



# Convention on the Rights of the Child

Distr.: General  
22 February 2023

Original: English

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Azerbaijan\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Azerbaijan<sup>1</sup> at its 2680th and 2681st meetings,<sup>2</sup> held on 23 and 24 January 2023, and adopted the present concluding observations at its 2698th meeting, held on 3 February 2023.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification in 2019 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and the measures taken to reduce child and maternal mortality and institutionalization, strengthen the adoption system and improve the situation of children with disabilities.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: discrimination (para. 17); respect for the views of the child (para. 21); violence against children (para. 25); children deprived of a family environment (para. 30); children with disabilities (para. 34); and health and health services (para. 36).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of**

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\* Adopted by the Committee at its ninety-second session (16 January–3 February 2023).

<sup>1</sup> [CRC/C/AZE/5-6](#).

<sup>2</sup> See [CRC/C/SR.2680](#) and [CRC/C/SR.2681](#).

<sup>3</sup> [CRC/C/AZE/RQ/5-6](#).



children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

6. The Committee, noting the targets related to legislation in the National Children's Strategy 2020–2030, recommends that the State party:

- (a) Expedite the adoption of pending legislation and ensure its full compliance with the provisions of the Convention and its Optional Protocols;
- (b) Establish guidelines for the direct application of the Convention and provide training to relevant officials, including law enforcement and the judiciary.

### **Comprehensive policy and strategy**

7. The Committee welcomes the Strategy for Children and its Action Plan (2020–2025) and recommends that the State party allocate adequate resources and establish a mechanism for its implementation, monitoring and evaluation with clear indicators and benchmarks.

### **Coordination**

8. The Committee reiterates its previous recommendations<sup>4</sup> and further recommends that the State party:

- (a) Consider the establishment of a ministerial-level coordination mechanism for the implementation of the Convention at all levels and provide it with the necessary resources to operate effectively;
- (b) Strengthen district-level coordination mechanisms led by the heads of district executive committees with the participation of sectoral officials and local non-governmental organization (NGO) partners.

### **Allocation of resources**

9. While noting the increase in the allocation of social benefits and anti-corruption efforts, the Committee, recalling its general comment No. 19 (2016) and target 16.5 of the Sustainable Development Goals, recommends that the State party:

- (a) Substantially increase the budget allocations to social services, including health and nutrition, education and child protection;
- (b) Introduce results-based planning and budgeting, in particular for its child development programmes;
- (c) Establish a child-friendly budgeting process, as previously recommended.<sup>5</sup>

### **Data collection**

10. Recalling its general comment No. 5 (2003), the Committee calls on the State party to improve its sectoral management information systems and further strengthen the children's databank and ensure that it covers all areas of the Convention and allows

<sup>4</sup> CRC/C/AZE/CO/3-4, para. 12.

<sup>5</sup> Ibid., para. 18.

for the collection, analysis and monitoring of disaggregated data on children's rights, as previously recommended.<sup>6</sup>

#### **Independent monitoring**

11. The Committee, welcoming the establishment in 2021 of the sector for the protection of children's rights within the Office of the Commissioner for Human Rights, recommends that the State party:

- (a) Provide the sector with the necessary resources and strengthen its mandate to address complaints from or on behalf of children in a child-friendly manner;
- (b) Align the status of the Commissioner for Human Rights with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

#### **Dissemination, awareness-raising and training**

12. The Committee recommends that the State party integrate human rights and children's rights in school curricula and professional training, in particular for the judiciary, law enforcement officials, social service providers and journalists; strengthen its engagement with the media to raise awareness of the Convention; and establish a monitoring mechanism for the media in case of violations of children's rights.

#### **Cooperation with civil society**

13. The Committee, noting the establishment of the Agency for State Support to NGOs, recommends that the State party continue to increase support to, and recognition of, NGOs to further facilitate registration and access to funding opportunities, and to systematically involve NGOs and academia in policymaking, programming and legislative processes concerning children's rights.

#### **Children's rights and the business sector**

14. The Committee, in the light of its general comment No. 16 (2013) and the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, recommends that the State party:

- (a) Establish, implement and monitor regulations to ensure that the business sector complies with international standards in the areas of human and children's rights, health, labour and the environment;
- (b) Harmonize its current climate mitigation policy with its obligation to protect the rights of children, in particular the rights to health, food and an adequate standard of living, both in Azerbaijan and abroad;
- (c) Consider the impact of climate change on the rights of the child in its energy policy, including in relation to fossil fuel extraction and fossil fuel subsidies.

