

## **Committee on the Rights of the Child review report of Azerbaijan**

17 January 2012

The Committee on the Rights of the Child today reviewed the fourth periodic report of Azerbaijan on its implementation of the provisions of the Convention on the Rights of the Child.

Presenting the report, Hijran Huseynova, Head of the State Committee on Family, Women and Children's Affairs of Azerbaijan, said that despite the difficulties that Azerbaijan had faced during its journey to independence the Government was fully committed to ensuring children's rights in all spheres. In a country where 300,000 children were refugees or internally displaced persons and where every day children were killed or injured by landmines as a result of aggression by the neighbouring Republic of Armenia, the protection of children's rights was fundamental. In 2006 a dedicated Government body charged with protecting the rights of the child was established. New legislation to combat early marriage, trafficking in persons and domestic and sexual violence against children had been passed, while other developments included improved social services and financial support for children, and programmes of de-institutionalisation and inclusive education for children with disabilities.

The Committee Expert acting as Rapporteur, Sanphasit Koompraphant, congratulated Azerbaijan on its new legislation but regretted the absence of a competent national mechanism to coordinate government agencies on the implementation of the Convention. He also asked why health and education had such low budgets, and what was being done to prevent corruption among municipal authorities. Mr. Koompraphant asked what measures had been taken to end discrimination against girls and to change social attitudes towards child victims of sexual abuse, children with disabilities, internally displaced children and children belonging to ethnic groups. Other Experts asked questions about the implementation of the Convention in national legislation, about how Azerbaijan's huge increases in oil and gas revenues were being spent to improve the lives of children, and what was being done to improve pre-school education and also to combat early marriage.

The delegation of Azerbaijan included representatives of the State Committee on Family, Women and Children's Affairs, of the Ministries of Internal Affairs, Education, Health, Economic Development, Labour and Social Protection, Foreign Affairs, Finance, and Justice, and of the Permanent Mission of Azerbaijan to the United Nations in Geneva. The next public meeting of the Committee will take place at 10 a.m. on Wednesday, 18 September 2012, when the Committee will examine Azerbaijan's two reports under the Optional Protocols to the Convention; the first on the sale of children, child prostitution and child pornography (CRC/C/OPSC/AZE/1) and the second on the involvement of children in armed conflict (CRC/C/OPAC/AZE/1). On the same day, at 3 p.m. the Committee will consider the report of the Democratic Republic of the Congo under the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/COD/1).

## Report of Azerbaijan

The fourth periodic report of Azerbaijan can be read online via the following link:  
<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-AZE-4.pdf>

### Presentation of the Report

HIJRAN HUSEYNOVA, Head of the State Committee on Family, Women and Children's Affairs of Azerbaijan, said the Government of Azerbaijan was fully committed to ensuring children's rights in all spheres despite the difficulties Azerbaijan had faced during its journey to independence. In a country where 300,000 children were refugees or internally displaced persons and where every day children were killed or injured by landmines as a result of aggression by the neighbouring Republic of Armenia, the protection of children's rights was fundamental. That was demonstrated when, despite the world economic crisis, 2009 was declared the Year of the Child in Azerbaijan. Italian educator Maria Montessori said: "While we try to teach our children all about life, our children teach us what life is all about". With that in mind, the Government held two Republican Children's Forums in which children suggested initiatives and gave their views. Azerbaijan remained committed to the full implementation of the Convention on the Rights of the Child and its Optional Protocols, and stood ready to overcome every challenge along the way.

In 2006 a major Government body charged with protecting the rights of the child was established: the State Committee for Family, Women and Children's Affairs. The State Committee was mandated to establish a comprehensive legal and practical framework for ensuring children's rights and opportunities in Azerbaijan, and so far had adopted 30 State programmes for children. In March 2009 the Constitution was amended in the Family, Children and the State bill, which raised the minimum marriageable age for girls to 18 and set penalties of imprisonment or a fine for forcing girls to marry. New laws on trafficking in persons and prevention of domestic violence had been passed, and a draft law against all forms of corporal punishment for children was under discussion. Azerbaijan had signed the European Convention on Sexual Violence against Children, and hoped to ratify it soon, and it had launched a national awareness-raising campaign on the issue in 2012. Azerbaijan welcomed the adoption of the Optional Protocol on a Communications Procedure, and would consider the possibility of joining the new treaty.

