



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-first session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Azerbaijan**

1. The Committee considered the second periodic report of Azerbaijan (CRC/C/83/Add.13) at its 1104th and 1106th meetings (see CRC/C/SR.1104 and 1106), held on 19 January 2006 and adopted the following concluding observations at the 1120th meeting, held on 27 January 2006.

**A. Introduction**

2. The Committee welcomes the submission of the State party's second periodic report as well as the written replies to its list of issues and the constructive dialogue with a high-level delegation, which enabled the Committee to have a clear understanding of the situation of children in Azerbaijan.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee notes with appreciation the adoption of many legislative and programmatic measures taken with a view to implementing the Convention, including:

(a) The State Programme for the Protection of the Rights of the Child and Improvement of Education and Training Work with Children, of 22 July 2000;

(b) The Law "on the Earmarked State Social Aid" on 21 October 2005, which provides monthly allowances to low-income families.

4. The Committee also wishes to welcome the ratification of:

(a) The two 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 pornography, on 3 August 2002;

(b) The International Convention on the Rights of All Migrant Workers and Members of Their Families, on 11 January 1999;

(c) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 30 March 2004;

(d) The 1993 Hague Convention No. 33 on the Protection of Children and Cooperation in Respect of Intercountry Adoption, on 22 June 2004;

(e) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, on 30 October 2003.

### **C. Factors and difficulties affecting the implementation of the Convention**

5. The Committee notes the particular situation of the Nagorno-Karabakh region, which is within Azerbaijan territory but de facto not under control of the State party's Government, and that - as a consequence - information about the implementation of the Convention in that region is very limited.

### **D. Main subjects of concern and recommendations (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **Committee's previous recommendations**

6. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.77 of 17 June 1997) made upon the consideration of the State's first initial report (CRC/C/11/Add.8) have been addressed through legislative, administrative and other measures. However, it regrets that its other concerns and recommendations have been insufficiently or only partly addressed, particularly those related to budgetary allocations, street children, the overall health situation of children and the administration of juvenile justice.

**7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to address effectively the list of concerns contained in the present concluding observations on the second periodic report.**

#### **Legislation**

8. The Committee is concerned that many legislative measures taken with a view to complying with the principles and provisions of the Convention are not provided with adequate mechanisms and/or financial support for their full implementation.

9. **The Committee recommends that the State party continue the process of achieving compliance of its legislation with the principles and provisions of the Convention and provide all the means for an effective implementation of its legislation, including appropriate budgetary resources and monitoring mechanisms.**

#### **Coordination**

10. The Committee notes that the “National Coordination Council for Children’s Affairs” within the Ministry of Youth, Sports and Tourism is tasked with coordinating functions of all the activities concerning children and welcomes the participation of about 30 representatives of non-governmental organizations (NGOs) working on children’s issues in the Council. However, it is concerned that this Council has not produced tangible results as yet. The Committee also notes the existence of the Commissions on Minors’ Affairs that are provided with some coordination and monitoring competences with respect to the local activities in the area of child welfare but is concerned about the relation between their coordinating activities and those of the “National Coordination Council for Children’s Affairs”.

11. **The Committee recommends that the State party strengthen and empower the National Coordination Council for Children’s Affairs so that it can effectively perform its mandate of coordinating all activities related to children. It further recommends that the State party provide adequate human and financial resources as well as systematic training on children’s issues to the Commissions on Minors’ Affairs so that they can coordinate and monitor activities at the local level in close cooperation with the “National Coordination Council for Children’s Affairs” and perform their other tasks effectively.**

#### **National Plan of Action**

12. While noting that a new United Nations Children’s Fund (UNICEF) country programme 2005-2009 has been signed by the State party and that in 1999 the Plan of Action for the implementation of Youth Policy was also signed, the Committee is concerned that a comprehensive and well-structured strategy for the implementation of the Convention is still lacking in practice.

