



**Convention on the  
Rights of the Child**

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**Committee on the Rights of the Child**

**Initial report submitted by the Republic of  
Azerbaijan under article 12, paragraph 1, of the  
Optional Protocol to the Convention on the Rights  
of the Child on the sale of children, child  
prostitution and child pornography\***

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## **I. Introduction**

1. The Republic of Azerbaijan devotes particular attention to the protection of human rights and freedoms, especially children's rights and freedoms, as is evidenced by the ratification in 1992 of the Convention on the Rights of the Child.
2. Azerbaijan has acceded to the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.
3. The provisions of the Convention and the Optional Protocols thereto have been reflected in national legislation.
4. This report sets out the general situation in Azerbaijan as it pertains to the Optional Protocols to the above-mentioned Convention.
5. The report was drafted on instructions from the Cabinet of Ministers, on the basis of information supplied by the relevant Government bodies.

## **II. Information on implementation of the provisions of the Protocol**

### **A. Prohibition on the sale of children, child prostitution and child pornography**

6. The protection of human rights and freedoms in Azerbaijan is seen as a determining factor in the existence of a democratic State governed by the rule of law.
7. In order to ensure that the relevant Government bodies are properly equipped to take mutual action to combat trafficking in human beings, in 2004 a national plan of action to combat trafficking in persons was approved by a presidential order.
8. The national plan of action sets out basic responsibilities in the campaign against trafficking, defines the involvement of various bodies (the central authorities, NGOs, international partners and others) in the performance of these responsibilities, outlines the functions of the national coordinator in harmonizing the efforts of these various bodies and identifies other activities designed to combat trafficking in human beings.
9. On 28 June 2005, the Act on combating trafficking in persons was passed, with a view to putting in place the necessary legal and institutional framework to prevent and combat human trafficking, to define the legal status of trafficked persons in Azerbaijan, to resolve matters related to the protection of victims of trafficking and to render them assistance.
10. Pursuant to the Act, a special police unit was established within the Ministry of Internal Affairs to ensure the effective performance of the responsibilities set out in the national plan of action, to secure the safety of victims of trafficking and render them qualified assistance, and to facilitate the collation and preservation of data related to efforts to combat trafficking in persons by specially trained police officers and employees provided with the necessary equipment.
11. Article 1 of the Act, contains the following definitions:
  - Trafficking in persons: the recruitment, receipt, holding, harbouring, transportation, transfer or receipt of persons, by means of the threat or use of force, threats or other forms of coercion, of

abduction, of fraud, of deception, of the abuse of influence or of a position of vulnerability or of the giving or receiving of material or other valuables, benefits or concessions to achieve the consent of a person having control over another person, for the purpose of exploitation. (The recruitment, receipt, holding, harbouring, transportation, transfer or receipt of a child for the purpose of exploitation is considered trafficking in persons, even without the use of the means specified in the article.)

- Exploitation of persons: forced labour or services, sexual exploitation, slavery or practices similar to slavery or the resulting state of servitude, unlawful removal of human organs or tissue, conduct on a person of unlawful biomedical experiments, use of a woman as a surrogate mother or enticement into unlawful — including criminal — activities. (The consent of a victim of trafficking in persons to exploitation is irrelevant where the means specified in article 1.0.1 have been used.)
- Forced labour or services: the unlawful coercion of a person to perform certain work or provide certain services.
- Sexual exploitation: the use of a person in prostitution, sexual slavery or the production of pornographic materials, or the receipt of profit from the sexual exploitation of others.
- Slavery: the exercise over a person of any or all of the powers attaching to the right of ownership.
- Practices similar to slavery: the practices and institutions referred to in article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted on 30 April 1956.
- Person engaging in trafficking in persons: a natural or legal person engaging in activities connected with trafficking in persons.
- Victim of trafficking in persons: a person presumed to be a victim of trafficking in persons.
- Child: a person under 18 years of age.

12. In accordance with the Rights of the Child Act, films, books and other materials containing propaganda for violence or tyranny and materials with erotic or pornographic content that may have a harmful effect on children's minds and moral development may not be distributed or shown to children; the use of children in the production of such materials is also prohibited. The State protects children against all forms of exploitation and heavy, harmful or dangerous work, using social, legal, economic, medical and educational means.

13. The Criminal Code, approved by the Act of 30 December 1999, contains provisions aimed at preventing offences involving trafficking in persons, child prostitution and child pornography. In addition to provisions establishing liability for violent acts of a sexual nature (art. 150), coercion to engage in acts of a sexual nature (art. 151), sexual intercourse and other acts of a sexual nature with a person under 16 years of age (art. 152), indecent assault (art. 153), enticement of a minor into prostitution or the commission of immoral acts (art. 171), unlawful adoption (art. 174) and enticement into prostitution (art. 243), the Code now also contains articles criminalizing trafficking in persons (art. 144-1), forced labour (art. 144-2) and disclosure of confidential information on a victim of trafficking in persons (art. 316-1). These articles were inserted in the Code following the enactment on 28 June 2005 of the Act on combating trafficking in persons. Article 144-1 (Trafficking in persons) reads as follows:

144-1.1 Trafficking in persons, that is the purchase and sale of persons or the conclusion of any transactions with a view to gaining possession of persons, or their recruitment, receipt, holding, harbouring, transportation, transfer or receipt for the purpose of their conveyance across the State border of the Republic of Azerbaijan with a view to their exploitation or transfer to third parties for the same purpose,

shall be punishable by deprivation of liberty for a period of from 5 to 10 years with confiscation of property.

- 144-1.2 The same acts if committed:
- 144-1.2.1 Against two or more persons;
- 144-1.2.2 Against a minor;
- 144-1.2.3 Against a woman whom the perpetrator knows to be pregnant;
- 144-1.2.4 By a group of individuals acting by prior conspiracy, an organized group or a criminal association or criminal organization;
- 144-1.2.5 By a perpetrator using his or her official position;
- 144-1.2.6 With the use or threat of force endangering life or health;
- 144-1.2.7 With the infliction of suffering on the victim or of cruel, inhuman or degrading treatment;
- 144-1.2.8 For the purpose of using the victim's organs or tissue; shall be punishable by deprivation of liberty for a period of from 8 to 12 years with confiscation of property.

144-1.3 Where the acts referred to in articles 144-1.1 and 144-1.2 result, through negligence, in the victim's death or other serious consequences, they shall be punishable by deprivation of liberty for a period of from 10 to 15 years with confiscation of property.

#### **Note**

The term "exploitation of a person" means forced labour or services, sexual exploitation, slavery or practices similar to slavery or the resulting state of servitude, unlawful removal of human organs or tissue, conduct on a person of unlawful biomedical experiments, use of a woman as a surrogate mother or enticement into unlawful — including criminal — activities.

Neither the consent of a victim of trafficking in persons to exploitation, nor the victim's lifestyle or immoral behaviour, may be considered circumstances mitigating the punishment of a perpetrator.

Article 144-2.1 (Forced labour) reads as follows:

- 144-2.1 The coercion of a person to perform certain work or provide certain services through threats or the use or threat of force and the restriction of his or her freedom, other than in specific cases prescribed by law, shall be punishable by punitive work for a period of up to 2 years or by deprivation of liberty for the same period.
- 144-2.2 The same acts if committed:
- 144-2.2.1 Against two or more persons;
- 144-2.2.2 Repeatedly;
- 144-2.2.3 Against a minor;
- 144-2.2.4 Against a woman whom the perpetrator knows to be pregnant;
- 144-2.2.5 By a perpetrator using his or her official position;

144-2.2.6 By a group of individuals acting by prior conspiracy, an organized group or a criminal association or criminal organization; shall be punishable by deprivation of liberty for a period of from 3 to 5 years.

