.4	7.4

### Children received preventive immunization in 2007 (percentage)

	Vaccination		Revaccination	
	Age	Net weight of vaccinated children	Age	Net weight of vaccinated children
Vaccinated:				
Anti-TB	Under 1 y.o.	97,8	-	-
Anti: diphtheria pertussis tetanus	Under 1 y.o.	94,8	18 months	94,6
Anti - poliomyelitis	Under 1 y.o.	97,0	18 months	96,5
Anti: measles, rubella, mumps	1 y.o.	95,1	6 y.o.	97,4
Anti-Hepatitis B	Under 1 y.o.	97,2	-	-

### Maternal mortality

Years	Person	Per 1000 live births
2003	21	18,5
2004	34	25,8
2005	41	28,9
2006	51	34,2
2007	54	35,5

### **Exclusive breastfeeding**

Children's age (months)	Exclusively breastfed children's percentage
0-1	22,6
2-3	10,2
4-5	2,4
6-8	2,7
9-17	0,7

## Number of children born in hospitals

Years	Number of live born children, persons	including:	
		In hospitals	Proportion among all born children, percentage
2003	113467	108474	95,6
2004	131609	126213	95,9
2005	141901	133955	94,4
2006	148946	142690	95,8
2007	151963	145733	95,9

## Acquired Immune Deficiency Syndrome (AIDS)

	2003	2004	2005	2006	2007
Number of patients first-time registered with the diagnosis of Acquired Immune Deficiency Syndrome (AIDS) – Total	12	21	55	17	41
Among them – children under 18	-	-	-	-	2
Number of patients first-time registered as carriers of human immune deficiency virus (HIV) – Total	102	100	155	226	400
Among them – children under 18	-	1	-	1	1

## Number of patients registered as carriers of human immune deficiency virus (HIV), (persons)

	Total	including per age					
		Under 1,5 y.o.	1,5-3 y.o.	4-6 y.o.	7 y.o.	8-10 y.o.	11-14 y.o.
Deaf children	931	9	51	173	94	272	332
Children with poor hearing and acquired deafness	1918	18	106	322	256	612	604
Blind children	300	7	25	47	26	73	122
Children with poor eye-sight	11195	25	313	1061	1066	3020	5710
Mentally undeveloped children	6068	41	271	836	871	1865	2184

Children with speech defects	5152	42	476	1474	838	1171	1151
Children with poliomyelitis and residual cerebral palsy	2924	72	295	622	367	679	889
Children with scoliosis (lateral curvature)	2198	4	27	140	223	713	1091

### Information on the health conditions of refugee children.

#### Handicapped persons.

District	Total	Under 1 y.o.	1-4 y.o.	5-17 y.o.
Agdam	328	0	38	290
Jabrayil	1152	22	512	618
Kelbajar	91	1	5	85
Gubadlı	21	0	0	21
Lachin	191	0	13	178
Fizuli	44	0	6	38
Khojavend	38	6	10	22
Shusha	22	0	0	22
Khojali	192	0	28	164
Total	2079	29	612	1438

### Total number of patients registered in 2008. Children (0-13 y.o.).

District	Total	Girls
Agdam	5452	2867
Jabrayil	988	390
Kelbajar	661	273
Lachin	3556	1870

Fizuli	5049	2221
Khojavend	2743	1420
Shusha	460	207
Khojali	542	232
Total	19451	9480

### **Total number of patients registered in 2008.**

Minors (14 -17 y.o. including).

<b>District</b>	<b>Total</b>	<b>Girls</b>
Agdam	1290	391
Jabrayil	1216	459
Kelbajar	296	135
Lachin	503	289
Fizuli	1709	784
Khojavend	731	421
Shusha	588	210
Khojali	293	135
Total	6626	2824

### **2008. Handicapped children.**

<b>1. Deaf children</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
Agdam	0	0	0
Jabrayil	0	0	0
Kelbajar	0	5	5
Lachin	8	11	19
Fizuli	0	2	2

Khojavend	0	0	0
Shusha	0	0	0
Khojali	0	4	4
Total	8	22	30

<b>2.Children with hearing difficulties</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
Agdam	3	19	22
Jabrayil	0	2	2
Kelbajar	0	6	6
Lachin	13	16	29
Fizuli	2	7	9
Khojavend	0	5	5
Shusha	0	0	0
Khojali	9	12	21
Total	27	67	94

<b>3. Blind children</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
Agdam	0	0	0
Jabrayil	0	0	0
Kelbajar	0	4	4
Lachin	7	8	15
Fizuli	0	0	0
Khojavend	0	0	0
Shusha	0	0	0
Khojali	1	0	1
Total	8	12	20

<b>4. Children with eye-</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
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<b>sight difficulties</b>			
Agdam	6	37	43
Jabrayil	0	7	7
Kelbajar	0	8	8
Lachin	19	26	45
Fizuli	2	3	5
Khojavend	0	8	8
Shusha	37	0	37
Khojali	8	12	20
Total	72	101	173

<b>5. Mentally backward, weak children</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
Agdam	0	0	0
Jabrayil	0	8	8
Kelbajar	0	8	8
Lachin	24	54	78
Fizuli	8	1	9
Khojavend	0	2	2
Shusha	0	0	0
Khojali	5	7	12
Total	37	80	117

<b>6. Children with speech defects</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
Agdam	4	29	33
Jabrayil	0	5	5
Kelbajar	0	9	9

Lachin	13	19	32
Fizuli	2	5	7
Khojavend	0	0	0
Shusha	0	0	0
Khojali	8	11	19
Total	27	78	105

<b>7. Children with poliomyelitis and cerebral palsy</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
Agdam	0	0	0
Jabrayil	0	0	0
Kelbajar	0	2	2
Lachin	17	14	31
Fizuli	0	0	0
Khojavend	0	0	0
Shusha	1	0	1
Khojali	0	0	0
Total	18	16	34

<b>8.Children with scoliosis</b>	<b>Town</b>	<b>Village</b>	<b>Total</b>
Agdam	0	0	0
Jabrayil	0	0	0
Kelbajar	0	0	0
Lachin	35	42	0
Fizuli	0	0	77
Khojavend	0	3	0
Shusha	0	0	0
Khojali	1	0	1

Total	36	45	81
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#### **D. Article 26. Social protection and child care services (Article 18, Item 3)**

Article 38 of the Constitution of the Republic of Azerbaijan vests everybody's right for social security, including children. Provision with pension occupies important place in people's social security. In relation with the pension reform conducted in the country, two laws of the Republic of Azerbaijan – “On Labor Pensions” and “On Social Allowances” were adopted on February 07, 2006. The laws include a number of important norms on improvement of children's social security, including provision of them with pensions or allowances in case of death of their family heads.

At the same time, Article 18 of the Law of the Republic of Azerbaijan on “The Labor Pensions” was amended in accordance with the law adopted on November 07, 2007. According to these amendments, the amount of the base part of the labor pensions for losing head of family shall be calculated based on 100% of the base part of the retirement pension per each child who lost both parents and children of died single mother. The same amount shall be provided to each member of the family eligible for retirement pension when only one family member left after death of the family head or, pursuant to Article 14.1 of this law, if only one member of the family with retirement pension right left alive. Other members of the family each shall receive 50% of the base part of the retirement pension.

Pursuant to Article 19 of the Law on “The Labor Pensions”, the unemployed handicapped persons of the first and second category who have disabled dependants (including children under 18) shall receive additional 5% on top of the base retirement pension per each disabled family member.

The base part of the retirement pension shall be increased minimum once a year and not less than annual level of the consumption goods index determined by the State Statistics Committee of the Republic of Azerbaijan. Pursuant to Article 29.2 of the law, the insured part of the pension shall be indexed minimum once a year and in relevance to the annual level of the consumption goods index determined by the State Statistics Committee of the Republic of Azerbaijan. As the implementation of the article, the insured part of the pension was increased for 8,3% from January 1, 2007 and for 16,7% from January 1, 2008. This, in turn, positively influences social security of the children provided with the labor pension due to lost of the family head.

Pursuant to Article 8 of the Law of the Republic of Azerbaijan “On Social Allowances”, the amount of the allowances shall be identified by the president of the Republic of Azerbaijan and be indexed not less than annually. As the implementation of the article of the law, the amount of the social allowances was increased based on the Decree Of the President of the Republic of Azerbaijan of January 22, 2007 “On the Measures for Strengthening of the Social Security of the Population”.

As for April 1, 2009, monthly social allowances were assigned to 22,8 thousand children from 11,7 thousand families.

The Presidential Pensions determined by decrees of the President of the Republic of Azerbaijan play special role in improvement of children's social security. Thus, in accordance with the Decrees of the President of the Republic of Azerbaijan “On Establishment of the Pensions of the President of the Republic of Azerbaijan to the Persons Rewarded with the title of National Heroes of Azerbaijan”, dated July 14, 2005, “On Establishment of the Pensions of the President of the Republic of Azerbaijan for the Family of Martyr of 20<sup>th</sup> of January” dated January 19, 2006, and “On Establishment of the Pensions of the President of the Republic of Azerbaijan for the Family of Martyr”, dated December 19, 2006, the Presidential Pensions were established for 600 manat, 300 manat and 100 manat respectively. These

pensions are of significant importance for social security of the children of the mentioned categories of families.

“The State Program for the modernization of preschool education in the Republic of Azerbaijan (2007-2010) is approved by the Decree of the President of the Republic of Azerbaijan of 12.04.2007 for establishment of the pre-school education in accordance with the modern requirements, creation of necessary conditions for intellectual, physical and psychological development of pre-school aged children, formation of their personalities and their preparation to school in accordance with the best international standards.

1.612 pre-school education institutions operate in Azerbaijan. Involvement of 1-5 year-old children into the pre-school education at the national level in 2007 constituted 17, 2 %, including 27% in urban and 9% in rural areas.

The work on enhancement of the network of children and family support centers operating under the State Committee for Family, Women and Children Affairs is carried out for creation of care services for children. Thus, the Committee holds regular meeting in the regions since its inception. During these meetings, implementation of the State programs on children being carried out in different directions is monitored, and the work on promoting of these programs and international convention is undertaken.

For organization of the community care services, the State Committee for Family, Women and Children Affairs supports creation of “Parent Unions” operating on the public basis in the fields for prevention of institutionalization of children and regularly works with them. The Committee organizes parent education, meets with them regularly and encourages them to be advocates of their own children. It mostly prefers development of the projects for increasing of parent responsibility.

For this purpose, the State Committee for Family, Women and Children Affairs representatives take part in exchange of experience events held abroad.

The State Committee for Family, Women and Children Affairs is very open to the international cooperation and since commencement of its activity participates in the important international conferences. It has actively participated at the conferences held within the international project implemented by the CoE and at the events held on the topics of the UN Millennium Development Goals.

The employees are trained during year on new training topics and these sessions are developed by experienced international experts and trainers. The State Committee itself has already prepared main childcare services, senior trainers on child rights, reproductive health, family planning and other directions, and the trainers conduct regular trainings in these directions to representatives of other agencies. Thus, within “The Child Year”, it is planned to continue these trainings at the national level by covering broad strata of the population. Peer-to-peer trainings are being held through “Child Rights” school established within the Committee.

The Law of the Republic of Azerbaijan “On the Targeted Social Aid” adopted on October 21, 2005 regulates the goals and principles, legal grounds for determination and other relations ensued from the provision of the targeted State social aid.

Articles 114-116 of the Family Code provide for protection of rights and interests of the children deprived from parental care.

Pursuant to Article 3 and 9 of the Law of the Republic of Azerbaijan “On Social Protection of the Children who lost their parents and Children Deprived from Parental Care” of June 22, 1999, social protection of the children who lost their parents and children deprived from parental care shall be provided by the State in accordance with the existing legislation. Protection of rights and law-protected

interests of the children who lost their parents and children deprived from parental care, shall be provided by themselves, their legal representative, custodians (guardians), relevant executive authorities, court and judicial authorities, municipalities, as well as public unions and trade unions in accordance with the rules established in the legislation of the Republic of Azerbaijan.

Pursuant to Article 36 of the Law of the Republic of Azerbaijan «On the Rights of the Child», if the persons, who has not reached the age of majority, get ill due to a post-vaccination complication, he/she has the right to receive allowance in the amount equal to 100% of the average salary irrespective of on of his/her parent's or legal representative's length of service without any percentage.

Article 13 of the same law states the right of child to receive material aid not less than the minimum subsistence income established by the legislation of the Republic of Azerbaijan.

