

*Dedicated to the 50th Anniversary of the UN Declaration
on the Rights of the Child, the 20th Anniversary of the UN
Convention on the Rights of the
Child and the “Child Year” in Azerbaijan*



THE FIRST SPECIALIZED REPORT ON CHILDREN’S RIGHTS

OF THE COMMISSIONER FOR HUMAN RIGHTS (OMBUDSMAN) OF THE REPUBLIC OF AZERBAIJAN

Baku-2010

**The report was prepared under the guidance of the
Commissioner for Human Rights (Ombudsman) of the
Republic of Azerbaijan**

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The first specialized report on children's rights of the
Commissioner for Human Rights (Ombudsman) of the Republic
of Azerbaijan

The report was prepared during 2009 "Child Year" in
Azerbaijan and dedicated to the 50th Anniversary of the UN
Declaration of the Rights of the Child and the 20th Anniversary of
the UN Convention on the Rights of the Child.

The state policy on children's rights, international and national
legislation in this field, proposals and recommendation aimed at
better protection of children's rights are envisaged widely in the
report.

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Introduction

Although children's rights are an integral part of human rights, these issues require special attention and protection.

It is observed that children gradually transform from objects of human rights to independent subjects of this field, as well as provision of children's interests become priority issue for families and state policy.

Taking into consideration these principles, the UN Declaration on the Rights of the Child of 1959 and the UN Convention on the Rights of the Child of 1989, serving as basic documents in the development of international and national legislation on children's rights protection, were adopted.

As a result of social, economic and legal reforms initiated and implemented within the country in recent years, the protection of human rights, including children's rights has become an integral part of the state policy. Ensuring the protection of these rights on a state level, a number of important laws and state programs were adopted and are being successfully implemented.

In consequence of legal reforms, a new institution - the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, was established.

In order to ensure more reliable implementation of children's rights, coordinate efforts of concerned local and international institutions, and pay more attention to children as well as on the occasion of the 50th and 20th anniversaries of the above-mentioned Declaration and Convention, correspondingly, the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan addressed the country's President with a proposal to announce the year 2009 as a "Child Year".

Thus, in accordance with the Decree of the President of the Republic of Azerbaijan No.103 dated December 22, 2008, the year of 2009 was announced as the "Child Year". The Ombudsman submitted proposals on various areas regarding the

Action Plan which was developed for the fulfilment of tasks issued from above mentioned decree, reliable protection of children's rights, and preference of their interest. The Action Plan was approved based on the Decree of the President of the Republic of Azerbaijan dated February 18, 2009. This Plan is targeted at the reliable protection of rights of nearly three million of children and solution of their fundamental problems.

Upon the initiative of the Ombudsman, a number of important activities were carried out in accordance with the Action Plan. The first specialized report based on generalization of Commissioner activities on children's rights was developed and submitted to the Parliament, the Cabinet of Ministers, concerned Ministries, Committees and other authorities in order to take measures on proposals and recommendations aimed at further improvement of the status of children. The ultimate goal of report preparation is to evaluate the state of provision of children's rights, analyse legislation on children's rights and current problems, restore violated rights, provide information and proposals on protection of these rights and on prevention of their violation, as well as demonstrate the works done and measures taken by the Commissioner in this field.

The Convention on the Rights of the Child is the most comprehensive and unique document among those adopted in this field. Furthermore, the main distinctive feature of this Convention from other documents, including the Declaration on the Rights of the Child, is that it imposes legally binding obligation upon States Parties. The Convention on the Rights of the Child is the most ratified UN Convention with regard to the number of States Parties. Almost all countries in the world (except the USA and Somalia) have ratified the Convention. This is an evidence of high importance attached by the world community to the issue of the protection of children's rights.

Azerbaijan has also recognized the fundamental principles of the Convention at the level of state policy and implements as well

as continuously improves them. The rights and interests of children are protected by the Constitution of the Republic of Azerbaijan and are guaranteed on the state level.

I do believe that problems and recommendations on protection and promotion of children's rights reflected in the report will be learned by the concerned state bodies and as a result of joint collaboration and efforts of state bodies, international institutions and non-governmental organisations, cooperating for the sake of more reliable protection of children's rights, the existing problems will be solved.

Professor Elmira Suleymanova
The Commissioner for Human Rights
(Ombudsman) of the Republic of Azerbaijan

Legislation on Children's Rights

Although the children's rights are an integral part of human rights, taking into consideration the fact that children are in need of special care, in 1959 the UN Declaration on the Rights of the Child was adopted. It is worth mentioning that in 2009 the 50th anniversary of this Declaration was celebrated. Since the document was of advisory nature, the necessity of adoption of legally binding document imposing obligation on Member-States has emerged. After certain deliberations, in 1989, the UN Convention on the Rights of the Child (CRC) was adopted and this year world community celebrates the 20th anniversary of the Convention.

Among all previously adopted documents in this sphere, the CRC is the first and most comprehensive document that equated children's rights to the norms of international law. It is the most ratified UN Convention with regard to the number of States Parties. Within a short period of time, all world countries, except the USA and Somalia, have ratified the Convention what once more proves that world community attaches great importance to the issue of the children's rights protection.

Azerbaijan has implemented various reforms towards application of acceded international treaties on the protection of children's rights to national legislation.

The Republic of Azerbaijan joined a number of international treaties on children's rights protection, including the Convention on the Rights of the Child in 1992, its Optional Protocols in 2002, ILO "Minimum Age (Agriculture) Convention", "Minimum Age (Trimmers and Stockers) Convention", "Medical Examination of Young Persons (Seafarer) Convention", "Minimum Age (Sea) Convention", "Minimum Age (Industry) Convention", "Minimum Age (Non-Industrial Employment)", "Medical Examination of Young Persons (Industry) Convention", "Medical Examination of Young Persons (Non-Industrial Occupations)", "Night Work of

Young Persons (Non-Industrial Occupation) Convention”, “Night Work of Young Persons (Industry) Convention”, and European Convention on “Legal Status of Children Born Out of Wedlock” of October 5, 1975. The adoption of these documents gave an impetus to the improvement of relevant field of national legislation.

The rights and interests of children are also protected by the Constitution of the Republic of Azerbaijan (Articles 12, 17, 25, 27, 42 and etc.) and are guaranteed by the state. In accordance with the international treaties on children’s rights protection joined by Azerbaijan, various legal reforms have been implemented in national legislation system.

Thus, on May 19, 1998, the Law of the Republic of Azerbaijan “On the Rights of the Child” was adopted. Complying with the Constitution of the Republic of Azerbaijan, the Declaration on the Rights of the Child, the Convention on the Rights of the Child and other international legal norms, this Law defines the rights and freedoms of children, main principles of state policy on children, tasks and responsibilities of state bodies, other legal entities, and natural persons in the field of protection of children’s rights in the Republic of Azerbaijan.

The Republic of Azerbaijan has acceded to a number of international agreements on combating the human trafficking and covering different aspects of this problem. For instance, the State is signatory to the Convention on the Rights of the Child and its Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography. In addition, the Parliament has already ratified the UN Convention against Transnational Organized Crime and its Optional Protocols.

The Labour Code of the Republic of Azerbaijan enshrined the provisions on recruitment of the juveniles, their right to rest, the number of work hours, and the protection of their labour. Furthermore, the Family Code of the Republic of Azerbaijan

includes articles on the rights and duties of children toward their parents and of parents toward their children.

On March 18, 2009, as a result of the referendum carried out for making amendments and changes into the Constitution of the Republic of Azerbaijan, the norms which are significant for provision of human rights, including children's rights, were incorporated therein. Therefore, important provisions on state protection of children without parents or guardians and children deprived of parental care; involvement of children in works that may cause threat to their lives, health, or morality; prohibition of recruitment of children under the age of 15; and the state supervision of implementation of children's rights were incorporated into Article 17 of the Constitution.

The adoption of National Action Plan on Human Rights, based on the Decree of the President of the Republic of Azerbaijan dated December 28, 2006, has provided strong impetus to efficient realization of children's rights. This Action Plan highlights the importance of full implementation of obligations enshrined in the Convention on the Rights of the Child along with other Conventions and of provision of guarantee to full compliance with those documents.

The Office of the Commissioner for Human Rights of the Republic of Azerbaijan and the Children's Rights

One of the main directions of activities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan is to explore the situation on provision of children's rights, protect those rights, and restore violated rights. Since the very beginning of its activity, the Ombudsman has appointed an advisor in order to provide protection and advocacy of children's rights and coordinate the work on elimination of problems encountered by children. It is worth mentioning that afterwards Chiefs of

Commissioner's Regional Centres were appointed as Coordinators on Children's Rights.

The Commissioner conducts the analysis of complaints concerning the violation of children's rights and takes measures on the restoration of those rights.

The problems of children, the protection of their rights and legal interests, and educational works on children's rights have been in the centre of Ombudsman's attention since the first day of establishment of this institution. In order to implement the Convention on the Rights of the Child and the Law of the Republic of Azerbaijan on the Rights of the Child and to enhance educational work on human rights, the Commissioner paid high attention to legal awareness activities as well as conducted numerous events on the protection of children's rights. Seminars, training courses and other events targeted at children, parents, and representatives of organisations dealing with children have been carried out for promotional purposes. The staff of Commissioner held a large number of training courses in various secondary schools, orphanages, and boarding schools of Baku city. Moreover, public awareness activities were carried out for refugees and internally displaced children residing in temporary camps and for minor offenders in the Correctional Institution of the Ministry of Justice.

The Ombudsman makes regular visits, especially on special occasions, to vulnerable groups of population, including children deprived of parental care, minor offenders and takes an interest in their conditions and problems.

Upon the initiative of the Ombudsman together with the Ministry of Education, Hierarchic Human Rights Education Plan on teaching of human rights, including the rights of children, at secondary schools was prepared, approved and is still being applied.

Since Azerbaijan ratified the Convention on the Rights of the Child, the State has provided periodic reports on the conducted

work, gained achievements, and problems existing in this field to the UN Committee on the Rights of the Child. Recommendations of Committee, dated January, 2006, on the last report provided by Azerbaijani Government to the UN Committee on the Rights of the Child states: “The Committee recommends that the State Party, taking into account Committee’s General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child, include within the Office of the Ombudsman either an identifiable commissioner specifically responsible for children’s rights, or a specific section or division responsible for children’s rights. Furthermore, it should be provided with adequate human and financial resources, deal with complaints from children in a child-sensitive and expeditious manner and provide remedies for violations of their rights under the Convention”.