144-2.3 Where the acts referred to in articles 144-2.1 and 144-2.2 result, through negligence, in the victim's death or other serious consequences, they shall be punishable by deprivation of liberty for a period of from 5 to 10 years.

Article 150 (Violent acts of a sexual nature) reads as follows:

150.1 Sodomy or other acts of a sexual nature involving the use or threat of force against the victim or other persons or the abuse of the victim's state of helplessness shall be punishable by deprivation of liberty for a period of from 3 to 5 years.

150.2 The same acts if:

150.2.1 Committed by a group of individuals, a group of individuals acting by prior conspiracy or an organized group;

150.2.2 Resulting in the victim's infection with a venereal disease;

150.2.3 Committed against a person whom the perpetrator knows to be a minor;

150.2.4 Committed with the infliction of particular cruelty on the victim or other persons;

150.2.5 Committed repeatedly; shall be punishable by deprivation of liberty for a period of from 5 to 8 years.

150.3 The same acts if:

150.3.1 Resulting, through negligence, in the victim's death;

150.3.2 Resulting, through negligence, in the victim's infection with HIV or other serious consequences;

150.3.3 Committed against a person whom the perpetrator knows to be under 14 years of age; shall be punishable by deprivation of liberty for a period of from 8 to 15 years.

Under article 151 (Coercion to engage in acts of a sexual nature):

The coercion of a person to engage in sexual intercourse, sodomy or other acts of a sexual nature by threatening to destroy, damage or remove property or by abusing the victim's material or other dependence shall be punishable by a fine of from 500 to 1,000 nominal financial units or by punitive work for a period of up to 2 years or by deprivation of liberty for a period of up to 3 years.

Article 152 (Sexual intercourse and other acts of a sexual nature with a person under 16 years of age) states that:

The commission of sexual intercourse or other acts of a sexual nature by a person who has attained the age of majority with a person known by him or her to be under 16 years of age shall be punishable by restriction of liberty for a period of up to 3 years or by deprivation of liberty for the same period.

Under article 153 (Indecent assault):

The commission of indecent assault not involving the use of force on a person whom the perpetrator knows to be under 14 years of age shall be punishable by a fine of from 500 to 1,000 nominal financial units or by punitive work for a

period of up to 2 years or by restriction of liberty or deprivation of liberty for the same period.

Article 171 (Enticement of a minor into prostitution or the commission of immoral acts) reads as follows:

171.1 The enticement of a minor into prostitution or the commission of other immoral acts shall be punishable by deprivation of liberty for a period of from 3 to 6 years.

171.2 The same acts if committed:

171.2.1 With the use or threat of force;

171.2.2 By an organized group; shall be punishable by deprivation of liberty for a period of from 4 to 8 years.

Article 174 (Unlawful adoption) provides that:

Unlawful acts committed for purposes of personal gain in connection with the adoption of children or their placement in tutorship or guardianship or in a foster family shall be punishable by a fine of from 100 to 300 nominal financial units or by punitive work for a period of up to 1 year or by deprivation of liberty for a period of up to 6 months with or without forfeiture of the right to hold certain posts or engage in certain activities for a period of up to 3 years.

Under article 242 (Unlawful dissemination of pornographic materials or objects):

The unlawful production for purposes of dissemination or advertising and the dissemination or advertising of pornographic materials or objects, and the unlawful trade in printed matter, cinema or video films, images or other items of a pornographic nature, shall be punishable by a fine of from 1,000 to 3,000 nominal financial units or by restriction of liberty for a period of up to 2 years or by punitive work for the same period.

Article 243 (Enticement into prostitution) reads as follows:

243.1 The enticement of a person into prostitution through the use or threat of force, blackmail, destruction of or damage to property or deception, where such act is committed for monetary or other gain, shall be punishable by a fine of from 500 to 1,000 nominal financial units or by community service for a period of from 160 to 240 hours or by deprivation of liberty for a period of up to 3 years.

243.2 The same act if committed:

243.2.1 Through the abuse of a person's state of helplessness or physical or mental disabilities;

243.2.2 By an organized group; shall be punishable by deprivation of liberty for a period of from 3 to 6 years.

Article 244 (Keeping of dens of prostitution) states that:

244.1 The setting up or keeping of dens of prostitution or the provision of residential premises for such purposes shall be punishable by community service for a period of from 200 to 240 hours or by punitive work for a period of up to 2 years or by deprivation of liberty for a period of up to 3 years.

244.2 The same acts if committed:

244.2.1 Repeatedly;

244.2.2 By a group of individuals acting by prior conspiracy or an organized group; shall be punishable by deprivation of liberty for a period of from 3 to 6 years.

Article 316-1 (Disclosure of confidential information on a victim of trafficking in persons) reads as follows:

316-1.1 The unlawful gathering or deliberate disclosure of confidential information on a victim of trafficking in persons shall be punishable by a fine of from 100 to 500 nominal financial units or by community service of up to 200 hours or by punitive work for a period of up to 1 year.

316-1.2 The same acts if committed by a perpetrator using his or her official position shall be punishable by a fine of from 500 to 1,000 nominal financial units or by punitive work for a period of up to 1 year or by deprivation of liberty for a period of up to 6 months.

316-1.3 The same acts if resulting in serious consequences shall be punishable by deprivation of liberty for a period of from 1 to 5 years.

**Note**

The term “confidential information” in this article means any information the disclosure of which might endanger the lives or health of victims of trafficking in persons or of their close relatives or of persons assisting in combating trafficking.

14. The following new article has been added to the Code of Administrative Offences, the Code itself having been approved by the Act of 11 July 2000:

Article 150-1 Carriage of passengers without documents

The carriage by persons engaged in international shipping of passengers who do not have the requisite documents for entry into the territory of a given State or for their departure from the territory of that State shall be punishable, in the case of natural persons, by a fine of from 30 to 40 nominal financial units, in the case of officials, by a fine of from 80 to 90 nominal financial units or, in the case of legal persons, by a fine of from 200 to 300 nominal financial units.

15. In addition, in accordance with article 308 of the Code, a fine of from 35 to 40 nominal financial units may be imposed for engaging in prostitution.

16. Under article 27 of the Criminal Code, the attempted commission of an offence is classed as an incomplete offence. Criminal liability for an incomplete offence is incurred under the article of the Code that establishes liability for the completed offence, with reference to article 29 of the Code.

17. Article 29 defines the attempted commission of an offence as intentional deeds (acts or omissions) of a person aimed directly at the commission of an offence where the offence is not completed owing to circumstances beyond the person’s control.

18. Under article 32 of the Code, a person who organizes, incites or abets the commission of an offence is considered to be an accomplice in the offence, together with the perpetrator.

19. As stated in the Code, the liability of accomplices in an offence is determined according to the actual nature and degree of participation of each such person in the commission of the offence.

20. Under articles 32.3 and 32.4 of the Code:

- A person who organizes or directs the commission of an offence or who establishes or runs an organized group or a criminal association or criminal organization is classed as an organizer



- A person who incites another to commit an offence through persuasion, bribery, threats or other means is classed as an instigator

21. In accordance with article 33.3 of the Code, organizers and instigators of an offence incur criminal liability under the corresponding article of the Special Part, with reference to article 32 of the Code, except where they are simultaneously co-perpetrators of the offence.

22. Under article 15 of the Code, offences are subdivided, depending on the nature of the deed (the act or the omission) and the degree of social danger posed, into offences that do not pose a significant social danger, less serious offences, serious offences and especially serious offences.