The social aids must be spent in correspondence with the child's interests.

### **E. Article 27. Standard of living**

Pursuant to the Law of the Republic of Azerbaijan “On Minimum Subsistence Income”, the main socio-demographic groups of population differing from each other by age, gender and social status, including 0-15 years-old children, were taken into consideration at calculation of the minimum subsistence income value.

For strengthening of the social protection of IDPs, the monthly per capita allowance provided to IDPs was increased by 50% by the Directive of the President of the Republic of Azerbaijan of August 26, 2008 and reached to 13,5 manat.

As known, the children are most vulnerable group to poverty. According to results of the household survey, the poverty level at the national level was 46,7%, then due to successful social-economic reforms conducted in the country, the poverty level in 2007 reduced 3 times in comparison to 2002 (70 manat vs. 24 manat). This, in turn, resulted in poverty reduction among children.

“The Children-Friendly Budget” is discussed in the Parliament for improvement of the social welfare of children based on the Ombudsman's initiative and taking into account the recommendations stated in Item 4 of Article 17 of the UN CRC presented to the Government of Azerbaijan in 2006. For improvement of social security of children, the Ombudsman made a request to the Parliament to increase the amount of allowances provided to the children of the persons serving in army for regular term, children of disabled war veterans, of people who became disabled after January 20, 1990 events, of people who became I and II category disabled after Chernobyl accident, or children of died parents, custodians (guardians) of the children who lost their parents and deprived from parental care.

The risk of poverty increases with increasing of number of children in family. To this end, the Government of Azerbaijan continues the measures aimed at poverty reduction in the country in line with the Millennium Challenge Goals. According to July 20, 2005 Directive of the President of the Republic of Azerbaijan, the work on development of “The State Program on Poverty Reduction and Sustainable Development in 2008–2015” has been adopted.

If the amount of money spent in 2003 to the same purpose constituted 153,6 million manat, in 2007 it was 578,4 million manat. The real income of the population in comparison with 2003 increased 2,5 reached 14305,6 million manat in 2007 or per capita 1690,3 thousand manat. The per capita monthly income increased from 43,4 manat in 2002 to 140,9 manat in 2007 or 3,3 times. Salaries of the employed people has increased on yearly basis and reached to 214 manat in 2007 form 63,1 manat in 2002 or 3,4 times,

the average monthly salary in the non-public sector was 324,9 manat or for 90% more than in the public sector. The salaries of military servants increased 4 times, salaries of health care, social security and other budget-funded institutions - averagely 4 times and of education – 5 times during last 5 years. The minimum nation-wide salary increased from 5,5 manat in 2003 to 75 manat. As a result of the targeted work done in the regions for raising the living standards of the population, 643,4 thousand places of work are opened since October 2003. Majority of these places are in non-oil sector and cover 81,4% of the country's regions.

For the purpose of enhancement of equal opportunities for children to acquire primary education, starting from 2003/2004 academic year, all pupils of the State general education schools received free textbooks. A number of education programs are updated, the salaries of education workers are increased, and measures are taken to improve the material and technical basis of the education for improvement of the quality of education.

#### **The targeted social aid provided to the low-income families**

*(according to the information from the Ministry of Labor and Social Protection, by the beginning of the year)*

	2007	2008
Number of families receiving targeted social aid	48705	78092
Number of family members receiving targeted social aid, persons	218673	364059
Including women	83529	168007
Average amount of monthly targeted State social aid per person	8,36	17, 38

## **VII. EDUCATION, LEISURE TIME AND CULTURAL-MASS ACTIVITIES**

### **A. Article 28. Education, teaching**

4.555 general education schools, 42 higher education institutions, 589 child polyclinics and ambulance station, 4 nurseries, 6 children's houses, 2 boarding schools for children deprived from parental care, 14 special boarding schools children with health limitations, 2 boarding house for mentally defected children, 34 general type boarding houses, 15 children sanatoriums, 234 children music and art schools, 8 children theatres, 103 children libraries, and 9.308 sport institutions operate in the Republic of Azerbaijan.

The general education is the biggest stage of the entire education system for its coverage and scope. 1,5 mln students were studying in 4538 state and 17 non-state daytime general education schools in 2007/2008. Presently, 45,5 % of the general education schools operate at one session, 54, 5% - at two or three session, i.e. 74, 3% of the students study at 1<sup>st</sup> and 25, 7% at 2<sup>nd</sup> and 3<sup>rd</sup> shifts. 1360 new schools for

300 000 students is built and 300 capitally renovated at the expense of State funds and other sources in recent years.

The vocational education traditionally remains the main choice for the students with modest learning achievements in the general education and mostly attracts the students from mid and low-income families. The State budget for 2008 only 5,2% of the total education costs relate to vocational education and lyceums. 4,2 % of the secondary school graduates in Azerbaijan are within the vocational education. The social-economic development dynamics of Azerbaijan in general and on the different fields shows that there will be a big demand for the specialists with primary vocational education.

Taking into account the importance of the vocational education, the President of the Republic of Azerbaijan approved “The State Program on Development of the Vocational Education in 2007-2012 years.

The President of the Republic of Azerbaijan approved a number of State Programs on development of different fields of the education system.

The number of students studying in the general education institutions of the country:

2004-2005 academic year - 1.629831 persons  
I-IV pre-school grades and I-IV grades - 563149 persons  
V-IX grades 806711 persons  
X-XI grades 250511 persons.  
2005-2006 academic year -1.581173 persons;  
V-IX grades - 793110 persons  
X-XI grades - 244782 persons  
2006-2007 academic year - 1.531226 persons:  
I-IV pre-school and I-IV grades - 508304 persons  
V-IX grades - 764573 persons;  
X-XI grades - 248667 persons.

Broad introduction of ICTs at all steps of the education is the leading factor for bringing the education to compliance with the modern standards. Provision of schools with computers and other information and communication technology equipment within “The Program on Provision of General Education Schools with ICT in 2005-2007” approved by the Order #355 of the President of the Republic of Azerbaijan of August 21, 2004 was of great importance. According to the indicators of 2007, 65% of the secondary schools in the country are provided with computers.

“The State Program on Provision of the Education System of the Republic of Azerbaijan with Information and Communication Technology Items” approved by the Order #2856 of the President of the Republic of Azerbaijan of June 10, 2008, envisages provision of development of network infrastructure at all steps of the education system and speedy internet access, as well as establishment of information and resource centers.

In recent years, 283 schools for 75 000 students in 62 districts of Azerbaijan were constructed and rehabilitated by the initiative of Heydar Aliyev Foundation headed by the First Lady of Azerbaijan, member of Parliament, Good Will Ambassador of UNESCO and ISESCO Mrs. Mehriban Aliyeva within the project called “New school for renewing Azerbaijan”. Each of the schools has laboratory, library, canteen, computer rooms, workshops, sport halls, large playgrounds and separate heating system.

Last year, 34.000.000.manat was allocated from the Reserve Funds of the President of the Republic of Azerbaijan to construction of new blocks and capital renovation of a number of education institutions,

and rehabilitation of hazardous schools. 11 modern type kindergartens were constructed in Baku for the first time during last 20 years.

The Parliament adopted the Law of the Republic of Azerbaijan “On Education” at its meeting on June 19, 2009. This law is a framework type and it specifies the basis for adoption of other laws in this field.

The previous Law on Education was adopted on October 7, 1992 and met the demands of that time.

**Countrywide information on general education schools for the beginning of 2008/2009 academic year:**

		Number of schools		Number of students		Including number of girls		Teacher staff		Including number of women	
		State	Non-state	State	Non-state	State	Non-state	State	Non-state	State	Non-state
<b>1</b>	<b>General education schools</b>	<b>4540</b>	<b>17</b>	<b>1424353</b>	<b>7162</b>	<b>669200</b>	<b>1660</b>	<b>173226</b>	<b>1151</b>	<b>126360</b>	<b>686</b>
	including										
<b>a</b>	<b>Boarding schools for parentless children and children deprived from parental care</b>	<b>2</b>		<b>415</b>		<b>103</b>		<b>56</b>		<b>40</b>	
<b>b</b>	<b>Special boarding schools for children with limited health conditions</b>	<b>19</b>		<b>6448</b>		<b>2445</b>		<b>1526</b>		<b>1301</b>	

“The Program on Development of Creative Potential of the Children (Youth) with Special Talents (2006-2009)” is approved by the Order of the President of the Republic of Azerbaijan on 17.04.2006 and started



to implement/ The main goal of the program is to discover talented children, develop their potential abilities and create necessary condition for effective education.

Opening of special schools for the children in need of special care, strengthening of material and technical base of the existing boarding and special schools and concrete measures for development of special education programs and teaching aids are envisaged in “The Program on Organization of Education for the Children in Need of Special Care (with Disabilities) (2005-2009)” approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan on 03.02.2005.

The State Committee on Family, Woman and Child Affairs conducts different programs on children’s preparedness to education and their development in the local care centers. According to these programs, the work is done with the children not showing good performance at school, reunifying with their family leaving educational institutions and facing the risk of institutionalizing to involve them back to education. Several children were de-institutionalized and involved in education. And this is very successful step in terms of their social reintegration.

Adding to the paragraph, which reads “State Committee for Family, Women and Children Affairs conducts different programs on children’s preparedness to education and their development in the local care centers. According to these programs, the work is done with the children not showing good performance at school, reunifying with their family leaving educational institutions and facing the risk of institutionalizing to involve them back to education. Several children were de-institutionalized and involved in education. And this is very successful step in terms of their social reintegration”, we mention that this activity is undertaken by the Ministry of Education. Thus, pre-school inclusive education has been arranged in 6 kindergartens, which creates good condition for children’s involvement to inclusive education in schools. Appropriate knowledge and skills are instilled to children for their involvement to inclusive education in Children and Family Support Centers of Mingchevir town under the Ministry of Education. Children’s involvement in inclusive pre-school education helps to prevent their institutionalization to special boarding schools for the children with health limitations and get education in the schools with the arranged inclusive education. The inclusive education has been arranged in 1 special boarding school, 9 general education schools, technical and humanitarian subject biased lyceum and school-kindergarten-lyceum #200 in Mingchevir town of the Republic of Azerbaijan.

### **B. Article 29. Educational objectives**

Article 42 of the Constitution of the Republic of Azerbaijan provides every citizen with the right for education. The state guarantees free obligatory secondary education. The system of education is under the state control. The state guarantees continuation of education for most gifted persons irrespective of their financial position. The state establishes minimum standards for educational.

According to Article 22 of the Law of the Republic of Azerbaijan «On the Rights of the Child», every child has the right for education in accordance with the education legislation of the Republic of Azerbaijan. The State’s education system must create conditions for development of the child and for his/her gaining of necessary full-scope knowledge and skills.

Heydar Aliyev Foundation, within the “Education Support Project”, every year provides refugee and IDP children of first grades, who left their lands because of the Armenian aggression against Azerbaijan, with school bags and stationeries. This project is implemented not only in Azerbaijan, but also in foreign countries. Heydar Aliyev Foundation pays special attention to provision of education institutions with textbooks and different literature.

Heydar Aliyev Foundation published 140 types of posters and distributed to the country’s general education schools in 2007-2008 within the “Education Support Project”. For the first time, 1 million 400

thousand posters (10 000 copies per type) on different subjects were published in Azerbaijani language for improvement of the education quality.

According to the requirement of Article 14 of the Law of the Republic of Azerbaijan “On Provision of Gender (men and women) Equality”, dated October 10, 2006, the textbooks must be based on the principle of gender equality.

Based on the Decision #87 of the Ministry of Education of the Republic of Azerbaijan, dated 08.02.2006 and in accordance with the implementation plan of the sub-component of the curriculum reform, Working Groups have been established for development of the subject curricula for general education schools of the country. The Working Groups developed drafts of national curricula on all subjects. The national Curriculum of the national education of the Republic of Azerbaijan covers results of the training on general education and content standards, the subjects determined for each grade of the general education, the number of classes for weekly in-school and out-of-school activities, development of the pedagogical process, evaluation of the teaching achievements and main principles of monitoring and the structure of the subject curricula.

Promotion of the “Education for All” principle of UNESCO in “The National Plan of Action on Protection of Human Rights in the Republic of Azerbaijan” approved by the Directive of the President of the Republic of Azerbaijan, dated 28 December 2006, enhancement of legal education, preparation of teachers, speakers and trainers on different categories of human rights (civil, political, economic, social and cultural) for more effective protection of those rights among different groups of population (women, children, youth, disabled and elderly persons, refugees, IDPs, convicted persons, drug abusers, HIV/AIDS carriers) by the support of the groups and communities, development of the population’s legal views and thinking, prohibition of discrimination, conduction of education activities in the towns and districts of the Republic of Azerbaijan for the purpose of promotion of the tradition of peace and tolerance are identified as important directions in the field of human rights protection.