Other developments included a new law on Social Services, helping vulnerable families to access social aid, and a State programme on De-institutionalization and Alternative Care (2006 to 2015) in partnership with United Nations Children's Fund (UNICEF). Over 30 schools had begun programmes of inclusive education for children with special needs, day-care centres had opened at boarding schools to tackle the institutionalisation of children, and over 40 community-based children's rehabilitation centres had been founded. Government policy had decreased the number of children living in State institutions from 22,000 in 2006 to 11,000 today. Finance would be allocated for the reconstruction of old and building of new pre-schools.

### Questions by the Experts

SANPHASIT KOOMPAPHANT, Committee Member acting as Rapporteur for Azerbaijan, congratulated Azerbaijan on its new legislation on child protection and social care, but regretted the absence of a competent national mechanism to supervise and coordinate government agencies on the implementation of the Convention. Only one per cent of the State party's gross domestic product was spent on health, and three per cent on education, which was low. Not only were the low resource allocations failing to meet the needs of children in Azerbaijan, but also corruption among municipal authorities administering birth registrations, health care and education was a potential threat to child welfare.

Another threat was discrimination against girls, such as abortion of female fetuses and impunity of sexual offenders by the stigmatisation of child victims. Forced early marriage deprived many children of their rights, for example many girls did not deliver their babies in hospital for fear the authorities would find out about their forced early marriage. That led to a high child mortality rate in Azerbaijan because those newborn babies could not access health care and did not have their births registered. There were reports of children being tried and sentenced as adults, and detained with adults.

Mr. Koompraphant asked how the State party applied the Convention within national law and what social and administrative measures had been taken to change social attitudes towards child victims of sexual abuse, children with disabilities, internally displaced children and children belonging to ethnic groups.

HATEM KOTRANE, Committee Member acting as Co-Rapporteur for Azerbaijan, said Azerbaijan had made progress since the discussion of its last report, and on the legislative side, noted the 2010 law on Prevention Of Domestic Violence, an issue the Committee had drawn the State party's attention to the last time they met. Mr. Kotrane asked about the status of the draft law on the Prevention of Corporal Punishment, as corporal punishment did not appear to fall under the remit of the domestic violence law. Was the State party considering adoption of a general law on the rights of children? Did the Convention prevail over domestic law, and were there any cases where it had been applied by judges in specific ruling? What awareness-raising was there of the Convention: in particular was it taught in universities and law faculties?

An Expert asked the delegation about independent monitoring and the office of the Ombudsman. What was the State party doing to support the equal status of girls and boys in Azerbaijan?

Azerbaijan had recently benefitted from huge increases in the sale of oil and gas resources, with over two billion dollars being added to State revenue, an Expert said. Those revenues should be great news for children in Azerbaijan. However the increases were not reflected in the information the State party provided. The Expert asked if funding had been increased in areas of child health, education and social care. Was there a law to prevent corruption in public services?

Were the Convention and human rights education included in the school curriculum? An Expert asked the delegation how the Government cooperated with civil society.

An Expert commended the State party on raising the age of marriage for girls to 18, and asked when the new bill would become law. The Expert expressed concern about the high reported levels of forced marriage for girls in rural areas. What awareness-raising programmes was the State party carrying out to change the population's attitude to forced and early marriage? What specific policies and programmes had the State party put in place to prevent the high numbers of unregistered births, which was connected to early marriage?

Regarding freedom of education, there was a ban on girls wearing the hijab, or headscarf, in school. That had led to parents taking girls out of school and thus violating their right to access education. What steps were being taken by the State party to help those girls complete their education?

#### Response by the Delegation

A member of the delegation told the Committee that awareness-raising and educational activities on the Convention of the Rights of the Child were very important to the Government. Any citizen could freely study the Convention, while judges, lawyers and other judicial officials had to undergo compulsory training on the Convention and its protocols. The Convention had been translated into the Azerbaijani language, which was available online and as a printed brochure available in all schools. Children from the fifth grade could study the Convention as an optional course.

In a related field, the Ombudsman's activities were governed by the constitutional law of Azerbaijan, and an independent person was appointed to the Ombudsman's office to be responsible for children's rights and issues. That person was accountable to parliament. No State bodies dealt specifically with children's rights.

Concerning birth registration, in 2009 14,000 children received birth certificates, in 2010 the number was 16,000 and in 2011 it increased to 31,000. The steps the Government was taking to register all births were clearly working and the situation was improving. Non registration of children only occurred in cases where the parents were afraid of prosecution, such as if they had been married as minors.

The Government was engaged in awareness-raising work in that area and required regional authorities to make registration of all children compulsory, while also offering to make marriages – even underage ones – official, which gave young families security – particularly those living in hard-to-reach rural areas. Numbers of under-age marriages were also decreasing, from 5,500 in 2010 to 4,100 in 2011.