13. **The Committee recommends that the State party develop and implement a comprehensive and well-structured National Plan of Action for children, which should aim at the realization of the principles and provisions of the Convention and take into account, inter alia, the outcome document “A World Fit for Children” adopted by the General Assembly special session in May 2002. The Committee further recommends that the State party allocate adequate human and financial resources for the implementation of the National Plan of Action.**

#### **Independent monitoring**

14. The Committee welcomes the establishment, in 2001, of the Ombudsman of the Republic of Azerbaijan but is concerned that a specialized body responsible for monitoring the implementation of the Convention is de facto still lacking.

15. **The Committee recommends that the State party, taking into account the Committee's general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), include within the Office of the Ombudsman either an identifiable commissioner specifically responsible for children's rights or a specific section or division responsible for children's rights. Furthermore, it should be provided with adequate human and financial resources, deal with complaints from children in a child-sensitive and expeditious manner and provide remedies for violations of their rights under the Convention.**

#### **Resources for children**

16. The Committee reiterates its previous concern about the inadequate budget allocations for children and for the implementation of the principles and provisions of the Convention. The Committee also notes that child rights issues were well reflected in the State party's Poverty Reduction Strategy Paper (PRSP) but that this has not resulted in adequate provisions being established in the national budget.

17. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation".**

#### **Data collection**

18. The Committee notes with concern that the compilation of statistics on children suffers from a lack of coordination and regular collection, especially with regard to most vulnerable groups of children, i.e. disabled children, internally displaced persons (IDP) and refugee children as well as children in conflict with the law.

19. **The Committee recommends that the State party develop a system for a comprehensive collection of data on all areas of the Convention in a way that allows for disaggregation, inter alia, by those groups in need of special protection.**

#### **Training/dissemination of the Convention**

20. The Committee welcomes the information that the Convention has been translated into Azeri and widely disseminated.

21. **The Committee encourages the State party to disseminate the Convention further with special attention to dissemination among vulnerable groups, i.e. ethnic or language minorities, and to continue its efforts to provide adequate and systematic training and sensitization on children's rights among professional groups, including the media, that are working with and for children.**

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

22. The Committee notes that the number of registered NGOs, including NGOs working directly with children, has considerably increased in the last few years. It welcomes the

information that the registration formalities have been simplified, allowing for a smoother registration process. The Committee also notes the existence of the Country Advisory Group, which has the aim of bridging together local and international NGOs with government bodies working for children, but is concerned that its functioning is not effective.

**23. The Committee recommends that the State party further reduce the administrative burdens for NGOs registration, strengthen cooperation with them and provide the Country Advisory Group with the necessary support and resources for an effective functioning.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

24. The Committee is concerned about discriminatory attitudes towards certain groups of children such as disabled children, refugee and IDPs children, street children and children infected with HIV/AIDS.

**25. In accordance with article 2 of the Convention, the Committee recommends that the State party increase its efforts to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds against all vulnerable groups throughout the country.**

26. The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 on article 29 (1) of the Convention (aims of education).

### **Best interests of the child**

27. While the Committee notes that the principle of the best interests of the child is included in the State party's legislation, it is concerned that it is not always implemented in practice, in particular for children belonging to vulnerable groups.

**28. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.**

### **Respect for the views of the child**

29. While the Committee notes that the Family Code (article 52) protects the right of the child to express her/his views and that it is mandatory to hear the views of children when they are 10 or older in judicial and administrative proceedings affecting them, it is concerned about the inadequate implementation of this right. The Committee is further concerned that there are no special programmes or mechanisms allowing for the participation and engagement of children in social dialogue and in discussions of their needs and problems.

30. **The Committee recommends that further efforts be made to ensure the implementation of the rights enshrined in article 12 of the Convention, in particular by providing the child with an effective and child-sensitive opportunity to express her/his views in judicial and administrative proceedings affecting her/him, including in decisions on placements in alternative care and on review of these placements. Furthermore, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies and in society at large, with special attention to vulnerable and minority groups, inter alia, by providing the necessary support to relevant programmes included in the UNICEF country programme 2005-2009.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)**

#### **Birth registration**

31. The Committee welcomes the State party's efforts to improve birth registration, including the decentralizing of the registration services, but it remains concerned that the current birth registration system does not cover about 15 per cent of children. The Committee is further concerned about the information that some birth certificates may contain false data.