At the same time:

- for humanization of the education, the UN CR Convention and other documents have been translated into Azerbaijani language and distributed to schools and their study is organized;
- all the forms of education provided to the children are aimed at full development of children’s personalities, talents and intellectual abilities. The Education Law takes into account these requirements.
- the education institutions and curricula instill the respect of children to their values and different values.
- the second three and higher education institutions programs have been improved and the following scenes topics are included to the textbooks. The textbooks include broader human rights topics;
- other targeted measures have been taken in this direction.

### Education institutions providing additional training to children

	2003		2004		2005		2006		2007		2008	
	No. of institutions	Participants, persons	No. of institutions	Participants, persons	No. of institutions	Participants, persons	No. of institutions	Participants, persons	No. of institutions	Participants, persons	No. of institutions	Participants, persons
Total	376	329459	379	322850	384	331878	384	330457	384	336740	384	336885
<i>Including:</i>												
Young tourists and country studies centers	10	10804	10	10798	10	10669	10	10735	10	11579	10	11485
Chess schools	60	33041	61	32820	62	33693	62	33277	63	34570	63	34282
Out-of-school education institutions	6	7355	7	9009	6	8104	6	8594	5	7519	5	7367
Child creative centers	82	90629	82	90925	84	901268	84	89355	84	91805	85	90417
Technical creative centers	66	64358	66	64471	66	63035	66	65966	66	66114	66	65898
Ecological education and experimental	59	55458	60	57264	61	56819	61	57022	61	57061	61	57874

1 centers												
Child sport schools	86	61219	87	61356	89	63203	88	59920	89	62512	87	63513
Child and school children park	2	995	1	455	1	315			1	315	1	230
Child-youth physical training courses	2	1800	2	1900	2	1590	3	2081	2	1840	3	2273
Aesthetic education centers	3	3800	3	3852	3	3182	3	3192	3	3425	3	3546
Out-of-school education institutions of other profiles							1	315				

### **C. Article 31. Leisure time for rest and cultural life**

Pursuant to Article 11 of the Law of the Republic of Azerbaijan «On the Rights of the Child», the State shall establish various institutions for development of children's creative ability and esthetic education and provide assistance to public organizations in establishment of such institutions.

Football fields, libraries and computer rooms function in correctional institutions for effective organization of the convicted people's leisure time.

Children are regularly sent to summer camps within the country and abroad.

The network of children music and art schools that play important role in attraction of children to art and formation of their artistic and aesthetic taste is growing from year to year. During last 5 year, new music schools were opened in Khizi (2003), Borsunlu village of Goranboy (2003), and Guba districts (2004). Presently, 235 music, fine art and painting schools operate under the Ministry of Culture and Tourism. More than 70.000 children and juveniles acquire their primary music, dance, fine art education.

«The State Program for Development of Creative Potential of Especially Talented Children (young people) (2006 - 2010) was approved by the Order #1414 of the President of the Republic of Azerbaijan on

April 17, 2006 for discovering talented children, developing their potential abilities and create necessary condition for effective education.

Last years, the names of the children and juveniles with special talents in fine arts were included to the "Golden Book" of young talents by directives of the President of the Republic of Azerbaijan and they were assigned to the special monthly stipend of the President of the Republic of Azerbaijan.

It must be noted that every talented child can acquire free education in music, fine art and painting schools in the country. No discrimination on the children's race, sex, religion, nationality, social origin is applied during their enrolment to schools.

The involvement of children in fine art is given due consideration in the villages of the country. More than 70 children music and fine art schools operate in the villages.

Special attention is given to involvement of refugee and IDP family children's involvement in fine art areas and their education in these institutions. The fine art schools of the districts occupied by Armenians function in the areas of temporary residents of IDPs. Presently 41 children music and fine arts schools of Agdam, Jabrayil, Fizuli, Khojali, Khojavend, Kelbajar, Lachin, Shusha, Zangilan districts restored their operation in different locations of the country - Baku, Ganja, Mingechevir, Naftalan, Sumgayit, Yevlakh towns, Agjabedi, Barda, Beylagan, Bilasuvar, Saatli.

The only education institution preparing choreography artists is Baku Choreography School. At the moment, more than 400 students from different regions like Lenkeran, Mingechevir, Sumgayit, Sheki, Shirvan towns, Bilasuvar, Gakh, Gobustan districts study in the school. All conditions are created for children in the schools to reside in study, they are provided with dormitory and catering. Children from society and SOS children's village study who are deprived from parental care study here. They are surrounded with care in this school.

Since 2003, every year festivals and contests of chorus bands are held in the county for preservation and development of the rich chorus tradition, raising the level of teaching of chorus subjects in children music and fine arts, and provoking young children interest in chorus art. It should be noted that the number of participants in the festivals and contests increase from year to year and the level of performance of the chorus bands are mastered. While in 2004 and 2005, 9-10 thousand children and juveniles from children music and fine arts schools participated in chorus contests, in 2006 and 2007 their number increased to 12000 children. The chorus contests held in towns and districts of the country where children from music and art schools took part become real music festivals. According to the jury decision, the schools, chorus masters and concertmasters are awarded with money prizes and diplomas. 158 children chorus bands participated in the national contest of chorus bands of music and fine arts schools from Baku, Shirvan, Ganja, Lenkeran, Nakhchivan, Sumgayit, Sheki towns in April of 2008.

The national contests of the children from music and fine art schools performing on string, air and ground instruments was held in 2007. More than 170 children from Nakhchivan Autonomous Republic, Absheron, Astara, Goranboy, Hajigabul, Khanlar, Khachmaz, Gakh, Guba, Gusar, Gazakh, Salyan, Samukh, Shusha, Zagatala districts, Baku, Shirvan, Ganja, Lenkeran, Sumgayit, Sheki towns participated in these contests. Based on the results of the contests, students, teachers and concert

masters are awarded with money prizes, diplomas and certificates. The contest of students of children music and fine arts schools performing on national instruments and first Republican festival of the dancing collectives dedicated to the international dance day were held in 2008.

Holding of the national exhibitions dedicated to cultural and historical monuments of Azerbaijan and cultures of different nations has become a good tradition. Hundreds of children from different regions of the country who are the students of fine art and painting schools participated in the national exhibitions and contests with topics like "The Monuments of Azerbaijan as Children See Them " (2002, June and 2004, February), "our legacy is our treasure " (2004, October and 2005, November), "Azerbaijan - motherland " (2006, December) "China as Children See It " (2007, March).

During last years, the Azerbaijani children and youth had notable successes in international events conducted in foreign countries.

#### **Children music/art and painting schools**

	2000	2001	2002
Number of children musical/art and painting schools (by beginning of the year)	231	234	232
Number of students, persons	69099	71533	71935

	2003	2004	2005	2006	2007	2008
Number of children musical/art and painting schools (by beginning of the year)	232	232	232	236	234	234
Number of students, persons	71935	72987	72979	72005	70188	70182

#### **Children theatres**

	2000	2001	2002
--	------	------	------

Number of theatres (by beginning of the year)	6	6	6
Number of performances	1626	1642	1774
Number of spectators, thousand persons	211	224	223

	2003	2004	2005	2006	2007	2008
Number of theatres (by beginning of the year)	6	6	8	8	8	8
Number of performances	1774	1596	1422	1339	1211	1104
Number of spectators, thousand persons	223	190	130	121	110	121

#### Children libraries

	2000	2001	2002
Number of libraries (by beginning of the year)	112	105	106
Number of readers, thousand persons	338	232	296

	2003	2004	2005	2006	2007	2008
Number of libraries (by beginning of the year)	106	105	106	103	103	103
Number of readers, thousand persons	296	291	302	293	286	264

## VIII. SPECIAL PROTECTION METHODS

### A. Children in emergency

#### 1. Article 22. Refugee children

In 1992, the Republic of Azerbaijan joined the UN Convention of 1951 “On the Status of Refugees” and its Protocol of 1967, and the legislative framework is established related to refugees, IDPs and persons seeking asylum, and a number of laws are adopted.

The Republic of Azerbaijan did and continues doing lots of work in the field of meeting the needs of this stratum of population in the legal and socio-economic field. Thus, the following law are adopted: “On the Persons Wishing to Leave Country and Come Back, and Passports” (1994), “On Approval of the Statute on Special Documents of foreigners and persons without citizenship permanently residing in the Republic of Azerbaijan”(1997), “On the Citizenship of the Republic of Azerbaijan” and “On Immigration”(1998), “On the Status of Refugees and IDPs”, “On Social Protection of IDPs and the Persons of the Same Status” (1999), “On Approval of the Cooperation Agreement between the Government of the Republic of Azerbaijan and the International Migration Organization” (2000), “On Approval of the Form of the Document Verifying the Immigrant Status in the Republic of Azerbaijan”, “On Approval of the Statute on the Rules for Transit Passing of Foreigners and persons without citizenship from the territory of the Republic of Azerbaijan” (2002).

According to the laws of the Republic of Azerbaijan “On the Status of Refugees and IDPs” and “On Social Protection of IDPs and the Persons of the Same Status”, a number of rights, responsibilities and social protection actions are envisaged for refugees, IDPs and the persons seeking asylum.

Our country respects the provisions of the UN 1951 Convention and granted the citizenship to 250 thousand Azerbaijanis forcefully deported from Armenia, as well as to 50 thousand Meskhetian Turks came from the Central Asia in 1990.

During the ruling of the national leader of Azerbaijani people Heydar Aliyev and the President of Azerbaijan Ilham Aliyev, 25 laws, 61 Presidential decrees and Orders, 256 decisions of the Cabinet of Ministers were adopted to create the legal framework related to the social protection and solution of social and domestic problems of refugees and IDPs.

It must be noted that 20 000 Azerbaijani citizens died, 100 000 wounded and 50 000 became handicapped as a result the aggression of Armenia against Azerbaijan. Around 1 million people, including children experienced torture and inhuman treatment, had to flee their motherland, and became refugees in their own country.

#### **Exercising of rights of refugees and IDPs:**

From the moment the oil strategy began yielding results, the first funds were directed to improvement of the housing state of the refugees and IDPs. As a result, 12 camp settlements were liquidated in 2001-2008 and 18 towns and 56 settlements, 15821 individual leaving houses of 879.4 m<sup>2</sup>, 108 schools for 20505 students, 34 kindergartens, 4 hospitals, 38 medical points, 463.95 km long asphalt roads, 5538.48 km long water pipelines, 826.6 km long electricity transmission lines, 140.8 km long drainage network and 10125 ha irrigation systems were constructed using the State Oil Fund means.

#### **Refugees:**

- Pursuant to Article 5 of the Law of the Republic of Azerbaijan “On the Citizenship of the Republic of Azerbaijan”, the persons entered and settled in the territory of the Republic of Azerbaijan from January 1,



1988 and January 1, 1992 are considered the citizens of the Republic of Azerbaijan, but they maintain their “refugee” status and have the right to return to their countries.;

- they are exempted from paying fees for notaries when buying and selling apartments or houses;
- According to the decision of the Collegiums of the Ministry of Education made in 2004, the refugees fled from Armenia who were born between 1988 and 1992 shall be exempted from education fees while studying in higher and secondary general education institutions.

#### **IDPs:**

- Pursuant to paragraph 2 of the Order #298 of the President of the Republic of Azerbaijan of July 1, 2004 “On Approval of the State Program for Improvement of Living Conditions and Employment Opportunities of Refugees and IDPs”, removal of IDPs settled in public buildings, apartments, lands and other facilities in 1992-1998 shall be stopped before their transfer to new settlements and apartments for temporary residence;

- Pursuant to paragraph 3 of the same Order of the President of the Republic of Azerbaijan of July 1, 2004, it is recommended to the managers of private higher and secondary general education institutions to provide necessary assistance to refugees and IDPs on getting favorable condition for employment and payment for education;

- Pursuant to the Directive of the President of the Republic of Azerbaijan of August 4, 2003, the IDPs paying for studying in the State higher and secondary general education institutions shall be exempted from the education fees.

