



Convention on the Rights of the Child

Distr.: General
12 June 2012
English
Original: French

Committee on the Rights of the Child Fifty-ninth session

Summary record of the first part (public)* of the 1673rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 18 January 2012, at 10 a.m.

Chairperson: Mr. Zermatten

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties *(continued)*

Initial report of Azerbaijan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/AZE/1; CRC/C/OPSC/AZE/Q/1; CRC/C/OPSC/AZE/Q/1/Add.1)

1. *At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.*
2. **Mr. Gurbanov** (Azerbaijan) said that all penalties stipulated in the Fight against Trafficking in Human Beings Act were applied, but recognized that the provisions of the Optional Protocol had not all been incorporated into domestic law. The Constitution explicitly stated that those instruments formed an integral part of the country's law, and article 151 stipulated that international law superseded domestic law. Furthermore, a recent constitutional law made the provisions of international instruments directly applicable in domestic law, and a Supreme Court ruling had urged judges to base their decisions on the provisions of international instruments.
3. **Mr. Kotrane** stressed that if acts constituting an offence under the Optional Protocol were not specifically provided for in domestic law, judges could not sanction perpetrators of an offence defined in the Optional Protocol. It was therefore extremely important to clearly criminalize the acts covered in that instrument in domestic law.
4. **The Chairperson** pointed out that it was also necessary to clearly differentiate the concepts of sale and trafficking in domestic law.
5. **Mr. Gurbanov** (Azerbaijan) said that the classification of offences in domestic law took account of the definitions provided in the Optional Protocol, but he recognized that certain legal points could be made more specific. Azerbaijani law did not deal specifically with trafficking in children since it was covered by trafficking in persons.
6. In 2003, the Cabinet of Ministers had set up a programme of activities, including social reintegration measures for abandoned children and children left to their own devices, based on the experience of other countries. A law to prevent the incidence of children in street situations had been adopted in May 2005.
7. When an Azerbaijani national committed abroad an offence covered in the Optional Protocol, the courts of the State where the offence was committed had jurisdiction to prosecute. The Azerbaijani authorities could request that individuals convicted abroad should serve their sentence in Azerbaijan.
8. **Ms. Al-Shehail** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) took it that extraterritorial jurisdiction could only be exercised in cases of trafficking in persons and not for all the offences under the Optional Protocol. She requested further details in that regard.
9. **Mr. Kotrane** asked whether the Code of Criminal Procedure provided for expanding Azerbaijani jurisdiction, on the basis of the principle of universal jurisdiction, in cases of offences committed abroad by an Azerbaijani national or against an Azerbaijani minor, as stipulated in article 4 of the Optional Protocol. He also wished to know whether an extradition request could be based on that instrument.
10. **Mr. Gurbanov** (Azerbaijan) said that Azerbaijani jurisdiction could be expanded, in accordance with the provisions of article 4, and courts could prosecute perpetrators of offences committed abroad so that no acts went unpunished. An extradition Act, which was

universal in scope provided for extradition measures when no bilateral extradition agreement existed between Azerbaijan and another State.

11. Azerbaijan strove to ensure that the judiciary and the police received training on the provisions of the Optional Protocol and the Convention. Those instruments had been translated into Azeri, were available on the Internet and were part of the curriculum in judicial and police training institutions. Training courses were organized regularly for professionals in contact with children, particularly social workers.

12. Regarding regional cooperation, Azerbaijan had concluded many regional and bilateral agreements with neighbouring countries, including Georgia, to foster an exchange of good practices and experience.

13. **The Chairperson** asked for additional information on any direct cooperation in prosecuting perpetrators of offences covered in the Optional Protocol, information exchanges among the countries, and the treatment of victims.

14. **Mr. Gurbanov** (Azerbaijan) said that his country worked closely with neighbouring countries and, on a wider scale with the countries of the Commonwealth of Independent States, through agreements on mutual legal assistance in civil and criminal matters. There was also a well-established practice of concluding inter-institutional agreements, enabling even closer collaboration among relevant entities.

15. The term “victim” was the word generally used in reference to individuals against whom an offence had been committed and was a status that conferred protection under the law. However, practice had shown that the label could have adverse psychological effects on such individuals who might not cope well with being described as a victim and feel trapped by the label. As a result, there were proposals to define those individuals not as “victims” but as “persons who had been subjected to violence” (or to a given offence). The matter was due for discussion.