## **B. Definition of the child (art. 1)**

15. The Committee, noting the equal age for marriage at 18 for both sexes under article 10.1 of the Family Code, urges the State party to remove all exceptions that allow marriage below that age.

<sup>6</sup> Ibid.

## C. General principles (arts. 2–3, 6 and 12)

### Non-discrimination

16. The Committee notes the positive steps taken by the State party to address discrimination in the legislation but remains concerned that traditional and cultural social norms result in discrimination against certain groups of children and in particular that:

- (a) Girls are affected by sex and gender stereotypes that result in son preference, violence and the concentration of girls in traditionally female-dominated sectors;
- (b) Children with disabilities are predominantly seen as a vulnerable group that may lead to their social isolation;
- (c) Children in care and children in disadvantaged families may experience stigma and unequal access to health care and education.

17. **Recalling targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Conduct a comprehensive review of policies and legislation with a view to eliminating discriminatory practices against children;**
- (b) **Expediently develop and enact a proactive and comprehensive strategy to eliminate discrimination on the basis of sex, gender, disability and socioeconomic status;**
- (c) **Continue to raise public awareness of equal rights and non-discrimination, address negative social norms and stereotypes and promote attitudinal change in society.**

### Best interests of the child

18. The Committee recalls its general comment No. 14 (2013) and its previous recommendations and urges the State party:

- (a) **To ensure that the principle of the best interests of the child is explicitly integrated in legislation and consistently applied in all administrative and judicial proceedings, as well as in policies and programmes that have an impact on children;**
- (b) **To systematically provide comprehensive capacity-building for the judiciary, police, social service workforce and health professionals to apply this principle, and develop and disseminate tools and guidelines to facilitate it.**

### Right to life, survival and development

19. **Noting the high number of fatal car accidents and insufficient measures to ensure children's safety on the road, the Committee recommends that the State party redouble its efforts to improve children's safety on the road, including by introducing mandatory car seats and seatbelts, according to children's height and weight, for all car travel.**

### Respect for the views of the child

20. The Committee notes the 2019 amendments to article 52 of the Family Code, the various initiatives of the public authorities aimed at encouraging child participation, including the "child ambassadors" project. However, the Committee is concerned about:

- (a) The lack of implementation of children's right to be heard;
- (b) The lack of opportunities for children, especially children with disabilities and in remote areas, to participate in decision-making affecting them;
- (c) The non-operating Children's Parliament, the abandonment of the "child-friendly schools" project, selective access to "youth homes" and the decreasing activity of children's associations and school parliaments.

21. **Recalling its general comment No. 12 (2009), the Committee recommends that the State party:**

(a) **Ensure the enforcement of the right of the child to be heard in judicial and administrative proceedings, including by establishing procedures and providing training for judges and social workers to comply with the principle, and ensuring access to free and quality legal aid for all children, particularly the most vulnerable;**

(b) **Promote and enable meaningful and empowered participation of all children, particularly girls, children from rural and remote areas and children with disabilities within the family, in schools and in communities in all matters related to them and ensure that their views are given due weight;**

(c) **Revitalize the Children’s Parliament and create other platforms, supported by adequate human, financial and technical resources, to guarantee the systemic engagement of children in decision-making.**

#### **D. Civil rights and freedoms (arts. 7-8, and 13-17)**

##### **Birth registration and nationality**

22. **Welcoming the improvements in birth registration and the State party’s statement that birth registration is almost universal, the Committee, recalling target 16.9 of the Sustainable Development Goals, recommends that the State party:**

(a) **Further facilitate the birth registration process, including by ensuring the presence of a civil registry officer in health facilities, strengthening coordination between the Ministry of Health and the civil registry, operationalizing the electronic birth registration system and providing for the late registration of births free of charge, and eliminate any administrative or judicial sanctions against parents as a consequence of late registration;**

(b) **Consider ratifying the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession.**

