Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Azerbaijan - 4th Session - 2009
4th February 2009, 2.30pm - 5.30pm

National Report


43. Women who participate in the country’s public and political life include 14 (11 per cent) of the 125 deputies and 1 of the 3 deputy speakers in the Milli Meclis, the Chairperson of the State Committee on the Family, Women and Children, 3 deputy ministers, 27 district deputy chief executives, 44 heads of department, the Commissioner for Human Rights, the Deputy Prime Minister and Commissioner for Human Rights of the Autonomous Republic of Naxçivan, the Vice-President of the Constitutional Court and 14 per cent of the country’s judges.

44. Azerbaijan has 89 NGOs whose work focuses on the protection of women’s rights, the provision of practical assistance in developing women’s enterprise in a market economy, job creation for women, protection of the family, women’s and children’s health, and the
involvement of women in public and political life.

47. The State Committee on the Family, Women and Children, which, under its statute, is the main executive body responsible for applying State policy relating to the family, women and children, was established by a presidential decree of 6 February 2006. It is required to guarantee the exercise and prevent the violation of human and civil rights and freedoms, in particular the rights of children and women, within its scope in accordance with article 8.1 of its statute. It is also required, by article 8.18 of the statute, to handle complaints and petitions from citizens on matters within its scope and to take measures in accordance with the law.

49. The State Committee on the Family, Women and Children and the United Nations Development Programme (UNDP) prepared a 2007 human development report with a focus on gender relations to identify accomplishments, problems and ways forward in promoting gender equality. It presents the findings of extensive surveys conducted in Azerbaijan.

51. The project to combat violence against women in the twenty-first century sponsored by the State Committee on the Family, Women and Children, the Heydar Aliyev Foundation and the United Nations Population Fund (UNFPA) is aimed at creating fresh opportunities for women to enjoy their rights, preventing violence and early marriage and reducing their effect on children, and protecting women and children from domestic violence. Provision has been made to carry out the following activities within the framework of the project: studying international experience, including the involvement of international experts; launching outreach campaigns and regional workshops and publishing relevant material on human rights and gender equality; raising awareness about human trafficking and early marriage in schools; preparing radio and television documentaries; developing strategies to provide services for victims of gender-based violence; and improving the mechanism for cooperation between gender focal points in State organizations.

52. The State continues to focus its attention on safeguarding the rights of the child on an equal footing with other rights. The Rights of the Child Act plays a significant role in that regard, setting out the rights and freedoms of children in the country, the basic principles of public policy on children, and the objectives of State bodies and other entities or persons with respect to child protection in accordance with the Constitution, the Convention on the Rights of the Child and other international legal standards. It provides that public policy on children is designed to ensure the growth and development of each child under appropriate material and domestic circumstances, the provision of education in keeping with progressive requirements and the raising of children as worthy citizens.

53. Azerbaijan has passed a law ratifying the regulations governing the juvenile affairs commissions and commissions for the protection of the rights of minors, the Homelessness and Juvenile Offences (Prevention) Act and the Suppression of Human Trafficking Act.

54. Furthermore, Azerbaijan has acceded to a number of international instruments concerning the rights of the child. The Convention on the Rights of the Child has been translated into Azerbai and included in school curricula. Legal experts, judges, lawyers, staff at children's institutions, teachers and health and social workers have all been involved in this initiative.

55. The Committee on the Rights of the Child considered the second periodic report of Azerbaijan on 19 January 2006 at its forty-first session. It commended the measures taken by the Government to protect and provide for the rights of children.

56. The national plan of action for human rights protection envisages measures on the part of the relevant State bodies to meet fully their obligations under the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and measures to ensure the observance of the terms of those instrument. It also envisages close cooperation with international organizations and NGOs in the social rehabilitation of and prevention of homelessness among minors.

57. The 2006-2015 State programme for the placement of children living in State institutions in families (deinstitutionalization) and alternative care was approved by a presidential order of 29 March 2006. The programme reflects the principle enshrined in the Convention on the Rights of the Child that in order for children to develop into mature and well-balanced individuals, they must grow up in a happy, loving and accepting family environment. It helps to place children living in State institutions in families, and establishes and organizes mechanisms for alternative care, which are used on a selective basis. In addition, under a project sponsored by the Austrian organization SOS-Kinderdorf International, surrogate families (consisting of three children, a mother and an aunt, the mother’s sister) have been created for homeless and orphaned children in Baku and Gəncə and provided with financial assistance.

58. Workshops on juvenile justice have been held for judges, candidates for the post of judge, public prosecutors and lawyers, with the participation of local and international experts, under a project for strengthening capacity and infrastructure for human rights protection and promotion, carried out by the Azerbaijani Ministry of Justice and the Office of the United Nations High Commissioner for Human Rights (OHCHR) since 1998.