32. **The Committee recommends that the State party continue developing and implementing an effective decentralized system of birth registration and take other measures to facilitate birth registration, in particular for children born from displaced persons, inter alia, by ending the practice of informal fees with a view to achieving registration of all children in the State party by 2010. The Committee further recommends that the State party control the accuracy of birth certificates and ensure the implementation of the applicable law in this respect.**

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

33. The Committee expresses concern about the lack of legislation regarding Internet service providers and the exposure of children to violence, racism and pornography, especially through the Internet.

34. **The Committee recommends that the State party continue to take all appropriate measures, including the adoption of appropriate legislation, to protect children effectively from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet. The Committee further suggests that the State party develop programmes and strategies to use mobile technology, media advertisements and the Internet as means for raising awareness among both children and parents on information and material injurious to the well-being of children.**

**Prohibition of torture or other cruel, inhuman or degrading treatment or punishment**

35. The Committee is concerned about the information that persons below 18 are often subjected to ill-treatment, especially at the moment of arrest or during the first days of pretrial detention in police establishments, and that children in institutions often are victims of inhuman and degrading treatment or punishment.

36. **The Committee recommends that the State party take all necessary measures to prevent and prohibit all forms of torture or other cruel, inhuman and degrading treatment or punishment in all settings, with special attention to the administration of juvenile justice and alternative care institutions. The Committee further recommends that the State party investigate thoroughly all allegations of torture and ill-treatment and ensure that perpetrators are rapidly brought to justice and tried. The Committee also encourages the State party to provide adequate rehabilitation and recovery programmes for victims of such abuses.**

**4. Family environment and alternative care (arts. 5; 18 (para. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

**Parental responsibilities**

37. The Committee is concerned about the insufficient support for disadvantaged families and the fact that, as a result, children are often unnecessarily separated from their parents. The Committee is further concerned that, despite good initiatives such as the “SOS Kinder” children’s village in Baku, kindergartens are decreasing in number and do not meet the appropriate standards, including with respect to sanitary and hygienic norms.

38. **The Committee recommends that the State party provide adequate support to disadvantaged families, including counselling and educational service, and ensure that separation of children from their parents only takes place if necessary, in their best interest and on precise legal grounds. Furthermore, the Committee recommends that the State party increase the number and quality of childcare services, including kindergartens.**

**Alternative care for children**

39. The Committee welcomes the introduction of foster care through the 2000 Family Code as well as the elaboration of the State Programme on De-Institutionalization and Alternative Care, but it is concerned about the high number of children placed in institutions, (about 20,000). It is also concerned that, due to the lack of community-based social services in Azerbaijan, institutionalization is too often the only available solution to children from vulnerable families. Furthermore, the Committee is concerned that:

- (a) The de-institutionalization process is very slow;
- (b) The conditions for appropriate protection, care and education of institutionalized children are not met in the State party’s institutions;
- (c) National legislation does not contain any provision concerning the periodic review of placement for children;

(d) When children are placed in institutions they seldom maintain contacts with their parents and are not always informed of their parents' whereabouts;

(e) Children without parental care often become victims of various forms of exploitation.

**40. The Committee recommends that the State party adopt and fully implement the State Programme on De-Institutionalization and Alternative Care and promote measures alternative to institutionalization. The Committee further recommends that the State party take all necessary measures to ensure that children in institutions enjoy all rights of the Convention and in particular receive appropriate protection, education and health care, maintain contact with their families and that their placement in institution is subject to periodic review with a view to returning them to their families of origin or to placing them in family-type forms of alternative care.**

#### **Violence, abuse, neglect and maltreatment**

41. The Committee is concerned that neglect and abuse of children within families, including sexual abuse, continues to be a problem. Furthermore, the Committee is concerned that:

(a) The legislative framework for the prohibition of child abuse is inadequate;

(b) Services are inadequate to provide an integrated and multi-disciplinary approach to child victims of abuses;

(c) The existing complaint procedure (appeal to the Commissioners on Minors Affairs) is ineffective.

