



Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR/1106
26 January 2006

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1106th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 19 January 2006, at 3 p.m.

Chairperson: MR. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Azerbaijan (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.06-40171 (E) 230106 260106

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Azerbaijan (continued) (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, Ms. Askarova, Mr. Babayev, Mr. Budaqov, Mr. Cabbarov, Mr. Cafarov, Mr. Khalafov, Mr. Musayev, Mr. Najafov, Mr. Qasimov, Mr. Usubov and Mr. Zalov (Azerbaijan) resumed places at the Committee table.
2. Mr. MUSAYEV (Azerbaijan) said that, in Azerbaijan, more than 100 legislative acts regulated questions relating to children, and over 50 of those acts focused directly on protecting children's rights and interests.
3. With regard to the decentralization of the birth registration system, he said that, in 2002, on the initiative of the Ministry of Justice, the Parliament had transferred responsibility for the registration of births and deaths to the local authorities. The registration procedure had been simplified. The Ministry of Justice was providing the local authorities with special training to help them carry out their new task. Considerable efforts had been made to improve statistics, and regulations for registering the births of all children under 16 years of age had been introduced. A databank had been set up to store birth and death certificates.
4. The Ministry of Justice had established a body to help ensure Azerbaijan's compliance with its obligations under the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. A number of amendments were being prepared to bring national legislation into line with the Hague Convention. The Ministry of Justice took decisions on international adoption and approved adoption decisions taken by the relevant ministries of other States parties to the Hague Convention. It provided statistics on the implementation of legislation governing international adoption and took measures to combat illegal financial transactions in that area. The Ministry also trained staff on questions of international adoption.
5. Adoptions could be annulled if the adoptive parents failed to meet their parental obligations, if they misused their parental rights, if they abused the child or if they were alcoholics or drug addicts. Adoptions were annulled on the basis of a court decision and there were provisions for dealing with the legal consequences of the annulment.
6. With regard to the activities of non-governmental organizations (NGOs) in Azerbaijan, he said that in recent years the development of civil society had been such that the number of NGOs active in the country had doubled or even tripled from one year to the next. New legislation had significantly simplified the registration process for NGOs; the registration fee was US\$ 12. In 2005, 379 NGOs had been registered; of that number, 34 NGOs focused on the rights and interests of children and young people. The Ministry of Justice was responsible for registering NGOs. It helped them with registration details, provided them with booklets explaining their rights and obligations and offered them legal assistance. Legislation granting

the authorities broad control over the activities of NGOs had expired in 2005, and NGOs now worked unhindered. There were currently some 2,500 NGOs in Azerbaijan, 147 of which dealt with young people. The Government conducted many joint events with NGOs.

7. With regard to the legal definition of a child, he said that children were considered to be persons under the age of 18. However, family, criminal and administrative legislation provided for a number of subcategories to protect the rights and interests of minors. Although the age of criminal responsibility was 16, pursuant to article 17 of the Criminal Code, the age of criminal responsibility could begin at 14 for particularly serious offences, such as robbery, assault and battery, rape or drug trafficking. Those offences amounted to only 6 per cent of all crimes listed in the Criminal Code. Minors were prosecuted under a special judicial procedure.

8. While Azerbaijan did not have a special judicial body to try juvenile offences, judges hearing cases involving juveniles must have experience in dealing with minors. Investigators and prosecutors in the area of juvenile justice must receive training in child psychology. Consideration was being given to the establishment of special juvenile courts, since they were more effective in protecting the rights of minors.

9. Pretrial detention of minors was very rare and was subject to strict limitations. The Code of Criminal Procedure contained special provisions governing preliminary investigations, interrogations and judicial proceedings involving minors.

10. In 2005, 236 juvenile offenders had received sentences. Most of those offenders had been fined, and many had been given suspended sentences, while only 45 juvenile offenders had been imprisoned. Only seven children between the ages of 14 and 16 had been sentenced. Those figures showed that the implementation of criminal law in Azerbaijan was fully in keeping with the humane principles of international law.

11. With the assistance from the Council of Europe, Azerbaijan was making efforts to improve its judicial system. For the first time, a committee for the appointment of judges had been set up. Prospective appointees must complete training and pass written examinations, following which their candidatures were referred to a judicial council made up of 15 persons, including judges, representatives of the Ministry of Justice, the procurator's office and the Bar.