59. The United Nations Children’s Fund (UNICEF), Ministry of Internal Affairs and Ministry of Justice signed a tripartite plan of action for juvenile justice reform in 2006. Under the plan, studies were carried out into the situation of juvenile offenders, appropriate training was organized for them, a number of workshops and conferences were held on the prospects for the development of juvenile justice in the country, and visits were made by officials from the relevant State bodies to European countries to acquaint themselves with the juvenile justice systems in place there. A corresponding plan of action for juvenile justice reform continued to be implemented in 2008.

60. A total of 305 minors were convicted in 2007, accounting for 2.1 per cent of all convictions. They included 83 minors sentenced to deprivation of liberty for a specific term and 222 to penalties not involving deprivation of liberty (50 were fined, 16 were sentenced to unpaid labour and 21 to community service, and 135 received suspended sentences).

61. Pursuant to article 29 of the Rights of the Child Act, the State is required to furnish children with social support in the form of
and conduct awareness and education campaigns promoting non-violent, participatory forms of child-rearing and education.  

62. Despite the measures for the protection of the rights of the child introduced by the Government, Azerbaijan is still facing problems in this area caused by Armenia’s aggression against it.

63. State bodies are taking urgent action to mitigate the impact of the war on the lives of Azerbaijan’s people, especially its children. Arrangements are in place for the education of refugee children. A total of 89,985 refugee children from Armenia and internally displaced children from the occupied territory of Azerbaijan are being educated in 695 general education schools for such children.

64. Pursuant to article 39 of the Rights of the Child Act, refugee children and internally displaced children have the right to the status corresponding to their situation. The State is introducing emergency measures to provide the necessary protection and humanitarian assistance for such children; it is organizing searches for children taken prisoner or held hostage, cooperating for this purpose with international agencies, and is furnishing the necessary support for the work of NGOs. Under article 30 of the Act, the State runs special programmes to protect children living in areas affected by military activities, epidemics, and natural and environmental disasters and children suffering the effects of such phenomena, as well as orphans and children from one-parent and needy families.

98. Under the Constitution, everyone has the right to use his or her native language and also to receive an education and engage in creative activity in his or her native language. Instruction in Azerbaijani is provided in three languages - Azeri, Russian and Georgian - for grades 1 to 11. Ethnic minority children are offered classes in Lezgi, Talyshev, Hebrew, Avar, Udi, Tat, Tsakhur, Khinalugh and Kurdish in Azerbaijani local elementary schools. Their native language is taught at the elementary level (grades 1 to 4). More than 15 newspapers and magazines are published in the languages of the ethnic minority communities living in Azerbaijan, and there are local television stations in areas with a high concentration of ethnic minorities.

5. The Committee on the Elimination of Racial Discrimination (CERD),13 the Committee on Economic, Social and Cultural Rights (CESCR),14 CEDAW15 and CRC16 welcomed the establishment of the Office of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan.17 CRC recommended that Azerbaijan include within the Office of the Ombudsman either an identifiable commissioner or a specific section or division responsible for children’s rights, which should be provided with adequate resources.18 CEDAW welcomed the establishment of the State Committee on Women's Affairs and the appointment of special counsellor on gender equality within the Ombudsman's Office.19

137. The Government intends to continue to provide financial support to the relevant United Nations specialized agencies, including those responsible for the protection of children, gender equality and the protection of vulnerable segments of the population, and to endeavour to promote better and more effective coordination among United Nations human rights bodies.

**UN Compilation**

2. The Committee on the Rights of the Child (CRC) was concerned that many legislative measures taken with a view to complying with the principles and provisions of the Convention are not provided with adequate mechanisms and/or financial support for their full implementation.9

5. The Committee on the Elimination of Racial Discrimination (CERD)13, the Committee on Economic, Social and Cultural Rights (CESCR),14 CEDAW15 and CRC16 welcomed the establishment of the Office of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan.17 CRC recommended that Azerbaijan include within the Office of the Ombudsman either an identifiable commissioner or a specific section or division responsible for children’s rights, which should be provided with adequate resources.18 CEDAW welcomed the establishment of the State Committee on Women's Affairs and the appointment of special counsellor on gender equality within the Ombudsman's Office.19

11. CRC was concerned about discriminatory attitudes towards disabled children, refugee and IDP children, street children and children with HIV/AIDS and recommended that Azerbaijan increase its efforts to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds against all vulnerable groups throughout the country.39

13. The Special Rapporteur on the question of torture transmitted allegations concerning torture at the Department for Serious Criminal Cases of the Prosecutor’s Office45, including torture of three children by officials from the police and the Office of the Public Prosecutor in order to make them confess to a murder.46 CRC was also concerned about information that persons below 18 are often subjected to ill-treatment, especially at the moment of arrest or during the first days of pre-trial detention, and that children in institutions often are victims of inhuman and degrading treatment or punishment.47 CAT recommended that Azerbaijan intensify efforts to educate and train police, prison staff, law enforcement personnel, judges and doctors on their obligations to protect from torture and ill-treatment all individuals who are in State custody.48