Early marriage stereotypes continued to exist in certain regions, for example the head of a household deciding that his daughter could marry at 15. The State used media such as television and film to educate persons about the dangers of early marriage. Statistics on early marriage were compiled by the Government to see which regions should be targeted: the statistics showed that regions bordering Iran were the most affected, so the Government – in partnership with non-governmental organizations – had stepped up awareness-raising programmes there. The result was that school drop-out rates had decreased and more girls were attending university.

## Questions from the Experts

An Expert asked how the Government identified the needs of families under social services. How were child victims of crimes supported, particularly during criminal proceedings? Did those child victims have to testify in front of the alleged offender?

The Committee was seriously concerned about the high rates of child labour. International Labour Organization statistics showed that 156,000 children between the ages of five and 18 worked in Azerbaijan. Of those 80 per cent worked in agriculture; namely producing tea, tobacco and of course cotton. The International Labour Organization had observed that children worked 10 to 12 hours per day, throughout the year and not just at harvest time, in unfavourable conditions. What was the Government doing about that?

Azerbaijan's definition of disabilities was confusing, especially as they pinpointed only two per cent of the population as having disabilities, an Expert said. The Government used a category of 'backward' children, but there were no definitions or mention of children with learning difficulties. The de-institutionalization process had moved 37.7 per cent of children living in State institutions to boarding schools, but surely that was just moving children from one institution to another?

Children were most often placed into institutional care for economic reasons, because their families had such low incomes. What was the Government doing to help biological families, as there was a strong need for preventative measures to keep children with their families.

Regarding the quality of education, teachers' salaries were quite low, which meant that the best qualified teachers were not always available.

A programme of reform between 2007 and 2010 made pre-school education mandatory for all five-year-olds. However, United Nations Educational, Scientific and Cultural Organization statistics indicated that in 2008 pre-school education covered only 22 per cent of three to five year olds. In the same year only five per cent of children entering the first year of primary school had attended pre-school. That was a long way from Government targets. What had happened since 2008? The Expert reminded the delegation that universal primary education was a Millennium Development Goal.

United Nations Educational, Scientific and Cultural Organization figures also showed that 16 per cent of children did not attend school at all, which was great progress from 1999 figures. Nonetheless, it was still unacceptable, especially as school was both mandatory and free in Azerbaijan. Of those 16 per cent the majority were girls. Why were those children not attending school – were they working instead?

What was being done to recover children abducted or illicitly transferred from Azerbaijan, for instance to Iran and other countries?

The State party had indicated that the high teenage suicide rate had decreased enormously from 2008 to 2011: how had the State party achieved such success, as the Committee would like to learn from them! Unfortunately that data did not match other sources which

indicated that the suicide rate was actually increasing. There were high levels of violence in the media, sometimes linked to the conflict with Armenia, but also in general. Was that violence linked to the high teenage suicide rate?

What were the breastfeeding rates, as breastfeeding was very important to early child development? Were there high levels of maternity support for the mother and infant?

Azerbaijan's definition of live births conflicted with that of the World Health Organization, and varied from international standards, which made it difficult to calculate child mortality – the varying definitions applied by the State party could mask the true child mortality rates in Azerbaijan.

#### Response from the Delegation

The delegation said that Azerbaijan was a secular state. Women had struggled to have the right to take off their hijab: now there was a new coercion to make them wear it again. The President had recently decreed that every person should be able to exercise freedom of religion. However, a delegate asked, did the Committee not think that when a five, eight or ten year old girl was forced by her father to cover up, it was a form of violence against them? How could a ten year old girl protest against being forced to cover up? The Government protected those children by decreeing that up to the age of 18 a girl could decide whether to cover her head or not. There were religious schools (Madrassa) and colleges where children could attend wearing a hijab. The hijab was not prohibited in Azerbaijan. Rather a new school uniform policy had been applied to all schools which did not include the hijab. All pupils were invited to schools, and all pupils at schools in Baku had openly taken off their hijab at school.

In 2011, 121 minors were judged, including 16 children aged between 14 and 16 years, and only 21 of those children were imprisoned. Although those are small numbers, the Government took juvenile justice very seriously, and judges were recommended to use alternative sentences to imprisonment for minors. A minor could not be sentenced to imprisonment for longer than ten years, no matter how heinous their crime. The courts had special procedures for cases which involved minors, and only the most experienced judges were assigned to such cases.

In Azerbaijan children were not detained alongside adults. A new juvenile detention centre was being built in Baku in which minors could serve their sentences if they had been imprisoned.

