

Committee on the Rights of the Child examines reports of Azerbaijan on sale of children and on children involved in armed conflict

18 January 2012

The Committee on the Rights of the Child today considered the reports of Azerbaijan on how that country is implementing the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on children involved in armed conflict.

The delegation of Azerbaijan, which was led by Hijran Huseynova, Head of the State Committee on Family, Women and Children's Affairs of Azerbaijan, said the training of officials on the Convention and its Optional Protocols was a very pressing issue and much more effort was needed, but the will was there. The problem of sex tourism was being targeted through awareness-raising campaigns. Azerbaijan had acceded to the United Nations Convention on Preventing Organised Crime and its Protocol on suppressing human trafficking. A free and safe shelter existed for victims of human trafficking, equipped with help from non-governmental organizations. In the last year over 600 children were referred to that shelter, where they were provided with psychological, social and legal assistance.

The delegation said students in military and cadet schools could not be involved in any military activities until they reached the age of 18. There was still conscription in Azerbaijan, and those who reached 18 were called up for 18 months of military service. Those with a university degree would go into officer training, and those without a degree would undertake other types of military service. There was no knowledge of private security firms hiring minors, which would be illegal and impossible in Azerbaijan. Only Azerbaijani citizens could be recruited for military service, so there was no chance of refugee children being recruited to the armed forces of Azerbaijan.

Aseil Al-Shehail, Committee Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography, acknowledged the Government's positive steps, including a new law and national action plan to prevent trafficking of persons. Due to cultural and social barriers, Azerbaijani society was not prepared to openly discuss such issues as child victims of prostitution, pornography and sexual abuse. Ms. Al-Shehail asked what the Government was doing to ensure the social rehabilitation of victims and to train officials in combating trafficking of persons. She also asked the delegation about public awareness and what educational efforts had been made to teach school children how to avoid becoming a victim of sexual exploitation or human trafficking. Other Experts raised questions about street children, sex tourism and extra-territorial jurisdiction in convicting criminals of related offences.

Kirsten Sandburg, Committee Rapporteur for the Optional Protocol on children involved in armed conflict, said that she appreciated that Azerbaijan had set the minimum age of 18 for children in the military, but that underage recruitment was an issue, particularly regarding children studying at military academies. Ms. Sandburg asked about child

refugees who may have been involved in armed conflicts in their country of origin, and also about the export of weapons to countries where child soldiers may be used.

In concluding remarks the Committee's three country Rapporteurs identified the absence of a monitoring body for children's rights as a priority issue for Azerbaijan, and said that more awareness-raising, training, and legislature reform was needed.

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 Office at Geneva.

The Committee will release its formal, written concluding observations and recommendations on the reports of Azerbaijan towards the end of its three-week session, which will conclude on 3 February 2012.

The next public meeting of the Committee will take place at 3 p.m. this afternoon when the Committee will consider the report of the Democratic Republic of the Congo on the involvement of children in armed conflict (CRC/C/OPAC/COD/1).

Presentation of the Reports

The head of the Azerbaijan delegation, HIJRAN HUSEYNOVA, Head of the State Committee on Family, Women and Children's Affairs of the Republic of Azerbaijan, made a general presentation on the fourth periodic report of Azerbaijan in the meeting yesterday (17 January 2012). Ms. Huseynova's presentation can be read in the press release here.

Azerbaijan's report on the Optional Protocol on the sale of children, child prostitution and child pornography can be read here: (CRC/C/OPSC/AZE/1). The report on the Optional Protocol on children involved in armed conflict can be read here: (CRC/C/OPAC/AZE/1).

Questions by the Experts on the Optional Protocol on the sale of children, child prostitution and child pornography

ASEIL AL-SHEHAIL, Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography, acknowledged the Government's positive steps towards implementing the Optional Protocol, including a new law and national action plan to prevent trafficking of persons. Due to cultural and social barriers, Azerbaijani society was not prepared to openly discuss such issues as child victims of prostitution, pornography and sexual abuse. Usually victims were not registered and perpetrators were not identified. What measures had been taken to establish a regular monitoring system? What measures had been taken to work with child victims on an individual basis, and to prevent further child abuse in State institutions.

Ms. Al-Shehail asked about the social rehabilitation of victims of offences under the Optional Protocol, and about the establishment of a children's hotline by the Ministry of

Education. Did that hotline deal with violations relating to child prostitution and pornography? How well publicised was that hotline? How many training programmes in the field of combating human trafficking were in place, particularly for representatives of civil society, municipalities, police structure, health and educational centres, employment centres and transportation? What educational efforts had been made to teach school children how to avoid becoming a victim of sexual exploitation or human trafficking?