14. CRC was concerned, inter alia, that persons below 18 are often held in pre-trial detention for long periods and not always separately from adults, that they can be sentenced to detention for a period of up to 10 years and that detention conditions are often poor, inadequate and overcrowded.49 It recommended that Azerbaijan take all necessary measures to ensure that persons below 18 are only deprived of liberty as a last resort and for the shortest appropriate period of time; that they are separated from adults; that it take urgent steps to bring detention conditions for persons below 18 into full conformity with international standards; and that they are provided with a full programme of educational activities.50

17. CRC was concerned that neglect and abuse of children within families, including sexual abuse, continues to be a problem, that the legislative framework for the prohibition of child abuse is inadequate, that services for child victims are inadequate and that the existing complaint procedure is ineffective.63

18. CRC expressed concern that corporal punishment is lawful at home and widely practised in the society as disciplinary measure, and it recommended that Azerbaijan implement legislation explicitly prohibiting all forms of corporal punishment of children in all settings and conduct awareness and education campaigns promoting non-violent, participatory forms of child-rearing and education.64
21. CRC was concerned about the growing number of street children, who are also often victims of exploitation, ill-treatment and abuse, and about the lack of recovery, medical treatment, social integration or educational programmes available for them.75

24. CRC welcomed the reform of the Criminal Code and the Code of Criminal Procedure and the existence of a special working group for the implementation of a long-term programme for the development of a juvenile justice system in line with the Convention.85 However, it remained concerned that there is not integrated and well-defined system of juvenile justice and that recovery, assistance and reintegration services for persons below 18 in conflict with the law are insufficient.86

27. CEDAW was concerned that discrimination against women remains widespread in matters relating to marriage and family relations, despite legislation guaranteeing equal rights, and that the legal age of marriage of 17 years for girls may be lowered by one year under certain conditions, thus encouraging early marriages.89 It recommended that Azerbaijan implement awareness-raising measures aimed at achieving equality between women and men in marriage and family relations, ensure that all marriages are properly registered and that legal age of marriage is 18 years.90

35. CRC expressed concern about the high number of children working. It recommended that Azerbaijan prevent and combat their exploitation and ensure full implementation of legislation covering article 32 of the Convention as well as ILO Conventions No. 138 and No. 182.103

37. CESCR remained concerned about the decline in spending on public health despite the rise in GDP, the high incidence of malnutrition, iron deficiency disorders and malaria, the low level of awareness of sexual and reproductive health issues, the high proportion of women who resort to abortion as the principal method of birth control, and the high infant and maternal mortality rates.107 CESCR108 and CRC109 were concerned about the high incidence of sexually transmitted diseases110 and HIV/AIDS, which is on the increase.111 CESCR urged Azerbaijan to continue efforts to improve health services, inter alia through the allocation of adequate and increased resources.112 CRC recommended that Azerbaijan strengthen efforts at youth suicide prevention, with particular focus on the expansion of mental health services for adolescents.113 A 2007 UNICEF report noted that Azerbaijan integrated youth-friendly health services into existing health systems in 2006.114

39. CESCR116 and CRC117 expressed concern that education standards have decreased. CESCR called upon Azerbaijan to take effective measures to ensure that all children have access to free compulsory education.118 It also recommended in this regard that Azerbaijan amend the Legal Status of Aliens and Stateless Persons Act.119

40. CRC was concerned that the preschool enrolment rate has dropped and that the number of children not enrolled in school is growing; that there are often hidden costs associated with schooling; that access to education is difficult for certain vulnerable groups of children; and that students with some chronic diseases can be excluded from mainstream schooling.120

41. CERD invited Azerbaijan to facilitate the participation of ethnic minorities in the elaboration of cultural and educational policies and to create favourable conditions enabling persons belonging to minorities to develop their culture, language, religion, traditions and customs, and to learn or to have instruction in their mother tongue.121

42. CERD was concerned that persons not formally recognized as refugees may sometimes still require subsidiary forms of protection when unable to return to their countries. CERD also expressed concern about information on cases of refoulement. It recommended inter alia that Azerbaijan ensure that asylum procedures do not discriminate in purpose or effect between asylum-seekers, and that it adopt subsidiary forms of protection guaranteeing the right to remain for those not formally recognized as refugees but still requiring protection.122 CRC further recommended that Azerbaijan establish child-sensitive procedures for processing cases of unaccompanied minors.123

44. CRC recommended that Azerbaijan address the special needs and rights of displaced and refugee children, particularly regarding the right to adequate housing and access to essential services. 126 CEDAW was concerned that refugee and internally displaced women and girls remain in a vulnerable and marginalized situation and urged Azerbaijan to implement targeted measures to improve their access to education, employment, health and housing.127 A 2006 UNIFEM report noted similar concerns.128

48. A 2006 UNDP report informed that particular attention is afforded to poverty and social exclusion affecting vulnerable groups, IDPs, unemployed, and particularly children who are placed in institutionalized care once their parents are unable to support them.133