**42. In light of article 19 of the Convention, the Committee recommends that the State party:**

**(a) Undertake a comprehensive study on violence against children, including sexual abuse, in order to assess the extent, causes, scope and nature of these violations;**

**(b) Strengthen awareness-raising and education campaigns against violence with the involvement of children;**

**(c) Strengthen measures to encourage reporting of instances of child abuse in all institutions - including orphanages, psychiatric hospitals, schools and juvenile detention centres - and to prosecute the authors of these acts;**

**(d) Provide care and assistance for the full physical and psychological recovery and social reintegration for children victims of violence.**

43. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of



**this regional consultation to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

### **Corporal punishment**

44. The Committee expresses concern that corporal punishment, while prohibited in schools and in the penal system, remains lawful at home and it is still widely practiced in the society as an accepted measure of discipline.

45. **The Committee recommends that the State party introduce and fully implement legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also conduct awareness-raising and public education campaigns promoting non-violent, participatory forms of child-rearing and education.**

### **5. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras 1-3 of the Convention)**

#### **Children with disabilities**

46. While the Committee notes the measures taken by the State party in this regard, including the adoption of the Persons with Special Health Needs Act, it is concerned about the inadequate assistance for children in need of special care and at stereotyping and social segregation of children with disabilities also due to the lack of an adequate legislation granting equal rights to them.

47. The Committee is also concerned that children with disabilities do not have access to the mainstream education service and that a strong medical approach to this problem does not facilitate their inclusion.

48. **The Committee recommends that the State party:**

(a) **Ensure implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 20 December 1993;**

(b) **Ensure that children with disabilities may exercise their right to education and facilitate inclusion in the mainstream education system;**

(c) **Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**

(d) **Pursue efforts to avoid the marginalization and exclusion of children with disabilities.**

### **Health and health-care services**

49. The Committee, while noting the State party's efforts in the area of health, expresses concern at:

- (a) The inadequate access to and quality of health services in the State party, especially for economically disadvantaged families, refugees and IDPs;
- (b) The high rate of infant, child and maternal mortality in the State party, especially in rural areas of the country;
- (c) Weaknesses in the death registration system with respect to children.

50. **The Committee recommends that the State party strengthen its efforts in improving the health situation of children in the State party, including through:**

- (a) **Strengthening its efforts to reform the primary health-care system in order to create a model of family-based primary health, including health promotion and disease prevention that is available to all;**
- (b) **Urgently addressing the issue of infant, child and maternal mortality throughout the country;**
- (c) **Ensuring full implementation of World Health Organization (WHO) standards on registration of infant mortality;**
- (d) **Seeking technical assistance, among others, from UNICEF and WHO in this regard.**

### **Adolescent health**

51. The Committee is concerned by the significant number of children smoking and regularly consuming alcohol and illegal drugs as well as by the high incidence of sexually transmitted diseases (STDs) among youth.

52. **The Committee recommends that the State party, taking into account the Committee's general comment on Adolescent Health (2003), strengthen measures to address the spread of STDs among youth and further work on its health promotion programmes for adolescents, which should target, inter alia, nutrition, smoking and alcohol and promotion of a healthy life-style among children.**

53. The Committee expresses concern at the information that the suicide rate among adolescents is growing.

54. **The Committee recommends that the State party strengthen its efforts at youth suicide prevention, with particular focus on the expansion of mental health services for adolescents.**

### Standard of living

55. The Committee is concerned that poor living conditions, which affect many families, seriously limit children's full enjoyment of their rights. The Committee is also concerned that over 40 per cent of the population lack access to potable water, including the vast majority of refugees and IDPs.