On 22 October 2010 Azerbaijan joined the United Nations Convention on the Rights of Persons with Disabilities and the first report was due 2012. Only 2.2 per cent of the children of Azerbaijan had disabilities; that was the true figure. A successful Government programme to prevent disability in Azerbaijan showed that disease could be prevented and that some disabilities could be completely cured. Certain conditions – such as diabetes – should not be classified as a disability, as they were manageable with medication.

When a child was born with disabilities or abnormalities, the parents may refuse to take the child home from hospital. In such cases the State would take care of the child. If the

child has a condition such as autism or Down's Syndrome he or she may be given targeted help by outside organizations. Over 7,000 children with disabilities were educated at home; there was a stigma in having a child with disabilities and some parents refused to recognise that their child was not healthy. Previously, children with Down's Syndrome were hidden away but now there was a programme to help them. The lack of qualified specialists in autism was a serious problem, but programmes to train specialist teachers, consultants and psychologists were in place.

#### Follow-Up Questions from the Experts

A Committee Expert returned to the issue of child disabilities and said disabilities could not be cured. A disability was not a disease. What support was offered to parents who abandoned infants born with disabilities? If education was mandatory in Azerbaijan why did so many children with disabilities not attend school, and could parents make that decision?

What measures were taken to resolve the economic exploitation of street children who left school early, and offer alternatives to those young people?

#### Response from the Delegation

The Government did offer support to parents of children born with disabilities, but there was a stigma and parents must be encouraged to be responsible for their children's welfare.

During the Soviet period dedicated boarding schools were established for children with disabilities, because schools and nurseries could not accommodate such children. Now, all new construction had to be built to accommodate persons with disabilities, and schools had to be redesigned to allow inclusive education.

Concerning the question on child labour and the International Labour Organization Convention, the statistic of 100,000 children working 10 to 12 hours per day in agriculture was unknown to the Government. The official Government figures for 2010 to 2011 showed that 25,000 young people aged between 15 and 18 worked, all of whom must have their parents' permission, and for a maximum of eight hours work per day. If the minor attended school they could work for a maximum of four and a half hours per day.

Persons responsible for children who begged on the street should be prosecuted. New measures introduced by regional police forces had led to the identification of 334 homeless and unsupervised children in 2011. Some of those children were sent to orphanages, some to boarding schools, and some to rehabilitation facilities for integration back into society. While a serious problem, the number of street children was small compared to the population size as a whole, and was more a rural problem than an urban one.

Azerbaijan's economic development had been recognised around the world, especially by improved credit and investment ratings by international financial institutions. There were indeed huge oil revenue in-flows and the challenge was to use that money efficiently to

develop the non-oil sector, human capital, and to save some of those revenues for future generations. Since 1999 over \$ 40 billion had been saved from oil revenues and placed into transparent parliamentary-controlled oil investment funds, as initiated by former United Kingdom Prime Minister Tony Blair.

Of course economic development influenced living standards, a delegate told the Committee. Personal income and expenditure had increase threefold. The major achievement had been a reduction in poverty levels, particularly children: 200,070 children were eligible for social payments. Children could not raise themselves from poverty without their parents, however, so the financial support was intended to improve the lives of families as a whole.

The proportion of finance spent on health had increased alongside Azerbaijan's gross domestic product. While the increase was slow it was evident, and now 25 per cent of health budgets were spent on children's health, including 15 new children's hospitals, 16 dedicated children's clinics and new neo-natal and reproductive health centres.

It was difficult to agree on the criteria of 'live birth', and to change the criteria to that used by the World Health Organization. The birth rate was increasing, to 175,000 live births in 2011. At the same time child mortality had fallen to 10.8 per cent per 1,000 live births. There had been significant improvements in breastfeeding rates, from 28.5 per cent of infants breastfed up to the age of six months in 2006, to 43.3 per cent in 2010, thanks to the positive impact of a United Nations Children's Fund-supported breastfeeding campaign.

Removal of minors from Azerbaijan was a complex procedure that needed signed consent from both parents. Unlawful removal of children, to Iran for example, was prevented by use of international tools such as Interpol, and a bilateral agreement between Azerbaijan and Iran.

There were no obstacles to adopting a law to prevent corporal punishment of children, and it was hoped that parliament would pass the bill as soon as possible.

Azerbaijan was not a mono-ethnic country. There were many cultures and nationalities living there. There were nine languages taught at elementary level in schools, especially those of ethnic minorities.

The World Bank Education Reform Project provided training to teachers, and helped reform the school curriculum in Azerbaijan.

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