Stakeholder Compilation

6. The Ombudsman stated that, despite recent adoption of the Law “On gender equality”, there are concerns problems of domestic violence and under-representation of women in decision making have not been sufficiently addressed. Early marriages also remain a problem in some remote regions of the country, which has negative impact on education of girls and women, their active participation in social life, and protection of their rights. Ombudsman recommended that in cases when an adult enters into a marriage with an under-aged girl, criminal responsibility be attached to the adult.6

7. CWMW noted that gender-biased values represent a key challenge in the field of sexual and reproductive rights. For instance/example, society values boys more than girls because ethnicity and family name are passed through men. Consequently, many families decide to abort female fetuses.7

8. SOS Children’s Villages-Azerbaijan Association (SOSCVAA) noted that numerous researches and polls showed that many forms of punishment, including corporal punishment and ill-treatment of children, are still used in institutions. With no effective complaint procedures, children have no possibility to complain about cruel treatment, and no measures are taken to protect children in institutions. No independent body observes, monitors and takes necessary actions to prevent these cases.8
17. SOSCVAA noted that there is no specialized juvenile justice system and juvenile (family) courts and judges in Azerbaijan. In 2005, a lobbying campaign by a local NGO network promoted the establishment of the position of Children’s Rights Ombudsman in Azerbaijan, which will be established soon. Having separate Children’s Rights Ombudsman (to be appointed by President and approved by Parliament of Azerbaijan) within the system of deputy of Human Rights Commissioner will significantly improve the situation of children’s rights in the country, and support civil society efforts to improve legislation and protect children from violence.20

18. IDMC stated that Azerbaijani legislation does not fully recognize the right of internally displaced women’s children to inherit forcibly displaced persons (FDP) status. The status of children from mixed (FDP and non-FDP) marriages depends on whether the father has FDP status. Children born to a displaced mother and non-displaced father are not eligible for FDP status, whereas children born to a non-displaced mother and displaced father may be granted FDP status. However, if a woman with FDP status divorces a non-displaced man then the children from this marriage may acquire FDP status since the woman assumes the position of head of the family after divorce.21

19. SOSCVAA stated that most of the adopted state programs and National Plans of Action targeting children have not been fully implemented. The lack of coordination and communication between different structures of the Government creates serious barriers for effective implementation of these programs and activities. Also, most of the programs and plans of actions are developed without serious research and study conducted in the field as well as insufficient piloting of newly developed mechanisms, prior to their nation-wide application.22

20. SOSCVAA noted that mechanisms for adoption and guardianship are elaborated in the law of the Azerbaijan Republic. But a potential adoptive parent faces some obstacles when wishing to adopt a child. In Azerbaijan, adoptions are limited by the complicated procedures, bureaucratic barriers and the lack of transparency as well as corruption within the system. Adoptive parents also don’t receive any financial and other support from government.23

21. CWMW stated that women cannot fully enjoy their rights to sexual and reproductive rights due to, among others, the following underlying factors: 1) due to the military-political events in Karabakh in 1988, many young men died, which increased pressure on women to give birth to/male children; 2) economic difficulties related to the transition period made a large number of men leave abroad to search for/employment, leaving women as the majority of the workforce; and 3) the social and cultural environment caused by the conflict placed psychological and emotional pressure on women.24

22. IDMC noted that conflict and displacement have caused psycho-social stress among IDPs, many of whom appear to be in need of mental health services. The displaced/IDPs seem to suffer most from trauma and feelings of insecurity and isolation, due to war, poor living conditions and uncertainty about the future. They also suffer disproportionately from malnutrition, infant mortality, tuberculosis, diphtheria and anaemia.43

23. CWMW noted that the high incidence of maternal and infant mortality in Azerbaijan is connected primarily to: 1) low degree/lack of awareness and knowledge of reproductive health on the part of women; 2) lack of qualified doctors, even though State facilities provide care for pregnant women free-of-charge; and 3) widespread poverty among the population, even though traditionally special attention is paid by families to the proper nourishment for pregnant women.44 CWMW further noted that infant mortality rates (during the first year of life) in 2006 were 75 / 1000 in Azerbaijan – ten times higher than in other European countries.45

24. SOSCVAA stated that in 1999 Azerbaijan adopted the Law on Social protection of children without parental care and orphans. The law states that every child placed in the residential care system retains his/her right to property, family reintegration, social and education support, and care during placement and social support after he/she left the residential care system. It also states that every child’s placement shall be monitored by respective government agencies and three months before the child leaves the institution, the respective government agency/these agencies shall determine the needs of accommodation for the child elsewhere. If a child does not have a property left by parents, the government shall provide the accommodation for the child. However, the Commission on Minors’ Affairs and the authorities of residential care institutions do not undertake necessary measures to ensure that children are accommodated after they leave the institutions.46

25. The Ombudsman stated that, although targeted reforms continuously take place in the sphere of education, and each year more schools are built and provided with modern equipment, schools in remote regions and IDP settlements still experience shortages of teaching staff and equipment.47

26. IDMC stated that the access of displaced and returned children to schools is ensured. Internally displaced students benefit from free school bags, uniforms, books and stationery. However, displaced parents report they do not always receive these items and so must pay for textbooks and clothing for their children. Poverty has caused some students to drop out of school. Additionally, early marriages cause girls to drop out of school.48

