



Convention on the Rights of the Child

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Forty-first session

SUMMARY RECORD OF THE 1104th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,
on Thursday, 19 January 2006, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (continued)

Second periodic report of Azerbaijan (CRC/C/83/Add.13; CRC/C/AZE/Q/2 and Add.1; HRI/CORE/1/Add.117)

1. At the invitation of the Chairperson, Mr. Agayev, Mr. Amirbayov, Mr. Babayev, Mr. Budaqov, Mr. Cabbarov, Mr. Cafarov, Mr. Khalafov, Mr. Musayev, Mr. Najafov, Mr. Qasimov, Mr. Usubov and Mr. Zalov (Azerbaijan), took places at the Committee table.
2. Mr. KHALAFOV (Azerbaijan), introducing the second periodic report of Azerbaijan (CRC/C/83/Add.13), said that a number of legislative changes had been made and a national plan of action adopted in order to implement the Committee's previous concluding observations (CRC/C/15/Add.77). In order to expand the legislative base for the protection of children's rights, an act on children's rights had been adopted, strengthening the political, social, economic and cultural protection of children and the family.
3. An act on combating trafficking in persons had also been adopted in June 2005; it made provision for assistance to victims of trafficking. In addition, a directorate for the prevention of trafficking in children had been established in the Ministry of Internal Affairs. Azerbaijan had ratified the two Optional Protocols to the Convention. The text of the Convention had been translated into Azeri and distributed to the public. Public awareness of children's rights was also raised through conferences, seminars, forums and round tables. State institutions for education, youth, culture, and health held competitions to increase awareness of the Convention. Specific training in the Convention was held for all persons in the Ministry of Internal Affairs working on children's issues.
4. An action plan to rectify the problem of street children had been adopted in 2003, and was being implemented by the Ministry for Youth, Sports and Tourism. In 2004, the Government had ratified International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. In November 2004, a State programme for demographic development had been approved, containing a number of measures to increase social protection for children, reduce infant mortality and increase the birth rate. Pursuant to new legislation on social security, which had entered into force in January 2006, all members of underprivileged families received a monthly allowance.
5. The Government worked closely with ILO and the United Nations Children's Fund (UNICEF) on children's rights issues, and had concluded a cooperation programme with UNICEF for the period 2005-2009. A similar agreement on projects for early childhood development had been concluded in 2004 with the Asian Development Bank. A State youth programme for 2005-2009 had been adopted in August 2005.

6. In order to develop a targeted social security mechanism, questionnaires had been used to establish the incomes of families receiving child benefit. Pilot projects on broadening the system of social support had been carried out in social security centres in Baky and Sheki. Studies involving over 7,000 families with children had been conducted in order to establish their financial situation and define their needs for social support.

7. On education, a programme for the development of educational organizations for children with special needs had been drafted for the period 2005-2009; the aim was to create equal conditions for all children with special needs, to ensure equal access to education, to increase State and social support, and to ensure that the technical support and educational materials in special needs schools were in line with global standards. Around 200 schools for orphans and disabled children had been refurbished or rebuilt by the Geidar Aliyev Fund a non-governmental organization (NGO). UNICEF had provided special information packs for teachers on teaching the Convention on the Rights of the Child in comprehensive schools, and had organized a drawing competition relating to the Convention. Children of all ages had lessons on human rights and freedoms in general and children's rights in particular.

8. The main obstacles to the enjoyment of human rights in Azerbaijan were the ongoing conflict with neighbouring Armenia, which meant that nearly 20 per cent of the territory of Azerbaijan was under foreign occupation, and the presence of over a million refugees and displaced persons in the country, including 300,000 children. Those children suffered from psychological and physical problems, and many of them were orphans whose parents had died or gone missing as a result of the conflict. Efforts were being made in Baky, in cooperation with a non-governmental organization, SOS Kinderdorf (SOS Children's Villages), to integrate orphaned children into the community, and find foster care for them.

9. The second periodic report had been drafted by a working group including representatives of various ministries and departments, and experts on children's rights from NGOs. The report had been published on the official web site of the Ministry of Internal Affairs, and had been widely discussed in the media.