##### **Access to appropriate information**

23. **The Committee, noting the adoption in 2018 of the Law on Protection of Children from Harmful Information and the provision of Internet filtering through the Azerbaijan education network, recommends that the State party establish an implementation mechanism and a monitoring structure, train professionals on its implementation, further disseminate the law and raise the awareness of online risks among children and parents.**

#### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

##### **Violence against children**

24. **The Committee notes the measures taken to respond to cases of violence at home and in schools, including establishment of the “care call centre”, the rehabilitation centre for victims of domestic violence and the “school child’s friend” and “school psychologist” projects. However, the Committee is seriously concerned about:**

(a) **The lack of explicit prohibition and the social acceptance of corporal punishment, and the lack of due recognition, underreporting and insufficient investigation of various forms of violence against children, including sexual exploitation and abuse and grooming;**

(b) **The high prevalence of all forms of violence against children, which was exacerbated in the context of the coronavirus disease (COVID-19) pandemic and the absence of data to measure its scope;**

(c) **The absence of professional capacity and procedures to prevent, identify, report and respond to cases of violence in a child-sensitive manner;**

(d) The lack of access to justice for child victims of violence and the prioritization of reconciliation and mediation procedures under the law on the prevention of domestic violence;

(e) The lack of issuance and implementation of protection orders;

(f) Insufficient victim support services for children;

(g) The practice of shooting homeless animals, to which children are exposed.

**25. Recalling its general comments No. 8 (2006) and No. 13 (2011), the Committee urges the State party:**

(a) **To enact legislation to explicitly prohibit corporal punishment of children in all settings, in particular the home, schools, day care and alternative care;**

(b) **To establish mechanisms, procedures and guidelines, including a multi-agency and child-friendly infrastructure, to ensure and promote mandatory reporting and multi-agency intervention in all cases of violence against children, and train teachers, health professionals and social workers to identify different forms of violence and refer victims accordingly;**

(c) **To conduct a study to assess the prevalence, causes, nature and forms of violence against children, such as corporal punishment, domestic violence, bullying, sexual exploitation and abuse and grooming, including online, and, based on the results, formulate and implement, with the participation of children, a comprehensive strategy for preventing and combating all forms of violence against children;**

(d) **To ensure that sexual exploitation and the abuse of children in and outside the home and in the digital environment, are effectively investigated, applying a child-friendly and multisectoral approach to prevent secondary victimization of the child;**

(e) **To ensure that children have access to confidential, child-friendly complaint mechanisms and encourage them to make use thereof, including by providing free and quality legal aid;**

(f) **To ensure that all cases of violence against children are promptly investigated, applying a child-friendly and multisectoral approach, and that children's testimonies are audiovisually recorded and followed by cross-examination without delay, and that the recording is allowed as evidence during court proceedings;**

(g) **To ensure that perpetrators of crimes of violence against children are prosecuted and duly sanctioned and that reparations are provided to victims, as appropriate;**

(h) **To ensure that protection orders are issued, implemented and monitored in relation to children in cases of domestic violence, including violence between parents;**

(i) **To provide specialized child-friendly, confidential and gender-sensitive services, including shelters, psychosocial services and legal aid, and access to information about remedies for child victims, to ensure their recovery and reintegration;**

(j) **To eliminate violent traditions and practices, such as shooting dogs in public, and raise awareness among State officials, the media and the public about the negative effects on children of exposure to such practices.**

#### **Harmful practices**

**26. While the 2011 amendments to the Family and Criminal Codes set the equal age for marriage at 18 years of age (article 10.1 of the Family Code) and criminalized forced marriage (article 176 of the Criminal Code), the Committee notes with concern the high prevalence of child marriage, in particular unregistered religious unions (*kabin*), although their exact number is unknown. The Committee recommends that the State party establish mechanisms to detect unregistered religious unions and set up victim protection schemes, promote attitudinal change, in particular through public information campaigns involving religious and community leaders, and further strengthen its efforts to prevent and combat child and forced marriage and ensure the**

prosecution of those responsible, in line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014), target 5.3 of the Sustainable Development Goals and the recommendations set out in the concluding observations of the Committee on the Elimination of Discrimination against Women.<sup>7</sup>

#### Helpline

27. The Committee recommends that the State party allocate the necessary human, financial and technical resources to ensure the effective 24/7 functioning of the toll-free child helpline “116-111” and promote awareness among children about its use.