27. SOSCVAA stated that there are about 52,000 children with disabilities in Azerbaijan. The majority of these children do not attend school as schools do not provide appropriate facilities for them. The majority of schools are not equipped with/does not have special classes, equipment, skilled teachers and teacher-assistants, adapted curricula and other education materials to provide suitable education for children with disabilities. The only possibility for these children to get primary and secondary education is to be placed in residential care institutions.49 SOSCVAA further noted that the inclusive education concept has been introduced in Azerbaijan and a special government program was developed in 2005. However, implementation has been very slow and inconsistent, and there are lots of constraints, including the public’s general attitude towards including/the inclusion of children with disabilities with other children in regular schools. The key obstacle is the lack of political will and understanding of the concept of inclusive education. The absence of specialised adapted curricula, textbooks, and school facilities hinders the inclusive education of children with special needs, including children with disabilities.50
18. The State Committee on the Family, Women and Children (SCFWC), established in 2006, is the main executive body responsible for applying State policy in this field. Azerbaijan adopted various measures to counter violence against women, including a new extended definition of sexual discrimination included in the 2006 Law on Gender Equality and the 2007 comprehensive programme to combat domestic violence. The Parliament currently discusses a draft law on the prevention of domestic violence, and joint project on combating violence against women in the twenty-first century, is mandated to further tackle this phenomenon through awareness raising campaigns and the elaboration of a strategy to assist victims.

19. Azerbaijan indicated that 2009 was declared the Year of Children by a presidential decree. In 2008, Azerbaijan signed the European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in addition to the adoption of a range of legal documents such as the Law on the Rights of the Child. There is also a 2006-2015 State programme for the placement of children living in State institutions, in families (deinstitutionalization) and alternative care. At present, there are 4,545 schools in line with modern requirements and seven specialized schools for children with disabilities. The delegation indicated that, in 2006, Azerbaijan and UNICEF signed an action plan for juvenile justice reform.

24. Algeria asked about measures taken in particular in light of the 2007 CEDAW recommendation to adopt a bill on domestic violence. Algeria encouraged Azerbaijan to devote increasing attention to the struggle against violence against women, especially through the implementation of social measures. Algeria recommended that Azerbaijan to continue its efforts in the reduction of poverty and to envisage the sharing of best practices with interested countries.

25. Slovenia commended Azerbaijan for ratifying both Optional protocols to CRC in 2002. Slovenia noted the efforts in the education sector, especially in regard to IDPs. It also noted that the long lasting conflict had had a negative impact on the quality of education for displaced children and that the financial and social hardships for their families, the material condition of schools, the quality of teachers and the psychological condition of displaced children all played a potentially adverse role. Slovenia recommended the authorities of the republic of Azerbaijan to fully implement the recommendations of the United Nations study on violence against children.

27. Uzbekistan welcomed the achievements reached in crime suppression and reform of the penitentiary system, in defending social security, rights of women and children. Positive steps have also been reflected in the development of non-governmental organizations (NGOs): in the Parliament, standing commissions’ special working groups are cooperating with NGOs to develop draft legislation.

28. Cuba noted measures such as the 2002 law guaranteeing equality between men and women and inquired about other initiatives to eliminate gender inequality. Cuba underlined the work done with detainees and appreciated the National Plan and legislation to protect children. Cuba recommended that Azerbaijan continue efforts already underway to improve the living standards of its people and to ensure the social protection of its people based on a vigorous development of the economy and an appropriate distribution of wealth. It further recommended that Azerbaijan continue with national programmes already undertaken to reduce any form of discrimination against women until it is totally eliminated, as it is through this that it can protect the most vulnerable sections of the population, including women and children.

29. Germany strongly recommended that Azerbaijan take all necessary measures to ensure that the law on freedom of assembly is not applied in an unduly strict manner by the local authorities, to consider abolishing the pre-approval requirement for public assemblies altogether and to replace it with an obligation of notification for the organisers of public assemblies. Germany also recommended that Azerbaijan take all the necessary measures to shorten the pre-trial detention of all persons arrested on criminal charges, in particular that of minors, and create separate detention facilities for the latter. Germany recommended that the government urgently improve prison conditions.

30. Belarus stated that events have been held to improve the judicial system, and technical facilities in courts have been upgraded. It also noted measures to eliminate poverty and to increase the level of social protection. Belarus recommended that Azerbaijan continue to support a high level of socio-economic protection. Serious attention given to the exercise of rights in defence of women and children has resulted in legislation enshrining provisions for gender equality and a new juvenile justice system. Belarus also recommended Azerbaijan to continue providing accessibility and high calibre education at all levels.

31. Republic of Korea applauded the cooperation between the penitentiary administration and NGOs in monitoring the situation in detention facilities, as exemplified by the International Committee of the Red Cross’ visits. The Republic of Korea is still concerned about the situation of vulnerable groups such as children and women among the refugees and IDPs and made a reference to the Committee on the Rights of the Child (CRC) which recommended that Azerbaijan address the special needs and rights of displaced and refugee children, and CEDAW which urged Azerbaijan to implement targeted measures to improve the access of refugees and internally displaced women and girls to education, employment, health and housing.