16. According to information from the Ministry of Internal Affairs, there had been 22 victims of trafficking in Azerbaijan in 2011 (against 34 in 2010, 47 in 2009, 78 in 2008 and 84 in 2007), of whom 18 had been placed in shelters, 13 had secured employment and 2 had received vocational training. All 22 victims had received assistance from the Support Fund for Victims of Trafficking in Persons, 18 had received financial compensation and 8 had been awarded damages for material harm.

17. **The Chairperson** asked whether the Code of Criminal Procedure had been amended and whether child-specific protocols had been implemented, in keeping with article 8 of the Optional Protocol, which provided that child victims and witnesses should enjoy a special status, for the collection and interpretation of their statements, including the use of modern technologies, and that measures should be taken to avoid re-victimization. He especially wished to know whether children were heard by the judges themselves.

18. **Mr. Gurbanov** (Azerbaijan) said that the Ministry of Internal Affairs ran a rehabilitation centre for victims of trafficking with input from civil society organizations, such as “Pure World” (Temiz Dunya), which worked closely with the Ministry.

19. The process for hearing minors differed from that for adults. The victim’s psychological state was taken into account and the attendance of a psychologist was mandatory, as was that of the parents, a teacher and a physician. Technical steps were taken to protect child victims, including shielding them from the view of the perpetrators against whom they were testifying.

20. **Ms. Huseynova** (Azerbaijan) said that the State Committee for Family, Women and Children’s Affairs had fostered excellent contacts with the Supreme Court; they were jointly considering creating an inter-institutional coordinating council that would be

composed of judges and representatives of the Office of the Procurator, the Ministry of Internal Affairs, the State Committee, and Parliament. Its aim would be to guarantee greater protection of the rights of women and child victims of violence. The Supreme Court had agreed to such a body in principle and a final decision was expected shortly.

21. Awareness-raising activities among the public were also of significance. Their aim was to make the population aware of which bodies to approach for assistance and how to contact them. Recently established NGOs, such as the independent Bar Association and Women's Bar Association, provided invaluable assistance in that connection.

22. **Mr. Gurbanov** (Azerbaijan) said that on 27 December 2011, the President of the Republic had approved a new human rights protection programme in which 11 points were devoted to the realization of children's rights. It should be pointed out that implementation of all programmes adopted was increasingly dependent on cooperation between the Government and civil society organizations. Azerbaijan already had a solid tradition of dialogue and interaction with such organizations, but since they sometimes received misleading information from unofficial or unrelated sources, he urged its representatives who drafted shadow reports on the situation of democracy and pluralism in the country to also turn to State bodies for reliable information.

23. Five Ministry of Labour and Social Protection rehabilitation centres were planned for 2012.

24. **The Chairperson** asked whether it was possible to prosecute legal entities for offences covered in the Optional Protocol and whether there was any sex tourism legislation.

25. **Ms. Al-Shehail** asked whether resources were allocated for prevention of all the offences covered by the Optional Protocol or only of trafficking, and what body coordinated all the activities and programmes mentioned.

26. **Mr. Gurbanov** (Azerbaijan) said that the Criminal Code did not currently provide for the option of prosecuting legal entities for offences under the Optional Protocol, but a working group charged with improving the Code was currently considering the matter. It was reasonable to believe that the law would shortly be amended to introduce the criminal responsibility of legal entities for such offences.

27. **Mr. Zalov** (Azerbaijan) said that the Azerbaijani authorities organized awareness-raising campaigns on sex tourism on a continuous basis and alerted those travelling abroad to the dangers of trafficking in persons, and sexual exploitation. In 2011, secondary schools had been issued with 81,000 informational booklets on those subjects for their students, 16,000 teachers had been sent briefs, and more than 6,000 posters put up in educational institutions.

28. Azerbaijan was a party to the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the Council of Europe Convention on Action against Trafficking in Human Beings. Two national anti-trafficking plans had already been put in place and several instruments were adopted in that area every year. The Organized Crime Department of the Ministry of Internal Affairs had established a subordinate anti-human trafficking department tasked with gathering and analysing data on criminal cases linked to trafficking in persons, the perpetrators, and the victims. A central database, with guaranteed data confidentiality, had been set up.

29. Officials of the Ministry of Internal Affairs and other State bodies involved in anti-trafficking work attended training courses offered in various countries by the United

Nations, the Organization for Security and Cooperation in Europe, the International Organization for Migration, and the General Secretariat of Interpol, among others.

30. Over the past five years, departments within the Ministry of Internal Affairs, in collaboration with anti-trafficking NGOs, had been formulating and implementing programmes and projects in areas such as psychological rehabilitation of child and adolescent victims of trafficking, their integration into mainstream education, and HIV/AIDS prevention among that group.