12. In 2005, the courts had approved 620 applications for adoptions and had also examined 88 lawsuits for the withdrawal of parental rights, 4 of which had been approved.

13. With regard to the age of marriage, he said that, pursuant to the Family Code, men could marry at the age of 18, and women at 17. In special circumstances, the age limit could be lowered by one year.

14. Replying to a question concerning prison sentences served by mothers with infants, he said that special arrangements had been made to enable children to remain with their incarcerated mothers until the age of 3. If the mother's remaining sentence was no more than one year, the prison authorities could decide, with the court's approval, to allow the child to stay with her until the sentence was completed. Mothers and children in prison received a special diet and medical care.

15. One of the tasks of the Office of the Ombudsman was to protect the rights of mothers and children. The Ombudsman periodically visited the hospital facilities of institutions in which minors were serving sentences. She had the right to visit freely with juvenile offenders in prisons without the presence of adults and, on the basis of those visits, she could make recommendations to the judicial authorities. Every year, a parliamentary report was published in the press and was made available on the relevant Internet websites.

16. Administrative offences by minors involved children aged 16 and older who had stolen property of insignificant value, engaged in petty hooliganism or vandalism, or committed other minor offences. The fact that the offender was a minor was regarded as a mitigating circumstance. In sentencing minors, courts took into account the offender's age, state of mind, physical condition and family background. Administrative offences were usually punished with a fine.

17. The CHAIRPERSON asked whether a 15-year-old found guilty of shoplifting was treated differently from a 16-year-old who had committed the same offence.

18. Mr. MUSAYEV (Azerbaijan) said that the parents of a 15-year-old who committed shoplifting were responsible for the damage. If the minor was 16 years old and was employed, he or she would have to compensate for the damage.

19. Mr. QASIMOV (Azerbaijan) said that, over the past five years, the Ministry of Education had set up seven joint projects with the United Nations Children's Fund (UNICEF) involving some 100 educational institutions and 14,000 pupils. Better parenting initiatives and early childhood care and development programmes had been introduced in 14 districts of Azerbaijan.

20. Internally displaced children accounted for 32 per cent of all children enrolled in preschool education, which placed a major burden on the system. The Asian Development Bank had pledged US\$ 20 million to an early childhood development programme to improve preschool education. With the assistance of UNICEF, 34 child development centres had been set up in camps for internally displaced persons and camp preschools had been provided with free educational materials, equipment and food.

21. A project had been launched to disseminate the Convention on the Rights of the Child in schools. The project involved the distribution of information brochures and promotional materials, as well as training courses for teachers and parents.

22. The UNICEF-supported Active Learning and School Leadership Project piloted interactive teaching technology and active learning methodologies in focus districts. Children's rights issues had been incorporated into school curricula, and parent-teacher associations had been established in five pilot schools. The aim of the project was to improve the overall quality of education and encourage parents' involvement in their children's education.

23. The 1999 Education Reform Programme set national standards for secondary education, provided for the introduction of new curricula and textbooks, and sought to create an environment conducive to learning. The Programme also provided for expanding the network of general education schools and increasing the number of teaching staff. A presidential decree adopted in August 2005 facilitated the transition to a five-day week in all educational institutions.

Under the Programme on Poverty Reduction and Economic Development, free textbooks had been distributed in 2003 to preschools located in camps for internally displaced persons. Since August 2005, textbooks had been made available free of charge in all general education schools. Many schools had been equipped with computers.

24. In the context of the transition from the Cyrillic to the Latin alphabet, a large number of Azerbaijani and foreign literary works had been made available free of charge as supplementary teaching materials.

25. Human rights education had been included in all educational curricula. Regular meetings were held with teaching staff and handbooks entitled “My rights” and “Human rights and me” had been distributed in all schools.

26. The CHAIRPERSON said that many teachers in the State party reportedly engaged in after-school tutoring to supplement their meagre incomes. A system where learning gaps were economically beneficial to teaching staff was not exactly conducive to improving the quality of education, and he enquired about the current salary rate for teachers. He was concerned that excessive emphasis was placed on academic knowledge to the detriment of overall development and life skills.