Taking into account the above-mentioned recommendations of the UN Committee on the Rights of the Child submitted to Azerbaijani Government in 2006, the same year, with financial assistance of the UNICEF, the Child Rights Centre was established within the Commissioner. The Centre was supposed to protect the rights of children, to analyse complaints concerning children’s rights received by the Commissioner, to monitor implementation of the UN Convention on the Rights of the Child and national legislation, to prepare relevant modules and programs on teaching of children’s rights by taking into account age and sex factors, to strengthen public awareness on children’s rights, to monitor information on violation of the children’s rights in mass media, to explore the cases of violence against children in state enterprises, orphanages, boarding schools, police departments, and centres of detention of children, to get acquainted with international experience on protection of children’s rights, and to fulfil other pertaining tasks.

Generally, with a view to reliable protection of children's rights, the Commissioner's activities are carried out in the following directions:

- Monitoring of the status of children;
- Preparation of proposals on improvement of national legislation on children's rights;
- Cooperation with relevant state bodies, non-governmental organisations, and international institutions;
- Conduction of educational activities.

On the occasion of the 20th anniversary of the Convention on the Rights of the Child, which will be celebrated worldwide, the Commissioner applied to the country President with a proposal to announce the year 2009 as Child Year in the country in order to provide more reliable protection of children's rights, join efforts of concerned state bodies, local and international institutions, and increase attention to children and activities in this sphere. Based on the Decree of the President of the Republic of Azerbaijan of December 22, 2008, the year of 2009 was announced as the "Child Year". The Ombudsman submitted proposals on various areas regarding the Action Plan which was developed for the fulfilment of tasks issued from above mentioned decree, reliable protection of children's rights, and preference of the best interests of children. The Action Plan was approved based on the Decree of the President of the Republic of Azerbaijan dated February 18, 2009.

It should be noted that the speech of Goodwill Ambassador of the UNESCO and the ISESCO, the President of Heydar Aliyev Foundation, the First Lady, and the member of the Parliament, Mehriban Aliyeva, at the National Conference on Child Protection in Azerbaijan, organized within the framework of the "Child Year" with the support of Azerbaijani Government, Heydar

Aliyev Foundation and UNICEF in Gulustan Palace, has defined the important directions for the implementation of future work on protection of children's rights in the country.

Within the framework of Child Year, the Commissioner proposed to conduct Child Rights Month Campaign from October 20 to November 20, 2009. The campaign's motto was "Let us listen to children and ensure their participation" which is considered as one of the 10 steps of UN Campaign "Say Yes to Children!". As a part of Child Rights Month long campaign, the Commissioner and Regional Centres, concerned state bodies, and local executive power bodies carried out seminars, held round-table discussions, painting and essay competitions, and awareness-raising events on children's rights, early marriages, elimination of violence against children, reproductive health, and healthy lifestyle at secondary schools and higher education facilities.

Moreover, on the eve of November 20, 2009, within the framework of Child Rights Month, the Commissioner together with Office of the UN Department of Public Information (UNDPI) in Azerbaijan carried out various events.

On November 17, Ombudsman met with children detained in Child Correctional Institution, explained them their rights, learned their existing problems, and took steps towards their elimination. Moreover, the Head of the UNDP Azerbaijan Office participated in the meeting and held conversation with children.

Along with that, on November 19, as a conclusion of Child Rights Month, the event was organized at the "Ataturk" centre and the winners of competition on journalist essays "The Rights of Children for Everyone" and on children paintings "Our Rights" sent from the country capital and districts were rewarded with certificates and presents.

At the same time, the Commissioner has carried out surveys among state bodies, local executive power bodies, municipalities and children in order to learn about the work done during the last

20 years and to identify activities, measures and events that must be done during the next 20 years.

The survey revealed that the ratification of the Convention, improvement of legislation, construction of new educational institutions, hospitals, diagnostic centres, Olympic complexes, and resort centres, application of obligatory payment-free education, resettlement of refugees from camps to newly constructed settlements, establishment of new enterprises and formation of three digit hotline service were the most important achievements in the field of the protection of children's rights in the country within the last 20 years. At the same time, further improvement of legislative framework, construction of resort and entertainment centres for the children, expansion of the network of children creative work enterprises, increasing participation and representation of children and youths in public life, provision of children living in state institutions and deprived of parental care with employment and place of the domicile after they leave the institution, development of reforms on Juvenile Justice, toughening legislation against those committing violence towards children, involved in child trafficking, child pornography, and sexually exploiting children and implementation of other measures in the course of the next 20 years are supposed to enable the reliable protection of children's rights.

According to the survey, a general opinion was that announcement of the year 2009 the "Child Year" by the President of the Republic of Azerbaijan created favourable conditions for directing attention of state bodies and local executive power bodies to children, for improving their performances, carrying out various events with the participation of children in all cities and regions, and addressing the problems encountered by children.

In view of the Ombudsman's proposal, the status and problems of children were discussed at the Parliament's Plenary Session on child rights carried out on November 20, with the participation of children. Taking the floor at that session, the

Ombudsman spoke on the situation of children's rights within the country and Commissioner's activities in this field. At the same time, the Chairman of Social Policy Commission of the Parliament, the Head of the UNICEF Azerbaijan Office, the Chairman of Child Parliament gave the speeches, Chairmen of the Parliament Committees, other Parliamentarians, representatives from the State Committee of Family, Woman and Children's Affairs, the United Aid for Azerbaijan and others expressed their visions and insights on the discussed issue.

The conduction of such reputable event will accelerate the development of programs on children's rights, improvement of legislation and provision of other reforms.

Provision of the Right to Education

According to the Article 42 of the Constitution of the Republic of Azerbaijan:

- Every citizen has the right to education;
- The state guarantees free obligatory secondary education;
- The system of education is under the state control;
- The state guarantees continuation of education for most privileged persons irrespective of their financial position;
- The state establishes minimum educational standards.

At the same time, the issue of provision of children with the right to education and the objectives of education have been enshrined in the Convention on the Rights of the Child. Furthermore, the Law on the Rights of the Child stipulates the children's right to education and prohibition of evasion of children from obligatory general secondary education.

In all of its stages the education system should give correct direction to the formation of independent thinking and democratic view of life. The adoption of the Law on Education this year will

contribute to ensuring children's right to high quality education, eradication of fundamental problems emerged in this field, and implementation of appropriate reforms.

Teaching of different disciplines in secondary and vocational schools should provide opportunities for students to decide between participation in the production and continuation of education in the future.

The school is responsible to the society for ensuring that graduates gain all knowledge stipulated in the curriculum. While carrying out vast range of reforms in the education system and guiding by the notion of equal value of all the types of the education system as well as by the development principle in the selection process, the attention should be paid to ultimate results.

The law of the Republic of Azerbaijan "On education (special education) of persons with limited physical capacities", adopted in 2001, enshrines education and protection of rights of disabled people. Furthermore, the "Development Program on Education of Children in Need of Special Care (persons with limited physical capacities) in the Republic of Azerbaijan" (2005-2009) was approved by the Resolution of the Cabinet of Ministers. Pilot project on inclusive education of children in need of special care together with healthy children has been commenced in Yasamal, Sabail, Khatai, Binagady, Garadagh, Narimanov regions as well as in Yevlakh, Sumgayit, Mingechevir cities, and certain positive results were achieved thereon. However, since the program is nearing to its end this year, it is of outmost importance to develop new package of proposals on proper measures and submit it to the Government.

The development strategy of Azerbaijan economy, the necessity in the establishment of information society within the country, and the issue of learning contemporary scientific technologies require the improvement of quality of education and its updating. Explorations pertaining to the implementation of the Decree of the President of the Republic of Azerbaijan "On

approval of State Program on provision of general schools with information and communication technologies in the Republic of Azerbaijan (2005-2007)”, dated August 21, 2004, winning medals of students in various international competitions, and the level of knowledge demonstrated during entrance exams to higher educational institutions by the secondary schools graduates demonstrates that in various schools of general education the modern educational environment for the development of up-to-date innovative methods of education has been formed.

Several years ago there was one computer per 1000 students, but now there is one computer per 27-29 students. It is planned to successfully continue this policy, and in consequence provide each student with a computer in the future.

In order to assess the activity of teachers and schools contributing to fundamental education of young generation using new methods, attaining achievements in teaching of Azerbaijan language, literature, history, foreign languages, as well as informational technologies, and gaining best results in upbringing of children in patriotic spirit the President of the Republic of Azerbaijan signed the Decree “On Conferring of the Best Secondary School and the Best Teacher Awards”, on September 4, 2007. Complying with the Decree, every academic year starting from 2007-2008, each of the 50 best secondary schools implementing complex of the measures on modern teaching technologies and methods, including innovative education programs, and advanced in quality indicators will be awarded with lump-sum of 10.000 AZN and each of 100 best teachers will receive lump-sum of 5000 AZN.

It is still of outmost importance to keep the issue of education in the focus of attention as the main direction of state policy.

Within the framework of special programs, a large scale reforms are being carried out in education field, and financial-technical basis of education is being improved. In accordance with the State education conception, construction of the new school

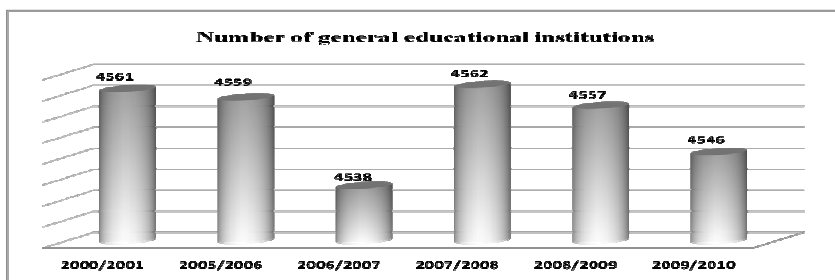
buildings and their substantial repair is widespread in all the districts of the country. The equipment of these schools with up-to-date training means and harmonisation of their financial-technical base with international standards drastically improved the conditions for the education of students at the schools.

Moreover, increasing the sum of scholarships in higher educational establishments and granting President scholarship to students getting high scores raises students' interests in the education.

More emphasis should be placed on the issue of self-management at educational institutions. Also, it is important that pedagogical staff, students and parents are able to exert influence on process of education at the school.

The Ombudsman and Office staff visit schools, take an interest in education environment, problems and attendance of children and apply to concerned bodies in connection with the schools which are in need of repair.

It should be noted that in recent years more than 1600 new school buildings have been constructed, hundreds of schools have been substantially repaired, and additional buildings have been put into operation in all the districts by the government and Heydar Aliyev Foundation.



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 171

Taking into account the necessity of repairing several unsafe school buildings, the Ombudsman addressed the concerned bodies and, as a result, relevant measures have been taken.

Applying to the Commissioner, the pedagogical staff of the secondary school and the residents of Yuxari Chardakhlar village informed that despite the completion of construction works in 2003, school building designed for 316 students is unfit for operation due to unsafe technical conditions. Ombudsman applied to the Head of Zagatala district Executive Power Body, Ministry of Education, Ministry of Emergency Situations and other concerned bodies and proposed to eliminate shortcomings omitted in construction process. Eventually, the building was reconstructed and an additional building was constructed and put into operation.