23. Article 15 does not indicate directly whether a particular category of offence applies to an article of the Special Part as a whole (where the article is divided into sections) or separately, to each section of the article. This is because the length of the maximum penalty provided for in the different sections of an article may serve as the basis for assigning the acts referred to in the article to the various categories of offence.

24. Thus, the acts referred to in article 171.1 — enticement of a minor into prostitution or the commission of other immoral acts — are categorized as less serious offences. The same acts if committed with the use or threat of force or by an organized group are punishable by deprivation of liberty for a period of from 4 to 8 years (art. 171.2) and are categorized as serious offences. The acts covered in articles 144-1.1 and 144-1.2 are categorized as serious offences, and those in article 144-1.3 as especially serious offences.

25. Azerbaijani legislation provides for civil and administrative penalties for legal persons.

26. In accordance with the Act on combating trafficking in persons, a legal person operating in the territory of Azerbaijan (or a branch or office of such legal person) may be wound up if it is linked to human trafficking under the procedure established by law. On the winding up of a legal person found, under the procedure established by law, to be linked to human trafficking, its funds are transferred to the account of the fund for assistance to victims of trafficking.

## **B. Criminal procedure**

27. Article 11 of the Criminal Code (Application of criminal law to persons who have committed an offence in the territory of the Republic of Azerbaijan) provides that:

A person who has committed an offence in the territory of the Republic of Azerbaijan shall incur criminal liability under the present Code. An offence initiated, continued or completed in the territory of the Republic of Azerbaijan shall be deemed to have been committed in the territory of the Republic of Azerbaijan.

An offence committed in the territorial waters of the Republic of Azerbaijan, the sector of the Caspian Sea belonging to the Republic of Azerbaijan, the airspace above the Republic of Azerbaijan or in its economic zone shall be deemed to have been committed in the territory of the Republic of Azerbaijan.

A person who has committed an offence on a vessel or aircraft registered in an airport or a seaport of the Republic of Azerbaijan while it is sailing on the high seas or flying in the airspace outside the boundaries of the Republic of Azerbaijan under the flag or registration mark of the Republic of Azerbaijan shall incur criminal liability under the present Code.

28. Under article 12 (Application of criminal law to persons who have committed an offence outside the Republic of Azerbaijan):

Citizens of the Republic of Azerbaijan and stateless persons permanently resident in the Republic of Azerbaijan who have committed a deed (an act or an omission) outside the Republic of Azerbaijan shall incur criminal liability under the present Code if this deed is deemed to be an offence in the Republic of Azerbaijan and in the State in the territory of which it was committed and if these persons have not been convicted in the foreign State.

Under the present Code, criminal proceedings may be brought against foreign nationals and stateless persons who have committed an offence outside the Republic of Azerbaijan if the offence was directed against citizens of the Republic of Azerbaijan or the interests of the Republic of Azerbaijan and in the cases stipulated by the international treaties to which the Republic of Azerbaijan is a party, if they have not been convicted in a foreign State.

29. Citizens of the Republic of Azerbaijan, foreign nationals and stateless persons who have committed any of the offences referred to in article 12.3 of the Criminal Code, or other crimes that are deemed to be punishable offences under the international agreements to which Azerbaijan is a party, incur criminal liability and are subject to punishment under the Code, irrespective of the *locus delicti*.

30. Under article 27 of the Act on combating trafficking in persons, citizens of the Republic of Azerbaijan, foreign nationals and stateless persons who have committed offences related to trafficking in persons incur criminal liability by virtue of the Criminal Code of Azerbaijan, irrespective of the *locus delicti*.

31. In accordance with articles 502 and 504 of the Code of Criminal Procedure, the prosecutorial authority of Azerbaijan is obliged, at the official request of the competent authority of a foreign State, to prosecute Azerbaijani citizens suspected of having committed offences in the territory of the requesting State, in accordance with the legislation of Azerbaijan. The prosecutorial authority of Azerbaijan with which the request is filed must inform the competent requesting authority of the foreign State of the outcome of criminal proceedings. If the competent requesting authority of the foreign State so requests, it is also sent a copy of the final decision in the case.

32. According to an analysis of offences committed against minors in the period 2005–2006, there were 296 offences against sexual freedom, including 234 committed against persons under 16 years of age; 31 offences involving violent acts of a sexual nature or coercion to engage in acts of a sexual nature; 10 cases of enticement into prostitution; 9 rapes; and 12 indecent assaults. Of the 310 individuals identified as perpetrators of or suspects in these offences, 291 were prosecuted. In the first quarter of 2007, there were 41 offences against minors, including 2 rapes, 4 offences involving acts of a sexual nature, 17 cases of enticement into prostitution of a person who has not attained the age of majority; and 3 cases of enticement of a minor into prostitution.

33. In the period 2005–2006, the investigative work carried out by law enforcement agencies combating trafficking in children and the abduction and sale of children led to the detection of 16 offences; 18 persons were investigated in connection with these offences, and 16 victims were found and rehabilitated.

**Number of persons convicted under specific articles of the Criminal Code in the period 2005–2006**

Year	Articles	114	116	144-1	144-2	150	151	152	171	174	242	279	316-1
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2005	0	0	0	0	37	3	109	1	0	6	3	0
2006	0	0	9	0	40	1	98	2	0	4	13	0

### C. Extradition

34. By virtue of the Act on combating trafficking in persons, traffickers and other individuals involved in the commission of acts related to human trafficking may be extradited to a foreign State, in accordance with Azerbaijani legislation and the international treaties to which Azerbaijan is a party, for the purpose of prosecution or enforcement of a sentence.

35. Under articles 1 and 2 of the Act on extradition of persons who commit offences, the extradition of a person residing or staying in the territory of the Republic of Azerbaijan for acts committed by him or her outside Azerbaijan for the purpose of prosecution by a foreign State or enforcement of a sentence imposed by a court is governed by the Constitution of the Republic of Azerbaijan, the Act itself, the criminal law, the law of criminal procedure and other legislative acts, and by the international treaties to which Azerbaijan is a party.

36. Where there is no treaty on the extradition of persons who commit offences between Azerbaijan and the requesting foreign State, the provisions of the Act itself are applied, taking into account the principle of mutual assistance.

37. A person whose extradition is requested by a foreign State may be extradited only if the act he or she committed is deemed to be an offence under the legislation of Azerbaijan and of the requesting State and if this offence is punishable by deprivation of liberty for at least one year or by a harsher penalty.

38. A person who is sentenced by a court of a foreign State for an offence he or she has committed to deprivation of liberty or to a harsher penalty may be extradited for the purpose of enforcement of the sentence. However, where the penalty takes the form of deprivation of liberty, the length of the unserved sentence must be at least six months. A person whose extradition is requested for the commission of several offences may be extradited only for an offence or offences that fulfil the conditions referred to above regarding the form of the penalty and the length of the sentence.

39. In conformity with article 53 of the Constitution, an Azerbaijani citizen may under no circumstances be stripped of his or her citizenship.

### D. Protection of the rights of child victims

40. Provision of legal assistance in criminal matters is governed by the Constitution, the Code of Criminal Procedure, the Act on legal assistance in criminal matters and other legislative acts, and by international treaties to which Azerbaijan is a party.

41. Where there is no treaty on provision of legal assistance between the Republic of Azerbaijan and the requesting foreign State, the provisions of the Code of Criminal Procedure and the Act on legal assistance in criminal matters are applied.

42. Legal assistance is provided through the transmission, as appropriate, of information needed in the course of the initial inquiry or judicial proceedings conducted by the competent authority of the foreign State.