### F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

#### Family environment

28. The Committee, noting the high number of single mothers, a punitive approach to parents resulting in sanctions and insufficient professional social work services, recommends that the State party strengthen its efforts to promote family values and equal sharing of parental responsibilities, strengthen parental skills, establish mediation in situations of divorce and ensure the enforcement of alimony claims.

#### Children deprived of a family environment

29. The Committee notes that as a result of the implementation of the deinstitutionalization programme (2006–2015) the number of residential care institutions and children in residential care has decreased significantly. It welcomes the establishment of the department on adoption and alternative care policy at the Ministry of Labour and Social Protection, reintegration initiatives in 2020–2021 and the new gatekeeping mechanism with regard to alternative care. However, the Committee is seriously concerned about:

- (a) The large number of children in institutions, in particular due to economic hardship, divorce and disability, and in residential schooling;
- (b) The lack of follow-up to the deinstitutionalization programme, in particular the lack of a comprehensive strategy to prevent family separation and the lack of a social service infrastructure and of community-based services to support families in need;
- (c) The lack of information on reports of violence against children in institutions and on the monitoring of care;
- (d) The low level of quality of care in residential institutions, including the lack of education and leisure, limited participation in decision-making and the lack of information and respect for privacy;
- (e) The need for family-based foster care, including the systematic recruitment and training of foster parents;
- (f) The lack of support for children leaving care and transitioning to adulthood.

30. Recalling the Guidelines for the Alternative Care of Children and its previous recommendations,<sup>8</sup> the Committee urges the State party:

- (a) To allocate adequate human, financial and technical resources to ensure follow-up to the deinstitutionalization programme, continue to develop the gatekeeping system in collaboration with the local child protection mechanisms, strengthen the professional social workforce and family support and community-based services, including day care, to prevent institutionalization and prioritize family-based options over institutional placements;

<sup>7</sup> CEDAW/C/AZE/CO/6, para. 42.

<sup>8</sup> CRC/C/AZE/CO/3-4, para. 53.

(b) To prevent the placement of children in residential schooling away from home and address the root causes for such placements;

(c) To ensure that poverty, disability or divorce are never the sole justification for the placement of children in alternative care and ensure that children are only separated from their family if it is in their best interests after a comprehensive assessment of their situation;

(d) To ensure sufficient family- and community-based care options for children who cannot stay with their families, including by allocating sufficient financial resources for foster care, for pre-service and in-service capacity-building for foster carers and facilitating the reintegration of children into their families when possible;

(e) To strengthen case management in care and protection work, including individual care plans; establish quality standards for all alternative care settings and monitor the quality of care on that basis; and conduct regular and substantive reviews of placements in institutional and family-based childcare facilities;

(f) To ensure available, accessible and child-friendly channels for reporting, monitoring and remedying violence against and/or abuse of children in care and ensure that all such reports are duly investigated and that those responsible are brought to justice;

(g) To strengthen access to quality education and leisure for children in alternative care and ensure privacy for their personal effects and correspondence;

(h) To ensure adequate support for children leaving care and develop community-based services to help them start independent lives and support their integration into the community.

#### **Adoption**

31. The Committee welcomes the amendments to the Family Code in 2019, including the mandatory consent of a child to his or her adoption from the age of 10, the participation of a social worker, assessment of the situation of the child and the adoptive family and training for adoptive parents. It also notes that the restrictions on the adoption of children with disabilities have been lifted. The Committee recommends that the State party:

(a) Strengthen the capacity of its authorities to evaluate and ensure the best interests of the child and to take into account the views and evolving capacity of the child in adoption proceedings;

(b) Provide pre-adoption and post-adoption services, training and monitoring, particularly on parenting children with disabilities;

(c) Ensure that adoptive children have access to information about their biological parents.

#### **Children of incarcerated parents**

32. The Committee recommends that the State party develop policies and programmes to support children whose caregivers are incarcerated, including by:

(a) Ensuring that the best interests of the child are the primary consideration in all decisions taken, including when sentencing caregivers, and that alternatives to incarceration are considered;

(b) Guaranteeing the visitation rights of the children of incarcerated caregivers in adequate and child-friendly premises;

(c) Ensuring that, when the incarceration of caregivers is unavoidable, children have access to adequate early childhood education, nutrition and health services, enjoy the right to play and are visited regularly by social workers to guarantee their physical, mental and social development.