During her visit to Sheki-Zagatala zone, the Ombudsman, with the participation of representatives of the Head of Sheki district Executive Power Body and the chairman of the village municipality, explored the applications submitted by the residents of Ashagi Keldek village on unsafe condition of the village school. Considering the fact that the students of this village attended the school in neighbouring Ashagi Kungut village, Ombudsman gave instructions on taking relevant measures. Afterwards, within a short period of time the village was supplied with a school building meeting the needs of students. The children, who recently had to pass a long way to attend the school in the neighbouring village, currently study in a newly constructed school in their own village.

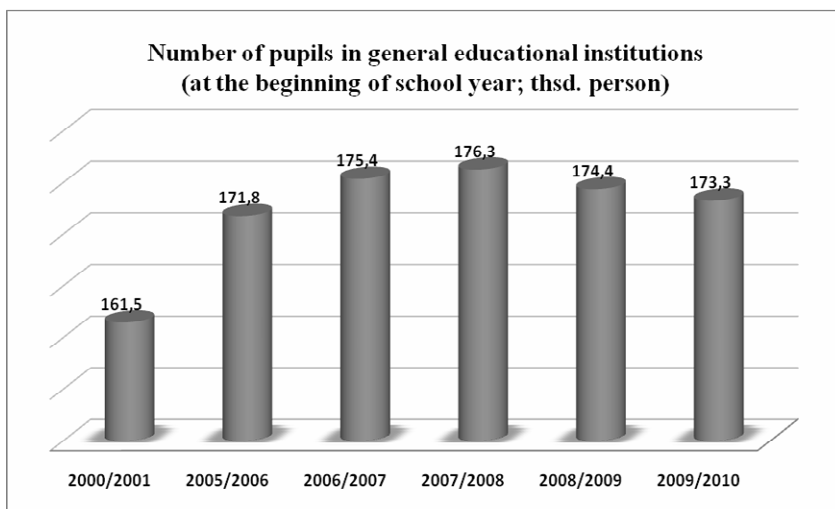
Furthermore, the secondary schools #1 and #2 in Sheki city, Gizilcha village, secondary school of Goygol district and others were substantially reconstructed and repaired. These initiatives were highly appreciated by the population who had been complaining for a long period of time.

During the trips to the districts, the Ombudsman had witnessed that there was a lack of teachers at local schools,

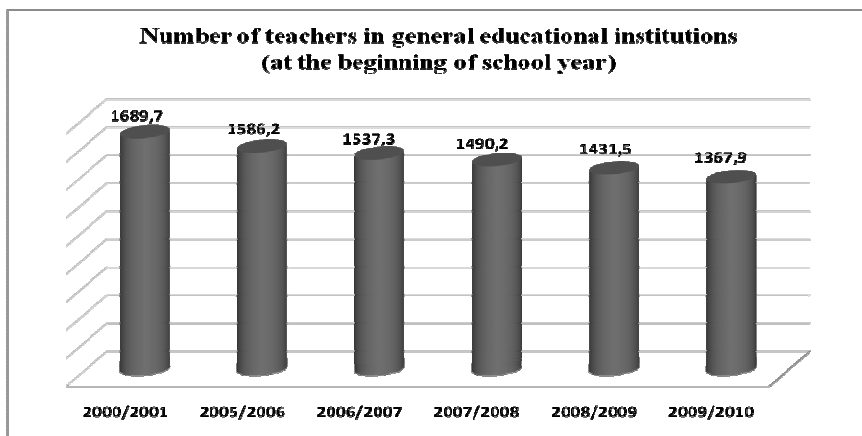
including educational facilities in the settlement for the refugees and internally displaced persons. In most of the cases one educator was teaching a number of disciplines what in its turn had a negative impact on the quality of education. Noteworthy is the fact that in order to eliminate mentioned problems the Cabinet of Ministers approved the “Development Program on Provision of Pedagogical Staff for the General Schools Network in Republic of Azerbaijan for the years of 2005-2009”.

First and second targets of the mentioned Programs refer to the issue of employment of pedagogical staff, including young teachers, namely for the elimination of the problem of pedagogical staff shortcomings in general schools in the country. Furthermore, in accordance with this document, teachers who agree to work in under-employed places are provided with higher salaries and various benefits.

The Resolution of the Cabinet of Ministers “On Measures on Encouraging Employment of Pedagogues in General Secondary Schools in the Villages”, dated June 22, 2004, was a step taken towards the elimination of problems in this respect.



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 171



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 171

The Ombudsman applied to the Minister of Education advising to assign the graduates of pedagogical faculties of higher educational establishments to districts and settlements of refugees and internally displaced people. The Ombudsman’s recommendations were welcomed and taken into consideration by the Ministry of Education during assignment distributions of pedagogical faculties’ graduates.

However, since the problem hasn’t been completely rooted-out, the development of the similar program for the next years would be expedient.

Moreover, the “Conception and Strategy on sustainable pedagogical education and training of instructors in the Republic of Azerbaijan” was approved following the Resolution of the Cabinet of Ministers of June 25, 2007 with the view of provision of experienced, highly professional pedagogical personnel to every field of education sector and increasing the quality of

general education. Successful implementation of this strategy will contribute to the elimination of the problem of personnel shortage.

It should be noted that application of standard school uniform at schools contributed to the elimination of discrimination among children and restoration of discipline as well as increased their attention to the process of education.

At the same time, despite positive steps taken in this field, negative cases are still observed in the education field. The Commissioner has received different complaints in connection with the problems existing in the sphere of education.

Negative cases witnessed by the Ombudsman in the reporting period gave the ground for the concern. On one hand, bureaucracy is observed in the process of elimination of personnel shortage. On the other hand, serious shortcomings are omitted in the process of retraining of required staff what in its turn hinder full realization of students' rights to education.

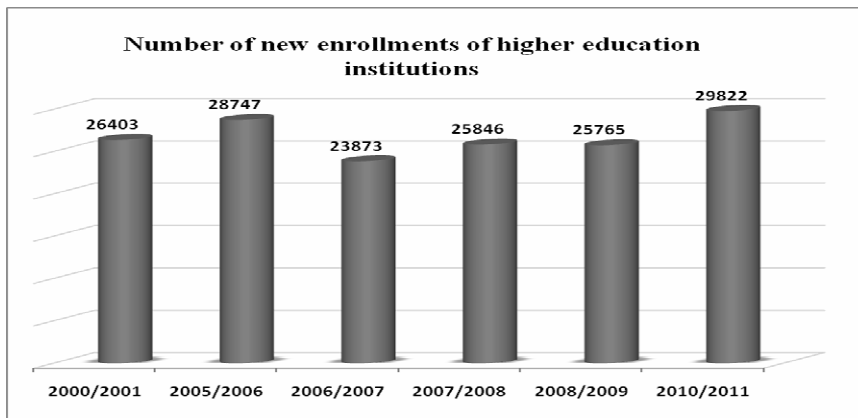
At some schools, money is collected from students for unclear purposes by means of so called "school fund" and students, especially students of V-VIII grades, are attracted to the collection of daily sanitary wastes, cleaning of classrooms and school areas. Eventually, such cases exert negative impact on health of students and on the process of their formation and upbringing as free, decent and independent citizens who are able to express their views freely in the society.

Furthermore, in some districts school principals as well as executive power bodies interfere in the process of procurement of school uniforms by students which cause serious discontent of parents.

Negative cases occur while grading schoolchildren. Thus, continuous assessment of results of both entrance and testing exams carried out by the State Commission of the Admission of Students showed once again that there was substantial difference between the scores reflected in school-leaving certificates and the level of actual knowledge of most of the students graduating

secondary school. Unfortunately, majority of the students of 11th form refer to the assistance of private tutors in order to get prepared for entrance exams to higher educational institutions and, as a result, they drop-out of the school.

Hence, among 114 thousand school graduates participating in entrance exams of the current year 66 thousand 621 graduated from school this year, 33 thousands of whom received scores below 139. The fact that average scores gained by the school graduates of this year is below 180 gives the ground for concern. Thus, this year only 50-55 percent of 120 thousand school graduates took part in entrance exams and 31/5 % out of them collected scores between 0-100, 22.5%-100-200, 18.2%-200-300, 21.2%-300-500, and 6.4% -500-700. Only 27.6% of school graduates received more than 300 scores at entrance exams.



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 177

These indicators once again emphasize the necessity of application of new approach in conduction of assessment in the education system.

During the course of reporting period, the Commissioner received various complaints on problems existing in the education.

Therefore, the Ombudsman met with the Minister of Education regarding the case occurred in school #249 located in Khatai district of Baku city. The problem was that the school director insulted and abased the student of the 9th form and, as a result, the student left the school. However, upon the interference of the Commissioner the issue was solved: the director was dismissed and the student was re-enrolled back to the school. In spite of expulsion, the dismissed director is currently working as the headmaster of the school #138.

One of the applicant to the Commissioner, T. from the city of Ganja, informed that after graduation from the faculty of “Pedagogic and Methodology of Primary Education” of Ganja city State Pedagogical Institute in 1996, she started her retraining education on “Mathematics and Informatics” in Retraining Division for academic year of 2005-2006. Although T. completed this retraining course, she couldn’t receive diploma and that is why decided to apply to the Commissioner. She noted that her appeals to the management of the Institute didn’t yield any result and asked to help to restore her violated right to education. Following the Commissioner’s relevant instructions sent to the Ministry of Education on exploration of case reflected in application, diploma was provided to the applicant by Ganja city branch of the Azerbaijan Pedagogical Institute.

Applying to the Commissioner, F. from Jalilabad district and other local people informed that attendance rate in school of Kurdler village was at a low level; most of the lessons were skipped, the rights of teachers and other subordinates were violated by the school director and the school was unfit for functioning. In order to double-check the issues reflected in the application, the Ombudsman visited the school situated in the remote area and became familiarized with the situation on the

spot. In the process of exploration, the Ombudsman met with the director and pedagogical staff of the school and defined that most of the information included in the application was grounded; the process of education and upbringing was at a low level and school was in urgent need of substantial repair. The Ombudsman met with the Head of Executive Power of Jalilabad city concerning the problem and offered recommendations for its solution. Eventually, the Director of Kurdler School was dismissed and the school was partially reconstructed.