- the IDP student of secondary general education schools shall receive textbooks free of charge;

- 13,5 manat worth monthly meal allowances are paid to 534 thousand IDPs;

- IDPs are free from payments for domestic utilities (electricity, natural gas, potable water, telephone line fees and etc.);

- 40 liter monthly kerosene norm is allocated per 90 000 IDP family during fall/winter residing in the areas not supplied with natural gas;

- 14 000 IDPs who worked in the enterprises and organization funded from the State budget, lost their jobs due to reasons beyond their control and not provided with jobs are paid average monthly salary till present;

- more than 100 IDPs have been provided with loans under favorable conditions at the expense of the State budget in 2001-2002 for agricultural business purposes;

- 270 thousand IDPs located in towns and districts of the country are provided with monthly food aid via the State Refugee Committee at the expense of the State budget funds;

- IDPs are provided with free medical check-up and treatment;

- they are exempted from the State fees for getting national IDs;

- they are exempted from the State fees for submission of notice of claim to courts;

- they are exempted from the income tax for the amount of the income up to 55 manat;

- they are exempted from the fees collected for change of driving licenses, technical examination, issuance of state plate numbers of the vehicles bought before July 1, 1991 based on the ownership right.

## **Information**

Number of children:

Refugee children – 108700 people; IDP children – 200380 people.

Number of school-aged children:

Refugee children – 94000 people; IDP children – 175000 people.

The Republic of Azerbaijan joined the UN Convention on the Status of Refugees and its Protocol (28 July 1951 and 18 November 1966) by the Decision #402 of the Parliament of the Republic of Azerbaijan on December 8, 1992.

Pursuant to Article 39 of the Law of the Republic of Azerbaijan on «On the Rights of the Child», the refugee or IDP children have the right to receive the relevant status. The State undertakes urgent relevant measures for their protection and providing them with the humanitarian aid, organizes search of the children's parents, cooperates with international organizations in this respect, and provides necessary assistance to activities of non-governmental organizations.

The central points of the State's focus are the destiny of the people who had to flee from their homelands as a result of the aggression of Armenia against Azerbaijan, improvement of their domestic and housing conditions and provision of their social security. Some serious steps in this direction were made during last years. New settlements, modern houses in various towns and districts are built by the means allocated from the State Oil Fund of the Republic of Azerbaijan, the State budget, donor countries and international humanitarian organizations and provided to refugees and IDPs, many humanitarian projects and other actions have been undertaken on their social security.

“The State Program for Improvement of Living Conditions and Employment Opportunities of Refugees and IDPs” was approved by the Order of the President of the Republic of Azerbaijan of July 1, 2004 for the purpose of improvement of the living conditions of our citizens settled in refugee camps, railway load wagons and other unlivable places, creation work places and solution other social problems before the occupied lands of Azerbaijan are liberated and before they return to their home lands.

As a result of activities undertaken in this field, 47 settlements for refugees and IDPs were constructed in different towns and districts of the country, more than 100 schools, tens of hospitals, culture centers were built in the settlements and the proper infrastructure was created. The refugees and IDPs previously located in the camps were moved to the newly build settlements and by this, no refugee camps left in Azerbaijan. Thus, the last 3 camps in Sabirabad and Saatli districts were demolished on December 29 of the last year and 19 000 people got their houses.

Large activities (conferences, exhibitions, mass actions, regional meetings and etc.) were conducted in the country during the year joining 2007 European campaign called “All Different – All Equal” for prevention of discrimination and attraction of attention to provision of rights of vulnerable children and youth. The goal of the campaign which was joined by other structures and numerous NGOs was identification of the potentially vulnerable groups and demonstration of equal rights of everybody.

As a result of the cooperation, around 3 thousand parentless, orphan, disabled, refugee, IDP, mine-affected children, the ones with chronic diseases were taken care in recreation and rehabilitation-

reintegration camps in 2003-2005. More children, their representatives and people working in this field were involved in exhibitions, conferences, hearings and trainings.

Refugee and IDP children and their problems are the main groups covered by the activity of the State Committee for Family, Women and Children Affairs and the work with the children from this category and their families constitutes the major part of the State Committee's activity. Thus, English language and computer courses for refugee and IDP children are functioning under the State Committee. The children are assisted with employment after they finalize the courses. They regularly go through medical check-up and treatment in the refugee camps. Different types of courses (hairdresser, tailoring, carpentry, and etc.) are organized in partnership with the employment offices and local executive authorities.

50% of the children and family beneficiaries of the child and family support centers of the Committee are the refugee and IDP children living in the communities.

Special attention is paid to involvement of the children from refugee and IDP families in fine arts and education. The music and fine arts schools left in the territories occupied by Armenians, continue operating in the places of temporary residence of the refugees and IDPs. Presently 41 children music and fine arts schools of Agdam, Jabrayil, Fizuli, Khojali, Khojavend, Kelbajar, Lachin, Shusha, Zangilan districts restored their operation in different locations of the country - Baku, Ganja, Mingechevir, Naftalan, Sumgayit, Yevlakh towns, Agjabedi, Barda, Beylagan, Bilasuvar, Saatli.

## **2. Article 38. Children in armed conflicts**

Although 13 years past after the announcement of cease fire in the military conflict started by Armenia, children still suffer from its consequences. The war-affected children can be categorized as follows:

- children living in refugee towns or other temporary residences; and
- children suffered from explosive remnants of war (mines).
- children from both categories need physical or psychological rehabilitation.

Starting 2005, 20-day annual camps are organized for psychological rehabilitation of the children and youth became disabled because of mines and still living at the front line regions.

More than 200 thousand children have faced the life in refuge and displacement because of the unannounced war. The number of children and youth facing transitional risk, domestic violence and risks emerged due to other reasons is high. In relation with that, the case of suicide among juveniles and young people increased last years. On the other hand, there are almost no physiological support services that could positively affect the situation and the number of the qualified specialists. Taking this into account, the first 24/7 anonymous Hotline project was supported in 2006. Within the project, the hotline received more than 6000 calls, 72 persons called were children and juveniles who had thoughts about suicide and made attempts before. All the incoming calls were registered by the classifier and the main reasons of the suicide cases were analyzed. It is planned to strengthen the pilot project by extending it to all regions of the country and creation of person-to-person psychological support services.

Pursuant to Article 37 of the Law of the Republic of Azerbaijan «On the Rights of the Child», direct involvement of children under 15 in military operations shall be prohibited.

The Azerbaijani State is committed to endure protection of the children of the war-affected areas in accordance with the international legal norms.

According to the Law of the Republic of Azerbaijan “On Military Service” of November 3, 1992, the recruited persons are 18-35 year old men who are in the military registry or have to be on the registry and not being in reserve, before they become reservists (demobilized).

Pursuant to Article 16 of the Law of the Republic of Azerbaijan “On the Grounds for the Military Recruitment in the Republic of Azerbaijan” of June 10, 1992, deferment from the regular term military service can be granted based on family, health, education reasons and for undertaking of the activity as member of Parliament.

The draftees who lost their deferment justifications, as well as the persons not having the deferment right or not having the justifications for exemption from the military service provided for in this law and the persons not recruited for regular term military service for different reasons must be drafted at the next call-up before they reach the age of 35.

At the same time, it must be noted that the Republic of Azerbaijan joined the Optional Protocol of the UN CR Convention on involvement of children in armed conflicts with a corresponding statement.

In accordance with Article 3 of the Protocol, the Republic of Azerbaijan stated in this document that the citizens of the Republic of Azerbaijan and other persons meeting the set requirements of the military service can voluntarily enter and be enrolled to the active military service in the military schools for cadets upon reaching the age of 17. The legislation of the Republic of Azerbaijan guarantees that such service will not be forceful or of violent nature, it will be carried out at conscious agreement of their parents or legal representatives, the mentioned persons will be fully informed about the military service duties and they will be asked the ID verifying their age before their drafting to military service.

Regular essay writing, painting and other events are held with children.

### **Article 39. Rehabilitation services**

In 2003-2005, about 3000 children deprived of parental care, parentless, disabled, refugee and IDP children, suffered from mines, with chronic diseases have rested in rehabilitation and integration camps. More children, their representatives and people working in this field were involved in exhibitions, conferences, hearings and trainings.

The legislative provisions on physical and psychological rehabilitation measures and provision of care and assistance for social integration of children victims of violence are envisaged in Chapter 4 of the Law of the Republic of Azerbaijan “Fight against Trafficking in Human Beings”.

“The Rules for Provision of Services to Juveniles in the Specialized Social Rehabilitation Institutions for Juveniles” approved by the Decision #66 of August 9, 2005 of the Cabinet of Ministers of the Republic of Azerbaijan on March 7, 2008 was prepared based on the Decree #274 of the President of the Republic of Azerbaijan “On Implementation of the Law of the Republic of Azerbaijan “On Prevention of Negligence Towards Minors and Minor Delinquency” and identifies the rules for rendering social, psychological and other assistance to minors, their parents and other legal representatives for elimination of difficult living conditions of the minors and in restoration of their social status in their places of residence, education institutions, work places, for taking measures by the specialized social rehabilitation institutions (hereinafter referred as institutions) for reunification of juveniles with their families. The institutions include social shelters (hereinafter referred as shelters) and social rehabilitation centers (hereinafter referred as centers). Section II of these Rules contains provisions on the services envisaged for vulnerable minors and the minors in need of urgent State assistance.

## **B. Children in conflict with law**

### **1. Article 40. Administration of the justice towards minor delinquents**

The activity of the Working Group on the Juvenile Justice established in 2008 by the participation of the General Prosecutor's Office, Ministry of Internal Affairs, Ministry of Justice, the State Committee for Family, Women and Children Affairs, the Ombudsman's Office of the Republic of Azerbaijan continues. It is planned to undertake necessary work for preparation of consistent and important actions in the field of the juvenile justice at the meetings of the Working Group last year.

– Series of activities on implementation of different projects were conducted starting from 2005 and they are going on at the moment within the national program on development of the juvenile justice system and together with the Ministry of Internal Affairs in cooperation with UNICEF Azerbaijan, OSCE Country Office and NGO Alliance for Children Rights. Special courses for the Juvenile Police Officers of the Ministry of Internal Affairs were organized within the juvenile justice system reforms and in accordance with the recommendations of the last session of UN CRC, about 400 police officers were involved in the series of seminars with participation of UN and OSCE experts and specialists in the mentioned field and the trained officers were given certificates.

Last year, in connection with the protection of the rights of children in need of special care, including street children, children in conflict with law, children faced violence, exploited children and juveniles at the internationally accepted level, UNICEF Azerbaijan, OSCE Baku Office, other UN agencies together held 11 conferences, including 5 international ones, international experience exchange study tours were organized in 7 countries (UK, Switzerland, Russia, Belarus, Greece, Turkey, Slovenia), 19 seminars, 9 training sessions, 6 round table discussions, 2 briefings and 1 monitoring were held by involvement of the regional expert of the mentioned organizations.

Further enhancement and efficiency of the cooperation remained as the main focus and the management of the Ministry of Internal Affairs received the Chairman of the UN CRC, the Coordinator and Program Officers of the Geneva office of UNICEF and the regional expert-consultants of OSCE. The child right situation, perspectives of the reforms and the ways of resolution of the existing problems were the topics of the discussions during 15 held meetings.

Based on the agreement reached between the parties, Ministry of Internal Affairs, UNICEF Azerbaijan and NGO Alliance for Child Rights signed a joined Ministry of Internal Affairs in August of 2007 on new and more efficient stage of the reforms in the juvenile justice system.

Based on the provisions of the Ministry of Internal Affairs, the implementation of the pilot project on provision of the legal assistance to and rehabilitation of the children in conflict with law and their families and parents in Narimanov district of Baku has started, the Legal Clinics for children and Social rehabilitation centers started operating in the mentioned district, around 50 juveniles were involved in prevention measures and provided with the adequate assistance. The positive achievements of the pilot project are taken into account and it is decided to extend it to Nizami and Khatai districts of the capital; "child police rooms" were organized in the police stations of the districts.

The Inter-sector Working Group under Ministry of Internal Affairs created for evaluation and monitoring of the current state of the reforms in the juvenile justice system held its first meeting. At this meeting, where representatives of the primary partners, as well as workers of the UN High Commission on Human Rights, Ministry of Labor and Social Protection and the Ombudsman office took part, the Joint Plan of Action and its implementation mechanisms were identified. With joint efforts, the discussions of the draft curriculum called "Child Rights and Juvenile Justice" developed for inclusion in the education program of the Police Academy were held. It was decided to train and familiarize the listeners, high school

graduates and the officers of the relevant sections of police on the best international practices, skills and abilities in the mentioned field, and the main provisions of the draft were included into the training program of the Academy.