The Rapporteur also asked about children living on the streets, and said the Committee had received many reliable reports that indicated that 2,000 to 4,000 children lived on the streets in Azerbaijan. What programmes were in place to prevent, integrate and shelter such vulnerable children in that category, and were those children at risk of any sexual exploitation? Had the Government made any efforts to understand the roots of the problem of street children?

Other Experts asked questions about what assistance and rehabilitation was provided to victims of offences under the Optional Protocol, and what preventative measures had been put in place. An Expert said that the Criminal Code did not appear to cover all the acts under the Optional Protocol. He asked about the extra-territorial jurisdiction protocol – did the Courts realize that they were empowered to rule whenever the victim or perpetrator of an offence was a national of Azerbaijan. The report did not detail much about prevention of sex tourism. Was there a code of conduct with the tourism industry to prevent sex tourism?

Response from the Delegation

The delegation said that Azerbaijan's penal code came into force in September 2010; if there was conflict between national laws and international treaties, then international law had supremacy and would be upheld. Criminal legislation in Azerbaijan could punish citizens, foreigners and stateless persons for acts punishable by international law and under Conventions to which Azerbaijan was party. There were no limits. However in trying to establish extra-territorial jurisdiction and the Committee's desire to prosecute all offenders – for example, in the area of child pornography – Azerbaijan had to carefully consider the definitions and limitations before it could do so.

Training of officials on the Convention and its Optional Protocols was a very pressing issue. Specialists in legal bodies, the police and the courts needed a better level of competence and knowledge of the treaties. Much more effort was needed, a delegate said, but the will was there and the Government was working on the training curriculum for police and judicial academies.

Azerbaijan had good regional bilateral cooperation with many of its neighbours, such as Georgia, and attached a good deal of importance to its participation in international conventions. The Ministry of Justice in particular worked on regional cooperation, including the exchange of experts and best practice, although that could be difficult in the Caucasus.

When child victims testified in court the Government sought to avoid 'double victimisation'. Children's psychological and general state was monitored, psychologists

would prepare the child for the case and parents, teachers and guardians would be present to support the child. Specialists working for the Ministry of the Interior could provide guidance to the legal format. The child victim would not have to see the accused face to face in court.

The problem of sex tourism was being targeted through awareness-raising campaigns, telling the population via tourist agencies the media and publicity events about the legal implications of sex tourism. In 2011 alone, alongside other agencies, the Government Agency on Combating Sexual Trafficking published 16,000 pocketbooks and 6,000 posters to schools and universities to warn children about the crime and help prevent them becoming victims.

Azerbaijan had acceded to the United Nations Convention on Preventing Organised Crime and its Protocol on suppressing human trafficking. Two national action plans and a working group had been established, and in 2009 a law to combat human trafficking was adopted. Data was being collected on the perpetrators of human trafficking and on the victims, which was being analysed on a confidential database. There was a website dedicated to combating human trafficking. The Government also planned to train journalists on how to cover sensitive stories that involved child victims. In 2005 a law was adopted to prevent the phenomenon of street children. The delegate agreed with Committee members that there was a need to improve Azerbaijan's legal framework, and said that the Government would take account of the Committee's recommendations.

A free and safe shelter existed for victims of human trafficking, equipped with help from non-governmental organizations. In the last year over 600 children were referred to that shelter, where they were provided with psychological, social and legal assistance.

The Government had several hotlines for children including one for school children, one for the Ministry of Justice, one for general dialogue and one for victims of trafficking. The Government had made a film with the United Nations Population Fund (UNFPA) on prevention of trafficking. The hotline number was published at the end of the film – which was sent to schools in DVD format and also periodically broadcast on national TV. Although it may be less confusing to have one single hotline for children, that may slow rapid response time or give rise to mistakes. However, the Government would consider it.

Questions from the Experts on the Optional Protocol on children involved in armed conflict

KIRSTEN SANDBURG, Committee Rapporteur for Optional Protocol on children involved in armed conflict, said she appreciated that Azerbaijan had set the minimum age of 18 for children in the military. However some provisions of the Optional Protocol still had to be incorporated into the national legislation.

Underage recruitment into the military was an issue. It was difficult to understand whether it was possible for minors to take part in military activity. Children could enter the military academy at 17: was there a possibility that they might be involved in armed conflict if the country had to mobilize its military? Did children attending military

academies have access to independent complaints mechanism where they could raise issues? Did private security companies ever hire minors as combatants or militia?

Did the Government identify and assist child refugees or asylum seekers who had been involved in armed conflicts in their country of origin? In 2009 there were over 750 refugee or asylum seeking children, of which 38 per cent came from Afghanistan. Some of those children could have been used as child soldiers. Did Azerbaijan have a child-sensitive definition of refugees?

Response by the Delegation

The delegation said Azerbaijani legislation took into account international treaties, including the Optional Protocol. Students in military and cadet schools could not be involved in any military activities until they reached the age of 18. In case of a total military mobilization, which had thankfully not happened in Azerbaijan, 17 year old military cadets would not be recruited until they reached 18 years of age.

