



ngo group for the crc

STATE PARTY EXAMINATION OF AZERBAIJAN'S SECOND PERIODIC REPORT

41ST SESSION OF THE COMMITTEE ON THE RIGHTS OF THE
CHILD

9 - 27 JANUARY 2006

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Azerbaijan ratified the Convention on the Rights of the Child (CRC) in 1992. On 19 January 2006, the Committee on the Rights of the Child (the Committee) examined Azerbaijan's Second Periodic Report.

Opening Comments

Mr. Khalaf Khalafov, the Deputy Minister for Foreign Affairs, headed the delegation. He explained that the Government had adopted many provisions to carry out the CRC, to continue developing democracy and ensure fundamental human rights to all citizens. The Government was working to inform all citizens of their rights by disseminating 7500 copies of the CRC translated into Azeri. The Government also organised seminars and round tables, and encouraged mass media coverage.

Mr. Jaap Doek, the country rapporteur, thanked the delegation for the report. He stated that Azerbaijan's two major problems were the transition to a market economy and the Armenian conflict. One million people were still suffering from the consequences of the conflict, as part of the country was not under Government control. The economy was moving in the right direction, as oil resources provided good prospects for the future. He hoped that it would lead to a considerable increase of the budget for children's issues. He noted that the Government had ratified all human rights treaties, thus demonstrating a desire to be part of the international community. Doek commented that the report was late (it should have been submitted in 1999), and the Government would have to submit the third and fourth reports together. The report contained an impressive list of measures to implement the CRC, but there was no information on budget allocations for these measures. There was also an absence of statistics and information on the impact of these measures. The Committee also stated that the absence of women on the delegation was regrettable.

Budget Allocations

The Committee requested clarifications concerning the allocation of funds to programmes which were part of an implementation plan. The delegation explained that State structures decided on priorities and submitted budget requests according to their programmes. The Committee expressed concern that allocations for social programmes were far below international standards, citing that health allocations were only 0.9% of the GDP. With improvements in the GDP and the economy, the Committee hoped that the Government would invest in children instead of the oil sector. The delegation explained that there was a heavy economic burden on the Government due to the large refugee population and the need to build infrastructure. Significant increases in health, education and social protection allocations had been made, and the 2006 budget would grow by 60% to help bridge the gap with the GDP. The Committee asked why sport received such a small allocation, when there was a great need for facilities for children. The delegation replied that this was important but as Azerbaijan had been a victim of an aggression, it was necessary to be realistic about priorities.

Implementation and Coordination

The Committee enquired about the role of the Ombudsperson on children's rights and if her work was publicised. The delegation explained that her job was to defend the rights of mothers and children. She visited juvenile penitentiaries and had the right to talk with prisoners one-to-one. Her yearly report to parliament was available on the internet. In response to the Committee's questions about data collection, the delegation admitted that there was a problem because the system needed refining. Each ministry collected basic data, but the Government was developing new statistical practices.

The Committee requested information concerning the actions of the National Coordination Council of Child Affairs. The delegation explained that it was composed of 12 State structures and 30 NGOs which ensured coordination, established working groups on important issues and advised parliament. This Committee also received NGO reports and met four times a year. The Committee complimented the Government on its good relationship with the NGO community, but expressed concerns about the NGO registration procedure (especially the fees it entailed). The delegation replied that the number of NGOs increased 2 or 3 fold a year and that new laws had simplified registration. The delegation insisted that the 12\$ fee was not burdensome and was necessary to finance registration. The law that allowed the Government to dominate NGOs had been overturned, and the Government now had open communication with NGOs.

The Committee also asked about the implementation of the 10-year development plan in relation to the Millennium Development Goals on child mortality and education. The delegation admitted that the development programmes were badly explained in the report. The priorities were defined in partnership with the World Bank and the UN, and were based on poverty reduction strategies. There was also cooperation with UNICEF to improve education standards and reduce child mortality. The Government allocated 10 million USD to this project.

The Committee requested information on the structure of the local commission, specifically concerning their functioning; participation in assessments; whether children were consulted in this process; and the results of the commissions. The delegation explained that they were headed by local ministers and met regularly with NGOs. The Committee also asked about the function of the Commission of Minor Affairs, but the delegation did not respond to these questions.

Birth and Death Registration

The Committee expressed concern about the under-reporting of births and deaths. It asked if registration fees were obstacles for poor families and if decentralisation was necessary to reach the population. The delegation replied that the family code was amended, making birth and death registration a local issue. The Government had also set up a central archive and database so a

computer network covered all the regions. The delegation provided a document with data covering registrations for the previous five years.