27. Mr. SIDDIQUI said that the delegation should explain the gender gap in enrolment in vocational education and science programmes.

28. Ms. Yanghee LEE enquired about the teacher-pupil ratio. The data on the number of schools and the teacher-pupil ratio provided in the written replies was inconclusive and should be clarified.

29. Ms. ORTIZ asked whether the placement in State institutions of children whose parents could not afford school supplies was the reason for the high number of institutionalized children.

30. Mr. KRAPPMANN asked what measures were being taken to reverse the downward trend in the number of children enrolled in preschool education.

31. Mr. QASIMOV (Azerbaijan) said that the right to education was guaranteed in the Azerbaijani Constitution and applied to all children, irrespective of their gender or financial situation. The alleged gender gap in secondary school enrolment did not exist. Moreover, women accounted for 70 per cent of students enrolled in teacher-training courses and for 60 per cent of medical school students.

32. Teachers currently earned US\$ 70 per month, which was below the national average. However, between 1995 and the present, teachers’ salaries had increased 30-fold.

33. Mr. CABBAROV (Azerbaijan) said that budget allocations had been increased in order to bring teachers’ salaries into line with the national average over the next three years. The Programme on Poverty Reduction and Economic Development and the policies that had been adopted to implement the Millennium Development Goals contained provisions to enhance the quality of education.

34. Mr. KHALAFOV (Azerbaijan) said that after-school tutoring by teachers in Azerbaijan was common and not against the law.

35. Mr. BUDAQOV (Azerbaijan) said that the United Nations Development Programme (UNDP), the Tacis Programme of the European Commission, UNICEF, the World Bank, the Asian Development Bank and other international financial institutions were providing technical and financial support for the radical restructuring of Azerbaijan's social protection system. A draft policy outline had been prepared with a view to improving the provision of targeted assistance to needy members of the population and their children. Accordingly, individual needs assessments would be conducted to identify the sum required to close the gap between income and need. Monthly disbursements were expected to be particularly beneficial to large families.

36. Work was currently under way to create a normative basis for the implementation of the 2005 Prevention of Homelessness and Violation of Minors' Rights Act of 24 May 2005. The Act provided for the creation of a network of services to address the problem of homelessness, and special emphasis was placed on prevention. The planned measures included the creation of regional social rehabilitation centres for street children. The centres would operate temporary shelters and work with the children to identify long-term solutions, such as reuniting them with their families or placing them in alternative care.

37. The State Programme for the Development of Demography and Population in the Republic of Azerbaijan, which had been adopted in November 2004, contained a number of measures for providing social protection for children, reducing child mortality and raising the birth rate.

38. The Government had been working with UNDP to develop a national employment strategy. Other international partners, including the International Labour Organization (ILO), had also contributed to those efforts. The National Employment Strategy Commission had been established to examine key issues, including youth employment and vocational training.

39. In the context of the European Commission-sponsored Food Security Programme, efforts were being made to address the problem of malnutrition.

40. The high number of disabled children in Azerbaijan was attributable to the armed conflict with Armenia and Armenia's continuing aggression against Azerbaijanis. The resulting numbers of injured, homeless and forcibly displaced persons had had a devastating impact on children, who suffered from deprivation, disease and psychological disturbances. The percentage of disabled children among the population of refugees and displaced persons was double that of disabled persons among the general population. The number of suicides among children was undoubtedly linked to the severe psychological instability of some of those children.

41. Ms. OUEDRAOGO said that, prior to placing a street child in an institution, it was important to determine the reason why the child had left home and to take the appropriate measures to address it.

42. Mr. BUDAQOV (Azerbaijan) said that the rehabilitation of disabled children was one of the main components of the Government's social policy. Every year, the Cabinet of Ministers adopted a programme for the prevention of disabilities and the rehabilitation of disabled persons.

Nearly all disabled children in Azerbaijan had been provided with the appropriate treatment, rehabilitation and prostheses that they required. Moreover, there were plans to set up a specialized educational institute for disabled children. With the assistance of UNDP, seven regional rehabilitation centres had been established throughout Azerbaijan over the past three years. The 2006 general budget had allocated the necessary funds to establish a rehabilitation centre in the Nakhchivan Autonomous Republic, which was a remote region where access to services was particularly difficult for disabled children.