32. China commended Azerbaijan for improving prison conditions, assisting vulnerable groups, dealing with human trafficking, strengthening traditional justice and promoting the rights of women and children. China indicated that Azerbaijan trained judicial personnel on human rights. It noted the challenge faced by Azerbaijan in eradicating violence against women and pursuing perpetrators.

33. Mexico recommended Azerbaijan to comply with the recommendations made by Treaty Bodies and Special Procedures and, in this connection, recommended to establish mechanism to monitor ethnic minorities and other vulnerable groups, including migrants and asylum seekers, and to allow these groups to access all rights enjoyed by the rest of the population. In order to prevent and to combat
discrimination against women, Mexico recommended to adopt specific legislation on violence against women and forced marriages, in conformity with the Convention on the Elimination of All Forms of Discrimination of Women and the Convention on the Rights of the Child. Mexico recommended improving the administration of justice, including the establishment of a system of inspection of detention centres and a system to follow-up complaints of allegations of torture. Finally, Mexico recommended the establishment of inter-institutional mechanism, in which relevant civil society actors will participate, in order to implement UPR recommendations as well as Human Rights Council’s Special Procedures and Treaty Bodies recommendations.

35. Saudi Arabia noted that the Constitution contains provisions aimed at protecting human rights and includes measures geared towards overcoming the difficulties which Azerbaijan needs to cope. Azerbaijan’s experience in promoting human rights elicits the following question: What difficulties is Azerbaijan facing in the provision of more health and education services for children? What role are international organizations (such as UNICEF) playing in the development of the rights of the child in Azerbaijan? In the light of the above, Mr. Chairman, my country’s delegation commends the real achievements made by Azerbaijan in the field of human rights and recommended that the positive aspects of those achievements be taken into consideration in order to act as an incentive and a stimulus for further progress in the promotion and protection of human rights in Azerbaijan.

38. Qatar noted the separation of powers underlined in the Constitution and that the final objective of the state is to protect human rights and fundamental freedoms. It also noted that the Constitution indicates that ratified treaties become part of national law and have supremacy over other laws. It welcomed the adoption of a number of, including on the rights of children. Qatar expressed the hope that Azerbaijan will overcome the remaining obstacles, particularly where children and IDPs are concerned.

41. Egypt welcomed the establishment of the Human Rights Commissioner, which also includes a Special Counsellor on gender equality, as well as the State Committee on Women’s Affairs. Egypt referred to the recommendation of CRC that this Office include a unit on children’s rights. It welcomed the cooperation between Azerbaijan and the Human Rights Council, OHCHR and the different treaty bodies. It recommended that Azerbaijan continue efforts to promote and protect human rights in collaboration with the Human Rights Council and OHCHR on the basis of the needs identified by Azerbaijan and also continue its efforts to ensure that national laws are consistent with international obligations, and to further their implementation on the ground.

44. The Czech Republic recommended to issue and implement a standing invitation to all Special Procedures. It recommended Azerbaijan to address persisting problems of prison conditions, such as overcrowding and insufficient health care and to establish an independent mechanism to overview conditions in detention facilities, with particular focus on conditions of children and their protection against violence and abuse. Referring to recommendations made by CAT, the Czech Republic recommended Azerbaijan to provide law enforcement and judicial officials with specific education/sensitivity training towards the protection of children, women and persons of minority sexual orientation or gender identity. The Czech Republic recommended Azerbaijan to take concrete measures to ensure necessary resources to increase effectiveness of the protection of children rights, including effective monitoring of conditions in institutional care and establishing of a complaint mechanism for children, to develop and adjust new mechanisms for the protection of children based on serious research and wide piloting, and to create mechanisms to deliver foster care services. The delegation finally recommended bringing rules on broadcasting in compliance with relevant provisions of ICCPR, releasing persons held in prisons for their political views and adopt safeguards against arbitrary or politically motivated detention and trials including through ensuring full independence and transparency of judiciary.

52. Austria welcomed the Rights of the Child Act and the National Plan of Action for Human Rights Protection but said that their implementation reportedly face challenges. Austria recommended that Azerbaijan take concrete steps and ensure that all necessary resources are provided to government agencies in order to increase the efficiency of a child protection system. It also recommended that Azerbaijan ensure that pilot initiatives at regional level are fully supported by the federal government with a view to consider developing inter alia an independent, nationally coordinated statutory service, which could act as a referral and decision- making body. Austria noted the 2006 State Programme for the Placement of Children living in State Institutions in Families and Alternative Care as well as the project to create surrogate families for homeless and orphaned children. Austria recommended that Azerbaijan take concrete steps to make other forms of alternative care more accessible, i.e. promote guardianship and foster care systems as well as develop community based family support services that prevent the abandonment of children from their families.