## G. Children with disabilities (art. 23)

33. The Committee welcomes the Law on the Rights of Persons with Disabilities (2018), which moves away from the medical model of disability; the State programme for the development of inclusive education for persons with disabilities (2018–2024); and the measures taken to improve access to rehabilitation and social support, address stigmatization of children with disabilities and improve data collection. However, the Committee is concerned about:

- (a) The lack of a human-rights based approach to disability, with the term “children with limited health abilities” being used in the legislation, reflecting the medical approach;
- (b) The lack of data synchronization between the relevant ministries;
- (c) Inadequate support to parents of children with disabilities and persisting stigma, which contribute to the overrepresentation of children with disabilities in residential institutions;
- (d) The lack of access to quality health care, including specialized professionals, particularly outside the capital;
- (e) The overrepresentation of children with disabilities in specialized education and the lack of inclusive education options, particularly at the preschool level.

34. **Recalling its general comment No. 9 (2006), the Committee urges the State party:**

- (a) To adopt a human rights-based approach regarding children with disabilities and review its legislation and policies accordingly;**
- (b) To strengthen coordination among the relevant ministries, with a view to ensuring uniform collection and analysis of data on children with disabilities, and develop an efficient and harmonized system for disability assessment;**
- (c) To strengthen support for the parents of children with disabilities and ensure the right of those children to grow up in their family environment, including by increasing the availability of community-based services, including early intervention services and day care, increasing support to NGOs providing such services and providing adequate socioeconomic support to parents;**
- (d) To ensure access to timely and affordable health care, including by providing early identification, intervention and rehabilitation programmes and creating a network of community and outpatient health-care services, and training and ensuring an adequate number of health-care personnel, including paediatricians and other appropriate medical experts, in urban and rural areas;**
- (e) To ensure that all children with disabilities have access to inclusive education in mainstream schools, that schools are equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities, and that children with disabilities have equal access to the same early childhood development and school readiness opportunities as other children;**
- (f) To further strengthen awareness-raising activities to combat stigmatization and promote a positive image of children with disabilities as rights holders.**

## H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

### Health and health services

35. The Committee welcomes the adoption of the World Health Organization (WHO) definition of live birth in 2015, the State programme on improving maternal and child health (2014–2022), and the health-care reform that led to significant lowering of maternal and infant mortality rates. However, the Committee remains seriously concerned about:

- (a) Insufficient implementation of the live birth criteria;
- (b) The high neonatal, infant, under-five and maternal mortality rates, the lack of available and quality antenatal, neonatal and primary health care and the high number of adolescent pregnancies in the absence of sexual education at school;
- (c) The inadequate quality of health-care services with persisting regional disparities in health-care provision, shortages of trained and specialized doctors and nurses, and insufficient salaries, training, equipment and infrastructure;
- (d) The barriers to accessing health care, especially for economically disadvantaged families, including the lack of mandatory insurance coverage and high out-of-pocket expenditure on health care;
- (e) Regional disparities in immunization coverage;
- (f) The prevalence of hunger, malnutrition and consequent nutritional diseases, such as stunting in children and anaemia in women, coupled with low rates of exclusive breastfeeding and insufficient attention paid to adolescent health and nutrition;
- (g) The high male sex ratio at birth as a result of sex-selective abortions favouring boys;
- (h) The increase in cases of suicide and the wide spread stigmatization of mental health among the public and professionals alike, while accurate data, mental health support and a comprehensive strategy are lacking.

36. **Recalling its general comment No. 15 (2013), targets 2.2, 3.1, 3.2 and 3.8 of the Sustainable Development Goals and its previous recommendations,<sup>9</sup> the Committee urges the State party:**