56. **The Committee recommends that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including the implementation of the Poverty Reduction Strategy Paper (PRSP) and targeted programmes with regard to the most needy group of families in order to guarantee the right of all children to an adequate standard of living. In particular, the Committee recommends that the State party ensure universal access to sanitation and potable water.**

### 6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

57. The Committee welcomes the information that 96 per cent of the over-15 population is literate and recognizes the progress made with regard to the implementation of the right to education of IDPs and refugee children. However, it is concerned that:

(a) The quality of education is decreasing due to various factors, including shortage of textbooks, unsatisfactory conditions or lack of infrastructures and low motivation of teachers;

(b) The preschool enrolment rate of children has dropped in recent years;

(c) The number of children not enrolled in school is growing;

(d) There are often hidden costs associated with schooling;

(e) Access to education is difficult for children living in poverty, refugee and IDPs children, children with disabilities, children in conflict with the law and children living in rural and remote areas;

(f) Students with some chronic diseases including asthma, anaemia, hepatitis, skin diseases and HIV/AIDS can be excluded from mainstream schooling because of their health problems.

58. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the Aims of Education (2001), take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented. In particular, the State party should:**

(a) **Take the necessary measures to improve the quality of education, including by improving infrastructures and ensuring that schools are adequately equipped;**

(b) **Provide quality training for teachers, address the issue of teachers' salaries and expand recruitment of qualified ones;**

- (c) Increase its efforts to eliminate any additional and hidden costs of school attendance;**
- (d) Take measures aimed at increasing enrolment rates and school attendance, including in preschool;**
- (e) Facilitate education opportunities for children living with HIV/AIDS and review, as a matter of urgency, programmes and policies excluding children with HIV/AIDS or other chronic diseases from mainstream education;**
- (f) Ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration;**
- (g) Introduce and fully implement targeted programmes for children from poor families and marginalized groups;**
- (h) Strengthen its efforts to include human rights in general, and the rights of the child in particular, into the school curricula and introduce provisions into the new Law on Education in this respect;**
- (i) Increase availability of vocational training programmes for young people, with the view of facilitating their future access to the labour market;**
- (j) Seek further assistance from, inter alia, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO).**

**7. Special protection measures (arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)**

**Refugee and displaced children**

59. The Committee notes with appreciation that Azerbaijan provides protection to refugees, including refugee children of Chechen ethnicity from the Russian Federation. Nonetheless, the Committee remains concerned that 35 per cent of about 600,000 IDPs and 200,000 refugees are children and that they live in very poor conditions, lacking basic sanitary and hygienic services, potable water and educational facilities among other things.

60. **The Committee recommends that the State party, taking into account the Committee's 2005 general comment on the treatment of unaccompanied and separated children outside their country of origin:**

- (a) Address the special needs and rights of displaced and refugee children in the State party, and in particular strengthen its efforts to ensure adequate housing and access to essential services;**
- (b) Establish child-sensitive procedures for processing cases of unaccompanied minors;**

**(c) Continue to seek technical cooperation from the United Nations High Commissioner for Refugees (UNHCR) in this regard.**

#### **Economic exploitation**

61. The Committee is concerned about the high number of children working in the State party, especially in rural areas, and that the regulations protecting children from exploitative and hazardous work are not consistently applied and respected.

62. **The Committee recommends that the State party:**

**(a) Undertake a comprehensive survey of the number, composition and characteristics of working children in order to design and implement a comprehensive strategy to prevent and combat their exploitation;**

**(b) Ensure the full implementation of legislation covering article 32 of the Convention as well as ILO Conventions No. 138 and No. 182, including the prevention of the worst forms of child labour;**

**(c) Seek assistance from the International Programme on the Elimination of Child Labour (IPEC/ILO) and UNICEF in this regard.**

#### **Street children**

63. While the Committee notes the existence of two “Child Reception-Transit Centres” intended to host, inter alia, street children, it is concerned about the growing number of street children in the State party, who are also often victims of exploitation, ill-treatment and abuse. Furthermore, the Committee is concerned about the lack of recovery, medical treatment, social integration or educational programmes for street children.