An applicant G. from the city of Baku and other local people noted that their collective application addressed to the Ministry of Education wasn't responded to. Following Ombudsman Office's instructions sent to the Ministry of Education on exploration of the cases reflected in the application, violated rights of applicants were restored. Thus, considering the discontent of applicants regarding the methodological manual "Education of Azerbaijani dactylic manual alphabet based on a new Latin script for deaf children and children with hearing impediments" by S. Gasimov and D. Dostuzade, the issue was discussed in Textbooks and Publication Department with the participation of applicants and authors of methodological manual. The conversation was held with the practitioners of boarding school #1 for deaf children located in the city of Baku in order to get an opinion of other experts on the issue. As a result, it was defined that methodological manual has certain shortcomings and could create certain difficulties in the course of learning. Moreover, Ministry of Education noted that the application of this methodological manual is not advisable for any educational institution.

Another applicant, disabled soldier of Garabagh war, Z. from Shamakhy region applied to the Commissioner informing that, due to financial constraints, they could not pay the sum required from his son for the attending graduation exams in the school #1 of Shamakhy city. For this reason his son wasn't allowed to pass final exams and eventually unjustly stayed in the same form for

the second year. Z. noted that his application to Local Education Department was left unanswered and asked to render assistance. While being in the city of Shamakhy, the Ombudsman together with the Chief of the Local Education Department held meeting with the applicant. During the meeting, the applicant informed that class teacher abused his son and other students. The teacher used to force them to work at his home during school hours. While the Chief of Education Department confirmed these facts, the Ombudsman applied to the Minister of Education on this issue and was informed that the school director, deputy director, class teacher and other teachers were punished in administrative manner by the Education Department due to the fact that they caused conflicts between school management and parents and failed to ensure timely solution of emerged disagreements. After re-intervention of Ombudsman, the school director was dismissed from his position.

As a result of Ombudsman's interference, in some of the cases closure of the whole class was prevented. For instance, an applicant from the city of Baku addressed the Ombudsman office informing that as a result of closure of 1st form of Russian section at secondary school #32 of Nizami district, his child and other children were left out of education process and the rights of children to education were violated. That met with the group of people at the school and after applied to the Ministry of Education for investigation of the cases reflected in the application and taking relevant steps. Afterwards, the Ombudsman met with the Minister of Education in connection with the given issue and repeatedly requested from the Ministry of Education to consider the case as exceptional one and facilitate in its solution. As a result the parents were received at the Ministry of Education which in its turn, taking into account the absence of Russian section in neighbouring school and that the nearest appropriate school was located 2 km far from their place of living, provided

conditions for functioning of the 1st form consisting of 13 students in Russian section of school #32.

In 2009, the Commissioner monitored the preparedness of schools for a new academic year and identified the schools which were in unsafe conditions.

Thus, as a result of the monitoring it was revealed that in Sheki, Zagatala, Gabala, Guba, Devechi, Khachmaz, Khizi and Siyazan districts some city and village schools were in unsafe conditions and required substantial repair. Besides Girkhbulag village general school of Sheki district, Mirzeqishlag general and Yalavanc primary schools of Guba district, Muzefferoba and Kohna Khachmaz village schools of Khachmaz district, Bakhishli, Yeni Yashma and Findigan villages secondary schools of Khizi district were also unsafe and unfit for the process of education.

The Ombudsman addressed the Minister of Education with regard to incorporation of the issue of substantial repair and reconstruction of above mentioned schools into future plans, speeding-up this process, restoration of schools which are in need of urgent repair, especially of general school in Girkhbulag village, transfer of students from the schools which are in unsafe conditions to the closest neighbouring schools until the commencement of new academic year with the view of ensuring more reliable realization of children's rights to education.

Furthermore, taking into account the fact that the roofs of building and library of Girkhbulag general school of Sheki district were snatched off by wind, the Ombudsman applied to the Minister of Emergency and Sheki City Executive Power Body concerning the restoration of the roof and the subsequent reconstruction of the damaged school building.

While being in business trip to Sheki district and holding meetings with local authorities and population, the Ombudsman was informed about the desire of Bash Zeyzid village residents to open a musical school with necessary classrooms, musical instruments and personnel, including teachers of music.

Considering that opening of such school will enable children in overpopulated village to receive musical education as well as to develop their talents and will provide unemployed teachers and other personnel with work, the Ombudsman applied to the Ministry of Culture and Tourism regarding facilitation of launching a musical school in Bash Zeyzid village of Sheki district.

In a response letter, the Ministry of Culture and Tourism welcomed the initiative of opening a new musical school in villages of Sheki district and noted that according to relevant rules, following submission of appropriate references and information to the Ministry, the issue will be considered.

The Current Situation of Pre-School Education

As the first pillar of integral education system, preschool education plays an important role in intellectual, physical and psychological development of a child, his/her upbringing as a personality and ensures his/her school readiness.

According to official statistics, currently, 1612 preschool establishments covering 103600 children are operating in Azerbaijan. Moreover, there are various educational establishments functioning under the auspices of different ministries, entities, enterprises and institutions as well as 5 private licensed preschool lyceums within the country.

Also, there are 5 specialized preschool establishments for the children in need of special care, 18 specialized preschool establishments, and 5 sanative establishments under the auspices of 9 institutions.

At present, in Azerbaijan, the involvement of children to preschool education is significantly lower than in advanced countries. The settlement of refugees and internally displaced persons in preschool establishments and unsuitable conditions of

the rooms within these establishments are the reasons contributing to the evasion of children from pre-school education. Hence, in the current year, in the city of Baku, totally 7680 children from kindergartens were enrolled in primary schools. It should be noted that 75% of them didn't attend kindergartens what influence children's adaptation to school environment

The rate of involvement of children in need of special care to preschool education is even lower. While the number of such children within the country is more than 6000, only 500 (8.3%) out of them were enrolled to special preschool establishment. Only 70 % of capacity of preschool establishments existing within the country is being utilized. In the districts of Azerbaijan, 130 preschool establishments are unfit for operation; more than 70% of establishments are in need of special repair, while 20% are in need of routing repair. In most of these establishments, heating systems are out of order; there is a shortage of fixed and upholstered inventory, children furniture, sport equipments, and toys. In most of the cases food supply is at a poor level.

Noteworthy is the fact of approval of the "Program on Renewal of Preschool Education in the Republic of Azerbaijan during the period of 2007-2010" by the Decree of the President of The Republic of Azerbaijan dated April 12, 2007 with the view of creation of favourable conditions for cognitive, physical and psychological development of children, their upbringing as personalities and getting them ready for the school in accordance with up-to-date international standards.

The ultimate purpose of this program is to create financial-technical, organisational-legal, economic and educational-methodological environment for the provision of preschool education services accessible to all the strata of the society and which is in line with up-to-date standards and on this prerequisites to achieve high social-economic efficiency of preschool education.

Experience shows that after privatization privatized enterprises, including social entities, change the profile of their production, work or services and use privatized buildings for drastically different purposes. Future fate of kindergartens which are announced open for privatization is also unclear. Thus, at the present stage of transition to market economy, full privatization of kindergartens do not comply with today's realities and can not address the existing problems.

Consideration of privatized kindergartens as sources of income in the course of expansion of business opportunities will have significant negative impact on attendance of kindergartens by children. The main reason is affordability of these kindergartens by majority of population, whereas they can't afford to cover the fees required by private kindergartens.

In view of that in the districts, most of preschool establishments are operating not in special but in adapted buildings, and that it creates obstacles for education and upbringing of children, the Ombudsman applied to the Minister of Education and asked to include mentioned districts into plan of construction of preschool establishments in the nearest future.

The exploration of complaints received by the Commissioner on violation of the rights to education showed that the wider the coverage of problems was, the more complicated their solution. These issues have an impact on rights and interests of more poorly protected category of population, i.e children. Therefore, improvement of emerged situation with the purpose of the protection of their rights is of utmost importance.

Utilization of computers within the school should be expanded salaries of teachers and personnel working with disabled children in establishments should be increased, reputation of vocational schools should be improved, the quality of preschool education should be increased, in remote villages, where schools are at a long distance, municipalities should provide free-of-charge transport means for the children, financial-technical basis of

schools should be strengthened in order to root-out problems existed in the sphere of education and to increase further more the quality of education. The Ombudsman deems that in order to expand development of the sphere of education and ensure children's rights to education, the implementation of under-mentioned measures would be expedient:

- **To prepare and teach relevant modules (programs) with the view of inclusion of “Children’s Rights” issues into education process within each pillar of three-pillar education system (I-IV, V-VIII, IX-XI grades) of general schools in the field of human rights education;**
- **To increase the sum of allocations for food in kindergartens, boarding schools, and children homes;**
- **To increase the sum of allowances allocated to parents or other assignees for the transportation of children enrolled to special education to and from special educational establishments, health and recreation centres, and medical facilities;**
- **In the view of completion of the “Program on Education of Children in Need of Special Care (with disabilities) in the Republic of Azerbaijan” this year, to prepare the similar program for the following years;**
- **For completion of the “Program on Pedagogical Staff in Network of General Schools in the Republic of Azerbaijan for the years of 2005-2009” of the Cabinet of Ministers, to prepare the similar program for the following years;**
- **To replace hobby groups with human rights coteries at schools;**
- **To attach more consideration to the issue of self-management, to carry out management of school based on election process, to ensure that students and parents are able to exert influence on management process within educational establishments;**

- Taking into account the age of children, to print and distribute among all schools the Convention on the Rights of the Child and training materials in the form of booklets;
- To strengthen further more activities of Parent and Teachers' Committees functioning within the school;
- In order to identify children of school age evading the school, to conduct relevant exploration works and by solving the problems encountered by them, enrol them to education process in a new academic year
- To supply schools with visual aids for deepening the efficiency of primary military education lessons;
- To improve conditions of children and advocate for child libraries;
- To bring sport halls of schools up to international standards and supply them with the modern equipments;
- To improve the operation of vocational schools;
- To attract children with physical and mental disabilities to inclusive education and ensure necessary physical means;
- To hold military competition on June 26, Day of Armed Forces of the Republic of Azerbaijan with the purpose of instilling the sense of patriotism in children.

Children's Right to Health

According to the Article 41 of the Constitution of the Republic of Azerbaijan, everyone has the right to protect his/her health and to receive health care, while State takes necessary measures for the development of all the types of public health services functioning based on different types of ownership, guarantees sanitary-epidemiological safety, creates conditions for different types of health insurance. This right, first of all, enables every citizen to have medical examination free of charge in state owned health facilities. Moreover, the Article 24 of the Convention on

the Rights of the Child stipulates child's right to receive the most advanced health services, to benefit from treatment and health restoration facilities.

In accordance with the state legislation, respect for human and civil rights on health protection, realization of state guarantees on these rights, prioritizing prophylactic measures on public health protection, availability of medical-social assistance, social protection of health of citizens in case of break-down, responsibility of state bodies and, irrespective of form of their ownership, entities, establishments and institutions, high ranking officials for ensuring civil rights on health are considered as the fundamental principles of health protection.

State care attached to the health of all categories of the population, including children, and steps taken towards the solution of the problems in health sector in recent years encourage attention.