31. **Ms. Al-Shehail** noted that considerable efforts were being made to combat trafficking. Given that the National Plan of Action to Combat Trafficking in Persons also covered the other offences defined in the Optional Protocol and stipulated measures for victims of the sale of children, child prostitution and child pornography, she asked what body would be responsible for such matters and whether the State party was considering a plan of action covering all the provisions of the Convention.

32. **Mr. Gurbanov** (Azerbaijan) said that, in order to fulfil its international commitments, the Government had decided to formulate a broader programme in the area of human rights, taking into account the various principles enshrined in the relevant international instruments to which Azerbaijan was a party. Thus, it intended to foster conditions conducive to respect for human rights in general, rather than formulate programmes on specific rights. It could nevertheless draw on international experience and frame more targeted human rights policies.

33. **The Chairperson** asked how many children had received assistance from the Support Fund for Victims of Trafficking in Persons and whether it had been only in the form of compensation or had included reintegration and rehabilitation measures.

34. **Mr. Zalov** (Azerbaijan) said that, since the establishment of the fund, many victims had been placed in shelters and that assistance had consisted of either financial compensation or other measures such as training, enabling some of them to find work.

35. **Ms. Huseynova** (Azerbaijan) said that the information Mr. Gurbanov had provided on victims of trafficking included both adults and children. The State Committee for Family, Women and Children's Affairs, which she headed, was responsible for rehabilitating child victims. Since 2008, five cases of trafficking had gone to court and some had ended in a conviction.

36. The Ministry of Internal Affairs was responsible for coordinating the National Plan to Fight Trafficking in Human Beings, in which many Government bodies were involved. Under the Plan, all participating bodies were required to submit progress reports to the coordinator, who then reported to Parliament annually. Efforts focused on trafficking in persons in general, but there was a specific component on protecting child victims.

37. **The Chairperson** asked exactly how many emergency hotlines were in operation in the State party, and the nature of the assistance callers received.

38. **Mr. Zalov** (Azerbaijan) said that, since 2008, the Ministry of Internal Affairs had created a toll-free hotline (number 102) that operated 24 hours a day in Russian, Azeri and English. The hotline received between 2,500 and 2,700 calls a day on a wide range of issues, which were quickly transferred to the relevant bodies. The hotline could be called from all regions of the country and via mobile phone.

39. **Ms. Huseynova** (Azerbaijan) said that, in addition to the staffed hotlines, the Office of the President had launched a website with on-staff experts, including a psychologist and a social worker, on which citizens of any age could report rights violations. Child protection services and the Ombudsman had also set up dedicated hotlines. In order to raise children's awareness of the hotlines, the State Committee for Family, Women and

Children's Affairs had collaborated with the United Nations Population Fund to create informative films on trafficking in persons, which were projected in all the country's schools. All the emergency hotlines were listed in the end credits and the State Committee had received many messages of thanks for that initiative.

40. The State Committee had also organized round tables on domestic violence and trafficking for print and television journalists to draw their attention to the importance of preserving the privacy of child victims of trafficking or violence by refraining from filming them or naming them in the media.

41. **The Chairperson**, noting the host of dedicated hotlines, said that the State party might obtain better results if there were a single number to avoid confusing potential callers.

42. **Ms. Huseynova** (Azerbaijan) said that the main hotline was the one affiliated to the Office of the Ombudsman, which had regional representation across the country. Other hotlines, such as the State Committee's, were no less useful. The website that the State Committee had set up for children had received more than 2,000 requests from minors over a six-month period, thereby establishing a dialogue with them.

43. **Mr. Gurbanov** (Azerbaijan) assured the Committee that the relevant authorities would consider instituting a single emergency hotline number. He was concerned, however, that given the current situation, a centralized staffed hotline might prove less efficient than the current mechanism and might be unable to respond to the abundant requests in a timely manner.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

Initial report of Azerbaijan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/AZE/1; CRC/C/OPAC/AZE/Q/1; CRC/C/OPAC/AZE/Q/1/Add.1)

44. **Mr. Gurbanov** (Azerbaijan) said that Azerbaijani legislation had been brought into line with the international instruments to which Azerbaijan was a party, so that no domestic provisions impeded the implementation of the Optional Protocol. The fact that youths could enrol in military schools as early as the age of 17, did not mean that they could participate in armed conflict.

45. Military service lasted 18 months and was compulsory as of the age of 18, unless deferral was requested on medical grounds or to pursue a university education. Graduates of military schools performed their military service as officers, provided that they had undergone three months of military preparation.