- (a) **To ensure the full implementation of the WHO live birth criteria;**
- (b) **To allocate adequate resources to pursue its health sector reform with a focus on prevention, health promotion and primary health-care provision, in particular in rural areas, and develop a monitoring system to oversee its implementation;**
- (c) **To pursue its efforts to further reduce neonatal, infant, under-five and maternal mortality rates, including by improving the quality of and access to antenatal and postnatal services and facilities, early identification and intervention and screening programmes, ensure that all women receive at least the minimum required four antenatal visits and develop home visiting services by family doctors and nurses to provide early childhood care and nutrition counselling support;**
- (d) **With a view to preventing adolescent pregnancies, to integrate sexual and reproductive health education in the school curriculum and ensure that adolescents have knowledge of and access to modern contraception and confidential testing;**
- (e) **To strengthen the quality and affordability of health-care services across the country, focusing on pre-service and in-service training and capacity-building for doctors and nurses, incentives for career development and improving the infrastructure and equipment in health-care facilities;**
- (f) **To remove barriers to accessing health care and prohibit informal payments, as recommended by the Committee on Economic, Social and Cultural Rights;<sup>10</sup>**
- (g) **To strengthen vaccination coverage at the regional level and raise awareness of the benefits of vaccination, seeking the assistance of the United Nations Children's Fund (UNICEF);**
- (h) **To address the causes of child malnutrition and anaemia, adopt and implement legislation on the mandatory fortification of wheat flour with iron and folic**

<sup>9</sup> CRC/C/AZE/CO/3-4, paras. 59, 61 and 63.

<sup>10</sup> E/C.12/AZE/CO/4, para. 43.

acid, and monitor the quality of baby food and the food intake of children, including in schools;

(i) To strengthen efforts to promote physical activity and healthy lifestyles, focusing on smoking, alcohol abuse and obesity, particularly targeting adolescents, through schools and the media;

(j) To promote, protect and support breastfeeding, including by strengthening awareness-raising among parents, caregivers and health personnel, addressing social norms and beliefs, monitoring the baby-friendly hospital initiative and developing breastfeeding-friendly workplaces;

(k) To address the root causes of the practice of sex-selective abortion and its long-term implications for society, expand family planning services, address corruption in health care and strengthen awareness-raising activities on the detrimental impact of sex selection and on the equal value of girls and boys, with a view to completely eliminating sex-selective abortion;

(l) To strengthen data collection on mental health issues, including suicide, among children and address their underlying causes, including violence within the family and in school, child marriage and school dropout; ensure the provision of mental health services and programmes for children and adolescents, including increasing the availability and accessibility of trained child psychiatrists and child psychologists in all areas and encouraging children to seek mental health services without stigma; and develop and implement a mental health policy and strategy, with a focus on prevention, developing outpatient services and addressing emerging mental health issues in children and adolescents.

#### Environmental health

37. Noting with concern the high levels of land degradation, droughts, water scarcity and soil, water and air pollution in the State party, the Committee recalls target 3.9 of the Sustainable Development Goals and recommends that the State party conduct an assessment of the effects on children's health of polluted air, water and soil and electromagnetic pollution, and on that basis design a well-resourced strategy to remedy the situation, strengthen the monitoring of children's environmental health and modernize the school curriculum and teaching aids on environmental education.

#### Standard of living

38. Noting the increasing percentage of children at risk of poverty, which was further heightened in the context of the COVID-19 pandemic, particularly in rural areas, the Committee recommends that the State party establish a multidimensional measure on child poverty to inform its social protection system and ensure that it adequately protects children in vulnerable situations and their families, and allocate adequate funding to social assistance schemes for all families with children, including internally displaced families. Noting that a considerable percentage of the population has no access to safe drinking water, the Committee also recommends that the State party increase financial resources to provide safe drinking water and sanitation in urban and rural areas.

### I. Education, leisure and cultural activities (arts. 28–31)

#### Education, including vocational training and guidance

39. Welcoming the measures taken to improve access to preschool education, strengthen the quality of vocational education and develop inclusive education, the Committee, recalling targets 4.1-4.7, 4.a and 4.c of the Sustainable Development Goals and its previous recommendations,<sup>11</sup> recommends that the State party:

<sup>11</sup> CRC/C/AZE/CO/3-4, para. 65.