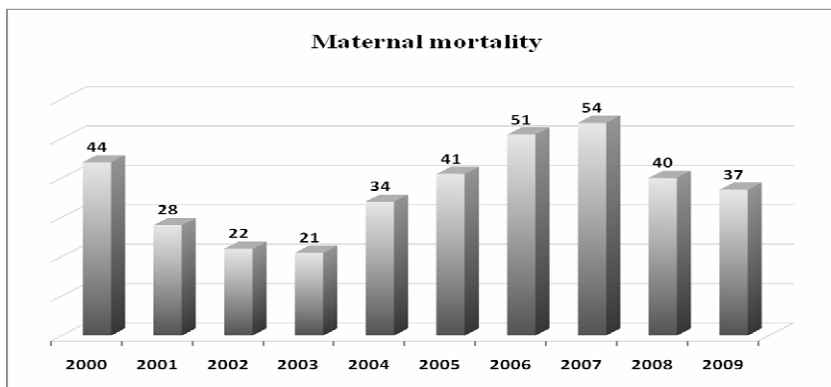
The results of reforms carried out in health sector were reflected in applications addressed to the Ombudsman office.

The number of medical facilities, including the number of medical centres in districts and villages are increasing day-by day, operating medical facilities are being substantially repaired, supplied with up-to-date equipments. Also, care is attached to the improvement of well-being of doctors and medical personnel. It is worth mentioning that in recent years Diagnostic Centres have been constructed and supplied with modern equipment in the districts.

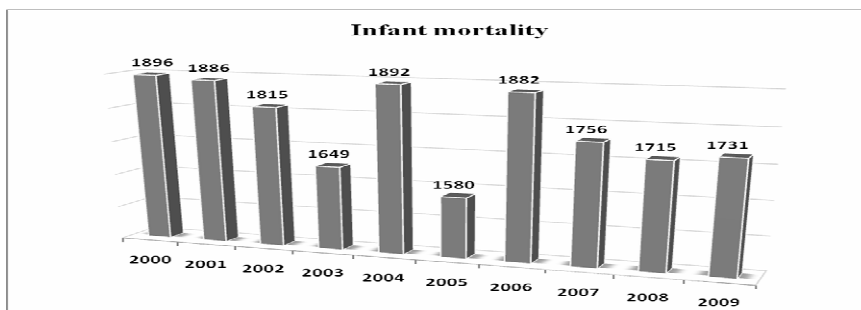
Purpose-oriented and coherent measures carried out in the field of improvement of social welfare of population exert a positive impact on financial-spiritual and health status of population.

It should be noted that, in accordance with the Decree No. 139-S of the Minister of Health, dated September 28, 2007, abolishment of paid services in Children's Hospital of the Republic of Azerbaijan and the Children's Stomatological Centre

and Pediatric Scientific-research Institute named after K.Y. Farajeva from the first of October 2007 contributed to ensuring of children's rights to health services. Furthermore, as of January 1, 2007, paid services were abolished in Medical and Prophylactic Institutions financed from state budget and which are on balance of the Ministry of Health. This initiative was welcomed by population. However, continuous increase of maternal mortality rates from 2003 on (in 2003-21, in 2004-34, in 2005-41, in 2006-51, in 2007-54) and recent increase of prenatal mortality rates create serious concerns and require urgent steps. Moreover, mortality rates among children under the age of 1 amounted to 1649 in 2003, 1892 in 2004, 1580 in 2005, 1882 in 2006 and 1765 in 2007 are also grounds for concern.



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 155



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 155

Moreover, absence or non-functioning of ambulances and psychologists in some schools have a negative impact on children’s health and create certain complications.

In order to ensure implementation of the “State Program on Development of Communication and Information Technologies in the Republic of Azerbaijan covering the years of 2005-2008” (E-Azerbaijan), the Azerbaijani Government has approved the rules of application of plastic health cards and medical examination cards which will facilitate the process of vaccination, medical examination and treatment of every new born child at the expense of government means. Nevertheless, the fact of small scale implementation of this program creates certain concerns.

At the same time, “The Conception of Reformation of Health Sector Financing System and Application of Obligatory Health Insurance in the Republic of Azerbaijan” approved with the Decree of the President of the Republic of Azerbaijan of January 10, 2008 is of utmost importance for the increasing the efficiency of health sector management and provision of health services to the population.

Apart from taking measures on the protection of children’s rights to health, the Commissioner initiates the discussion of the

problems in this field and puts forward proposals to relevant institutions.

According to the complaints addressed to the Commissioner, applications are being sent to the Ministry of Health regarding medical examination and treatment of women and children from certain categories. In most of the cases the issues indicated therein are being addressed.

Apart from that, relevant measures were taken on the claims sent to the Commissioner by patients having the right to receive medicines, medical examination and treatment at government expense, parents of disabled children, diabetics, patients with kidney diseases, and in most of the cases the violated rights of applicants were restored. A large number of applicants addressing the Commissioner were assigned to appropriate Medical Centres for the treatment and were provided with medical examination, treatment and medicines by the Ministry of Health free of charge. Surgical operations were carried out within the country and abroad and eventually their health was restored.

At the event dedicated to the children suffering from blood diseases which was carried out at the Ombudsman Office with the participation of representatives of different ministries, Red Crescent Society, Scientific-Research Institute on Haematology and Transfusion of the Republic of Azerbaijan, Republic Association of Patients with Haemophilia, “World of Noble Actions” Thalassaemia Association, Scientific Practical Haemophilia Centre of Clinical Hospital and other institutions in order to direct the attention to this painful problem, the appeal was addressed to the public urging everyone having stable health status to take part in blood donation action and consequently, in saving the life of those who are in need of blood.

By encouraging the citizens for participation in this humane action, the Ombudsman noted: «If a person who is able to become a blood-donor donates blood at least once in a lifetime, the need of society to this valuable remedy will be covered».

The Ombudsman offered to organize “National Blood Donation Day” with the view of proactive involvement of citizens in blood donation movement. It should be emphasized that the Ombudsman and the Ombudsman Office personnel also joined this noble mission and donated blood in the course of ten days action.

It is gratifying that the implementation of the “More Care to Diabetic Children” Project initiated by the Heydar Aliyev Foundation, Azerbaijan Diabetes Society and Denmark “Novo Nordisk” company significantly contributed to the solution of a range of problems in the field of arrangement of medical examination and treatment of children with diabetes.

In accordance with the Law of the Republic of Azerbaijan “On State Care to Persons Suffering from Diabetes”, medical examination and treatment of persons with diabetes in state medical institutions should be carried out at the expense of the State.

Considering the importance of Lantus medication for physiological and psychological development of children with diabetes, the Ombudsman applied to the Ministry of Health asking to facilitate the solution of existed problem in this field.

By taking into account Ombudsman’s appeal, Lantus medicine, reducing the level of sugar, was included into relevant list and since 2009 has been given to patients free of charge by the Ministry of Health. However, in view of insufficiency of this medicine for all children with diabetes, there is a need for taking measures towards covering the demand for it.

In Azerbaijan the initial information on thalassemia was obtained in the 50-s of the last century. This disease is also one of the most complicated problems encountered by country. In a number of districts of Azerbaijan the prevalence of thalassemia reaches the highest level in the world. Average ratio of carriers of thalassemia to the number of population amounts to 8 percent.

Every year about 200 children are born with thalassemia. The number of persons suffering from thalassemia is more than 2 thousand. Since in some remote districts thalassemia is not diagnosed, new born children don't receive special medical examination, die in the first days of life due to unknown reasons, the actual figures could be even higher.

According to the World Health Organisation forecasts, if coherent measures on prevention of thalassemia aren't arranged in expedient manner, within 45 years, the number of persons suffering from this disease will reach 16 thousand.

The "State Program on Congenital Blood Diseases, Haemophilia and Thalassemia" and "The Rules on Provision of Persons Suffering from Congenital Blood Diseases, Haemophilia and Thalassemia with Sanatorium-Resort Treatment" were approved with the Resolutions of the Cabinet of Ministers of January 18, 2006 with the purpose to improve the structure of health services provided to persons with congenital blood diseases such as haemophilia and thalassemia.

The "Life without Thalassemia" Project successfully implemented under the guidance and with the initiative of the President of Heydar Aliyev Foundation, Mrs. Mehriban Aliyeva, in the field of prevention of this disease is of utmost importance. Within the framework of that project works towards establishment of Thalassemia Diagnostic Centre and Blood Bank were carried out.

By joint work with the Ministry of Health and Ministry of Labour and Social Protection in the field of solution of problems of children with disabilities and disabled children from poor families are provided with invalid wheelchairs, treatment and medical examination free-of-charge and persons suffering from diabetes and other diseases, are supplied, to the possible extent, with medicines and glucometers.

Every year, on occasion of 10th of October, the World Mental Health Day, the Ombudsman becomes acquainted with the

conditions in relevant medical establishments for the treatment of mentally deceased persons, familiarizes herself with the problems encountered by this most in need category of the population, and facilitates the solution of their problems. During reporting period, on the eve of the World Mental Health Day, the Ombudsman together with the Chief of Baku City Health Department of the Ministry of Health visited psycho-neurological establishments of the Republic of Azerbaijan.

While being at Children's Psycho-Neurological Children Home in Narimanov district, the Ombudsman witnessed that the building of establishment was repaired and with the initiative of the President of Heydar Aliyev Foundation, Mehriban Aliyeva, new building meeting up-to-date standards was constructed as well as physiological cabinet and massage room were rebuilt. Moreover, necessary conditions for rehabilitation of children who are the inmates of this establishment have been created, and specialized experts render relevant psychiatric assistance to children. Inmates of children home receive sport therapy, special simulator therapy and vocational training therapy in line with European standards.

It should be mentioned that in the result of supervision carried out by the Ministry of Health, important work on renovation of these establishments, improvement of living conditions of patients and their treatment have been implemented.

Moreover, the Ombudsman and Office personnel continuously visit boarding schools for mentally deceased children. Special emphasis should be made on that in these establishments one person is assigned for every 20 disabled children, and it is physically impossible for him/her to serve for such a large number of children who lack basic skills. Relevant international experience shows that in such type of establishment assignment of one person for 7-8 children is expedient. As there are only two such types of establishments in the republic and that 306 children are inhabiting there, it is quite clear that small amount of financial

means is required for the assignment of additional personnel to these them. However, without solution of this problem, improvement of living conditions of children in need of care is not feasible. Provision of additional financial means for personnel working with children with disabilities is also of great importance.

Upon the initiative of the Ombudsman the Office personnel together with AIDS Centre of the Ministry of Health carried out a series of events on protection of the rights of HIV/AIDS affected persons and large-scale enlightening works in this field in Baku and outside the capital. Comprehensive information was provided to the population with the purpose of propaganda against AIDS and drug addiction, training-seminars were carried out for adolescents and youths, relevant written educational information was distributed through mass media and television and radio programs.