10. The CHAIRPERSON said that although the Committee appreciated the wide range of legislative measures that had been taken by the Government to improve the protection of children's rights, the periodic report lacked information on how that legislation was implemented, and on how implementing measures were financed. Budget allocations for children's programmes were low, and should be increased. He asked whether each new policy introduced by the Government had its own budget line, and how the implementation of new policies was ensured. He asked what measures would be taken to increase budget allocations for public health, which were currently particularly low, at 0.9 per cent of gross domestic product (GDP). He wished to know what measures to implement the Convention were included in Azerbaijan's Poverty Reduction Strategy Paper, and particularly whether the paper made reference to budget allocations and included time-bound targets. He asked what plans and goals, in particular time-bound targets, were included in the State youth programme for 2005-2009.

11. He wondered whether the annual reports submitted by the Ombudsperson to Parliament were also published and disseminated, perhaps on the Internet, whether there was any information available on legal proceedings involving children's issues and whether the Ombudsperson's office had a children's representative.

12. Mr. SIDDIQUI requested additional information on the commissions on minors' affairs and the protection of their rights. In particular, he wished to know whether they had sufficient funding and support staff, whether they met regularly, how long members held office and whether the commissions were able to perform their numerous functions.

13. He asked which body had overall responsibility for collecting and publishing statistics on children and children's affairs. Were statistics gathered on a regular basis, and after consultation with all concerned? It would be useful to learn whether the statistics included data on potentially sensitive information such as children with disabilities, refugee children, street children, orphans, children in conflict with the law, and child victims of trafficking in persons.

14. He wished to know how non-governmental organizations were selected for membership of the National Coordination Council for Children's Affairs, and whether those chosen were in fact government-organized non-governmental organizations. What restrictions were placed on registration of NGOs? The relationship between the National Coordination Council and the commissions on minors' affairs and the protection of their rights should be clarified. How often did the National Coordination Council meet?

15. Additional information should be provided on whether the Government would be capable of fulfilling the Millennium Development Goals, particularly those specific to children, such as providing universal primary education and reducing child mortality.

16. Ms. Yanghee LEE, noted with regret that there were no high-level female representatives in the delegation. She asked whether the National Coordination Council for Children's Affairs came under the Ministry for Youth, Sports and Tourism, since such a large ministry would find it hard to monitor implementation of all the provisions of the Convention.

17. It was difficult to understand why the State budget for sport was so small, since sports facilities were important for children's development and well-being.

18. The Committee would appreciate additional information on the registration of births and deaths. Many births were allegedly not registered because of the costs involved, and non-reporting of children's deaths seemed to be prevalent in rural areas.

19. It would be useful to have a full account of the outcome of the parliamentary debate held in April 2005 on legislation on trafficking in persons.

20. Ms. OUEDRAOGO, having endorsed Ms. Yanghee Lee's comments about the lack of gender balance in the delegation, asked why legislation on child protection was not better enforced. She wondered whether the lack of budget allocations to implement the rights of the child was a result of poor knowledge of the Convention. The delegation should indicate whether any steps had been taken to assess the impact of the measures taken to raise awareness of the Convention, particularly among children.

21. Further details should be provided of measures to increase the participation of children in decisions affecting them at the local and national levels. She requested additional information on the objectives of the children's village projects outlined in the written replies to the Committee's list of issues.

22. She asked whether the birth registration system should not be decentralized, since there were only three agencies in the country. In addition to bringing the service closer to the population, the Government should also consider making the registration service free of charge to encourage parents to register their children.
23. It would be useful to learn whether the Government had established mechanisms whereby the humanitarian organizations working in the occupied territories of Azerbaijan could monitor the situation of children's rights there.
24. Ms. AL-THANI asked what steps the Government was taking to ensure that the prohibition of corporal punishment in schools and in the justice system was upheld. In particular, the delegation should indicate whether any prosecutions had been brought. Could children complain if they were beaten at school or in an institution? Given that there was no explicit ban on corporal punishment in the home, it would be useful to learn whether efforts were being made to educate families about non-violent forms of discipline. The delegation should indicate whether reports of juvenile delinquents receiving frequent beatings from the police were well founded.
25. Mr. KRAPPMANN requested further details of which body or individuals could decide that it was not in a child's best interest to be heard during judicial or administrative proceedings, and in which cases such a decision would be taken. It would be useful to have additional information on the right of children in alternative care to be heard. Did children have the right to participate in decisions affecting them in schools and in their local communities?
26. Ms. ANDERSON said that it was unclear why the minimum age of criminal responsibility was not in line with the legal definition of the child. The delegation should clarify why the minimum age for marriage was not the same for boys and girls, and why so many children married under the age of 18.
27. It would be interesting to learn how children were given access to appropriate information on issues that interested them. The delegation should indicate how the Government supported children's helplines, and whether there were plans to make such services more widely available.
28. She requested additional information on whether children, particularly those in alternative care and the most vulnerable children, were at a disadvantage, in view of the problems concerning legislation, since birth registration documents were required in order to obtain identity papers and a passport, which were necessary to travel in the country.
29. Ms. ORTIZ asked how many local commissions on minors' affairs and the protection of their rights existed, how they operated and how they were structured. What professions were represented on them, which body trained their members in children's rights, and how was their performance assessed? The delegation should indicate whether the public was aware of the functions of the commissions, and whether children participated in the assessment of their work. Why was no information available on the results of the commissions' work?