43. The tasks incumbent on natural and legal persons in safeguarding the rights and freedoms of children and the basic principles for implementing Government policy and

activities of Government bodies regarding the protection of children's rights are clearly defined in the Rights of the Child Act, adopted in 1998 in keeping with the Constitution, the Declaration of the Rights of the Child, the Convention on the Rights of the Child and other international standards.

44. The accession of Azerbaijan, on 13 January 2004, to the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) was an important and necessary step towards the implementation of measures to eliminate the worst forms of child labour.

45. ILO conventions, in particular the Convention concerning Minimum Age for Admission to Employment (No. 138) and Convention No. 182, are the international instruments that define policy with respect to children's employment.

46. ILO Convention No. 138, ratified by Azerbaijan in 1993, sets the minimum age for admission of children to employment at 15 years. At the same time, it requires the determination at the national level of labour protection and safety standards for persons under 18 years of age. The Convention permits the employment of persons over 15 years of age.

47. These provisions are reflected in the Azerbaijani Labour Code, which entered into force on 1 July 2009 and was prepared taking account of international standards. The minimum age for admission to employment was fixed at 15 years, and special conditions and appropriate safeguards were established for the employment of persons under 18 years of age.

48. Under article 46, paragraph 4, of the Labour Code, when an employment contract is concluded with a person aged 15–18 years, the written consent of the parents, adoptive parents or a guardian is required, or that of persons in loco parentis. Article 249 of the Code stipulates that persons under 15 years of age may not be admitted to employment under unilateral arrangements. In order to prepare young people for work in industry, pupils of secondary general education schools, vocational colleges, lycées and special educational establishments who have attained 14 years of age may, with the consent of their parents or persons in loco parentis, be admitted to employment through participation in practical training outside school hours provided that this does not harm their health.

49. With a view to creating favourable conditions of work for persons under 18 years of age, employment legislation specifies a number of privileges for them. Persons under 16 years of age may be employed for no more than 24 hours per week, and persons aged 16–18 years for no more than 36 hours per week. Persons in the former category must receive at least 42 calendar days' leave, and persons in the latter category at least 35 days. Persons under 18 years of age must be able to take their leave at a time that is advantageous and convenient for them.

50. Persons under 18 years of age may not be employed in heavy work, in harmful conditions of work, in underground tunnels, shafts or other underground work, or in places that have a pernicious effect on children's moral development such as nightclubs, bars and casinos; this includes work associated with the production, transportation and storage of spirits, narcotic drugs or toxic preparations.

51. A list of workplaces and occupations (posts) involving heavy work or harmful conditions of work, in which children may not be employed, was approved by Cabinet of Ministers Decision No. 58 of 24 March 2000. In accordance with the standards specified in legislation, persons under 18 years of age may not be engaged to lift or carry heavy objects. Persons in this age group may be employed only after undergoing a medical examination, to be repeated annually at the employer's expense until they reach 18 years of age.

52. Persons under 18 years of age may not perform night work or overtime, work on rest days, public holidays or other days not regarded as working days, or be required to travel for work purposes. For persons in this age group, work between 8 p.m. and 7 a.m. is deemed night work and, for other employees, work between 10 p.m. and 6 a.m., in accordance with article 97 of the Labour Code.

53. An employer may not terminate an employment contract concluded with a person under 18 years of age in the event that the employee is found to be unsuitable for his or her post owing to a lack of proper training. As well as specifying privileges for persons under 18 years of age, employment legislation stipulates safeguards to ensure that they do not receive lower wages. Thus, persons under 18 years of age working reduced hours must be paid the same amount as adult employees of the establishment working in the same post and occupation.

54. The Act on the social protection of children lacking parents and parental support defines a number of measures for the social protection of such children. If a child lacking parents and parental support is dismissed from his or her employment owing to staff cuts, the employer must arrange vocational training for the child, at the employer's expense, with a view to placing him or her in a job in the employer's or another establishment.

55. In conditions of economic transition, many families experience problems with their children. These problems are mainly attributable to the economic situation, unemployment and the resulting poverty and decline in moral values. Because of financial difficulties, children from some families are forced to take to the streets to earn a living or to beg.

56. During the reporting period, large-scale events were conducted at the national and international level, giving rise to useful exchanges of views and experience; the goal was to step up the role of internal affairs agencies in protecting children and minors from the commission of offences and in securing the rights violated by such offences, as well as to examine new principles and methods of work in these areas. For example, between 2002 and 2006, more than 200 law enforcement officers took part in some 20 conferences, round tables and seminars organized with support from the United Nations Children's Fund (UNICEF), the State Committee on Refugees and Displaced Persons, the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA) and the Baku office of the Organization for Security and Co-operation in Europe (OSCE) and devoted to such topics as "The multisectoral approach to combating AIDS", "Trafficking in women and children: the new, global problem of the millennium", "Illegal migration and sexual exploitation of women and children", "International treaties: obligations and human rights", "The child, the family and society", "Preventing and combating the sexual exploitation of children and young people, and providing medical and psychological assistance", "Illegal migration and trafficking in persons", "No child ignored" (a project under which regional meetings were held), "Combating violence against children", "The rights of the child and international adoption" and "Sexual exploitation and violence against children". In addition, heads and senior officials of relevant services of the Ministry of Internal Affairs participated in regional conferences organized in October 2001 in Budapest, in December 2001 in Yokohama (Japan) and in July 2005 in Ljubljana by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO) and the Council of Europe. The conferences focused on such issues as "Commercial sexual exploitation of children", "Stopping violence against children" and "Combating the transnational sexual exploitation of children". These meetings helped to define the duties of the participating agencies and their staff.

57. It should be noted, however, that 38 per cent of displaced persons (approximately 235,000) are under 15 years of age, which renders efforts to address the problem under discussion more difficult.

58. Bearing this in mind, the State Labour Inspectorate, a unit of the Ministry of Labour and Social Welfare that monitors the enforcement of employment legislation in the regions, has established measures to strengthen regional oversight of children's employment, notably:

- Hiring of children below the minimum age for admission to employment to perform paid work
- Hazardous forms of employment where the conditions of work and the nature of the employment pose a threat to the physical, mental and material well-being of children
- The worst forms of child labour

59. In accordance with the Act on combating trafficking in persons, all property (immovable property, monies, securities and other property) obtained from human trafficking is subject to confiscation by decision of a court and transfer to the specially established fund for assistance to victims of trafficking, under the legally established procedure.

60. Confiscation of property as a penalty is provided for in article 42.0.8 of the Criminal Code. Under article 51 of the Code, confiscation of property is the mandatory, uncompensated appropriation by the State of instruments and means used by a convicted person in the commission of an offence, of objects of an offence or of property obtained by criminal means.

61. Confiscation of property is imposed only in the cases provided for in the corresponding articles of the Special Part of the Criminal Code. Where it is not possible for the State to appropriate property obtained by criminal means or objects of an offence because they have been used or sold, or for other reasons, monies belonging to the convicted person in an amount equal to the value of the property are confiscated.

62. In accordance with article 2.3.9 of the Act on legal assistance in criminal matters, seizure of property is among the means of rendering legal assistance, while article 248.1.1 of the Code of Criminal Procedure states that property may be seized, inter alia, with a view to its confiscation in the cases envisaged in criminal legislation.

## **E. Suppression of the sale of children, child prostitution and child pornography**

63. In accordance with the Act on combating trafficking in persons, the aims of efforts in this area include exposing and preventing human trafficking and dealing with its consequences. These aims are achieved, inter alia, through the restoration of the rights of victims and their social rehabilitation.

64. Preventing discrimination against victims of trafficking in society, ensuring that victims are safe and are treated with sensitivity, implementing preventive measures of a legal, political, socio-economic and administrative nature and developing international cooperation are among the fundamental elements of the campaign against trafficking in persons.