64. **The Committee recommends that the State party:**

**(a) Undertake a study on the root causes and extent of this phenomenon and establish a comprehensive strategy to prevent it and reduce the number of street children;**

**(b) Provide street children with adequate nutrition, clothing, housing and educational opportunities, including vocational and life-skill training, in order to support their development and prevent their exploitation;**

**(c) Promote and implement programmes aimed at their physical and psychological recovery and social reintegration;**

**(d) Facilitate, whenever possible, reunification with their families;**

**(e) Implement effectively the National Plan on Street and Neglected Children.**

### **Sexual exploitation and trafficking**

65. While the Committee welcomes the approval of a National Plan of Action to Combat Trafficking in Persons in May 2004, it is concerned about the limited data about sexual exploitation and that national legislation does not specifically criminalize trafficking. Serious concern is also expressed about the fact that Azerbaijan's territory is increasingly used by an international network of trafficking of persons, especially children and women.

66. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by:**

**(a) Introducing the necessary changes of the criminal and other relevant laws with a view to bringing them into full compliance with articles 34 and 35 of the Convention as well as with the Optional Protocol on the sale of children, child prostitution and pornography;**

**(b) Undertaking studies to assess the nature and magnitude of the problem;**

**(c) Providing adequate and systematic training to all professional groups concerned;**

**(d) Launching awareness-raising and prevention campaigns targeting in particular children and parents;**

**(e) Considering ratifying the European Convention on Action Against Trafficking;**

**(f) Seeking assistance from UNICEF, among others.**

### **Administration of juvenile justice**

67. The Committee welcomes the reform of the Criminal and Criminal Procedure Codes following the consideration of the State party's initial report and the existence of a Special Working Group for the implementation of a long-term programme elaborated by the NGO Alliance and the Organization for Co-operation and Security in Europe (OSCE) for the development of a juvenile justice system in line with the Convention. However, the Committee remains concerned that:

(a) There is no integrated and well defined juvenile justice system in Azerbaijan;

(b) Persons below 18 are often tried as adults;

(c) Persons below 18 are often held in pretrial detention for long periods and not always detained separately from adults;

(d) Alternatives to the deprivation of liberty are not sufficiently used and persons below 18 can be sentenced to detention for a period of up to 10 years;

(e) The conditions of detention are often poor and inadequate and overcrowding is a serious problem;

(f) Recovery, assistance and reintegration services for persons below 18 in conflict with the law are insufficient.

**68. The Committee recommends that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, para. 203-238). In this regard, the Committee recommends that the State party:**

**(a) Establish juvenile courts staffed with appropriately trained professional personnel;**

**(b) Take all necessary measures to ensure that persons below 18 are only deprived of liberty as a last resort and for the shortest appropriate period of time, in particular by developing and implementing alternatives to custodial sentences;**

**(c) Ensure that persons below 18 in custody are separated from adults as required under article 72.1 of the Penal Enforcement Code;**

**(d) Take urgent steps to improve substantially the conditions of detention of persons below 18 and bring them into full conformity with international standards;**

**(e) Provide that persons below 18 deprived of liberty are given a full programme of educational activities (including physical education);**

**(f) Train professionals in the area of recovery and social reintegration of children and establish special units within the police for the handling of cases of persons below 18 in conflict with the law;**

**(g) Seek technical assistance from the Inter-Agency Coordination Panel on Juvenile Justice and/or the United Nations Office on Drugs and Crime (UNODC), UNICEF and OHCHR among others.**

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

### **Follow-up**

69. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet of Ministers, the Parliament and to municipal Governments and Parliaments when applicable for appropriate consideration and further action.**

### **Dissemination**

70. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## **9. Next report**

71. **The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fourth periodic report, i.e. 11 September 2009. This report should combine the third and fourth periodic report and should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years as foreseen by the Convention.**

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