(a) Strengthen its measures to ensure equal access to quality education, including preschool education, for all children, with particular attention paid to girls, children from economically disadvantaged families, children in rural and remote areas, children with disabilities and refugee and asylum-seeking children;

(b) Ensure that all children, particularly girls, are retained in and finish school, including by promoting the value of learning, providing incentives for school attendance, addressing gender stereotypes regarding access to education for girls, taking measures to prevent child marriage and adolescent pregnancy and supporting young mothers to return to and finish school, with a view to integrating them in the labour market;

(c) Improve the quality of school education, including by increasing the number of teachers, particularly in rural areas, and providing them with adequate salaries, strengthening pre-service and in-service teacher training and digital skills, modernizing the school curriculum and the teaching of science, new technologies and languages, with a view to preparing children for the dynamic labour market and the challenges of the modern world;

(d) Further strengthen the offer and quality of vocational training to meet the requirements of the labour market, in line with the Law on Vocational Education and Training (2018), and make sure that the vocational curriculum includes sociobehavioural and soft skills, such as communication, leadership and digital and language skills;

(e) Improve the schools infrastructure and ensure that all schools are provided with heating, adequate and accessible water, sanitation and hygiene facilities, including for children with disabilities and in rural and remote areas;

(f) Expand access to devices and connectivity for learning and strengthen computer literacy skills, with a focus on children with disabilities, girls and internally displaced children;

(g) Further strengthen preschool education, including by expanding community- and family-based early learning centres and strengthening the quality standards for monitoring, institutional capacities and teacher support; increase financial allocations and enhance the effectiveness and efficiency of spending; ensure the effective control of the Ministry of Education over all preschool education services; and strengthen coordination between the Ministry of Education, local authorities and other actors;

(h) Ensure the right of all children to leisure and play and provide accessible safe, public outdoor play spaces and green zones.

## **J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38– 40)**

### **Asylum-seeking and refugee children**

40. The Committee notes the adoption in 2013 of the Migration Code, the establishment of the working group to provide for the effective care of unaccompanied migrant children and the State party's statement that four such children were found to be unaccompanied in 2019. It also notes the amendments to the rules to examine applications for refugee status (decree No. 1257 of 23 February 2017) such that unaccompanied children shall be referred to guardianship and trusteeship bodies. Recalling joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, the Committee recommends that the State party:

(a) Include complementary forms of protection in the legislation, as previously recommended;

(b) Prohibit the detention of children, including unaccompanied children, for migration-related reasons and prioritize their immediate transfer out of detention centres, while ensuring timely identification procedures;

(c) Ensure access to essential services, such as birth registration, food, health care, education and an adequate standard of living, for asylum-seeking and refugee children and children in situations of migration, and effective access to guardianship and trusteeship for unaccompanied migrant and separated children;

(d) Facilitate access to the asylum system for children in need of international protection and ensure that status determination procedures take into account the best interests of the child, are child-friendly and compliant with international refugee and human rights law;

(e) Develop age-appropriate, child-friendly justice mechanisms and remedies to challenge all decisions related to asylum and migration status and provide access to free legal aid and the necessary assistance to the children concerned.

#### Economic exploitation, including child labour

41. The Committee, noting the measures taken to decrease child labour and recalling target 8.7 of the Sustainable Development Goals, recommends that the State party resume labour inspections and strengthen the monitoring of the informal sector of the economy, preventive work with families and the capacity-building of employers, farmers, local authorities and other relevant stakeholders to eliminate the worst forms of child labour.

#### Children in street situations

42. Noting the establishment of the rehabilitation centre for homeless children in socially dangerous situations, the Committee recalls its general comment No. 21 (2017) and its previous recommendations<sup>12</sup> that the State party:

(a) Undertake an assessment of the number and conditions of children in street situations;

(b) Ensure protection, assistance, including shelter and health care, and recovery services for children, and train social workers, psychologists and other relevant professionals to work with children in street situations;

(c) Strengthen family reunification programmes, when that is in the best interests of the child;

(d) Establish mechanisms to prevent children in street situations from falling victims to trafficking and economic and sexual exploitation, and provide them with information on how to lodge a complaint.

#### Sale, trafficking and abduction

43. The Committee, noting the National Anti-trafficking Action Plan (2020–2024), is concerned that the State party is a country of origin and destination for trafficking of children, including for the purpose of forced labour, begging and sex, and that children in street situations are particularly vulnerable to trafficking. Recalling target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen its victim identification efforts, with particular attention paid to children in vulnerable situations;

(b) Develop and implement standard operating procedures and indicators for victim identification among children and train relevant professionals, including labour inspectorates, to improve their capacity to identify child victims and refer them to assistance and protection;

<sup>12</sup> CRC/C/AZE/CO/3-4, para. 72.