The Ombudsman proposed to conduct work on the preparation of the Conception on Combating AIDS and Drug Addiction, monitoring and improvement of relevant legislation by taking into account the local values, harmonisation of combating means in accordance with international experience, application of the methods on identification of HIV/AIDS affected persons, conduction of surveys among population, rendering psychological and social rehabilitation assistance to drug abused persons, attraction of healthy blood donors, efficient organisation of protection of the rights of persons who were in contact with drug addicts, holding sport competitions promoting healthy lifestyles and in order to ensure efficient implementation of enlightening work provide necessary information to students of secondary schools on the purpose of propaganda against AIDS and drug addiction, organize trainings/seminars for adolescents and youngsters, publish leaflets, placards and posters, carry out educational activities through mass media, as well as protect the rights of AIDS affected persons and drug addicts,

Generally, 2034 persons, including 23 children were officially registered in AIDS centre. The increase in the number of persons affected by HIV/AIDS, especially children and adolescents, are the subject for concern.

The Ombudsman provided information about necessary measures that should be taken for the protection of public health, the provision of health services and social protection of population, on taking steps for restoration of healthy life styles in the republic like in other countries, the transformation of widespread cases of AIDS infection and drug users to the most complicated problem and the necessity of joining efforts of concerned bodies in combating these disasters.

With the assistance of the UNESCO, the Ombudsman office carried out Seminar on “HIV/AIDS problem in human rights concept” as well as published and distributed two posters within the framework of the 6th Baku International Conference of Ombudspersons.

Currently, there are also HIV/AIDS affected persons within detention centres. It is gratifying that there are no HIV/AIDS affected people among minor offenders.

A large number of alcohol and drug users, tobacco smokers among children and adolescents is an alarming fact. The strengthening of control by concerned bodies and the society over prohibition of sale of alcoholic beverages and tobacco products to children in manner stipulated by the legislation is of great importance for the solution of this problem.

A number of legal reforms have been carried out for the purpose of protection of people’s rights to health.

The “Work Plan on Protection of Maternity and Children’s Health for the years of 2006-2010” was approved with the Resolution of the Cabinet of Ministers of September 15, 2006 with the view of strengthening maternity and children’s health, protection of reproductive health of population, enabling favourable conditions for giving birth to healthy and desirable

children, reduction of mortality and morbidity rates among mothers and children, ensuring protection of public health and safe maternity, improvement of training and qualification upgrade of medical personnel in obstetric and paediatric services, establishment of republic and intraregional prenatal centres, strengthening financial-technical basis of medical facilities and installation of modern medical-diagnostic equipments, and improvement of the supply of maternity hospitals with medicines.

The Ombudsman continuously organizes round table discussions on “Rights of Mothers and Children to Health” with participation of state bodies, international institutions, NGO and mass media.

The Ombudsman deems that more attention should be given to the protection of maternity, reproductive health, social protection of young families, including guarantee of employment, opening of new work places, application of the system of allowances targeted at protection of families and children, allocation of land plots and provision of preferential loans in rural areas, and improvement of housing conditions.

The necessity of restoration and establishment of family planning services in the districts, utilization of community-based services, establishment of financial and technical basis for the protection of maternity and children, protection of children’s health, establishment of children health cabinets within and assignment of paediatricians to outpatients departments in the settlements and villages is a very pressing issue. The adoption of draft law on reproductive health which is being currently discussed at the Parliament will contribute to the solution of existing problems.

Another area for concern is the year-by-year increase in the number of disabled children receiving social pension and a large number of children registered as disabled for the first time each year. Thus, according to latest statistics, 56 433 children with

disabilities passed registration; in 2007, 5200 disabled children under the age of 18 were registered for the first time as disabled.

During participation at the international conference organized by Ukrainian Supreme Rada Ombudsman Office on Human Right in April of 2008, Ombudsman attended Cardiology Centre in city of Kiev and met with Professor Boris Todurov, the Chief of “Heart” Centre equipped with the most modern facilities. Ombudsman informed the eminent scientist on establishment of modern diagnostic centres in Azerbaijan, including districts and on carrying out surgical operations on heart.

Upon Ombudsman’s initiative and with the assistance of the Ministry of Health, 12-year old Azerbaijani boy was sent to B. Todurov’s clinic, the surgery was carried out on his heart free-of charge and the child life was saved.

In order to take part in the 7th Baku International Conference of Ombudsman on “Bioethics, human rights and new technologies: legal and ethical aspects of reproductive health and family planning” carried out on June 17-19, 2009, Todurov together with the delegation composed of three specialists paid a visit to Azerbaijan and participated at the conference. Furthermore, professor Todurov gave lectures at Azerbaijan State Medical University and Scientific-Research Institute of Paediatrics. He was received by the Minister of Health of The Republic of Azerbaijan. In the course of meeting beneficial discussions on improvement of cardiology services for children and on training of professional experts in this field and exchange of experiences were carried out.

While being in Baku, the eminent academician examined 36 children, became familiarized with the conditions and identified the necessity of elimination of heart disease of several children through surgical intervention.

It should be noted that among them were children of refugees and internally displaced families. During the meeting with the refugees and internally displaced persons in newly constructed

settlement in Ramana on the 20th of June, International Day of Refugees, parents of child with heart deficiency asked Ombudsman to help their child, following which, she arranged medical examination of this child by B.Todurov. Moreover, a child from a vulnerable family from Lachin district passed through medical examination in Kiev and cardiac surgery was done on him free-of charge.

Three children in need of urgent surgical intervention on heart were invited to Kiev City “Heart” Centre for undergoing surgery free-of charge. Cardiac surgery of another three children was financed by “Bright Future of Children” Public Union.

Children who returned to Baku with restored health were welcomed by the Ombudsman at the Heydar Aliyev Airport and presented with gifts.

Children who underwent surgical intervention were placed in “Meslek” Resort Camp under “Shirin” kindergarten renovated and reconstructed by the Heydar Aliyev Foundation. The Ombudsman continuously visited the centre, became acquainted with conditions and health status of these children and children suffering from Down’s syndrome, psychological tension, autism, diabetes as well as haemophilia and took interest in their living conditions, food and organisation of their leisure time.

Apart from that, in September, the Commissioner together with “For the Bright Future of Children” Public Union sent another three children with heart diseases to Kiev, and they underwent surgical intervention and returned to their country.

Moreover, the Ombudsman applied to the Ministry of Labour and Social Protection of Population concerning coverage of transportation and subsistence expenses of children and parents travelling to Kiev, and in accordance with relevant legislation, expenses of disabled children and their parents were covered and they were provided with financial assistance.

Generally, with the support of the Ombudsman, in 2008 one child and in 2009 three children with severe heart diseases

underwent surgical intervention in Kiev, and their health was restored.

Furthermore, in October 2009, professor Todurov made another visit to Azerbaijan, examined more than 100 children and gave lectures at Customs Hospital.

Additionally, the Ombudsman applied to the President of the State Oil Company with regard to free-of-charge surgical operation of two children with heart diseases from vulnerable families. Eventually surgical operations on these two children were also successfully implemented.

The fact of existence of 12 000 children with heart diseases and that most of them are from vulnerable families is alarming. There is pressing necessity for the construction of Children Cardiac Operations Centre and ensuring free-of charge surgical operation of children with heart diseases.

Applying to the Ombudsman office, an applicant A. informed that due to the lack of financial means he cannot cover the expenses for the operation of his son's eyes and asked helped in this matter. Following Ombudsman's application to the Ministry of Health, the child successfully underwent free-of-charge surgical operation on his eyes at the Institute of Eye Diseases.

The reforms carried out in health sector will enable ensuring human's, including children's rights to health, training of qualified personnel and establishment of special medical centres.

Appreciating the works carried out in the given work, the Ombudsman recommends implementation of under-mentioned measures towards ensuring the health of children:

- **To adopt the “Program on encouraging employment of medical personnel in rural areas” in health sector;**
- **To establish “National Blood Donors Day” and arrange blood donation actions for Blood Bank for the purpose of proactive involvement of population in blood donation movement;**

- **To adopt the Law on Reproductive Health;**
- **To raise public awareness on reproductive health;**
- **To advocate healthy lifestyle;**
- **To raise public awareness on breast feeding of children, iodized salt and microsupplements;**
- **To ensure full coverage of need of children with diabetes in Lantus medicine;**
- **To establish medical aid stations within schools and supply of necessary medicines and other facilities for schools;**
- **To make changes and amendments to relevant legislation on provision of special financial assistance, including nursery (caregivers) for children until they are 1 year old for the family with twins and triplets and rendering of assistance for pregnant women and women with children of breastfeeding age;**
- **To make changes and amendments to relevant legislation on insurance of children by the State for the purpose of protection of their health.**

Violence Against Children

The violence is the crime committed against any person in any case at any time and considered as the violation of human rights. The Article 46 of the Constitution states: “No one can be tortured and tormented. ...”

Complying with the principles of democratic society, the prevention of daily violence is connected with the solution of such problems as provision of people’s safety, adherence to legal norms, reduction of risks of being insulted within domestic environment (family, work and public places), and formation of human values

The Ombudsman repeatedly emphasizes that different forms of violence committed against people, including women and children, violate their rights and freedoms; economic problems, including poverty and conflicts within the family, further deteriorates the impact of violence. The Commissioner also states that the main targets of violence are women and girls. She highlights the importance of joint collaboration for the purpose of strengthening the struggle of state bodies and specialized NGOs against this trouble.

In order to build systematic fight against daily violence based on international principles and national legislation the “Comprehensive Program of the Republic of Azerbaijan on Combating the Daily Violence in Democratic Society” was approved with the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan, dated January 25, 2007. The ultimate objective of the Program is to reduce domestic violence and prevent violent forms of behaviour in different spheres of personal and public life of the Azerbaijan population by means of special measures within five years.

The Ombudsman carries out measures towards elimination of the discrimination as well as violence against children within the schools and in case of receipt of complaints in this field initiates urgent exploration of the problem.

In one of the complaints addressed to Ombudsman Office it was indicated that Principal of school #10 of Nizami district abused and beat the students of the 5 “c” form with rubber sticks. The Child Rights Advisor and the Employee of Child Rights Centre of the Ombudsman Office immediately explored the incident and held conversation with parents.

It was found out that on March 1, 2007 the school director became angry with the noisy behaviour of students of the semi-group of the 5th form, banging around in the absence of a teacher during the lesson of English language, and beat them with rubber sticks. Afterwards, school principal gathered both semi-groups in

one room and forced students of the first semi-group to kneel in front of the rest of the class until the end of the lesson. This act of violence negatively influenced psychological state of children and led to increase of drop-out cases. The parents of aggrieved children applied to the Prosecutor Office of Nizami district and informed that there was not held any investigation regarding the incident.