Access and Participation

The Committee noted the translation of documents into Azeri and asked what else was being done to provide children with access to information. It also asked what had been done to increase child participation at local and national level. Children appeared to be rarely heard when placed in internal care, nor were their complaints heard when sports facilities, parks, pools and libraries were closed down. The Committee asked if children's opinions were considered in schools. The delegation did not respond to these questions.

Child Labour

The Committee commented that the minimum working age was 15 and recommended that it coincide with the maximum age of compulsory education. The delegation responded that it was in accordance with the ILO Convention. The Committee asked if the Government considered child labour a problem and if labour inspectors were properly trained to handle it. The delegation assured the Committee that the Government did not want children to work, and officially there were very few working children. The problem was in the informal sector where monitoring was difficult. Labour inspectors identified violations and took necessary measures if anything was uncovered.

Corporal Punishment, Violence and Exploitation

The Committee noted that corporal punishment was prohibited in schools and the penal system, but asked about the measures to ensure that it was respected. It also enquired if children could safely complain of mistreatment. There were reports of violent treatment and beatings of children in the juvenile justice system and the Committee wanted to know if this was an issue. The Committee also noted that corporal punishment was not illegal at home and asked if children knew about their rights.

The Committee discussed the issues related to the large number of refugees and displaced persons. It asked if humanitarian organisations could get access to occupied areas to provide assistance to children. In addition, it asked about the registration of displaced children. The delegation did not reply to these questions.

The Committee discussed child disappearances and its link to trafficking. It wanted to know what was being done to find these children, especially those who disappeared from State institutions. The delegation replied that trafficking was a social problem and there were laws in place to combat it.

Definition of a Child

The Committee asked for clarification regarding the definition of a minor, citing discrepancies between the age of criminal responsibility and marriage. The delegation explained that particularly heinous offences allowed for criminal responsibility at age 14 or 16. The Committee was assured that this was only a small percentage of the total number of cases and a special procedure was followed to protect the child. The judge took the child's condition into account when determining responsibility.

Juvenile Justice

The Committee asked why pre-trial detention was used for minors, especially since parents were not informed immediately and there was no separation from adults. The delegation maintained that special rules were in place for the detention of minors and that short-term detention was rarely used and was very limited. The Committee asked if judges and officers working with children received training to become juvenile experts. The delegation replied that the training took the psychological differences of children into account. Judges were being trained, and while there was no specialised body for juvenile affairs, only experienced judges were appointed to handle juvenile cases.

The Committee asked what was being done to develop a separate juvenile justice system. The delegation explained that the number of convicted juvenile offenders was dropping in recent years. Only 45 children were deprived of freedom and they were the most severe cases. Others had received treatment or were released. The Government was in the process of developing the court system but it would take time before a specialised juvenile court was established.

The Committee asked for clarifications regarding administrative offences. The delegation explained that the administrative code provided for special punishments for children (e.g. a fine) to address violations not considered criminal, such as cases of minor property theft.

Poverty and Homelessness

The Committee asked about the measures to address poverty. The delegation highlighted the goal of reducing poverty to 15% by 2015. In the previous 3 years, poverty was reduced by 9%. The Government was disseminating oil revenue to provide for the most vulnerable, as well as for restructuring the social protection system with UN and NGO assistance. This marked a radical change in its approach, with targeted financial assistance to fill the gap between what a family earned and needed. This new standard would eventually be used to establish a minimum wage. A network was being set up to provide social and medical care to homeless children, and regional centres were developed to help reunite street children with their families or provide alternative placement.

Health

The Committee asked about measures to meet the health care standards, especially in rural areas. The delegation replied that each child had the right to health. The funds for free treatment and medicine were doubled in the 2006 budget. Buildings and equipment in rural areas were below standards, but there was a programme to build clinics and improve rural care. The Committee asked if there were enough qualified paediatricians. The delegation explained that there were children's hospitals and plenty of specialists, but not enough general practitioners. The Committee asked about the child mortality rate, especially why it was four times higher for disabled children. The delegation explained that a study was underway with UNICEF to determine child mortality rates and develop measures to deal with this problem.

The Committee asked what was being done to prevent inherited illnesses, and if parents were identified and counselled on the risks of having more children. The delegation explained that there was a law to investigate, prevent and treat inherited diseases. Emphasis was placed on haemophilia and thalassemia. In response to the question about the iodisation of salt, the delegation explained that a law required all salt to be iodised as a preventative measure. The Committee asked what was done to prevent the avian flu. So far there were no cases, but preventative measures had been taken, including increased border control and blood sampling of bird populations.

The Committee expressed concern about the spread of HIV/AIDS and other sexually transmitted diseases (STDs) and asked about the prevention strategies. The delegation explained that there was a network of centres for reproductive health and family planning that aimed to increase access to contemporary contraceptive measures. There was an increase in adolescents going to these centres and prevention work was carried out on STDs and AIDS.