The Annual Plan of Action on the cooperation between the Ministry of Justice, the Ministry of Internal Affairs of the Republic of Azerbaijan and UNICEF in 2009 envisages learning of the experiences in creation of children-friendly environment on courts and preparation of recommendations with this regard. The main target of the Plan of Action is preparation of recommendations on the development of the juvenile justice system, enhancing the knowledge of the judicial specialists in the field of child rights and juvenile justice, and inclusion of these issues to the training program of the Judicial-Legal Council and Police Academy.

Based on the recommendations of the UN CRC on the regular report of the Republic of Azerbaijan UNICEF Azerbaijan developed the project on “The Juvenile Justice System Reform Program”. This UNICEF-funded project will be implemented within 3 years.

It is envisaged to create an alternative juvenile justice system, identify the judge to deal with the minors' cases, and involve him/her in training courses for specialization in this field in a district of Baku, specifically selected for this purpose (Narimanov district). It is also planned to equip the courtrooms in accordance with the modern requirements, reform the special-type closed education institutions located in Mardakan settlement and Guba district, and in other law-enforcement bodies, and undertake other measures.

In 2006, the Annual Action Plan on the juvenile system reform has been developed between UNICEF, Ministry of Internal Affairs and Ministry of Justice of the Republic of Azerbaijan. According to the plan, the situation with the children in conflict with law was analyzed, training courses were organized for them, a number of conferences and seminars were held on discussion of the perspectives of the juvenile justice system, and the promotional education materials on this field were translated into Azerbaijani language and published.

Additionally, a study tour to UK for a group of representatives of a number of governmental agencies (the Cabinet of Minister, Ministry of Justice, General Prosecutor's Office, the State Committee for Family, Women and Children Affairs) and NGOs was organized to be familiarized with the juvenile justice system of this country.

As the continuation of this plan, the annual plan under the same title has been developed by the agencies in 2008. It is envisaged to establish a Working Group on the juvenile justice reform, development of the legal framework on the area, and holding of conferences and seminars for increasing of qualification of the staff of the law-enforcement bodies during a year.

In addition, the relevant training courses for increase of the skills of judges and public prosecutors on child rights were organized by the Education Section of the Judicial Council.

The relevant provisions on criminal proceedings against and punishment of the minors are vested in the criminal legislation. According to Article 20 of the Criminal Code, the persons reached the age of 16 shall be subjected to the criminal liability.

The persons who have reached the age of 14, to time of committing a crime, shall be subjected to the criminal liability for deliberate murder, deliberate causing of heavy or less heavy harm to health, kidnapping of the person, rape, violent actions of sexual nature, theft, robbery, extortion, illegal occupation of the automobile or other vehicle without the purpose of plunder, deliberate destruction or damage of property under aggravating circumstances, terrorism, capture of the hostage, hooliganism

under aggravating circumstances, plunder or extortion of fire-arms, ammunition, explosives and explosives, plunder or extortion of narcotics or psychotropic substances, reduction unsuitability of vehicles or means of communication.

The table attached to this report contains the number of minors sentenced to imprisonment for different terms and other punishments not related to imprisonment during certain years (2003-2008). As seen from the table, the number of the persons sentenced to imprisonment declines.

In accordance with the amendments to Article 42 of the Law «On the Rights of the Child» made in March 5, 2004, the measures of punishment related to conviction of children to imprisonment must be applied by the court only after thorough consideration of the case and to the possible minimum term.

Pursuant to Article 58.3 of the Criminal Code of the Republic of Azerbaijan, at assignment of punishment, the nature and degree of public danger of a crime, personality of the guilty, including the circumstances softening and aggravating the punishment, and also influence of the appointed punishment on correction of the accused person and on conditions of his family's life, shall be taken into account. Pursuant to Article 86 of the Criminal Code, at assignment of punishment to a minor, except for the circumstances provided by article 58 of the present Code, court also takes into account conditions of life and education of this person, a level of mental development, other features of his personality, and also influence of extraneous persons on him. The minority age as a softening circumstance shall be taken into account at assignment of punishment in aggregate with other circumstances mitigating and aggravating the punishment. Unlike with adults, only fine, public works, correctional works, deprivation from liberty for certain period of time are applied to minors.

Articles 9.0.6, 9.0.7, 13.1.2, 3.3.1 and 13.3.2 of the Law of the Republic of Azerbaijan «On Preventive Measures against Minor Negligence and Delinquency», reflect the legal basis for effective application of the punishments, alternative to imprisonment, towards minors.

In response to the claims that under 18 years old children are kept in custody together with adults, it is stated that the term of detention of minors in custody as the measure of restraint is identified by the court decision and they are kept separately from adults.

Pursuant to Article 434 of the Criminal Procedure Code of the Republic of Azerbaijan, the suspect or accused person who has not reached the age of majority shall be imprisoned, as the measure of restraint, only in the cases of commitment of crimes of medium gravity or grave or especially grave crimes.

The minors must be kept in custody separately from adults. Based on peculiarities of their age, sex and personality, they must be provided with appropriate care, protection and other personal assistance.

In accordance with the provisions of Article 72.1 of the Code of the Republic of Azerbaijan on Implementation of Punishments, the requirement of not keeping the persons not reached the age of 18 together with adults in custody is satisfied and they are kept in education institutions.

A prison with mixed detention routine has already been built and put into operation in Nakhchivan Autonomous Republic since April 2008. The prison for 410 persons consists of 13 facilities and one pre-trial investigation isolation ward. It also consists of facilities for common (1. For persons convicted for crimes committed due to imprudence, and deliberately, crimes not constituting serious social threat and for not grave crimes; 2. First time convicted persons for grave crimes) and strict routine custody, as well as a prison for women and a correctional institution for minors.

Construction of imprisonment facilities with mixed detention routine in Lenkeran and Sheki towns continue.

Besides, construction of a complex of prisons with mixed detention routine for 1000 persons in Kurdamir and Devechi districts of the country is also included to the list of prisons to be built using the State budget funds in 2009-2012.

The number of persons not reached the age of majority and accused and sentenced by courts from 2003 till the end of the first half of 2008, their percentage proportion to the total number of prisoners in all detention institutions, number of the minors sentenced to certain period of imprisonment and generally imprisoned ones and the percentage proportion of this number to total number of the sentenced minors and other data is provided in the table.

During these years, the number of the accused minors detained in pre-trial detention wards and the average period of their detention in the isolation wards are as follows (in sequential order):

In 2003: 64 persons/ 2-4 months

In 2004: 108 persons/ 3-4 months

In 2005: 91 persons/ 2-6 months

In 2006: 121 persons/ 3-8 months

In 2007: 95 persons/ 2-7 months

On 01.07.2008: 44 persons/ 2-5 months

The new building of Baku Investigation Isolator under the Penitentiary Service of the Ministry of Justice became operational on May 29. The building of the isolator meets all international standards. The Baku Investigation Isolator is being built in Zabrat settlement of Baku based on the recommendation of high-reputation international organizations and experience of leading countries. It will replace Bayil #1 and Shuvelan #3 investigation isolators that were built 120 years ago and do not meet modern requirements. It is planned to allocate a block in this isolator for detention of minors.

As a result of humanistic punishment policy, the number of persons in detention institutions is the smallest among other CIS countries. On the other hand, thousands of people are released from prison by adopted pardoning and amnesty acts. 4858 persons have been pardoned by 45 Decrees of the President of the Republic of Azerbaijan from 1995 up to date.

The amnesty acts applied in the country so far affected about 100.000 people. Only the latest amnesty act announced in March of this year covered overall 9.000 people.

Along with this, it is planned to build new mixed routine-type detention institutions in Ganja (limited to 1500 persons) and in Kurdamir (limited to 1000 persons), as well as new detention facilities and a medical point for minors and women in Sabunchu district of Baku.

It is known that year of 2009 is announced the Child Year by the Decree #163 of the President of the Republic of Azerbaijan on February 18, 2009. Within the Child Year, the joint Plan of Action for 2009 of the State Committee on Family, Woman and Child Affairs, The Olympic Committee of Azerbaijan, Head Office of Youth and Sport of Baku city, the Culture and Tourism Ministry of the Republic of Azerbaijan, the State Committee on Work with Religious Structures of the Republic of Azerbaijan and Penitentiary Service Main Department has been developed for organization of the education work in education institutions and the relevant work is being done for efficient implementation of this plan.

#### **Statistic data about the sentenced minors**



Years		2007 6 months	2008 6 months	Comparison increase + decrease -
Total number of sentenced		6.823	6.663	-160 2,3%
Total : sentenced minors (percent in proportion of total number of sentenced minors)		149 2,2%	120 1,8%	-29 19,5%
Punishment measures	Deprivation from freedom for certain period of time (percent in proportion of total number of sentenced minors)	35 23,5%	23 19,2%	-12 34,3%
	Punishment not related to deprivation from freedom (percent in proportion of total number of sentenced minors)	114 76,5%	97 80,8%	-17 14,9%
	Including		Fine	24 28 +4 16,7%
			Correctional works	5 13 +8 2,6 times
			Social works	8 4 -4 50%
			Conditional sentence	77 52 -25 32,5%
	Girls	5	2	-3 60%
	Between 14 and 16 y.o.	13	24	+11 1,8 times
	Between 16 and 18 y.o.	136	96	-40 29,4%

Sentenced minors	Pupil, student (percent in proportion of total number of sentenced minors)	55 36,9%	49 40,8%	-6 10,9%
	Drunk  (percent in proportion of total number of sentenced minors)	2 1,3%	4 3,3%	+2 2 times

## **2. Article 37. Items b, c, d. Torture and deprivation of liberty**

The Criminal Code of the Republic of Azerbaijan that became effective in 2000 prohibits torture and other brutal, inhuman or degrading treatment.

According to Article 46.3 of the Criminal Code of the Republic of Azerbaijan, nobody should be subject to torture and torment. Nobody should be subject of the treatment and punishment degrading his/her dignity. Nobody can be subjected to any medical, scientific and other kind of research on him/her without his/her consent to it.

The national legislation unambiguously states that child cannot be subject of humiliation. Thus, Article 27 of the Law of the Republic of Azerbaijan «On the Rights of the Child» reads that insulting of children and humiliation of their personality is unallowable.

The children deprived of liberty, including through detention, imprisonment and placement to isolation wards:

- a) number of persons under 18 being accused on the crimes reported to police and kept in custody in police stations or investigation isolation wards – 402 persons, their detention term was from 1 to 3 months;
- b) the number of cases of violence and maltreatment against children under 18 during their detention and arrest are not registered.

Pursuant to Article 113 of the Criminal Code of the Republic of Azerbaijan, criminal liability is envisaged for causing of a physical pain or mental sufferings to detained persons or persons, or other restrictions of freedom.

Pursuant to Article 133 of the Criminal Code of the Republic of Azerbaijan, strong physical pains or mental sufferings by regular causing battery or other violent actions causes criminal liability.

Pursuant to Article 15.2 of the Criminal Procedure Code of the Republic of Azerbaijan, the following is prohibited to exercise during criminal persecution process:

Torture, use physical and psychical violence, including medications, expose to hunger, hypnosis, exempt from the medical assistance, apply other cruel, inhuman or humiliating treatment and punishments, involve to experiments or other procedural actions causing lengthy or acute physical torment or temporary deterioration of health or carry out similar tests. The Code has a chapter dedicated to peculiarities of criminal proceedings on minors.

The guidelines provided for in the Criminal Code of the Republic of Azerbaijan with regard to criminal liability of minors is fully compliant with the minimum standards of the guidelines for administration of justice towards minors adopted by the UN General Assembly in November 9, 1985.

The integrated registry is maintained by the Ministry of Internal Affairs of the Republic of Azerbaijan.

Pursuant to Article 84.2 of the Criminal Code of the Republic of Azerbaijan, punishment or forced measures of educational influence can be appointed to the minor, who has committed crimes.

It must be noted that the limits of punishments towards minors are lower in comparison to other persons. For instance, fines are at rate from 30 to 300 manat, the public works – from 40 to 160 hours, corrective works – from 2 months to 1 year, and imprisonment for not more than 10 years.