65. In addition to carrying out operations and conducting prosecutions for offences related to human trafficking, the work of the dedicated police unit within the Ministry of Internal Affairs also involves identifying and protecting victims, within the limits of its authority.

66. The training provided to officers assigned to the special police unit covers the following main areas:

(a) Obtention from victims of trafficking in persons and other sources, analysis and presentation in evidence of information, documents and other items under the procedure established by law;

(b) Methods of identifying victims of trafficking;

(c) Use of appropriate observation techniques and equipment;

(d) Rules on interaction with victims.

67. If an individual is believed to be a victim of trafficking in persons, the special police unit must be notified without delay. In order to ensure communication with the unit, the law enforcement agencies leading the efforts to combat human trafficking designate officers who act as liaisons and undergo specialized training.

68. The Ministry of Health is developing and implementing programmes and sets of integrated measures for the provision of medical, including psychological, care to trafficked persons. The Ministry of Education has made provision in the curricula of educational establishments for courses aimed at preventing human trafficking and is preparing a syllabus for the training of specialists leading the fight against that phenomenon.

69. The steps that are taken to prevent trafficking in persons include the following: engaging potential victims in socially useful work; finding them employment; encouraging business owners to hire victims of trafficking; organizing education and outreach among potential victims; informing them about the dangers awaiting victims of trafficking, about the protective measures taken by the State and about the measures implemented in the areas of administration and criminal law to combat trafficking in persons; preparing and carrying out special programmes in educational establishments, children's homes, residential schools and other organizations and institutions working to prevent child homelessness and delinquency; and arranging special training courses for employees of the agencies involved in combating human trafficking.

70. The law provides for the establishment of special facilities for the protection of victims of trafficking, including shelters to provide them with temporary accommodation and victim assistance centres. These special facilities provide all services free of charge. The charging of fees for services in such facilities is prohibited.

71. The social rehabilitation of victims of trafficking is intended to ensure their reintegration in society and return them to a normal way of life; it seeks to allow them to benefit from legal assistance, further their education, undertake activities for their psychological, medical and professional rehabilitation, and also to provide them with jobs and housing. During the social rehabilitation of victims, account is taken of their age, sex and individual needs, particularly in the case of children, as well as of their housing, education and care needs.

72. When providing assistance to child victims of trafficking, the child's interests are made paramount, and all initiatives to protect the child's rights and legal interests must be carried out in accordance with the Rights of the Child Act, other relevant national legislation and the international treaties to which Azerbaijan is a party. Shelters and victim assistance centres must inform the agencies of tutorship or guardianship and the appropriate commission on minors' affairs and protection of their rights about the presence of a child victim of trafficking without delay. The agencies of tutorship or guardianship and the commission then take measures to protect the rights and interests of the child, in conformity with Azerbaijani legislation.

73. If it is not possible to establish the exact age of an individual being admitted to a shelter but he or she is assumed to be under 18 years of age, the individual is deemed to be a child. Children may remain in a shelter for 60 days. This period may be extended through

the intervention of the special police unit, an agency of tutorship or guardianship or a commission on minors' affairs and protection of their rights. When children are placed in shelters or the period of their stay is extended, the views of children aged 10 years or over are ascertained and taken into account. As a rule, children placed in shelters are unaccompanied. If it is in their interests, however, children may be placed together with their parents (except where it is suspected that children fell prey to traffickers because of their parents) or with other persons who exert a positive influence on their psychological state. In the shelters, children are given opportunities to pursue their education and to maintain ties and relationships with their parents (except where it is suspected that children fell prey to traffickers because of their parents).

74. If a trafficked child does not know his or her parents' whereabouts or has been deprived of parental care, the Government bodies in charge of efforts to combat trafficking in persons take steps to trace the parents or to establish tutorship or guardianship over the child. The social welfare of such children is attended to in accordance with the Act on the social protection of children lacking parents and parental support.

75. A special programme has been put together for the social rehabilitation of trafficked children, taking into account articles 15.4 and 16.1 of the aforementioned Act and Azerbaijani legislation on the prevention of child homelessness and delinquency.

76. Access to data on victims of trafficking in persons held by information services and in archives may be suspended by decision of a court or a prosecutorial authority. Under Azerbaijani legislation, the disclosure of confidential information concerning the private or family life of a trafficked person is a punishable offence. Information the disclosure of which might endanger the lives or health of victims of trafficking or of their close relatives or of persons assisting in combating trafficking is deemed confidential and disclosing it is prohibited. The unlawful gathering or deliberate disclosure of confidential information on a victim of trafficking or of details of the measures taken to secure his or her safety incurs the liability established in Azerbaijani legislation.

77. The safety of victims of trafficking is ensured in keeping with the Act on State protection of parties to criminal proceedings. The body conducting the criminal proceedings is required to notify victims about the possibility of making provision for their safety and about the protective measures that may be taken. Measures implemented to secure the safety of victims remain in place until the threat to them has been entirely removed, including during the period following the preliminary investigation, the trial and the handing down of the court's final judgement in cases involving trafficking-related offences.

78. To ensure the anonymity of victims of trafficking in persons, assumed names may be used.

79. Under Azerbaijani legislation, on the decision of a court, criminal cases involving human trafficking, as well as cases involving compensation for harm suffered as a result of trafficking, may be heard in camera if the victim so requests.

80. During a trial, to ensure their safety and to prevent traffickers from exerting pressure on them, victims may be granted the option of giving their evidence by means of technology (via a video link or video recording); their physical and psychological state is also taken into account.

81. In the event that foreign nationals or stateless persons are recognized as victims of trafficking in persons, their administrative deportation from Azerbaijan is suspended for a period of one year. If at the end of this period, however, the foreign national or stateless person is still assisting the prosecutorial authorities in a criminal case related to human



trafficking, the deportation is further delayed pending the conclusion of the criminal proceedings.

82. Children who are victims of trafficking are not subject to deportation from Azerbaijan. The return of a trafficked child to his or her country of origin or to his or her parents is only permitted once it has been ascertained that the child is not in danger of again falling prey to traffickers. When the decision regarding the return of trafficked children to their countries of origin or to their parents is taken, the child's opinion on the matter is ascertained and is taken into account in the case of children over 10 years of age.

83. If a victim of trafficking wishes to leave Azerbaijan, assistance in obtaining the necessary documents and funds for transport and other necessary expenses is provided, and recommendations for reducing the risk of their being trafficked in the receiving country are made.

84. The Cabinet of Ministers has adopted the following decisions:

(a) The Decision of 9 November 2005 approving the procedure for the establishment and funding of special facilities for victims of trafficking, setting out the activities of such facilities and the arrangements for monitoring them;

(b) The Decision of 12 January 2006 approving the regulations on the fund for assistance to victims of trafficking, which sets out the legal framework for the operation of the special fund to assist such persons, established and operating under the Ministry of Internal Affairs;

(c) The Decision of 6 March 2006 approving the rules for the social rehabilitation of victims of trafficking, which defines the related arrangements;

(d) The Decision of 17 June 2006 setting the level of benefits payable to victims of trafficking during their reintegration at 30 nominal financial units.

85. In accordance with the Code of Criminal Procedure, approved by the Act of 14 July 2000, a victim may exercise rights and discharge responsibilities either personally or through a representative. The rights of victims who are underage or lack legal capacity are exercised on their behalf by their legal representatives, under the procedure prescribed by the Code.

86. If a legal representative lodges an application, request or complaint on behalf of a victim who is underage or lacks legal capacity, the legal representative is declared the private plaintiff.