46. **Ms. Sandberg** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether compulsory military service applied only to individuals having turned 18 or whether it could also apply in certain cases to those in their eighteenth year. Since the law prohibited recruiting minors into the armed forces, she asked how domestic legislation defined "minor".

47. **Mr. Gurbanov** (Azerbaijan) replied that military service concerned only Azerbaijani citizens who had turned 18 and that 17-year-olds attending a military school could not be recruited into the armed forces. The same principle applied to mobilization: only individuals 18 or older could participate in combat, including adult reservist officers.

48. **Ms. Sandberg** asked whether the authorities ascertained if child refugees arriving from war-torn countries — as had been the case of 38 per cent of the country's 700 refugees in 2009 — had been used as child soldiers in their country of origin and, in the

affirmative, whether they benefited from physical and psychosocial rehabilitation programmes, as stipulated in the Optional Protocol.

49. **Mr. Gurbanov** (Azerbaijan) said that there were currently no child refugees or displaced children in Azerbaijan and that the statistics cited by Ms. Sandberg dated back four to five years, at a time when many refugees were flowing in from Chechnya and Afghanistan. Those children had merely transited through Azerbaijan.

50. **Ms. Sandberg** said that she was in possession of statistics from 2010 demonstrating the presence of child asylum seekers and refugees in Azerbaijan.

51. **Mr. Gurbanov** (Azerbaijan) reiterated that those statistics were out of date.

52. Arms exports were regulated by a presidential decree of August 2002 and were subject to special authorization of the Ministry of Internal Affairs.

53. **Ms. Huseynova** (Azerbaijan) admitted that children living in border areas were most at risk and were sometimes the target of snipers.

54. **The Chairperson** asked if peace education existed in schools, if Azerbaijan was considering ratifying the Rome Statute of the International Criminal Court and if there was a coordinating body for measures taken under the Optional Protocol on the involvement of children in armed conflict.

55. **Mr. Novruzov** (Azerbaijan) said that there was no peace education per se, but that the topic was included in the teaching of other subjects, such as history. He emphasized that it was difficult to lecture about peace in a country that was 20 per cent occupied, which had yet to sign a peace accord with Armenia and which had 1 million displaced persons and refugees. However, efforts would be made to include the topic in secondary school curricula.

56. **Ms. Huseynova** (Azerbaijan) said that a course on international peace and security was offered at the university level and attracted much student interest.

57. **Mr. Hasanov** (Azerbaijan) pointed out that Azerbaijan had taken part in the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and the adoption of its final document. Azerbaijan would contemplate accession when the authorities had considered all the requisite amendments to domestic legislation and the Constitution. The country's accession to the Hague Conference on the Civil Aspects of International Child Abduction was currently under consideration by the relevant authorities. The UNESCO Convention against Discrimination in Education had been ratified in 2006.

58. **Ms. Sandberg** asked whether Azerbaijan was considering extending its extraterritorial jurisdiction to the offences covered in the Optional Protocol and if there was an independent complaints mechanism for students of military schools.

59. **Mr. Gurbanov** (Azerbaijan) said that domestic criminal law sanctioned any individual, whether Azerbaijani, foreign or stateless, who committed an offence under the international instruments to which Azerbaijan was a party, wherever that individual was.

60. Students of military schools could file complaints with the Ombudsman, who was authorized to visit all military establishments, and reported to Parliament and the President of the Republic.

61. **Mr. Koompraphant** (Country Rapporteur for the Convention) welcoming the quality of the dialogue with the Azerbaijani delegation, pointed out that legal provisions translated into action only through the adoption of administrative and social measures. He hoped that the dialogue would enable the Government to set priorities, allocate sufficient resources to priority areas and put the necessary mechanisms in place.

62. **Ms. Al-Shehail** welcomed the adoption of constructive measures but stressed that it was crucial to review the legislation in order to include offences covered in the Optional Protocol and to boost awareness-raising and educational activities. Measures were needed at all levels for better protection of children.

63. **Ms. Huseynova** (Azerbaijan) thanked the Committee for its assistance and recommendations and pointed out that Azerbaijan had ratified the Convention in 1992 at a time when the country was on the brink of collapse, demonstrating a deep-seated determination to defend all the rights of children.

64. **The Chairperson** applauded the very encouraging replies given to Committee members' questions and duly noted the delegation's commitment to full respect of children's rights in Azerbaijan.

The discussion covered in the summary record ended at 12.30 p.m.