The General Prosecutor of the Republic of Azerbaijan issued the Order #09/10 on February 14, 2003 “On the Tasks of the Prosecution Bodies” in connection with joining of the Republic of Azerbaijan to the Convention “On Prevention of Tortures and Inhuman Treatment or Punishment, or Actions Degrading Human Dignity”. In accordance with the order, it is planned to include concrete topics on tortures and combating their manifestations into the training program for upgrading of qualification of the prosecutor’s office staffers, to make statements around this topic in media outlets, to have all employees to study this field and to hold regional meetings for this purpose. In accordance with the mentioned order of the Prosecutor’s Office, a compound of the documents related to tortures or treatment, or punishment degrading human dignity and distributed among the prosecutor’s office employees for use.

Pursuant to Article 20.1 of the Criminal Code of the Republic of Azerbaijan, the person who has reached age of 16, to time of committing a crime, shall be subjected to criminal liability.

Children who reached full age of 14 and committed grave and especially grave crimes (deliberate homicide, robbery and etc.) shall be criminally liable. Pursuant to Article 434 of the Criminal Procedure Code, the suspect or accused person who has not reached the age of majority shall be imprisoned only in the cases of commitment of crimes of medium gravity or grave or especially grave crimes.

Pursuant to Article 434.2 of the Criminal Procedure Code of the Republic of Azerbaijan, punishment of minor with imprisonment must be used as exception and to the minimum possible term.

Only court shall make decision on choosing imprisonment as the measure of restraint.

According to Article 383 of the Criminal Procedure Code of the Republic of Azerbaijan, every person, against whom legal proceeding is instituted, has the right to file appeal. Besides, pursuant to Article 383.1 of the Criminal Procedure Code of the Republic of Azerbaijan, juveniles, his/her legal representative or attorney can file appeal on exercising forced measures of educational nature on him/her or placing him/her to a closed education institution.

Pursuant to Article 434.3 of the Criminal Procedure Code of the Republic of Azerbaijan, minors must be kept in custody separately from adults. Based on peculiarities of their age, sex and personality, they must be provided with appropriate care, protection and other personal assistance.

Pursuant to Article 92.3.5 of the Criminal Procedure Code of the Republic of Azerbaijan, if the suspect or accused person has not reached the age of majority must be obligatorily provided with attorney from the moment of detention.

### **3. Article 37. Item a. Abolition of sentencing of juveniles, especially capital punishment and life imprisonment**

Pursuant to Article 20.1 of the Criminal Code of the Republic of Azerbaijan, the person who has reached age of 16, to time of committing a crime, shall be subjected to criminal liability.

Children who reached full age of 14 and committed grave and especially grave crimes (deliberate homicide, robbery and etc.) shall be criminally liable. Pursuant to Article 434 of the Criminal Procedure Code, the suspect or accused person who has not reached the age of majority shall be imprisoned, as the measure of restraint, only in the cases of commitment of medium gravity or grave or especially grave crimes.

Pursuant to Article 88 of the Criminal Code of the Republic of Azerbaijan, the following forced measures of educational influence can be applied to minor: warning; transfer under supervision of parents or persons, replacing them, or appropriate state body; putting on duty to remove the caused harm; restrictions of leisure and an establishment of special requirements to behavior of the juvenile. Several forced measures of educational influence can be applied to minor simultaneously.

The Criminal Procedure Code of the Republic of Azerbaijan does not envisage any restrictions on the punishments towards the minors accused in committing crime, except imprisonment as the measure of restraint. The limitations in selecting imprisonment as the measure of restraint for minors are provided for in Article 434.1 of the Criminal Procedure Code of the Republic of Azerbaijan. Thus, according to the requirements of this Article, imprisonment as the measure of restraint must be applied toward minors only in the cases of commitment of medium gravity or grave or especially grave crimes. According to the requirements of Article 434.2 of the Criminal Procedure Code, imprisonment as the measure of restraint with regard to juveniles must be exercised as last resort and to the possible minimum term.

As mentioned earlier, the Criminal Procedure Code of the Republic of Azerbaijan does not envisage any limitation on appointment of the preventive punishments like house arrest, pledge, recognizance not to leave, personal surety, organization's surety and transfer under the police supervision toward minors.

Unlike this, Article 170 of the Criminal Procedure Code of the Republic of Azerbaijan, putting the juvenile under the intended supervision is the only measure of restraint applicable to suspects or accused persons who have not reach the age of majority.

This measure of restraint includes commissioning of the minor's parents, custodian, guardian or the administration of the closed education institution he/she is kept in with the undertakings related to provision of observance of public order by the suspected or accused juvenile, his/her appearance before the judicial body and obedience with other procedural duties.

Besides, it must be noted that, according to the requirements of Article 85 of the Criminal Code, only the following types of punishment are applied to minors: fine, public works, correctional works, deprivation from liberty for certain period of time.

According to the requirements of Article 85.2 of the Criminal Code, the penalty shall be set at a rate of up to 600 manat to the minor who has independent earnings or property which can be directed to the administration of the punishment.

According to the requirements of Article 85.3 of the Criminal Code, public works shall be assigned for the term from 40 up to 160 hours, doable for the minor and those he /she does during the time out of his/her education and main occupation. Duration of execution of the given kind of punishment by under 15 cannot exceed two hours per day, and for persons in the age from 15 to 16 years - three hours per day.

According to the requirements of Article 85.4 of the Criminal Code, corrective works shall be appointed to minor for the term from 2 months up to 1 year.

According to the requirements of Article 85.5 of the Criminal Code, imprisonment shall be appointed to the convicted minors for the term of not more than 10 years.

When determining punishment measures for minors, their living and upbringing conditions, the level of psychological development, other aspects of their personalities and the influence of other persons to them are taken into consideration.

According to Article 88 of the Criminal Code of the Republic of Azerbaijan, the forced measures of educational influence like warning, transfer under supervision of parents or their substitutes, or the relevant State body, putting on duty to remove the caused harm and setting special measures to behavior of the minor by restricting his/her leisure time are envisaged to exercise to the minor, who has committed a crime for the first time that do not represent big public danger or less serious crime.

Pursuant to Article 39.1.4 of the Criminal Procedure Code of the Republic of Azerbaijan, if the person, who committed an action envisaged in the criminal law, has not reached the age of criminal liability (except the cases when application of forced educative measures towards this person is necessary) criminal persecution cannot be applied towards him/her and any commenced persecution must be terminated.

According to the requirement of Articles 5.1.6 and 5.1.7 the Law of the Republic of Azerbaijan “On Prevention of Negligence Towards Minors and Minor Delinquency”, the persons committed socially dangerous actions with criminal signs, but not reached the age of criminal liability and who can be corrected through exercising of forced measures of educative nature, and who is not criminally liable or exempted from punishment, can be involved in individual preventive actions before he/she reaches the age of 18.

Pursuant to Article 9 of the same law, the commission on work with minors and protection of their rights, within their authorities, shall solicit the court for transfer of the minors, who committed the crime that is not of significant social danger or who committed a grave crime, but cannot be criminally liable due to age, to open-type special education institutions.

According to Article 13 of the Law, psychological, medical and pedagogical rehabilitation measures shall be organized for the minors transferred to open-type education institutions, and provide them with medical and education assistance. The law envisages conduction of programs and application of methods for formation of behaviors of minors on respecting societal regulations and laws, establishment of sport units, technical and other hobby clubs.

According to the requirement of Articles 13.3.1, 13.4, 20, 21 and 22 of the Law, when the case of the person, who has not the age of criminal liability and committed grave and especially grave crimes, is cancelled or the commencement of the case is rejected, the materials of the case shall be sent by the body administering the criminal proceeding to the commission on the issues and rights of minors for consideration of implementation of educative measures towards the minor and his/her transfer to special-type closed education institution.

After administration of the actions required by the law, the Commission shall consider the issue of placement of the person to the mentioned institutions and if the decision is positive, it shall make the relevant solicitation before the first instance court located in the place of residence or place of habitual residence of the minor within 1 months after the minor's documents from the body administering the criminal proceeding are sent to the Commission.

The court shall make decision on the case within 10 days. By this decision, the court either satisfies or rejects the solicitation and sends the materials back to the Commission for selection of other disciplinary measures for the minor or cancels the proceeding on the materials.

The person placed the closed-type special education institution based on the court's decision shall be kept there until he/she reaches the age of 18, but not more than 3 years.

According to the requirements of article 13.12 of the Law, the physical power towards a minor in the mentioned institutions can be applied only as an exception and if other measures are not effective. Application of the physical power towards the persons with physical or psychical disabilities is prohibited (except the cases of armed resistance or attacks threatening life and health). The institution must report on any cases of physical power application to the relevant local persecution office within 24 hours and must prepare an opinion as a result of service investigation.

76 crimes were committed by 14-15 years old minors in 2008 based on the information from finalized investigations' materials.

Five of them were especially grave crimes, 13 - grave crimes, 41 - less grave crimes and in 17 - the crimes not constituting big public danger. Thus, the crimes were: 1 for attempt to homicide, 6 - deliberate serious damage to the health, 4 - deliberate less serious damage to the health, 2 - deliberate minor damage to the health, 3 - beating, 1 - rape, 41 - robbery, 3 - hijacking, 5 - hooliganism, 10 - other crimes.

The Criminal Code of the Republic of Azerbaijan does not envisage capital punishment as a type of punishment.

#### **4. Article 39. Physical and psychological rehabilitation and social reintegration**

Psychological and physical assistance is provided to the children of special category in need of social integration and rehabilitation in 16 operating rehabilitation centers and children institutions. This assistance is free. Children suffering from Down's syndrome were helped to visit Turkey to participate in the Second Child Festival.

Regularly every year, social integration events and festivals for the children in need of social protection are organized and held.

#### **C. Article 39. Exploited children, physical and social rehabilitation, social reintegration**

The rehabilitation center for street children is operating in the Child Center "Umid Yeri". The center closely works with the governmental bodies and helps for organization of the rehabilitation. In general, there are still many problems in the field of social reintegration and rehabilitation of the children facing exploitation.

#### **1. Article 32. Child labor**

The Republic of Azerbaijan has ratified the Convention #138 of the international labor organization "On minimum employment age" in 1992 and committed to gradual increase of the minimum age for employment of juveniles to bring them to compliance with their physical and mental development.

On January 13, 2004, the Republic of Azerbaijan joined the convention #182 of the International Labor Organization "On the Prohibition and Immediate Actions for the Elimination of the Worst Forms of Child Labor" became one of the important and necessary actions to be implemented for elimination of child labor and especially its worst forms.

According to Article 46.4 of the Labor Code of the Republic of Azerbaijan, an employment contract may be executed with persons aged 15 to 18 with the written consent of their parents, an adoptive parent (guardian), or a legally authorized substitutes.

The labor legislation envisages a number of benefits for 18-year-old persons to create favorable conditions for their work. The work leave for the workers up to the age of 16 must be not less than 42 calendar days, and for the workers up to the age of 18 – not less than 35 calendar years. The work leave for the workers younger than 18 shall be given at the time of their convenience.

It is prohibited to use labor of the persons under the age of 18 in the hard works, hazardous workplaces, underground tunnels, mines and other underground facilities, as well as in the places negatively affecting morality of the persons such as night clubs, bars, casinos, including the workplaces of production, transportation and storage of alcoholic beverages, drugs and toxic substances.

The list of places, hazardous and hard productions, professions (positions), underground works, where use of the labor of the persons who not reached the age of 18 is prohibited, is approved by the Decision #58 of the Cabinet of Ministers of the Republic of Azerbaijan on March 24, 2000. It is also prohibited to involve persons under 18 in the works requiring lifting and moving of heavy things. persons under 18 shall be employed only after they passed medical examination and they must be medically examined by the employer each year before they reach the age of 18.

No employee under the age of 18 shall be permitted to work at night or perform overtime work, to work on weekends, holidays, or other days off, or to be sent on assignment.

The labor agreement of worker U-18 cannot be terminated due to his/her professional impropriety his/her insufficient because of the level of professionalism and qualification. The labor legislation envisages benefits for U-18 workers, along with inadmissibility of reduction of their salaries. Thus, salaries of U-18 workers for their part-time work shall be equal to full-time work salaries of adults working in the same field.

The Law of the Republic of Azerbaijan “On Social Protection of the Parentless Children and Children Deprived from Parental care” envisages certain measures for social protection of children. Employers (their legal successors) must involve parentless children and children deprived from the parental guardianship dismissed from their works due to job cuts to the new vocational training at the employer’s expense for their further employment from the same or other enterprise.

In accordance with the norms stipulated in the Decision #15 of the Cabinet of Ministers of the Republic of Azerbaijan of January 17, 1994, the children from the mentioned category, when employed for the first time, shall be provided with clothes, shoes, soft inventory and supplies, as well as one-time allowance in the amount not less than 5 times of the average national salary.