87. A victim may exercise the following rights, in the cases and under the procedure stipulated by the Code: the right to be informed of the substance of charges and to give evidence and explanations; the right to submit materials to be included in the criminal case file and examined in court to raise pleas and to lodge applications; the right, at any time before the commencement of the hearing of evidence, to request to be declared a private plaintiff, to raise objections to actions of the bodies conducting the criminal proceedings and to demand that such objections be entered in the record of investigative or other procedural actions; the right to review the record of investigative or other procedural actions in which he or she has taken part and to comment on its accuracy and completeness; the right to participate in investigative or other procedural actions and in court hearings, to request that circumstances that require noting be entered in the record, to review the record of court hearings and to comment on it; the right, from the time that the pretrial investigation is completed, including when criminal proceedings have been terminated, to review the case file, to make copies of essential documents that pertain to him or her, and to participate in hearings of the court of first instance and the court of appeal and in the examination of the case file; the right to be informed by the body conducting the criminal

proceedings of decisions it has taken that affect his or her rights and legal interests, and to be provided by it, at his or her request, with copies of such decisions; the right to be provided with copies of decisions to terminate criminal proceedings, decisions to recognize him or her as a victim and decisions not to prosecute, and with copies of the bill of indictment, the judgement and other decisions of the court; the right to lodge an appeal or cassational appeal against decisions and actions of the person conducting the initial inquiry, the investigator, the prosecutor or the court, including against the judgement and other decisions of the court; the right, in the case of private prosecutions, to pursue reconciliation with the accused person, to raise objections to circumstances that become known to him or her from information brought to his or her attention by the body conducting the criminal proceedings or from a complaint lodged by a party to the proceedings; and the right to exercise the other rights envisaged in the Code.

88. All parties to criminal proceedings who have attained the age of majority, with the exception of persons lacking legal capacity, may exercise independently the rights provided for them in the Code. In criminal proceedings, victims, civil plaintiffs, suspects or accused persons and civil respondents under 14 years of age are also recognized as lacking legal capacity.

89. Victims, civil plaintiffs, suspects or accused persons and civil respondents aged 14–18 years have limited legal capacity. In the cases stipulated in the Code, the consent of their legal representatives is required in order for such persons to exercise independently their rights as parties to criminal proceedings.

90. As a rule, minor witnesses, victims and other persons are summoned for questioning by investigators through their legal representatives.

91. A person under 14 years of age may not be taken by force to a body conducting criminal proceedings, nor may such person be compelled to participate in the conduct of investigative or other procedural actions.

92. In the absence of a legal representative of a witness who is under 14 years of age or who is older than 14 but who is still a minor or lacks legal capacity, the body conducting the criminal proceedings appoints an agency of tutorship or guardianship to fulfil that role.

93. A minor witness may be questioned regardless of his or her age if he or she can give either orally or in some other way information relevant to a case.

94. The questioning of a witness under 14 years of age or, at the investigator's discretion, aged 14–16 years must be conducted in the presence of an education professional and, when necessary, a doctor and the witness's legal representative.

95. Before the questioning begins, these persons are given an explanation of their obligations and of their right to be present during the questioning and, with the investigator's permission, to make comments and put questions. An investigator has the right to withdraw a question, but the question must be shown in the record of the proceedings. The record must also show all the comments of the person questioned and of the other persons taking part in the questioning. Witnesses under 16 years of age are given an explanation of their obligation to speak nothing but the truth, but they are not warned as to their liability for refusing to answer a question or give evidence or for knowingly giving false evidence.

96. When conducting investigative actions involving a child under 16 years of age who exhibits signs of mental impairment, the investigator must ensure that an education professional or psychologist is present.

97. Where it is necessary for the thorough, full and objective investigation of all the circumstances related to a prosecution, a witness under 16 years of age may be questioned

without the accused person being present on application by one of the parties or at the initiative of the court and on the basis of a reasoned decision by it. In all cases, accused persons are informed of evidence given by witnesses under 16 years of age and have the opportunity to put questions to such witnesses through their defence counsel. After the accused person has returned to the courtroom, he or she has the right to respond to the information provided by the minor witness. Witnesses under 16 years of age must be removed from the courtroom when they have finished giving their evidence, except in cases where the court, in response to an application from the parties or at its own initiative, deems it essential for such witnesses to remain.

98. Efforts are ongoing in educational establishments for the realization of the Optional Protocol. Two special schools have been established for children with behavioural problems: one in Quba with 17 pupils and another, an open-type special education and training institute, in the settlement of Märdäkan with 35.

#### Sexually transmitted diseases among persons aged 0–14 years

Disease	Sex	2003	2004	2005	2006
<i>Syphilis</i>	<i>Male</i>	4	4	3	3
	<i>Female</i>	6	6	3	4
<i>Gonorrhoea</i>	<i>Male</i>	-	1	1	3
	<i>Female</i>	6	3	3	4

## F. Preventive measures

99. To tackle the problem of child neglect in Azerbaijan, on 14 April 2003 the Cabinet of Ministers issued Decree No. 60S on a plan of action to address the problems of child neglect and homelessness in Azerbaijan.

100. Arrangements were made to implement a plan of action for the eradication of child homelessness and neglect, to conduct specific activities in this field and to strengthen efforts to protect children's rights, taking into account international requirements with respect to the problems affecting children. It was also planned to carry out social and psychological rehabilitation of children from vulnerable social groups. The plan of action covers the protection of children's social and economic rights, their education, the resolution of health-care issues, (following studies), the protection of children's interests, and cooperation with civil society and the international community. In keeping with the Constitution, the Rights of the Child Act, the Convention on the Rights of the Child and other international instruments, between 2001 and 2006 the Republican Coordination Council for Children's Affairs dealt with the development and implementation of Government policy in respect of children, as well as the full realization of children's rights and the regulation of voluntary-sector activities for children; the Council's tasks consisted in conducting outreach work among children and inculcating a sense of civic duty.

101. The Council was set up on 6 April 2007 by the State Committee on the Family, Women and Children, on instructions from the Cabinet of Ministers, to implement the recommendations of the Committee on the Rights of the Child.

102. The Council comprises representatives of the ministries of education, labour and social protection, health, economic development, finance, justice, national security, internal affairs, foreign affairs, environment and natural resources, youth and sport, culture and tourism, and of the Chief Prosecutor's Office, the children's ombudsman, representatives of

the State committees on statistics, refugees and displaced persons and work with religious organizations, as well as representatives of the State Agency for Standardization, Metrology and Patents, local government commissions on minors' affairs, local NGOs and international organizations.

103. There are some 40 children's organizations in operation in Azerbaijan.

104. The President approved the State youth programme for the period 2005–2009 by Presidential Decree No. 982 of 30 August 2005.

105. The programme's aim was to secure the all-round development of young people in the country in order that they might play their role in the life of society and to create an enabling social, economic, organizational and legal environment for young people. The following actions were carried out to give effect to the programme:

- Artistic and creative events involving gifted children were held, including festivals, competitions, contests and exhibitions
- Summer recreation areas and international children's camps were set up
- Measures were taken to ensure the rational use of free time
- Steps were taken to protect children from acts inconsistent with traditions, and they were put on their guard against drug abuse, crime and other harmful habits
- Healthy lifestyles were encouraged
- Finance was provided for projects run by children's organizations, which were helped to engage in international cooperation, and international links were forged between them
- The social problems of orphans, children from needy families and children without parental support were studied, and issues related to the solution of their problems were brought to the attention of the relevant Government bodies
- Children from martyrs' families were helped with their studies, and the appropriate organizations made arrangements for their recreation

106. In April 2006, at the initiative of the Ministry\* and with financial support from it, the country's first round-the-clock crisis helpline was set up jointly with Initiative Development, a voluntary organization, to provide psychosocial counselling for children and teenagers in a crisis situation.