30. The CHAIRPERSON requested additional information on the current registration process for NGOs and whether the Government intended to simplify it.

31. The delegation should explain what stage had been reached in the active learning programme that the Ministry of Education had launched with support from the United Nations Children's Fund, and what results had been achieved.

32. It would be useful to learn what measures the Government was taking to prevent young people, particularly those with disabilities, from committing suicide.

The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.

33. Mr. KHALAFOV (Azerbaijan) said that the data-collection system required improvement, particularly in the area of indicators on children.

34. Mr. CABBAROV (Azerbaijan) said that while the Government was currently developing internal capacity on budget planning, in cooperation with international institutions such as the World Bank, there was no direct funding of child protection legislation with specific budget allocations. While medium-term expenditure frameworks had been established for such projects as building new schools and hospitals, some research would be necessary in order to calculate total expenditure on child protection and children's issues.

35. The disparity between current gross domestic product and spending on health and education was caused in part by the high proportion of refugees and internally displaced persons in the population, which created a heavy budgetary burden on the Government. Spending on education had, in fact, increased by 60 per cent between 2003 and 2005, and the health budget had risen by 120 per cent over the same period. In 2006, the disparity between GDP and spending on health, education and social protection would be addressed by ensuring that the budget for those sectors grew faster than GDP. The Government's medium-term plan, as reflected in the human development plan currently being drafted, was to reduce the number of people living in poverty by 15 per cent by 2015. The World Bank had declared that a realistic objective.

36. The State budget was based on time-bound strategies for specific action plans and programmes; there would be annual reviews and monitoring of programmes to allow for fine-tuning once the plans and programmes were at the implementation stage.

37. Work was currently under way on adopting the human development programme. The importance his Government attached to the programme was demonstrated by the fact that the commission responsible for developing and adopting it was chaired by the Prime Minister.

38. Millennium Development Goals 2 and 4 had already been incorporated in domestic legislation and were included in the targets under the National Human Development Programme 2006-2015. Priorities had been set in the light of findings in connection with the implementation of the 2003-2005 Poverty Reduction Strategy.

39. He regretted that the amount of the budget allocated to sport was limited; the country was the victim of aggression and funds therefore had to be devoted to other purposes.

40. Mr. KHALAFOV (Azerbaijan) explained that the Government always earmarked funds for any social projects it planned.

41. Mr. BABAYEV (Azerbaijan) said that since the National Coordination Council for Children's Affairs, whose membership and duties were outlined in the written replies, was an advisory body operating under the aegis of the Ministry for Youth, Sport and Tourism it did not have its own budget. It met once every three months, but could convene more often if there were urgent matters to examine.

42. The meeting the Ministry for Youth, Sports and Tourism held once a year to discuss questions related to the rights of children and parents in a particular region of the country provided an opportunity to monitor compliance with the Convention. The mass media carried regular reports of those meetings.

43. Representatives of children's organizations must be consulted whenever a State programme or a law affecting children was drafted. Children and minors therefore participated directly in the planning of measures and could put forward proposals on specific themes.

44. Turning to the question of statistics, he explained that each ministry collected its own figures, but the State Statistical Committee compiled sets of basic data. New methods of data management and collection were being developed in the light of other countries' experience.

45. The commissions on minors' affairs and the protection of their rights comprised representatives of the relevant ministries and officials from all levels of local authorities. They met regularly to debate various ways of defending children's rights and thereby helped to monitor compliance with the Convention.