Pursuant to Part 3 of Article 42 of the Labor Code of the Republic of Azerbaijan, A person who has reached the age of fifteen may be a party to an employment contract. An employment contract may not be signed by a person considered disabled as established by legislation.

Chapter 38 of the Labor Code envisages specifications of employing of workers younger than 18 years of age. According to the Code, the specifications of use of U-18 workers’ labor and appropriate benefits are envisaged taking into account the persons’ labor and professional skills, less term of service and aspects related to their physiological status. The Code requires that employer must provide certain guarantees upon hiring U-18 person. Additional conditions and responsibilities for the employer during preparing of labor contracts for workers under 18 years of age are envisaged, in order the persons to gain more work and professional experience.

Pursuant to Article 9 of the Law of the Republic of Azerbaijan «On the Rights of the Child», it is prohibited to use child labor in the hard works, hazardous workplaces, underground tunnels, mines and other underground facilities, as well as in the places negatively affecting morality of the persons such as night clubs, bars, casinos, including the workplaces of production, transportation, selling and storage of alcoholic beverages, tobacco products, drugs and psychotropic substances and their precursors.

According to the amendments to the Constitution of the Republic of Azerbaijan of March 18 2009, persons who have not reached the age of 15 shall not be allowed to employ.

## **2. Article 33. Illicit use of drugs**

There are no juvenile persons in the penitentiary system that abuse narcotic substances or get forced treatment against drug addiction.

According to the additional Plan of Action developed in connection with the implementation of the State Program “On Combating Illicit Turnover of Narcotic Substances and Their Precursors, and Fight Against Drug Abuse” approved by the Decree #2271 of the President of the Republic of Azerbaijan, dated June 27, 2008, lectures on the topics like “White Death and Fight Against It” , “Narcotic Substances and Their Impact to Human Organism” , “Social Damage of Drug Abuse and Healthy Lifestyle”, “Impact of Drug Abuse on the Life Style of Minors” were organized in all imprisonment institutions.

Advertising of tobacco and tobacco products, as well as the medications containing narcotics and psychotropic substances is prohibited.

The State Commission on Combating Drug Abuse and Illicit Turnover of Narcotic Substances has been established by the Decree of the President in 1996. The Program on prevention of drug abuse spread, illicit turnover of narcotic and psychotropic substances in the Republic of Azerbaijan until 2000 and years after 2006 in accordance with Item 3 of the Decree. Due to principle importance of the adoption of the mentioned program and the Law of the Republic of Azerbaijan “On Combating Drug Abuse and Illicit Turnover of Narcotic Substances and Their Precursors” before 1999, the State bodies, including the Ministry of Internal Affairs successfully implemented the provisions of the legislation and consistent measures are being taken presently.

Introduction of new and up-to-date mechanism of the punitive law in the Criminal Code of the Republic of Azerbaijan that became effective by on September 1, 2000, is one of the practical measures undertaken with this regard. Unlike the previous code, the definition of crime related to narcotics and categorizing of criminal liability for such deeds are given in a separate chapter in the new criminal law. They cover Articles 234-241, i.e. 8 articles and 54 items. The new code envisages punishment for the crimes related to narcotics from 3 months to 15 years of imprisonment, restriction of liberty from 1 to 3 years, correctional works from 2 months to 2 years, deprivation from occupation of certain positions or doing certain activities, relevant fines and confiscation of property as additional punishment depending on the character of the crimes like committed by preliminary arrangement of group of persons or organized group, repeated crimes, scope of the damage, violent and other types of crimes.

The Ministry of Internal Affairs of the Republic of Azerbaijan together with OSCE Baku Office signed “Police Education Protocol” with the Ministry of Education for prevention of drug abuse among schoolchildren in 2003 within the Drug Control Program in South Caucasus, and seminars and training are being held for the relevant police workers in Baku, Sumgayit and other densely populated towns. Experts and trainers of the State Committee for Family, Women and Children Affairs are closely involved in organization and conduction of the seminars and trainings.



5 minors were registered with Baku city Narcological Dispensary in the passed part of 2008 with diagnosis of drug and toxic substance addiction, and relevant measures were taken about them.

The inadmissibility of minors to use alcohol and tobacco products is regulated by the legislation of the Republic of Azerbaijan. According to Articles 236 and 307 of the Administrative Offences Code of the Republic of Azerbaijan, selling such products to children and bringing them to the state of intoxication causes administrative liability.

From the beginning of the year, 28 juveniles are identified for utilization of alcohol drinks, individual conversations took place with each of them, appropriate measures were taken together with the relevant organizations and 7 persons were registered for prevention purposes by police.

More than 200 lectures in 50 schools were given and articles in local and national newspapers were published on the harm and inadmissibility of alcoholic drinks, drugs and this type of other intoxicating substances.

Requests were sent to the relevant State agencies and law-enforcement bodies with regard to more than 120 parents due to their negligence towards their children or improper fulfillment of their parental responsibilities, and appropriate measures were taken about them. The following projects were implemented: "State of the Street Children: current situation and assessment", "Work with the Children in Need of Special Care", "Educational and Promotional Work on Prevention of Drug Abuse in Secondary Schools", "Joint Efforts on Improvement of Work with the Children in Conflict with Law", "State and Development Perspectives of the Juvenile Justice in Azerbaijan". About 400 officers of the relevant police units, as well as about 10 experts and specialists of UN and OSCE, experts of the State Committee for Family, Women and Children Affairs, representatives and observers of 20 national NGOs participated in implementation of these projects. Information books, brochures, posters, booklets on the results and conclusions of the projects, and main documents of UN on child rights were published and distributed to the local bodies.

### **3. Article 34. Sexual exploitation**

Pursuant to Article 34 of the UN CR Convention that Azerbaijan joined by the Decision of the Parliament of July 22, 1992, the State parties, including the Republic of Azerbaijan, made commitments on taking necessary measures at national, bilateral and multilateral levels for protection of the child from all forms of sexual exploitation and sexual involvement, and prohibition of engagement children in or forcing to deal with illegal sexual activity for this purpose, to use children in prostitution, pornography and pornographic materials and other such illegal practices for the exploitation purpose.

After joining the mentioned Convention, the Republic of Azerbaijan undertook necessary actions for approximation of the national legislation to the relevant standards in the directions of implementation of the commitments. The following law and normative acts are adopted : the Law of the Republic of Azerbaijan «On the Rights of the Child» (19 May, 1998), the Family Code of the Republic of Azerbaijan (1 June, 2000), the Criminal Code of the Republic of Azerbaijan and the Administrative Offences Code of the Republic of Azerbaijan (1 September, 2000), The Law of the Republic of Azerbaijan " On the Prevention of Negligence towards Minors and Minor Delinquency " (24 may, 2005) and others.

The following articles of the Criminal Code of the Republic of Azerbaijan envisage criminal liability for the actions of sexual nature : Article 151 - coercion into actions of sexual nature, Article 152 - sexual relations and other actions of sexual nature with the person who has not reached of age 16, Article 153 - depraving actions, Article 170 - involving minors into criminal activity, Article 171 - involving minors into prostitution, or commitment of immoral actions, Article 174 - illegal adoption, Article 242 - illegal distribution of pornographic materials or objects, Article 243 - involving to prostitution, and Article 244 -

maintenance of prostitution house. The following articles of the Administrative Offences Code of the Republic envisage administrative liability for the actions of certain nature: Article 307 – intoxication of minors, Article 308 – involving in prostitution and 307-1 added to the Code by the law of December 27, 2001 – sponging and involving minors in sponging.

The number of children involved in sexual exploitation, including prostitution, pornography and human trafficking is 69 persons.

For example: Suleymanova Farida Shirin gizi residing in Seyfali village of Shamkir district involved Farajova Maleyke Khudayar gizi, born on August 10, 1990, in prostitution on March 13, 2008. She made Maleyke to meet with different men and got profit from these relations. On March 20, 2000, criminal proceeding referring to Article 171.1 of the Criminal Code of the Republic of Azerbaijan against Farida Suleymanova has been initiated in the investigation department of Shamkir district.

The investigation identified that Suleymanova Farida Shirin gizi involved Nagdiyeva Tamam Gurban gizi, minor, born on March 30, 1991 and residing in Seyfeli village of Shamkir district, in prostitution from March 17, 2008 and during the period of time until March 17, 2008 regularly arranged sexual relations of her with different men and received money for each meeting.

Besides, Farida Suleymanova, again involved Farajova Meleyke Khudayar gizi, born on August 10, 1990 and residing in Chinarli village of Shamkir district, in prostitution on March 13, 2008 and during the period of time until March 17, 2008 regularly arranged sexual relations of her with different men and received money for each meeting.

Based on the above-mentioned facts, Suleymanova Farida Shirin gizi was charged on Article 171.1 of the Criminal Code of the Republic of Azerbaijan, arrest as the measure of restraint was administered and the criminal case together with the bill of indictment was sent to the court on June 4, 2008 for consideration and verdict was announced.

The habitant of Dizakhli village of Gabala district, Soltanov Teymur Jefer oglu blackmailed and through deceiving involved Dadashova Afet Isgender gizi residing in the same village, in prostitution from summer of 2007 till March 2008 and received different amounts of money from different men for sexual intercourse with her.

Based on the fact, a criminal case on Article 243.1 of the Criminal Code of the Republic of Azerbaijan was initiated by Gabala district police department on 13.03.2008, the investigation was carried out and T.Soltanov was detained as a suspect on 29.03.2008.

The investigation on the criminal case was finalized 30.04.2008 and forwarded to Gabala district court.

Based on the court verdict of 04.06.2008 Soltanov Teymur Jefer oglu was found guilty based on Article 243.1 of the Criminal Code of the Republic of Azerbaijan and sentenced to the fine in the amount of 550 manat.

The habitant of Mosul village of Zagatala district, Allahverdiyev Nasib Veysulla oglu engaged in sexual intercourse with Azayeva Kenul Atakishi gizi, born on February 21, 1992, in his house in the village, definitely knowing that she has not reached the age of majority. A criminal case has been initiated against N.Allahverdiyev on 25.03.2008 based on Article 152 of the Criminal Code of the Republic of Azerbaijan. The investigation was carried out and transferred to the court for further consideration.

41 boarder service and law-enforcement body officers had training on prevention of child trafficking and respect to their honor and dignity.

The Ministry of Justice has prepared draft law envisaging inclusion of new Article 171-1 to the Criminal Code setting forth criminal liability for child trafficking, production and dissemination of materials or items on child prostitution and pornography in accordance with the Optional Protocols of the UN CR Convention on child trafficking, child and prostitution and pornography and the draft law was agreed with the relevant agencies and sent to the Cabinet of Ministers for consideration.

According to Article 10 of the Law of the Republic of Azerbaijan “On Mass Media”, it is unallowable to use mass media outlets for promotion of violence and cruelty, national, racial, social hostility or intolerance, publication of rumors, pornographic material degrading honor and dignity of citizens under the name of respectful sources or undertake other unlawful deeds. It is also prohibited to use pornography in advertisement.

According to the Law « On TV and Radio Broadcasting », The National TV and Radio Broadcasting Council controls the prohibition of promotion of terrorism, violence, cruelty, national, racial and religious discrimination and showing of the programs that can negatively impact children’s and minors’ physical, mental and moral development during the time when they watch TV and Article 32.0 of the Law states that when programs are developed, violence, terrorism, cruelty, national, religious and racial discrimination must not be promoted.

Pursuant to Article 35.10 of the Law «On TV and Radio Broadcasting », the legislation of the Republic of Azerbaijan prohibits advertising narcotics, arms, pornography on TV and radio, as well as alcohol drinks (between 7 am to 23 pm) and other products prohibited to advertise. According to Article 40.2.2, non-dissemination of pornographic materials is set as one of the duties of TV and radio broadcasters.