43. Together with representatives from UNICEF and various children's organizations, the Cabinet was formulating a programme for the deinstitutionalization of children. The main reasons for placing children in institutions were either the poverty of their families or the lack of adequate infrastructure in rural areas for children with disabilities. The first step in addressing poverty was for the Government to provide targeted social assistance to poor families. The process of returning disabled children to their families was more complicated and would best be handled on a case-by-case basis.

44. In carrying out the deinstitutionalization process, the Government's first priority was to reunite children in institutions with their biological families. If that was not possible, children were put up for adoption, placed in foster care or assigned to an "SOS Kinder" children's village. Children's villages had been established to create a safe, family environment that enabled children to develop into healthy young adults. Children lived in a house with an SOS mother, who was a single woman without children of her own, and with brothers and sisters, who might or might not be their biological siblings. In order to ensure their integration into society, children from the villages attended regular schools.

45. Azerbaijan had acceded to many ILO conventions, including ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Although the minimum age of employment had been set at 15, children could begin working at the age of 14 with the permission of their parents and for training purposes only.

46. Ms. OUEDRAOGO asked why the deinstitutionalization programme had not yet been adopted. She wished to know how long children who had been institutionalized owing to their families' poverty were kept in institutions, and whether any additional measures had been taken to help parents care for their children. She asked how long children remained in the "SOS Kinder" children's villages, and what steps were taken to ensure that such children did not become permanently dependent on assistance.

47. The CHAIRPERSON asked how many children typically made up a family in the "SOS Kinder" children's villages. In many countries, national adoption or foster care was considered preferable to intercountry adoption, and he wished to know what policy had been adopted by the Government in that regard. He enquired whether any steps had been taken to encourage families in Azerbaijan to register as foster families, how many foster families there were and whether such families received any means of support.

48. Mr. BUDAQOV (Azerbaijan) said that there were many reasons that the deinstitutionalization programme had not yet been approved, including the difficulty of changing people's attitudes and Azerbaijan's transition to a market economy. Moreover, it was necessary

to ensure that conditions outside the institution were better than those inside it. Negotiations were under way between the Government and UNICEF to finalize the deinstitutionalization programme, and the initial steps to implement it would be taken in the near future.

49. A typical “SOS Kinder” family in Azerbaijan consisted of seven children. The organizers of the “SOS Kinder” children’s villages took care of children until they were able to care for themselves. In 2006, the Government had begun a programme to establish “SOS” youth centres, where young people from children’s villages could be resettled after they had completed compulsory education. The centres would hire permanent staff to provide vocational counselling to those young people. Legislation had recently been enacted to enable young persons from children’s villages to live in their own apartments.

50. Mr. BUDAQOV (Azerbaijan) said that current legislation gave preference to national adoptions over intercountry adoptions. A formal mechanism existed to promote foster care, and a small allowance was provided to foster families. The amount of such payments, which was being re-examined in the context of the reform of the social allowances system, would most likely be increased significantly.

51. Ms. ORTIZ asked whether there had been any debate in Azerbaijan on the issue of child development and the importance of growing up in a family environment. Although the “SOS Kinder” children’s villages provided a family-oriented environment, the main priority was for children to be reunited with their biological families. In that connection, foster care was important only to the extent that it was an interim measure that was taken before the child returned to his or her family or was put up for adoption.

52. Mr. BUDAQOV (Azerbaijan) said that, in carrying out institutional reform, it was important to obtain the support of the population at large. In recent years, the press and television had devoted increasing attention to children deprived of a family environment. A UNICEF-sponsored network of social organizations that worked with children held monthly discussions to share experiences.

53. Although child labour was not a serious problem in Azerbaijan, the problem was greater than official statistics indicated, since most children who worked were employed in the informal sector, where they were vulnerable to exploitation. The main task of Azerbaijan’s State labour inspectors was to detect violations of employment regulations and take appropriate measures. The introduction of penalties for employers had been an important means of combating abuses.