46. The CHAIRPERSON requested additional information on the country advisory group.

47. Mr. BABAYEV (Azerbaijan) said that the National Coordination Council for Children's Affairs carried out advisory functions as well as providing financial support for projects to promote the social and economic development of young people. Its members included some of the authors of the alternative reports.

48. Mr. AGAYEV (Azerbaijan) said that the right of every child in Azerbaijan to life and health had been established by law. He drew attention to the information contained in the report and added that, in 2004, Parliament had also adopted a law on the nutrition of children and infants. There were plans to introduce a health insurance card in 2006, which would be issued to every child on birth and which would make it possible to check that the child had received all the basic preventive care measures dispensed free of charge by State health-care facilities.

49. The Ministry of Health's plan of action for the 5-18 age group was an important step towards laying the foundations for the implementation of the Convention. Measles and German measles had been eradicated in 2004.

50. The budget appropriation for the free dispensing of drugs to sick children had doubled in 2006 to US\$ 15 million. All medical institutions gave free treatment to children up to the age of 15. Many drugs were dispensed free of charge to sick children in receipt of special benefits. In order to prevent iodine deficiency, a law had been passed which prohibited the import and sale of non-iodized salt.

51. The CHAIRPERSON asked if any specific measure had been put in place to reduce the relatively high infant mortality rate and to counter the rising suicide rate among young people.

52. Mr. AGAYEV (Azerbaijan) replied that a study would be conducted into mother and infant mortality in 2006. Naturally, appropriate measures were being taken as part of the millennium plan to reduce both mother and infant mortality rates.

53. Ms. ORTIZ asked whether any studies into the causes of juvenile suicide had been carried out and if they had ascertained what those causes were.

54. Mr. USUBOV (Azerbaijan) replied that a study by the Ministry of Health had revealed that young people committed suicide for many reasons. Rates were highest among youngsters with a low educational level. Some children killed themselves because they had a problematic relationship with someone in their family or with their peers. Others turned to suicide on account of psychological instability.

55. Mr. AMIRBAYOV (Azerbaijan) said that the revised country programme document which the United Nations Children's Fund had adopted for Azerbaijan had been based on a needs assessment carried out in 2003 and 2004. It took account of a number of existing strategies to enhance the protection of children. It set out to strengthen children's rights and human rights in general, to improve the health and nutrition of women and children and to raise children's level of education.

56. In the sphere of social policy, children's issues were to be mainstreamed into State programmes and the Millennium Development Goals would be incorporated into the national planning process. Cooperation would be initiated in order to improve the statistical database on children so as to make policy, laws and programmes evidence-based. Laws were to be brought into line with international standards and commitments.

57. In the health sector, the accent would be placed on building the capacity of care providers with a view to lowering the mortality of infants and children under the age of 5. Much would also have to be done to improve the collection of data so that health statistics and immunization coverage could be properly monitored.

58. The UNICEF country programme would also focus on education, including early childhood development, interactive learning methodologies and education information management. A project had been developed to address the requirements of internally displaced children.

59. There would be a review of existing legislation in the area of child protection to ensure compliance with international norms. It was hoped to reform the child protection system throughout the country through the establishment of community-based alternative services. Young people's health, development and participation in decision-making would also be addressed by the programme. The programme's budget was US\$ 10 million.

60. The Government was fostering relationships with other agencies in the field of protection of children's rights. To that end, it had invited the United Nations Secretary-General's independent expert for the study on violence against children to visit Azerbaijan. There was a gap in the United Nations system, as no specific agency had the mandate to deal with internally displaced persons. The Government would like UNICEF and other United Nations specialized agencies to play a more active role in implementing the newly established cluster approach with respect to the displaced population.

61. Ms. ANDERSON asked whether there had been any policy or operational developments concerning the question of separating children from mothers who were imprisoned.

62. She requested information on the status of the plan for the deinstitutionalization of State care, and whether it was true that many public care institutions now operated as day centres.

63. Ms. AL-THANI expressed concern that the health system in general was not sufficiently developed to provide adequate care and that there was a shortage of qualified specialists and equipment in secondary and tertiary health centres. She would be interested to hear how those problems were being addressed.

64. The reason for the disparity between official government statistics and those issued by other bodies was that the definitions being used did not correspond to World Health Organization definitions. That situation needed to be addressed, particularly for indicators such as the infant mortality rate.

65. She wondered why there was such a high incidence of a number of inherited illnesses such as haemophilia. She would be interested to hear whether premarital testing was available, for example.