53. Hungary expressed that it is important that children have a safe and harmonious family background and therefore welcomed measures taken in this regard. Hungary was concerned that children may still suffer neglect, corporal punishment and abuse, including sexual abuse in the family. It indicated that trafficking in human beings also remains a problem and that the risk is even higher for children who are illegally adopted from orphanages for the purpose of trafficking in organs. Hungary recommended that Azerbaijan take adequate measures to further defend children’s rights. Hungary also recommended that Azerbaijan take the necessary measures so that
persons below 18, being under arrest, would not be subject to corporal punishment or other forms of ill-treatment.

54. Russian Federation noted that over the last years, Azerbaijan managed to achieve considerable success in improving its human rights situation and that it has continued to improve its national legislation. It considered it important to look at the experiences of Azerbaijan in resolving social and economic issues, and especially the situation of children who lack supervision. The Russian Federation recommended that Azerbaijan continue its sustained work in the implementation of State program, over a period of 10 years, to transfer children from State institutions to families and alternative care.

55. Azerbaijan welcomed the recommendations made and indicated that it will address progress made and constraints in a frank manner. Regarding the strengthening of the judiciary, the delegation recalled its introductory statement and added that the selection of judges is fully transparent. In addition, new specialized courts are due to be established such as juvenile courts and new administrative courts. A great attention is paid to the training and re-training of judges and law enforcement officials. Attention is paid to expand access to justice and targeted measures include the establishment of six regional courts of appeal in addition to that in Baku.

57. Regarding children without supervision, Azerbaijan noted cases of abuse of authority by the police but that necessary measures have been taken. On corruption, by a 2006 Decree, a structure for internal investigations was established within the Ministry of Interior. Over the past years, a number of cases of human rights violations by the police were registered, which led to disciplinary measures, prosecution and dismissals.

58. On children’s rights, efforts have been undertaken in line with the CRC, including the 2005 Law on street children and children without parental supervision. Over the last few years, more than 1000 children were taken out of the street and received assistance tailored to their needs including education and issuance of identification documents. To this end, Azerbaijan cooperates with human rights institutions, SCFWC and NGOs. In 2007 and 2008 a training course on street children was conducted and a foster institution for street children was created.

60. On poverty, the delegation recalled that the poverty rate decreased in 2008 and referred to the prior mentioned 2008-2015 State programme. On institutionalisation and alternative care for children, Azerbaijan referred to the 2006-2015 State programme conducted with UNICEF and NGOs.

62. On children’s rights, the delegation said that a national programme was being drafted, and that a supplement to the criminal code had been adopted emphasizing rehabilitation of children. There is only one educational institution, which is overcrowded, but measures will be taken in the reform of the penitentiary system. The ICRC can visit penitentiary institutions without obstacles and a Public Affairs Committee was established within the Ministry of Justice made up of NGOs, which monitors the situation in full transparency.

66. Chile expressed concern at, inter alia, persistent cases of intimidation, cruel treatment and torture, prison conditions and judicial procedures, restrictions on freedom of assembly and expression. Chile recommended to promote and strengthen international humanitarian cooperation and assistance so as to provide for programmes and mechanisms to contribute to the elimination of threats and limitations to human rights of refugee and displaced persons. Chile also recommended to speed up the implementation of legal framework, as well as improve systems and procedures for the administration of justice and to make further progress on public governance. Chile recommended to increase the protection mechanisms for women and children as well as measures to disseminate and make their implementation more effective.

67. Democratic People’s Republic of Korea appreciated the establishment of the Institution of Ombudsman and Presidential Pardons Commission. It was impressed by Azerbaijan’s ratification of the major human rights instruments and efforts to observe reporting obligations. It asked Azerbaijan to elaborate on plans to further improve the situation of women and children.

68. Kazakhstan noted the work undertaken to reform the judiciary and was pleased to note that Azerbaijan, is implementing measures to ensure the effective administration of justice. It expressed satisfaction at the policy on the protection of the rights of the family, women and children. Kazakhstan recommended that Azerbaijan continue its effective work in the area of defending these rights.

72. Sudan commended Azerbaijan for protecting and promoting human rights, especially the rights of vulnerable groups, and noted Azerbaijan’s also continued focus on the right of the child. Sudan recommended Azerbaijan to continue its cooperation with the international community, especially in two fields: the solution of problems of refugees and IDPs; and its 2006-2015 State program on poverty alleviation and development.

80. Senegal welcomed the possibility afforded to NGOs to submit draft legislation and to participate in the consideration and adoption of those bills, noting that it is a practice in which Azerbaijan could take pride. In the light of the excellent provisions adopted by Azerbaijan concerning human rights issues, Senegal encouraged Azerbaijan to hold fast to its course so as to strengthen its efforts in the area of protecting the rights of the child and eradicating poverty.

81. Syrian Arab Republic stated that Azerbaijan achieved progress, inter alia, by the the protection of the independent judicial power of the courts including the Constitutional Court. As a member of the CoE, Azerbaijan recognizes the jurisdiction of the European Court of Human Rights. It took note with appreciation of the efforts to provide all basic human services to more than one million Azerbaijani refugees and IDPs, especially women and children.