107. Children with health limitations, psychological or physical disabilities or developmental delays and sick children have not been overlooked. These children's psychosocial and educational difficulties were investigated, and a special set of measures to address them was drawn up and subsequently carried out.

108. A number of round tables, exhibitions and training sessions for children with psychological or physical impairments and disabled children were held by organizations working with children and by the Society for Assistance to Sick Children in cooperation with the Municipal Department for Youth and Sport.\*\* In addition, summer recreation camps were set up for diabetic children.

109. The Ministry organized several events, exhibitions, round tables, initiatives, recreation camps and New Year celebrations for children being brought up in the families of martyrs, refugees or displaced persons, children without parental support, orphans and children from needy families. At the same time, telethons were held to assist children living and working on the streets.

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\* *Translator's note:* the report does not specify which ministry.

\*\* *Translator's note:* the report does not specify which municipality.

110. In addition, round tables and training sessions on the issue of violence against children were run with the participation of governmental and non-governmental organizations.

111. Since 2006, the Ministry has been conducting a countrywide research campaign entitled "A healthy family is the foundation of society". As part of the campaign, lectures have been held on youth and children's issues, children's upbringing in the family and the inadmissibility of harmful habits.

112. To mark Novruz Bairam (the holiday celebrating the arrival of spring), in March 2007 meetings were held with inmates of the prison service's young offenders' institution.

113. In April 2007, children with Down's syndrome received assistance with their participation in the second International Children's Festival, held in Istanbul, Turkey.

114. Some problems are unresolved despite the joint endeavours of governmental, international and voluntary organizations. Hence, the use of child labour and delinquency among children suffering from parental neglect may be regarded as negative factors.

115. Pursuant to Cabinet of Ministers Decree No. 203 of 9 November 2005 and Decree No. 62 of 6 March 2006, an appropriately equipped building was set aside for providing assistance to victims and presumed victims of trafficking in persons, ensuring victims' safety and rendering them psychological, medical, legal and other help. The ambassador of the United States and representatives of OSCE and the Baku office of IOM took part in the official opening ceremony on 12 October 2006.

116. The structure of the Ministry of Culture and Tourism includes offices dealing specifically with children's issues. Pursuant to an order of the Minister, the Ministry's regional bodies and cultural and artistic institutions were instructed to organize intensive publicity for the Convention on the Rights of the Child; recommendations were drafted and transmitted to the Ministry of Culture and Tourism for the Autonomous Republic of Nakhchivan and to municipal and district departments and offices for culture and tourism specifying the tasks of clubs, libraries, children's music and art schools, schools for the arts and other cultural institutions with respect to the protection of children; and measures were defined to improve the status of children and create an enabling environment for children's musical, artistic and choreographic education.

117. The country's leaders give considerable attention to the development of children's creativity, the identification and support of gifted children and the creation of appropriate conditions for their instruction. On instructions from the President, the names of 16 gifted children have been entered in the "Golden Book", and they have been awarded monthly presidential bursaries.

118. The Republic currently has 235 music, art and other schools for the arts, with an enrolment of more than 70,000 children. These schools provide their pupils with a general education in music, arts or dance, familiarizing them with culture and nurturing their aesthetic taste on the best models of national and international work. They produce enthusiasts for amateur artistic activities and train the most gifted children for admission to appropriate specialized institutions. Many of the schools have orchestras, ensembles and choral groups which often perform at various events. Music schools in the occupied towns and districts operate in places where refugees are being temporarily accommodated.

119. To realize the rights set forth in the Convention, enrolment in children's music, art and other schools for the arts and the Baku Dance Institute is free of any discrimination in respect of the race, sex, language, religion, political or other opinions, national, ethnic or social origin or property status of children or their parents.

120. Any talented child can enrol for a nominal fee of 0.08 manats (\$0.07) a month in children's music, art and other schools for the arts.

121. Children from refugee and displaced families are always at the forefront of the Government's concerns. They have free access to services in the fields of education and culture.

122. Children with disabilities whose physical impairments do not prevent them from studying the arts have the same rights as other children when being educated in establishments of the Ministry of Culture and Tourism. Baku has a music school for blind children. Children with disabilities are free to join clubs and use library services.

123. Every year, the Ministry sends senior staff of the Baku Dance Institute out into the country to recruit exceptionally gifted children. It currently has more than 20 students from different parts of the country. The students are provided with free board and lodging. The Institute also has among its students eight children deprived of parental care who have found shelter with Umid Ieri, an association for homeless children.

124. The Ministry holds regular festivals and competitions in order to identify gifted children. The children perform in the best theatres and concert halls at events organized by the Government. Some of the festivals and competitions have become fixtures. These include the Goncha music festival, the Gadzhi Mamedov competition for performers playing folk instruments, the Kara Karaev young pianists' competition, and the national children's competitions for performers of *mugham* (traditional music), choral groups and wind, string and percussion players. Some 15,000 pupils from music schools and schools for the arts from all corners of the Republic take part in these festivals and competitions annually.

125. At the end of every academic year, concerts are given by pupils from children's music schools and schools for the arts in Baku in the organ and chamber music auditorium, the Beibutov theatre of song and the Mamedova opera studio. Graduates of the Baku State Dance Institute perform on the stage of the State Academic Theatre of Opera and Ballet.

126. Pupils from children's music schools and schools for the arts perform with great success at various festivals and competitions held outside Azerbaijan.

127. Since 1989, Azerbaijan has had a State children's philharmonic society. Its main purpose is the musical education of children and young people. It acquaints children with the best examples of Azerbaijani and foreign music, fosters their creative activities and cultivates cultured listeners trained to have a full aesthetic perception of the art of music. The children's philharmonic society has a dance ensemble, a choir, chamber music and variety groups, a folk instrument orchestra, a *mugham* trio and a children's theatre troupe, Aisel, under the leadership of the composer O. Zulfuragov, who holds the title People's Artist of the Republic. These groups perform solo concerts in the Republic's best concert halls and participate in numerous children's festivals.

128. With a view to fostering young talents and identifying children with a gift for music or dance, the Ministry of Culture and Tourism has introduced a series of measures to enable talented young people to manifest their gifts to the full. These measures include the holding of the "Musical September", "Istedadlar soragynda" (Talent spotting) and "Young Talents" festivals.

129. The Ministry has cooperated closely for many years with Novye imena (New names), an interregional charitable foundation headed by the famous educator Ivetta Voronova. Dozens of gifted Azerbaijani musicians have participated in summer arts schools held in Moscow, Tver, Suzdal, Petrozavodsk and Novgorod (Russian Federation). In addition, joint concerts have been given in Baku by young musicians from Moscow and Azerbaijan awarded bursaries by the foundation.

130. The Ministry pays special attention to the development of children's creativity as artists. Young artists have taken part in international exhibitions of children's art in the United States, France, England, Israel, Japan, the Islamic Republic of Iran, the Russian Federation, the Czech Republic, Egypt and many other countries.

131. The Ministry is constantly conducting nationwide competitive exhibitions of children's art and organizes individual exhibitions for gifted children. District art galleries hold periodic art competitions for schoolchildren.

132. Theatre and concert organizations allot considerable space in their repertoires to productions for children.

133. The Shaig State Puppet Theatre uses its shows to cultivate kindness and comradeship, industry and diligence, patriotism and a protective attitude towards the environment in children.

134. It puts on shows based on the works of the best known writers and dramatists. Its repertoire includes classical works from the past and works by contemporary Azerbaijani and foreign writers. This extensive repertoire enables the theatre to expand the frontiers of children's knowledge of the world and to imbue its young audience with a spirit of respect for the cultures of other peoples. Similar State puppet theatres operate in Nakhchivan, Gänçä, Salyan and Qax.