66. As to nutrition, despite the legislation on the iodization of salt, it appeared that much of the salt in use was not iodized, as a result of which there was a high incidence of iodine deficiency among pregnant women.

67. She would be interested to hear what was being done in the area of adolescent health in general, and more particularly in terms of sexually transmitted diseases and contraception. She wondered whether reproductive health services also covered adolescents.

68. The suicide figures did not take into account the number of attempted suicides, which was usually much higher. Although there did not appear to be any major increase in mental health problems, the issue still required greater attention.

69. She would be interested to hear what measures were being taken to prevent drug addiction, alcoholism and smoking among young people. She also wished to know what awareness-raising and prevention measures were being taken to ensure that HIV/AIDS did not become a major problem.

70. Mr. KRAPPMANN wondered when the new law on education, which had been under consideration for some time, would be adopted, and what its objectives were. School attendance levels were poor, particularly in rural areas and among refugees and internally displaced children, and he wondered what was being done to encourage those children to attend school. He also expressed concern at the decreasing attendance rate for preschool education. Although basic education was free in theory, in practice children must pay a contribution, and he wondered whether there were any plans to abolish that system.

71. There were reports that teachers were very badly paid, and he wondered whether the Government had the resources to increase their salaries. He asked whether there were plans to revise the school curriculum, which appeared to be very academic, and what of human rights education was imparted.

72. Ms. OUEDRAOGO expressed concern that there was currently no complaints mechanism for children, and asked whether the appointment of an ombudsman for children's rights had been envisaged.

73. The fact that more children were adopted internationally than at the national level was a matter for concern. She wondered how that situation was being addressed, for example in terms of the follow-up of international adoptions. She wondered whether the programme for the deinstitutionalization of State care had been completed, and whether it would be accompanied by the establishment of social services mechanisms.

74. She expressed concern at reports of the disappearance of children, some from institutions presumably for the purposes of trafficking, and wondered what had been done in that regard.

75. Ms. ORTIZ expressed concern at the 10 per cent annual increase in the number of children placed in institutional care. She wondered whether there was the possibility of foster care for those children who did not have a family. She wondered whether there was any periodic review of institutional placements. She wondered how the study on institutional care had been analysed by the Government and what practical consequences it had had.

76. Regarding adoption, she wondered how the central authority was composed and how it disseminated the provisions of the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. She expressed concern that birth certificates could easily be altered to facilitate a form of alternative illegal adoption, and wondered how that crime was prevented or punished. It appeared that there was not sufficient training for professionals working in the area of adoption. She wondered whether parents who placed their children in institutions must still sign a document consenting to their adoption. She expressed concern that under the current legislation, it was possible to revoke adoption and return the child, usually if it was discovered the child had an illness.

77. The CHAIRPERSON expressed concern that the registration of the new-born children of internally displaced persons was made particularly difficult by cumbersome administrative regulations. What measures had been taken to address that situation?
78. He would be interested to learn more about the role of labour inspectors, whether they were well trained to deal with cases of child labour, and whether they visited workplaces where worst forms of child labour were likely to take place.
79. He asked whether the programme for homeless and street children had yielded any results.
80. Although the legislation on the media provided a definition of pornographic materials, it did not mention the Internet as a vehicle for distribution and dissemination of child pornography. Were there any plans to remedy that situation?
81. He wondered why a training project to combat sexual violence in tourism, targeted at 12-to-16-year-olds, had not been approved by the Organization for Security and Cooperation in Europe.
82. He asked whether any action had been taken to amend legislation, where necessary, to comply with the Optional Protocols to the Convention.
83. He requested clarification of the question of children in armed conflict. According to the country report, the recruitment of minors was a crime, but only the direct participation in military conflict of children aged under 15 was prohibited. If minors were all persons under the age of 18, he wondered why criminalization of participation was limited to children under 15.
84. Was he correct in thinking that the minimum age of criminal responsibility was 14 for serious crimes and 16 for all others? He requested clarification of what administrative offences were. He expressed concern that pretrial detention was widely used, that minors were not separated from adults in police cells, that they were often held for longer than the 48 hours allowed, and that their parents were not immediately informed of their arrest. He would welcome information on the training of police officers who dealt with juvenile delinquents. He would be interested to hear why the long-term programme on the development of a juvenile justice system did not seem to be making progress.

The meeting rose at 1 p.m.