- (c) **Resume labour inspections;**
- (d) **Investigate and prosecute all cases of trafficking of children, including for the purposes of forced begging, bring perpetrators to justice and train investigators, prosecutors and judges on victim-centred, child-friendly and gender-sensitive approaches to trafficking cases;**
- (e) **Ensure that child victims have access to the necessary support and services, including shelters that they can leave freely, psychological support and legal assistance, regardless of the victim's cooperation with the authorities, and strengthen support to NGOs running shelters and providing support to victims of trafficking, including children;**
- (f) **Establish procedures to protect victims and witnesses in criminal proceedings, ensure that children are assisted by a lawyer and a child psychologist throughout the proceedings and that they are aware of their right to seek compensation, and provide training to prosecutors and judges in this respect.**

#### **Administration of child justice**

44. Noting the steps taken to reform the child justice system, in cooperation with UNICEF, and the establishment of a probation service in 2017, the Committee recalls its previous recommendations,<sup>13</sup> general comment No. 24 (2019) and the global study on children deprived of liberty and urges the State party:

- (a) **To establish a comprehensive child justice system, designate specialized judges and prosecutors and psychologists for children and ensure that they receive specialized training;**
- (b) **To apply a child-centred approach, instead of a crime-centred one, in determining the minimum age of criminal responsibility and set the age of 16 as an age below which children cannot be held responsible in criminal law, without exception;**
- (c) **To ensure that due process rights are respected and that children benefit from free and quality legal aid from the investigation onwards;**
- (d) **To promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences, wherever possible;**
- (e) **To strengthen the probation system and further use other non-custodial sentences, such as community service;**
- (f) **To ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;**
- (g) **Where deprivation of liberty is used as a measure of last resort, to ensure that children are not detained together with adults, that the conditions and treatment comply with the Convention and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, including with regard to access to education, sports and health services;**
- (h) **To develop and apply social services for children below the age of criminal responsibility;**
- (i) **To further develop community-based services and family support and reintegration services with the aim of preventing reoffending among children, particularly for children from economically disadvantaged families, children in street situations and children without parental care.**

#### **Child victims and witnesses of crime**

45. The Committee reiterates that the State party should ensure child-friendly procedures for children who are victims and witnesses of crimes; that they are

<sup>13</sup> [CRC/C/AZE/CO/3-4](#), para. 76.

interviewed without delay by trained forensic professionals in child-friendly facilities, avoiding revictimization resulting from repetitive interviews; and that they are provided with protection and services, taking into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

## **K. Follow-up to the Committee's previous concluding observations and recommendations concerning the Optional Protocols to the Convention**

### **Optional Protocol on the sale of children, child prostitution and child pornography**

46. Noting the lack of information on the implementation of its concluding observations on the initial report of the State party under the Optional Protocol, the Committee recalls its 2019 guidelines on the implementation of the Optional Protocol and reiterates its previous concluding observations, urging the State party to explicitly define and criminalize all offences under articles 2 and 3 of the Optional Protocol.

### **Optional Protocol on the involvement of children in armed conflict**

47. Noting the information provided by the State party about the measures taken to support children and families affected by the hostilities in 2020 and that over the past 30 years, 357 children have been killed by landmines in the region, the Committee urges the State party:

(a) To take further measures to prevent killings of children, minimize the effect of hostilities on children and provide assistance to child victims and their families;

(b) To consider acceding at its earliest convenience to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Amended Protocol II and Protocol V, and to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

### **Optional Protocol on a communications procedure**

48. The Committee recommends that the State party ratify the Optional Protocol to the Convention on a communications procedure.

## **L. Ratification of international human rights instruments**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

## **M. Cooperation with regional bodies**

50. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

# **IV. Implementation and reporting**

## **A. Follow-up and dissemination**

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth and sixth

combined periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

## **B. National mechanism for reporting and follow-up**

52. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Office of the Commissioner for Human Rights and civil society.

## **C. Next report**

53. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>14</sup> and not exceed 21,200 words.<sup>15</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

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<sup>14</sup> [CRC/C/58/Rev.3](#).

<sup>15</sup> General Assembly resolution 68/268, para. 16.