<i>Years/Type of crimes</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i> <i>6 months</i>
<i>Rape</i>	<i>10</i>	<i>6</i>	<i>4</i>	<i>2</i>	<i>5</i>	<i>1</i>
<i>Sexual-type violent actions</i>	<i>22</i>	<i>18</i>	<i>13</i>	<i>3</i>	<i>10/20</i>	<i>13</i>
<i>Sexual intercourse with under 16 children</i>	<i>67</i>	<i>105</i>	<i>109</i>	<i>30</i>	<i>130</i>	<i>62</i>
<i>Immoral actions</i>	<i>10</i>	<i>3</i>	<i>5</i>	<i>-</i>	<i>7</i>	<i>2</i>
<i>Children involvement in prostitution</i>	<i>3</i>	<i>6</i>	<i>3</i>	<i>37</i>	<i>8</i>	<i>9</i>
<i>Inciting children to commit crime</i>	<i>35</i>	<i>36</i>	<i>39</i>	<i>31</i>	<i>34</i>	<i>17</i>

Since 2005, based on the Cooperation Agreement between the Ministry of Health and Education of the Republic of Azerbaijan regarding implementation of the UN project called “Strengthening of Measures for Responding HIV/AIDS in Azerbaijan” and for the purpose of formation of sexual education among youth and protection of their health, the programs for the teaching of an optional course titled “Life skill-based education” for I-IV, V-IX and X-XI grades and the teacher’s guide under the same title were

prepared (50 copies each) and distributed to schools free of charge. The program is introduced in 846 schools, 3254 teachers are trained, and 351929 children are educated on “HIV/AIDS”.

#### **4. Article 36. Other forms of exploitation**

Article 28 of the Law of the Republic of Azerbaijan «On the Rights of the Child», the States protects children from all forms of exploitation, hard, hazardous and dangerous work and influences using social, legal, economic, medical and education instruments.

The project “XXI century without violence against women” signed between Heydar Aliyev Foundation, State Committee for Family, Women and Children Affairs and UN Population Fund on January 16, 2008 and designed for support to number of actions undertaken by the Government of Azerbaijan for prevention of violence against women and children, have three important elements:

- Improvement of protection services for victims of violence and development of education and training programs on non-violent behavior for violators;
- Implementation of national education campaigns for changing of attitudes in the society towards domestic violence;
- Capacity development of the relevant governmental structures for provision of prevention, protection and rehabilitation services for the victims of violence;

Seminars and training were held in the regions of the country, booklets and video clips were produced within the project. Besides, it is planned to create women and children regional centers.

Various crimes were detected in connection with other forms of child exploitation:

For example: on June 25, 2003 around 4 pm, Hatamov Daglar Farrukh oglu, born on 29 March 1988 and residing at the address: Akhundov str. 40, Oguz town, homosexually abused Sadixov Famil Aladdin oglu, born on 20.11.1985 and suffering from oligophrenia (mental disease).

A criminal case based on the mentioned fact initiated at Oguz District Police Department, D.Hatamov was accused under Article 150.1 of the Criminal Code of the Republic of Azerbaijan, and arrest as measure of restraint was selected against him on July 4, 2003.

Based on the decision of Oguz district court of September 26, 2003, D. Hatamov was found guilty under Article 150.1 of the Criminal Code of the Republic of Azerbaijan and sentenced to 3 years of imprisonment.

On September 18, 2005, Abbasov Nurlan Agapasha oglu, a minor born on 15.02.1988 and residing in Daykend village of Salyan district buggered an under-age Jabrayilov Elkhan Vurgun oglu, born on 12.08.2000.

A criminal case based on the mentioned fact initiated at Salyan District Police Department on 21.09.2005 under Article 150.3.3 of the Criminal Code of the Republic of Azerbaijan, N. Abbasov was arrested as the accused person on 23.09.2005.

A bill of indictment was approved and sent to the Court on Grave Crimes of the Republic of Azerbaijan for consideration on 17.12.2005 and the court has issued verdict on the case.

#### **5. Article 35. Human trafficking and kidnapping**

The Ministry of Internal Affairs implemented regular actions in accordance with the recommendations and requirements of the UN CRC regarding the situation of children in the Republic of Azerbaijan, training of police officers on the UN CR Convention and its Optional Protocols and their implementation in day-to-day activities are kept under close focus. The CR Convention was distributed to all town/district police departments by the instruction of Ministry of Internal Affairs in accordance with the suggestion of the Government and the recommendations of the CRC, the UN CR Convention was studied in stages in professional trainings, and preparatory classes were conducted with the staff based on the results of the trainings. Articles 35, 37 and 40 of the Convention require providing legal and moral assistance to the juveniles committed crime but not imprisoned, as well as those kept in temporary confinement isolators, and the undertaken actions are presently overseen.

The number of cases of sexual exploitation of economic nature, sexual abuse, child trafficking, kidnapping and violence against children in the reporting period was 26.

The Republic of Azerbaijan joined the Optional Protocol “On Convention on the Rights of the Child, child trafficking, child prostitution and child pornography” by the Law of the Republic of Azerbaijan of April 2, 2002. Pursuant to Article 1 of this Protocol, the State parties made commitments on prohibition of child trafficking, child prostitution and child pornography in accordance with the Protocol.

Comparing the provisions of the Criminal Code of the Republic of Azerbaijan and the provisions of the Optional Protocol on the deeds indicated above we can conclude that the elements provided for there with regard to child trafficking, child prostitution and child pornography are fully covered by the criminal legislation of the Republic of Azerbaijan. Thus, the Optional Protocol sets forth that sexual exploitation of the child, transfer of organs of the child for profit, engagement of the child in forced, improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption are prohibited. Although the Criminal Code of the Republic of Azerbaijan previously contained individual Article 173 on minor trafficking, this article was removed from the Code by the law of September 30, 2005 and Article 144 of the Criminal Code of the Republic of Azerbaijan titled “human trafficking” added thereto.

According to this Article, human trafficking against minor is considered as aggravation. Thus, according to Article 144-1 of the Criminal Code of the Republic of Azerbaijan, human trafficking is buying and selling of person or making other transactions with regard the ownership towards him/her, or his/her transfer to other person for the purpose of his/her exploitation or involving, buying, keeping, concealing, transportation, giving or taking for transfer to other person for the same purpose.

According to the Article “human exploitation” means forced labor (service), sexual exploitation, slavery, slavery-like customs and status of dependence coming forward from the customs, illegal withdrawal of human organs and tissues, illegal bio-medical experiments over the person, use of woman as surrogate mother and considered unlawful, including involvement on the criminal activity. As seen, the Article 144-1 covers all elements of child selling, as well as child trafficking to certain extend.

Besides, Article 174 of the Criminal Code of the Republic of Azerbaijan determines criminal liability for Illegal actions on adoption children, their transfer under supervision (guardianship), to host families committed from mercenary prompting and is in line with the provisions of Article 3 of the Optional Protocol related to the relevant signs of child trafficking.

Additionally, the following actions cause criminal liability according to the Criminal Code of the Republic of Azerbaijan: involving of the minor to prostitution, or commitment of immoral actions (Article 171), illegal distribution of pornographic materials or objects (Article 242). These articles are in line with the requirements of the Protocol.

Pursuant to Article 35 of the UN CR Convention, States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. Analysis of the criminal legislation of the Republic of Azerbaijan shows in this respect that Article 144 of the Criminal Code of the Republic of Azerbaijan sets forth criminal liability of kidnapping. According to the same Article, committing the same crime against minor is considered as special aggravation.

The Republic of Azerbaijan took some measures at the international cooperation field for prevention of child trafficking and detection of the paths for trans-border child selling and buying. On May 13, 2005, it joined the UN Convention “Against Transnational Organized Crime” and its Complementary Protocol titled “Prevention, elimination of and punishment for human, especially women and child trafficking”.

As for the special protective measures in the field of protection of rights of the children – victims of trafficking it should be noted that according to the Law of the Republic of Azerbaijan “On Negligence Towards Minors and Prevention of Juvenile Delinquency” of May 24, 2005, creation of social shelters for social rehabilitation and temporary residing of the minors in desperate situation and in need of urgent State support is envisaged. The shelters shall serve for social rehabilitation of the victims of child trafficking as well.

Besides, pursuant to Items 3.4 and 3.5 of “The Guidelines on Establishment, Financing, Operation and Monitoring of Special Institutions for Human Trafficking Victims” approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan of November 9, 2005, shelters and support centers should immediately inform trusteeship and guardianship body and the Commission on Minors’ Affairs and Rights’ Protection about the children who became victims of human trafficking.

Children are placed in shelters for the period of 60 days. This term can be extended based on the solicitation of the Ministry of Internal Affairs of the Republic of Azerbaijan, trusteeship and guardianship body or the Commission on Minors’ Affairs and Rights’ Protection. In all cases, the opinion of children older than 10 years are asked and taken into consideration. Children are placed in the shelters separately, as a rule, taken into consideration his/her interests he/she can be placed together with the parents (except the cases when there are suppositions that the parents caused the trafficking of the child) or with other person positively influencing the psychological state of the child. Children are provided with possibilities here to continue their education and contact and meet with their parents (except the cases when there are suppositions that the parents caused the trafficking of the child).

One should note the adoption of the National Action Plan on Combating Human Trafficking in the Republic of Azerbaijan as one of the measures taken on fighting against child trafficking at the national level, which was adopted by the Directive of the President of the Republic of Azerbaijan of 06.05.2004.

The Law of the Republic of Azerbaijan “On the fight against trafficking in human beings” was adopted on June 28, 2005.

#### **On situation with child trafficking (selling-buying)**

Type of crime/years	2003	2004	2005	2006	2007	2008
						6 months

Child selling-buying (art. 173)	1	3	1			
Child trafficking (art. 144.1.2.3)				1	-	4

#### **D. Article 30. National minority and local community children**

The “Agreement on the issues regarding restoration of rights of the deported persons, national Minorities and Peoples” was adopted by the Law of the Republic of Azerbaijan on October 8, 1996.

It is indicated in the Law of the Republic of Azerbaijan “On Joining the Frame Convention on Protection of National Minorities” of June 16, 2000 as note-condition that the ratification and implementation of provision of «Framework Convention for the Protection of National Minorities» shall exclude any actions that can damage the territorial integrity, sovereignty of the Republic of Azerbaijan, its internal and external security.

Article 44 of the Constitution of the Republic of Azerbaijan states that everyone has the right to keep his/her nationality and nobody may be forced to change his/her nationality. Article 44 of the Constitution states that everyone has the right to use his/her mother tongue. Nobody may be deprived of right to use his/her mother tongue.

At the same time, “The National Plan of Action on Protection of Human Rights” approved by the Order of the President of the Republic of Azerbaijan on December 28, 2006-cı determined protection, preservation and further development of the cultural legacy of the ethnic minorities as one of the main directions of protection of human rights in the country.

Article 16 of the Law of the Republic of Azerbaijan “On the Rights of the Child” identifies that the child should respect his/her own nation’s and other nations’ traditions and cultural treasures, protect historical and cultural monuments along with other duties and responsibilities.

#### **E. Children living or working in the street**

The problem of street children is one of the main child problems existing in the country.

The exact statistics of these children has not been identified. However, in comparison with 1998-99, in the recent years the number of children living and working in the street has reduced. The reason for this reduction is the successful economic development and poverty reduction. However, the parent negligence clearly displays itself. As the country is in war, people from the frontline and adhering districts and other districts move to urban areas and try to find easy jobs and provoke their children to work.

Selected Statistical Survey in 44 villages of 8 districts on use of child labor in Azerbaijan was conducted in 2006 within the cooperation between the State Statistics Committee, The Ministry of Economic Development, Ministry of Labor and Social Protection of the Republic of Azerbaijan and the international Labor Organization (Sabirabad, Bilasuvar, Imishli, Beylagan, Agjabedi, Barda, Ujar and Kurdamir). According to the results of the survey, more than 90% of the children residing in the cotton producing districts are engaged in this industry.

- Minimum age of children when starting the labor activity - 8 years

- Maximum age -16 years
- Average age of the children starting the labor activity is 12 years, including for boys 12-13 years and for girls - 11-12 years.
- Majority of the children working in the cotton production industry (50%) are 12 years old.

According to the findings of the research conducted by the International Labor Organization in Azerbaijan, in general, there is no early employment in the country. The number of working persons starts increasing after the age of 15. The girl children's employment is less. Mother's literacy and education is the factor reducing the child working (in this case, the child starts working later).

Children start working more and earlier in rural areas while the family welfare improves. The situation is contrary in urban areas – the more prosperous the family, the less cases of child involvement in working. Children from refugee and IDP families more inclined to work. There is no big difference in school attendance of working and not working children. As the child grows up, the risk of the child labor lessens. The working children complain more about their health versus non-working children.

Since 2006, the State Committee has regularly conducted trainings for the street children together with “Umid yeri” Rehabilitation Center. The center's activity has been supported, more than 1000 children were rehabilitated and returned to their families within 10 years, the drug abusing juveniles were treated and rehabilitated and involved in education. The State Committee has conducted reproductive health and drug abuse-related trainings for these children in 2007- 2008.