For solving the problem the Ombudsman turned to the Ministry of Education and the Prosecutor Office of the Nizami district of Baku city and asked them to investigate this case and take other relevant measures.

As a result, based on the Order No. 11/185 of Baku City Education Department of April 10, 2007, the Labour Contract signed with school principal #10 was cancelled.

One of other complaints was about the teacher of the school #300 of Bilajari settlement who taped the mouth of a student. The case was explored and eventually, the teacher was dismissed following the relevant order.

Such kind of punitive measures result in the reduction of the cases of violence against children within the schools.

It should be noted that due to different reasons children are placed in children's homes, different types of boarding schools, children Correctional Institution, temporary detention centres within police departments and other establishments. Often, services available for the children in these establishments are not at the proper level. Besides, unfortunately, in some cases children are exposed to violence by their caregivers or peers. In this regard the Ombudsman Office together with UNICEF initiated a survey with the purpose of exploration of the cases of violence against children in different institutions. This survey is an integral part of Country Survey carried out by the UN for "Assessment of the Cases of Violence Committed Against Children in All Spheres".

The research is aimed at defining the cases of violence committed against children in establishments and to take measures

towards elimination of the gaps existing in this field. As the result of the selection Baku, Sumgayit, Ganja, Tovuz, Agstafa, Gedebe, Gax, Oguz, Zagatala, Balakan, Sabirabad, Alibayramli, Calilabad, Beylagan, Lenkaran, Lerik, Shamakhy, Berde, Guba and Davachi districts were targeted by the assessment. The Ministry of Internal Affairs, the Ministry of Labour and Social Protection of Population and the Ministry of Justice and Ministry of Health have also facilitated the implementation of the assessment within different establishments. Apart from the Ombudsman Office personnel, 15 representatives from NGOs, identified on the basis of interview, participated in the conduction of the research. The training has been carried out for participants by an international expert. The assessment also covered group discussions with children and chiefs of establishment and interview with personnel working with children. Moreover, the existing legislation on prevention of the violence against children was analysed. Report and recommendations on elimination of active problems were prepared based on the assessment results and sent to concerned bodies and UNICEF.

The Ombudsman took the floor at the “National Conference on Child Protection in Azerbaijan” held on October 22-24 on the theme “The Importance of Independent Monitoring in the Field of Children’s Rights Protection” and provided the comprehensive information to participants on monitoring activities carried out by the Ombudsman office on protection of children’s rights, cases of violence against children, the implementation of de-institutionalization program, familiarization with the efficiency of Children Resource Centres’ operation, improvement of legislative system on child’s rights, and on future tasks and obligations.

Apart from psychological and physical violence, children also face sexual violence committed by peers and in some cases even by family members. In order to prevent deterioration of the psychological state of children who became victims of sexual violence and prevent them from additional psychological strike,

interrogation centres equipped with special installation should be established based on international experience. In these centres, parties interested in the investigation of violence and restoration of fair trial (police officers, state prosecutors judges, child' legal assignee, advocate) should be placed in separate room and provide psychologist sitting in other room with questions to be addressed to aggrieved children. The latter in his/her turn should interrogate the child. The conversation should be recorded and used later during investigation and trial. However, unfortunately, currently, child victims of violence are being questioned repeatedly. In addition, comprehensive information about them is provided to public what exerts negative impact on child psychology.

In this regard, it is important to learn international experience and apply it in Azerbaijan taking into account national peculiarities.

Additionally, within the framework of the Project on "Combating Violence Against Women in the XXI century" implemented by the Heydar Aliyev Foundation, the UN Population Fund and the State Committee on Family, Women and Children's Affairs, the Ombudsman Office personnel participated in the training on management of Crisis Centres which will be established for female victims of violence. Turkish experts provided participants with comprehensive information on gender equality, the definition, types and forms of violence against women, level of prevalence of violence, international experience on prevention of the cases of violence, hot lines for victims of violation, purpose, working principles, services and working directions of Crisis Centres, role of asylums and services provided by them. In the course of training a draft version of the National Strategy on combating of above mentioned cases was discussed.

In the recommendation of the UN Committee on the Rights of the Child submitted to Azerbaijani Government, the application of punishment in the upbringing of children was referred to as a problem, and the necessity of adoption of the law explicitly

prohibiting all the types of corporal punishment with the purpose of the elimination of this problem was highlighted therein.

The Ombudsman Office prepared and submitted to the Parliament a draft law “On the Protection of Children from Corporal Punishment”. With the support of the UNICEF posters advocating inadmissibility of corporal punishment of children were prepared, published and distributed with a view to conduct public awareness work in the society.

Furthermore, the Ombudsman recommended ratification of the Convention on the Protection of Children from Sexual Exploitation and Abuse of the Council of Europe signed by the Republic of Azerbaijan on November 17, 2008.

Moreover, the adoption of the law “On Domestic Violence” which is being discussed in the Parliament is of utmost importance and Ombudsman offered her recommendations thereon.

Domestic Violence and Early Marriage

Sometimes, due to certain reasons, children are exposed to different types of violence. They face violence mainly at schools, within families, state institutions, detention centres, and public places. Children attending school, living in establishments, living or working on streets are exposed to violence by their peers.

One of the alarming factors is that in the majority of cases, parents don’t allow girls to attend school at upper classes and force them to enter into marriage at early age without their consent.

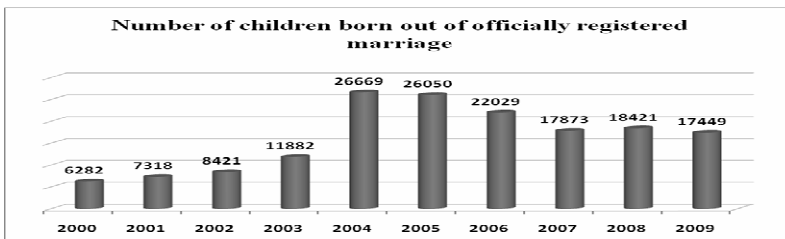
By being committed to the principles of legal statehood the Republic of Azerbaijan guarantees preference of law to traditions for ensuring provision of human rights. Thus, acknowledgement of the case of bride abduction as legal norm on kidnapping within the Criminal Code is brilliant example. However, in such case

there is a need for liberalization of crime. Moreover, these situations cause artificial increase of statistics on kidnapping.

The Article 34 of the Constitution of the Republic of Azerbaijan states that everyone possesses the right to enter into marriage upon reaching the age stipulated by the law. The Ombudsman offered appropriate recommendations to concerned bodies on conduction of public awareness events, broadcasting of commercial trailers of social nature in TV channels, and in case of identification of early marriage cases by police and prosecutor, bringing to criminal responsibility males marrying underage girl following the Article 152 of the Criminal Code. In most cases, as a result of early marriage, girl drops out of school, harms her health and becomes unable to guarantee her financial security in the future as well as protect own rights and rights of her child (children). In order to prevent the occurrence of such calamities, along with conduction of awareness-raising activities, the police officer should explain men intending to marry underage girl and their parents that early marriage is prohibited by the law.

According to official statistics, the number of children born out-of wedlock amounted to 26669 in 2004, 26050 in 2005, 22029 in 2006 and 17873 in 2007. Majority of them were born in rural areas. It should be especially noted that according to data of the year 2006, 5263 children were registered in vital registration system based on application of single mothers.

Along with that, the number of children born to mothers aged 15-17 was 1864 in 2000 and increased to 3124 in 2006.



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 153

Above-mentioned official statistics has also confirmed the necessity of strengthening the fight against the problem of early marriages.

However, the Law of the Republic of Azerbaijan “On the Rights of the Child” adopted in 1998 states that irrespective of the fact of being born in or out of wedlock, children possess the equal right vs. their parents. Furthermore, the Republic of Azerbaijan has acceded to the European Convention “On Legal Status of Children Born out of Wedlock” and undertaken a number of obligations.

Sometimes, the cases of sexual violence occur even within the family. These crimes are either revealed when child have been being exposed to violence for a long period of time or not revealed at all.

Based on international experience the Ombudsman recommends the improvement of legislation and the implementation of under-mentioned measures with the view of absolute elimination of the cases of violence against children:

- **Adoption of the Law “On the Protection of Children from Corporal Punishment”;**
- **Adoption of the Law on “Domestic Violence”;**
- **State ratification of the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Abuse;**
- **Making changes and amendments to relevant legislation on aggravating the punishment for the cases stipulated in Article 152 of the Criminal Code of the Republic of Azerbaijan in order to prevent the cases of early marriage;**
- **Familiarization with international experience on interrogation of children victims of sexual exploitation and its child-friendly application with consideration of local moral values;**

- **Making changes and amendments to the Family Code on the identification of marriage age for woman and men as 18**

Violence against Children Committed by Means of Contemporary Technology

The innovations gained in the field of technology bring new problems into society and it concerns the world community. In last recommendation of the UN Committee on the Rights of the Child submitted to the Azerbaijani government, the absence of the law of internet services providers, attraction of children especially through internet to cruelty, racialism, pornography were stated as problems. The Committee suggested that the State party develop programmes and strategies to use mobile technology, media advertisements and the Internet as means for raising awareness among both children and parents on information and material that affect the well-being of children.

It should be mentioned that according to international experience, violence against child is the act committed against child by abusing and without abusing the child. It is gratifying that posting of porno sites at servers of providers functioning in Azerbaijan is not allowed and it is continuously controlled by the Ministry of Communication and Information Technologies. Ensuring public control towards prevention of usage of such type of sites by children at internet clubs is of great importance. Furthermore, relevant measures on limiting the access to porno sites are carried out in the course of implementation of the program on computerization of schools by the Ministry of Education.

Within the framework of the “Human Rights Month” carried out on the initiative of the Ombudsman, the Ministry of Communication and Information Technologies hold the Seminar

on “Protection of Child Right on Internet”. Speaking at the seminar, the Representative of the Ombudsman Office noted that the problems of children in digital society, especially the issue of protection of children from internet claim urgent attention, highlighted that ethical rule of conduct, culture and thinking are being formed in childhood, and talked on responsibility of state bodies, civil societies and families in this field. Also, he stated that the danger imposed by the internet requires serious investigation and legal approach and emphasized the importance of perception of computer environment, internet space, virtual world by children in minute details, education of the rules of expedient usage of the internet and identification of rule of conduct in this field.

Additionally, the representative noted that special internet clubs, including content-reach and comprehensive internet sites, were established for children with the view of prevention of such cases, in accordance with the recommendation of the UN Committee on the Rights of the Child, relevant measures, such as adoption of appropriate laws, application of special cards, holding continuous monitoring of internet clubs, making changes and amendments to legislation were ensured for the purpose of guaranteeing the efficient protection of children from involvement in cruelty, racialism and pornography; and proposals on elimination of problems were forwarded by the Ombudsman office to concerned bodies.