135. The repertoire of the State Theatre for Young Audiences gives considerable space to children's plays and fairy tales. This enables the theatre to have a serious conversation with young audiences about good and evil, justice and nobleness. The theatre's best children's pieces are based on Azerbaijani and Russian folk tales and tales from around the world and on plays by Azerbaijani and foreign dramatists.

136. The State Academic Theatre of Opera and Ballet and the State Theatre of Musical Comedy have staged successful shows based on Azerbaijani, Russian and Western European fairy tales.

137. Many other theatres in the Republic include productions for children in their repertoires.

138. During the winter and spring school holidays, the country's clubs and all its theatres lay on a particularly large number of activities for children. Special children's programmes and musical performances are arranged, and the New Year and Novruz holidays are widely celebrated.

139. Significant efforts are being made by clubs, libraries and museums to raise awareness of the Convention.

140. Children may participate freely in cultural life and engage in creative activities in the Republic's cultural and artistic institutions. A large number of children's and young people's circles, independent artistic creation groups, representational art workshops, hobby clubs, amateur associations and foreign language circles are run by clubs and community centres.

141. At present, 3,442 children's circles, groups and associations are in operation under the auspices of the Ministry of Culture and Tourism; the participants comprise more than 46,239 children and young people.

142. Music, dance, drama and art circles and foreign language, dressmaking and knitting courses are particularly popular among children and young people. Cultural workers, teachers at children's music and art schools, schools of the arts and general education schools and specialists working in the fields of culture and the arts are recruited to lead the circles, groups, clubs and associations.

143. The work done by national young people's and children's libraries and district and municipal children's libraries to enhance schoolchildren's appreciation of the arts is being improved. Children's literature is actively promoted by these libraries, which hold book days, talks, matinee performances and meetings with writers, poets, painters, actors and composers. The Kocharli National Children's Library has an experimental children's theatre, at which infants and preschool-age children are introduced to the wonderful world of fairy tales.

144. Work is proceeding on the modernization of children's libraries and the installation of computers. In July 2003, the Bileien (Connoisseur) multimedia room was opened in the Kochali National Children's Library. An Internet room was opened in the 28 May Children's Library in Baku with the support of the Open Society Institute – Azerbaijan (Soros Foundation).

145. On 1 June every year, the nation's cultural institutions mark International Children's Day. Matinee performances, concerts, literature and arts evenings and stage performances are held in clubs, museums, libraries and parks.

146. With a view to acquainting children and their parents with the Convention, libraries and clubs organize lectures, talks, reading days, stands and photo exhibitions on the rights of the child, as well as displays of books on the upbringing of the younger generation and the promotion of healthy lifestyles.

147. State museums carry out specific activities to enhance the younger generation's appreciation of the arts and to raise awareness of the Convention. The Mustafaev State Museum of the Arts and the Dzhaharlarla State Museum of the Theatre hold regular events at which students meet teachers, writers, painters, directors and actors. The State Museum of Musical Culture runs a children's violin ensemble.

148. The Ministry of Culture and Tourism is giving special attention to the further expansion of the work with children carried on by clubs, libraries, museums, theatres and concert organizations, and culture and recreation parks.

149. Staff of the Ministry and the organizations under it conduct educational work with children lacking parental care, children with disabilities and children from refugee families. Free shows and concerts are organized for such children, as well as charitable initiatives.

## **G. Material and other forms of assistance**

150. Vigorous macroeconomic growth and a booming economy have given citizens a high standard of living. The priority now is to create a socially oriented market economy. In this connection, several important programmes have been devised to improve the population's living standard, a number of which have been put into practice.

151. Analysis showed that in 2006 GDP stood at 17.7 billion manats, an increase of 34.5 per cent over 2005.

152. In order to guarantee steady economic development in recent years, regional development measures were carried out under the Presidential Decree of 11 February 2004 on the State programme for the socio-economic development of the regions of the Republic of Azerbaijan over the period 2004–2008. This led to the creation of 520,000 jobs, 370,000 of which are permanent.

153. The rapid pace of economic development in recent years has improved the population's socio-economic situation. Over this period, per capita income rose by 23.4 per cent to 1,189.5 manats per annum.



154. At present, one of the Government's fundamental aims is to strengthen social protection and to boost citizens' standard of living. In 2006, the average monthly wage of a person holding an employment contract went up by 19.8 per cent in comparison with the previous year and amounted to 141.3 manats. In the last two years, wages have increased by 60 per cent, but the value of manufacturing output has expanded by a mere 9.6 per cent.

155. The State budget expanded by a factor of 3.2 while expenditure grew by a factor of 3.1, as a result of the judicious economic policy followed between 2003 and 2006. A large proportion of the budget is being channelled towards an improvement in the population's economic and social status and the country's further economic development.

156. Many programmes for low-income sections of the population are comprehensive in nature; they provide material assistance to such persons, helping them to integrate in society and enhancing their ability to compete on the labour market.

157. During the period of Azerbaijan's integration in Europe, the country made huge efforts in order to accede to the European Social Charter. For example, it drew up the Minimum Wage Act, the minimum wage being a fundamental gauge of the level of poverty in a country.

158. As the standard of living plays the role of an economic indicator, the Minimum Wage Act was drafted, then examined and adopted by the Milli Meclis. With the approval of "a living minimum wage for low-income sections of the population" and given that children, refugees, displaced persons and pensioners constitute the majority of such persons, efforts became directed mainly towards them. The Government thus focused its attention on poverty and, as a result of the energetic measures it adopted in order to solve this problem, the population is earning a living wage. The Government's overall aim was to ensure that minimum indicators matched a minimum standard of living and this was reflected in the State budget. In order to define the poverty line, the plan was to take account of the principal sociodemographic population groups and also of the subsistence level for children up to 15 years of age. Wide use was made of international experience when calculating this indicator.

159. In accordance with the Act on the prevention of child homelessness and delinquency, a working group comprising representatives of the relevant authorities was set up to examine standards, with a view to providing institutions in this system with food and other essential resources. Work along these lines is in progress at the moment.

160. In addition, in accordance with a decision of the Cabinet of Ministers, a working group was set up at the Ministry of Labour and Social Protection to identify low-income sections of the population qualifying for targeted assistance. The Act on targeted State social assistance and the corresponding laws and regulations were drafted and approved. Mechanisms for disbursing targeted State social assistance were widely discussed with ILO experts and, at present, work is being done in cooperation with NGOs and with local and international organizations. The implementation of policy on targeted State social assistance is linked to the improvement of the laws and regulations on which it rests, to the automation of the process of allocating assistance and to the writing of the necessary software for the relevant survey.

161. Intensive regional economic development helps to reduce poverty. In order to achieve the Millennium Development Goals, the Government is pursuing measures to reduce poverty. The President signed the decision of 20 June 2005 concerning the formulation of the State programme to secure stable development and reduce poverty over the period 2006–2015. The basic aim in implementing socio-economic policy is to raise the population's standard of living and provide it with social protection.

## H. Child welfare

162. There is little statistical data on destitute minors. According to data for 2002, 46.7 per cent of the population and 52.8 per cent of children up to 15 years of age were living in poverty. In 2004, these indicators worked out at 40.2 per cent and 46.1 per cent respectively. In 2005, among children up to 15 years of age this indicator stood at 29 per cent, and in 2006 at 20 per cent. The issue of child welfare is also reflected in the Millennium Development Goals:

- Goal 2. Achieve universal primary education (specific target for Azerbaijan: achieve high indicators in secondary education)
  - Goal 4. Reduce child mortality
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