The Committee asked about mental health, namely the suicide of children after leaving state institutions. The delegation explained that there were only four suicide cases in 2005 and yearly studies were conducted to understand reasons for suicide. The risk was higher for children in rural communities, especially boys. The Committee reminded the delegation that the number of attempted suicides was always much higher than the reported figures.

Disabilities

The Committee asked about care for children with disabilities. The delegation admitted that there were shortcomings in the provision of medical care. Due to the continuing aggression by Armenia, many refugees and displaced persons were deprived of normal living conditions for many years, and this resulted in a high number of disabilities among refugee children. The Government adopted a programme every year to rehabilitate children and provide them with wheelchairs and fulfil their needs. The delegation explained that there were 7 regional rehabilitation centres, but access was impossible for those in occupied areas.

Family Environment and Alternative Care

The Committee asked about the situation of children with mothers in prison. The delegation explained that women could keep children under the age of 3 in prison, and all necessary conditions were provided, such as medical care.

The Committee asked about the deinstitutionalisation of State care, and strongly encouraged the Government to continue this process. The delegation replied that this was being conducted, but the country was still developing and it was difficult to change mind-sets to establish a new social system. Many children with disabilities were in institutions because the infrastructure was not in place to care for them in their villages. Many healthy children were in institutions because of poverty, and targeted social assistance was considered a vital step in reversing this trend. The Committee asked if there was public awareness and discussion of this problem. The delegation said that it was discussed on television and in the press and UNICEF's work had done a lot to bring attention to this issue.

The Committee enquired about adoption as an alternative to institutions. There was concern about fraud, especially in cases of international adoptions. The delegation assured the Committee that staff was being trained to prevent the use of illegal resources such as forged birth certificates. The process for international adoption was complex and went through the courts. In addition, contact was maintained afterwards. The Committee also asked about the promotion of in-state adoptions and the foster care system. Preference was given to national adoptions, and only after all available families refused to adopt a child, was he put up for international adoption. This was often the case for children with disabilities, who were sought after by foreigners who could provide treatment. The delegation admitted that the foster care system needed improving, and there were plans to increase the allowance given to foster families to care for children. The Committee also asked about the process of revoking an adoption and the impact on the child. The delegation explained that the court could nullify an adoption if the family abused their parental rights, because of cruel treatment or addiction.

The Committee asked for clarification about the functioning of children's villages. The delegation explained that if family reunification, adoption and foster care were not possible, these villages provided an alternative to traditional institutions. These SOS villages placed children with single women who did not have children. They lived together in homes to create a normal family environment and integrate the children into society. These children usually attended good private schools and were involved in activities. There were funds to help these children obtain higher education and training.

Education

The Committee asked about the modernisation and quality of the education system. The delegation responded that State standards for teaching were established and 30 million USD were used to supply modern computers. A project with UNICEF used active and interactive technology in teaching, as well as training teachers to prepare children for the future. The Committee asked about the student-teacher ratio. The delegation explained that 5 million USD were allocated to increasing teaching staff between 2005 and 2010. The Committee asked about rural and refugee children. The

delegation discussed a project in 14 regions to improve outreach to displaced families, and that 32% of preschool children were refugees.

The Committee asked about the low teachers' salaries, and the temptation to charge fees for additional tutoring. The delegation responded that low teacher wages was a worldwide problem. The salary was currently below the national average but this was expected to change within the next 3 years. The Government did not consider the tutoring practices illegal but admitted that it needed to be regulated. The delegation explained that secondary education was free for talented pupils who could not pay, and all textbooks were free for grades 1 to 11.

The Committee asked if human rights were discussed in school. The delegation outlined a UNICEF programme to develop awareness of the CRC and encourage recognition of rights among teachers, parents and children. Materials were distributed in schools and Parent-Teacher Associations were developed to encourage parental involvement in the school. The Committee enquired into girls' equal access to education. The delegation insisted that this right was protected in the constitution, and half the student population was female. They pointed out that 75% of students at the teaching university and 55% at the medical school were women.

Closing Remarks

Doek congratulated the delegation for being on the right track. He discussed the difficulty in changing attitudes, noting the lack of response to questions regarding corporal punishment. This reflected cultural attitudes on how to discipline a child. He also discussed child labour, and explained that a law was not enough and more inspections were needed. Doek hoped that the combined third and fourth report would be on time.

Mr. Khalafov thanked the Committee for a frank and fruitful dialogue. He said that many legislative, budgetary and social measures were taken to improve the situation for children. He invited the chairman to visit Azerbaijan to study the situation and develop ideas for future improvements.