83. Chad encouraged Azerbaijan to continue its efforts to improve the human rights situation in the country and urged the international community to assist the country in coping with the challenges. However, Chad expressed concern at reports of the abortion of female foetuses by families which preferred not have female children.

89. The Philippines inquired as to the main obstacles faced in implementing the national law and action plan against human trafficking
and as to the measures it is taking to address high rates of maternal mortality. The Philippines recommended that Azerbaijan continue efforts to eradicate poverty, paying special attention to the situation of street children and children with disabilities. The Philippines also recommended that Azerbaijan share best practices in promoting religious tolerance and harmony in society.

90. India appreciated efforts to reduce poverty and strengthen human rights, including those of its ethnic minorities and IDPs. India asked about Azerbaijan’s specific laws on gender equality and other efforts to impart greater awareness about gender sensitivity. Concern has also been expressed about the decline in education standards and school enrolment rates. India requested information on progress in reforming the judiciary and measures adopted to tackle human trafficking.

Conclusions and Recommendations

4. Ensure that pilot initiatives at regional level are fully supported by the federal government with a view to consider developing inter alia an independent, nationally coordinated statutory service, which could act as a referral and decision-making body (Austria); take concrete measures to ensure that institutions are adequately scrutinized with respect to quality standards of care and the possibility of redressing abuse and violations in order to increase the efficiency of the child protection system (Austria);

7. Provide law enforcement and judicial officials with specific education/sensitivity training towards the protection of children, women and persons of minority sexual orientation or gender identity (Czech Republic);

8. Devote increasing attention to the struggle against violence against women, especially through the implementation of social measures in this field (Algeria); take all measures to grant access to justice for all women victim of violence, and take measures for their protection and the rehabilitation, and to train police authorities on violence against women (France);

9. Continue and intensify its efforts on behalf of children and women generally, to ensure their safety in the domestic environment and to remove any obstacles to their education, development and access to equal opportunities (Indonesia); further developing measures against domestic violence against women (Lithuania), Victims of domestic violence should have possibility to use appropriate means of redress and access to shelters (Lithuania); take concrete steps and ensure that all necessary resources are provided to government agencies in order to increase the efficiency of a child protection system (Austria); continue efforts in the direction of the positive improvements in women and children’s rights, especially measures taken to combat domestic violence (Afghanistan);

10. Increase the protection mechanisms for women and children as well as measures to disseminate and make their implementation more effective (Chile);

11. Fully implement the recommendations of the United Nations study on violence against children (Slovenia); take the necessary measures so that persons below 18, being under arrest, would not be subject to corporal punishment or other forms of ill-treatment (Hungary); take necessary measures aimed at prohibiting all forms of corporal punishment against children (Brazil); step up its social integration policies and education programmes to eradicate the current situation of children living on the street who are victims of sexual exploitation and physical abuse (Argentina);

12. Take concrete measures to ensure necessary resources to increase effectiveness in the protection of rights of the child, including through effective monitoring of conditions in institutional care and establishing of a complaint mechanism for children, to develop and adjust new mechanisms for the protection of children based on serious research and wide piloting, and to create mechanisms to deliver foster care services (Czech Republic); Take adequate measures to further defend children’s rights (Hungary);

20. Increase the efforts to ensure that detention conditions fully meets international human rights standards (Sweden); Improve the living standards and conditions in prisons (Poland); Take all the necessary measures to shorten the pre-trial detention of all persons arrested on criminal charges, in particular that of minors, and create separate detention facilities for the latter as well as to urgently improve prison conditions (Germany); Address persisting problems, such as overcrowding and insufficient health care and to establish and independent mechanisms to overview conditions in detention facilities, with particular focus on conditions of children and their protection against violence and abuse (Czech Republic);

22. Continue its efforts to improve and ensure access to education for all children and to include human rights teaching in school programs (Algeria); Continue providing accessibility and high calibre education at all levels (Belarus); Consider widely disseminate information on the provision of CEDAW to the public through education system, awareness-raising campaigns and gender sensitivity training (Malaysia); Develop a national strategy to guarantee better access to education to all children and to include in the school system, at all levels, appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);

23. Take concrete steps to make other forms of alternative care more accessible, i.e. promote guardianship and foster care systems as well as develop community based family support services that prevent the abandonment of children from their families (Austria); Continue its sustained work in the implementation of State program, over a period of 10 years, to transfer children from State institutions to families and alternative care (Russian Federation);

24. Continue its efforts in the reduction of poverty and to envisage the sharing of best practices with interested countries (Algeria); Review its Poverty Reduction Programmes with a view to addressing the root causes of poverty and the adoption of effective ways of dealing with the social challenges (South Africa); Continue efforts to eradicate poverty, paying special attention to the situation of street children and children with disabilities (Philippines);

26. Continue its effective work in the area of defending the rights of the family women and children (Kazakhstan);