54. Mr. KHALAFOV (Azerbaijan) said that new measures were being adopted with respect to Azerbaijan’s obligations under the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Azerbaijani adoptive parents were given preference over foreign nationals wishing to adopt, as was demonstrated by the fact that only 143 children had been adopted by foreigners, whereas some 30,000 children had been adopted within Azerbaijan. All foreign adoptions required a court ruling; in cases where violations of the adoption procedure had been identified, criminal proceedings had been brought and the adoption halted. As Azerbaijani nationals often preferred to adopt healthy children, a special procedure was in place for the benefit of foreign adoptive parents who wished to adopt

children with medical conditions in order to take them abroad for treatment. The Azerbaijani authorities monitored the progress of children who were adopted abroad. Azerbaijan was not immune to trafficking in children and was stepping up measures to prevent it.

55. Mr. AGAYEV (Azerbaijan) said that health care was provided by a network of hospitals and other medical establishments. Although there had been 33 doctors for every 100,000 people in 2004, a study had shown that the number of general practitioners was inadequate and that the premises of many health-care facilities were not up to modern standards. As part of a government initiative, new health facilities were being built in 10 regions of the country. Although the infant mortality rate had fallen significantly from 23.9 per 1,000 live births in 1999 to 14 per 1,000 live births in 2004, that figure continued to be relatively high compared to European countries. Moreover, different methodologies produced different figures: a survey by the World Bank evaluated infant mortality to be 38 per 1,000 live births between the ages of 0 and 27 days, and 43 per 1,000 live births up to the age of 1 year. The Ministry of Health planned to undertake a new study on infant mortality in 2006, with the assistance of UNICEF and other international organizations. In December 2005, a delegation from Azerbaijan had participated in an international forum entitled Tracking Progress in Child Survival, Countdown to 2015.

56. A law had been adopted on State care for persons with inherited blood diseases. Such diseases were particularly prevalent in Azerbaijan: 1 in 20 Azerbaijanis was a carrier of thalassaemia; 900 children were ill with thalassaemia; and 2,000 children suffered from haemophilia. A special programme that had been introduced to inform the population about such diseases also provided for compulsory medical examinations at government expense for the purpose of studying the genetic diseases.

57. In accordance with a law prohibiting the production, import and sale of non-iodized salt for the mass treatment of iodine deficiency disorders, salt was iodized.

58. A national campaign to prevent the spread of HIV/AIDS had received financial support from the national budget and from the Global Fund to Fight AIDS, Tuberculosis and Malaria. Since 24 centres for family planning and reproductive health had been opened, there had been a 12 per cent decline in the number of abortions and a 24 per cent increase in the use of modern contraceptives.

59. Ms. AL-THANI asked about the extent to which reproductive health-care services were available to, and used by, adolescents. She also wished to know whether Azerbaijan had an emergency plan to deal with the threat of avian flu.

60. Mr. AGAYEV (Azerbaijan) said that there had not been any cases of avian flu in Azerbaijan. A number of measures were in place to prevent or limit the impact of any future outbreak; such measures included ensuring adequate provision of antiviral medicines, tightening border controls, and testing birds.

61. The CHAIRPERSON said that the Committee wished to know whether adolescents made use of the centres for family planning and reproductive health and had access to contraceptives. The delegation should explain why sexually transmitted diseases among adolescents had increased.

62. Mr. AGAYEV (Azerbaijan) said that efforts had been made to raise adolescents' awareness of sexually transmitted diseases and that the Ministry of Health planned to establish clinics where patients could be treated anonymously.

63. The CHAIRPERSON (Country Rapporteur) said that the Committee was confident that Azerbaijan was on the right track in its efforts to protect the rights of children. Although legislative and structural changes were vital, the greatest challenge was often to bring about a change in attitude. The Committee looked forward to receiving Azerbaijan's third and fourth periodic reports, which would be submitted as one document.

64. Mr. KHALAFOV (Azerbaijan) said that his delegation's constructive dialogue with the Committee would help to improve his Government's implementation of the Convention. He assured the Committee that Azerbaijan's next periodic reports would be submitted on time, and reiterated his invitation to the Chairperson to visit Azerbaijan. His delegation looked forward to receiving the Committee's concluding observations and recommendations.

The meeting rose at 6.05 p.m.