There was still conscription in Azerbaijan, and those who reached 18 were called up for 18 months of military service. Those with a university degree would go into officer training, and those without a degree would undertake other types of military service.

There was no knowledge of private security firms hiring minors, which would be illegal and impossible in Azerbaijan.

Only Azerbaijani citizens could be recruited for military service, so there was no chance of refugee children being recruited to the armed forces of Azerbaijan. In the past children came from Chechnya and Afghanistan, but today there were no children with refugee status living in Azerbaijan.

Follow-Up Question

An Expert said she had up-to-date information from 2010 saying that there were asylum-seeking children from other States living in Azerbaijan. What legislation was in place on the export of weapons to countries where children and young people might be involved in armed conflicts? Were there school programmes on peace education, in addition to human rights education?

Response by the Delegation

A member of the delegation said that the figures of child refugees must have been from 45 years ago, and that there were no refugees living in Azerbaijan today.

Concerning the export of weapons to countries that might involve children in armed conflict, a 2002 Presidential Edict ensured that the import and export of weapons needed a special permit from the Ministry of the Interior. In recent years Azerbaijan had developed a good weapons industry and it participated in international exhibitions. The weapons Azerbaijan was currently producing were of great interest to foreign States. Nevertheless, Azerbaijan was not a country involved in the export of weapons – it was

more interested in importing weapons than exporting them - and there was no risk of selling weapons to countries that may involve children in armed conflict.

During the early years of the conflict in Azerbaijan children did take part, some even became heroes. Today the State had a professional army – one of the strongest in the region – and children did not take part in armed conflict. However, Azerbaijani children had been victims of separatist and terrorist activities. Just last year there was a case of bombs being hidden in toys. There had been several cases of snipers deliberately shooting and killing children. The Government would like to use this forum to express concern about the issue, as the international community had so far taken no action.

There was not a specific school subject on peace education, but the topic was covered in history and social education courses. A university course called ‘Upholding International Peace and Security’ did exist and was popular with students.

There was a mechanism for children at military schools to complain, via a representative of the Ombudsman of Azerbaijan, who had very broad powers. Furthermore the Ombudsman could visit young people even on the front line, and provide advice to both parliament and the President specifically about officials who may be violating human rights or not taking their responsibilities seriously.

Concluding Remarks

SANPHASIT KOOMPAPHANT, Committee Member acting as Country Rapporteur on Azerbaijan, said that the Committee had learnt about various points of view of the situation in Azerbaijan, especially in view of different parameters. He hoped the State party would consider reviewing those parameters in order to best assess children’s needs. The absence of a monitoring body for children’s rights meant that any new laws or national action plans were not fully effective. Mr. Koompraphant hoped the dialogue would help the State party to identify its priorities in implementing the Convention, especially where resources were most urgently required and what mechanisms needed to be set up. He wished the State party great success in implementing the Convention and its Optional Protocols and looked forward to hearing what they had achieved at the next meeting.

ASEIL AL-SHEHAIL, Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography, noted that although positive steps had been taken, legislation needed to be improved and include all crimes under the Optional Protocol. More attention should be directed to the provisions as a whole, while awareness-raising, education and assistance should be more accessible. Finally, more must be done within all sectors of Government to increase application of the Protocol and better protect the children of Azerbaijan.

KIRSTEN SANDBURG, Rapporteur for Optional Protocol on children involved in armed conflict, thanked the delegation for a very fruitful discussion, and their interest shown in complying with children’s rights and the Optional Protocol. There were still concerns about the military high schools, and even if there were no refugee children in

the country right now, there seemed to be a lack of a consciousness about rehabilitating any child soldiers who may seek asylum in Azerbaijan in the future.

HIJIRAN HUSEYNOVA, Head of the State Committee on Family, Women and Children's Affairs of Azerbaijan, thanked the Committee for the open and constructive engagement, and expressed the firm commitment of the Government to the Convention and Optional Protocols. Ms. Huseynova recalled that Azerbaijan joined the Convention in 1992, a time when the country was on the verge of collapse and had no stability because of its occupied territories and a million refugees. Despite that insecurity, Azerbaijan had demonstrated its commitment to the importance of protecting child rights. The Government very much valued the recommendations and advice of the Committee, which would act as a stimulus for it to work harder in the future in fully implementing the Convention on the Rights of the Child.

JEAN ZERMATTEN, Committee Chairperson, said that when the Committee examined a country, Committee Experts often had to ask probing questions to achieve total clarity. The dialogue had been fruitful for both Azerbaijan and the Committee. The Committee must formulate its concluding recommendations, but the very positive climate seen in the debate and the commitment of Azerbaijan were welcomed.

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