Moreover, the Ministry of Education, “Microsoft Azerbaijan” company together with Azerbaijan Internet Forum are implementing pilot project titled “Child Safety on Internet“. This project is an integral part of the “Child Safety Online” global program carried out by the “Microsoft” worldwide. The ultimate purpose of the project is to protect children from harmful information impact and draw public attention to this issue. Within the frame of the project, special manuals on recommendations and

rules of safe usage of Internet will be prepared for teachers, parents, and children.

At the same time, after the possibility of information transfer has emerged, pictures and video snapshots reflecting sexual exploitation became widespread among children and the prevention of this problem became difficult. Strengthening the public control by parents and teachers over children for the purpose of partial solution of this problem is of great importance.

The problem of child suicides within the country is another area for concern.

Thus, 15 children in 2001, 19 in 2002, 21 in 2003, 39 in 2004, 35 in 2005, 44 in 2006, 57 in 2007 and 58 in 2008 committed suicides within the country. The increase of suicides year-by-year concerns the State and society. We deem that the cases of suicide among children should be deeply explored, educational and medical personnel, especially pedagogues should be more responsible towards this issue and preventive measures should be carried out with the purpose of prevention of such situations in the future.

It should be especially mentioned that in most cases TV and newspapers, including other means of mass media, broadcast and distribute information which can threaten mental and moral development of children result in psychical shock and even suicide of children.

Thus, after continuous publication of pictures on execution of former Iraqi President in mass media, newspapers and broadcasting without prior warning of video snapshots reflecting the process of execution, N. Hassanov aged 8 in Khatinli village of Tovuz district, S.Suncheleyev aged 12 in Mehdiabad settlement of Absheron district, N.Orujov in Kohne Amankend village of Bilasuvar district committed suicide while on January 17, 2007, suicide attempt of the 6th grade student living in M.A.Rasulzade settlement of Binagadi district was prevented.

Taking into account that the broadcasting of the information advocating cruelty through TV channels, its repeated publication in the press and posting on the internet may result in tragic cases and psychical shock of persons with feeble psychology, especially of children, the Ombudsman applied to the Chairman of Press Council and National TV and Radio Broadcasting Council emphasizing that in a number of international treaties acceded to by the State, the protection of rights and legal interests of children is prioritized. She stated that these treaties include provisions on protection of children from information which can threaten their mental and spiritual development.

In her application, the Ombudsman noted that the Article 17 of the UN Convention on the Rights of the Child imposes on States Parties obligation to enable the children to receive information from various sources, ensure the distribution of materials contributing to social and cultural development of children through mass media and take measures towards protection of children from information reflecting acts of violence.

Moreover, despite broadcasting of TV programs and films reflecting the acts of cruelty at evening hours, their advertisements are being broadcasted several times during the day.

Similar negative cases lead to violation of the rights, moral damage, involvement in misdeeds by criminals, suicide attempts and isolation of adolescents from society.

In her application the Ombudsman recommended to give instructions on the implementation of necessary measures towards protection of children from information threatening their mental and moral development and control the situation in order to prevent occurring of such cases in the future.

Following Ombudsman's application, warning information was delivered before broadcasting of programs and news, demonstrating cruel scenes, which prevents the occurrence of negative cases such as moral damage of children.

Furthermore, in response letters of National TV and Radio Broadcasting Council it was stated that “Special Rules on Broadcasting of Programs threatening physical, mental and moral development of children and adolescents, programs broadcasted uncoded, including programs demonstrating cruelty and erotica” were adopted and sent to all TV and Radio Broadcasting agencies and relevant measures on their implementation were taken. Based on our application and in accordance with the UN Convention on the Rights of the Child, the Law of the Republic of Azerbaijan on the Rights of the Child, the Article 11.4 of the Law of the Republic of Azerbaijan “On Mass Media” of January 16, 2007, National TV and Radio Broadcasting Council gave relevant instruction to all broadcasting agencies with the view of ensuring prevention of distribution of the information about adolescents without their consent and the consent of their legal assignees.

The UN Committee on the Rights of the Child is also concerned about the increase of the cases of suicide among adolescents. Aiming at aversion of this problem, the Committee recommends Azerbaijan to strengthen efforts on prevention of the cases of suicides by paying a special attention to reinforcing the provision of psychiatric services for adolescents.

Child Trafficking

The “National Action Plan on Combating the Human Trafficking in the Republic of Azerbaijan” was approved following the Resolution of the President of the Republic of Azerbaijan of May 6, 2004, while on June 28, 2005, the Law “On combating the Human Trafficking” was adopted, and Special Agency on Fight against Human Trafficking was established within the Ministry of Internal Affairs with the purpose of combating the human trafficking within the country. Furthermore, the Cabinet of the Ministers of the Republic of Azerbaijan

adopted a number of regulatory-legal acts, including “The Rules on Establishment, Financing and Operation of and Control over Activities of Special Establishments for the Victims of Human Trafficking”, “Rules on the Handing Over of the Victims of Human Trafficking to Special Police Departments in Urgent Manner and without Obstacles”, “Rules on the Implementation of Social Rehabilitation of the Victims of Human Trafficking”, “Resolution on Defining the Amount of Allowances paid to the Victims of Human Trafficking within the Period of Reintegration”, “The Statute on Fund of Assistance to the Victims of Human Trafficking”.

The Republic of Azerbaijan has acceded to a majority of international treaties on fight against human trafficking, including the UN Convention Against Transnational Organized Crime, its complementing Protocol on Prevention and Elimination of and Punishment for Human Trafficking, Especially Trafficking of Women and Children, Optional Protocol of UN Convention on the Rights of the Child On Child Trafficking, Child Prostitution and Child Pornography and the UN Convention on Combating the Human Trafficking and Exploitation of Prostitution by the Third Parties.

In order to ensure organisational framework of the fight against human trafficking, the National Coordinator in charge of fight against human trafficking was appointed. A Task Force composing of the representatives of concerned central executive power bodies was established with the view of establishment integrated system of cooperation of stakeholders of National Action Plan and ensuring the exchange of experiences among them.

By supporting the initiatives realized in this field, the National Action Plan on combating the human trafficking in the Republic of Azerbaijan for the years of 2009-2013 was approved being based on the Resolution of the President of the Republic of Azerbaijan of February 6, 2009.

In the result of continuous raids carried out by MIA a number of brothels were revealed and concerned parties were brought to account. Moreover, MIS constantly conducts raids in bars and upon identification of children; they eventually are taken under control. It is necessary for people to be aware of revealed facts. The Ministry of Internal Affairs has opened free-of-charge hot line #152 and established asylum in the city of Baku for the victims of human trafficking. These centres are equipped with special rooms for children where psychologists are working with the victims. Public awareness should be raised on availability of hot line for the cases of sexual exploitation of children.

With the support and technical assistance of the Ministry of Communication and Information Technologies three digit hot line #916 functioning during 24 hours was established within Ombudsman Office in order to enable children and their parents to appeal to Ombudsman in case of violation of children's rights, and information thereon was distributed through concerned state bodies, central and local executive power bodies and mass media. The establishment of this hotline enables more reliable, efficient and urgent protection of children's rights in the country.

Monitoring of Mass Media on Children's Rights Protection

Personalities, names and addresses of child victims of violence and children committing crimes are sometimes spread by police through the means of mass media. Also, the similar information is distributed after revealing children during raid in brothels, night clubs, or bars. In this connection, the Ombudsman applied to the Minister of Internal Affairs noting that the spread of such information can result in the violation of children's rights, their psychological stress, involvement in crimes, suicide attempts, isolation from society and other negative implications. Also she indicated

that such cases lead to violation of children's rights enshrined in the Convention on the Rights of the Child and in a number of local legislative norms.

Furthermore, the Ombudsman applied to mass media and advised them to be cautious in enlightening the issues about children and dissemination of information threatening their future lives.

Moreover, the Ombudsman turned to concerned bodies on broadcasting of programs that possibly exert negative impact on psyche of children at times defined by legislation or their coded broadcasting. The National TV and Radio Broadcasting Council of the Republic of Azerbaijan stated that «Rules on broadcasting of programs menacing physical, mental and spiritual development of children, programs broadcasted without coding, including programs demonstrating pornography, erotica and cruelty» were sent to all TV and Radio Broadcasting Agencies and relevant steps were taken for their implementation.

However, the Ombudsman notes with feeling of regret that information on contamination of the child aged 17 with HIV was enlightened in mass media, such step degraded the honour and dignity of this child and other people infected with this disease and lead to formation of negative thinking within the society against mentioned people and enable their exposure to discrimination.

The Ombudsman met with that person detained in prison #3 of the Ministry of Justice Penitentiary Service Centre and became acquainted with his living conditions, health, psychological status and problems.

Meeting was also witnessed by the doctor of AIDS Centre of the Ministry of Health I. Ahmedova, Ombudsman Office lawyers and psychologists and representatives of the Ministry of Internal Affairs.

Adolescent noted that in case of provision of asylum and employment in the future he will never return to a previous life style.

Alongside with proving the actuality of the problem, identification of this case necessitated the attachment of the attention to this sensitive issue by concerned bodies, including civil society. Based on police raids to entertainment and resort centres, bars and night club, it was revealed that here children are exposed to different types of exploitation, including sexual violence. In order to prevent the occurrence of such cases, relevant instructions should be given on prohibiting the entrance of children to different entertainment centres, and continuous monitoring should be carried out.

The Ombudsman takes measures on preventing distribution of promotional posters violating child's rights and damaging their psychological state.

Thus, promotional poster of "VIP ART" which was placed in the side face of building situated on 89 Tebriz Street, in the vicinity of underground station N. Narimanov and in other city spots depicts the child cleaning the shoes of an elder person.

In this connection, Ombudsman immediately applied to the Chief of Advertisement and Information Agency of Baku City Executive Power and noted that this promotional poster is out of line with the Article 21.2 of the Law of the Republic of Azerbaijan "On Advertisement". By emphasizing that the mentioned Article prohibits depicting the image of adolescents in any type of promotional means for the advertisement of commodities not related to them and that such cases exert negative impact on psychological state of children, the Ombudsman requested to explore the case reflected in application, to take relevant measures and consider this information in future.

In response letter, it was noted that due to placement of this promotional poster without reaching an agreement with Advertisement and Information Agency of Baku City Executive

Power Body, company was provided with warning letter and informed on dismantling the mentioned posters.

Moreover, taking into account that involvement of the child in advertising “Jin Card” services of Bakcell Mobile Operator on television and in promotional posters is out of line with the Article 21.2 of the Law of the Republic of Azerbaijan “On Advertisement”, the Ombudsman applied to Advertisement and Information Agency and eventually broadcasting of these commercial trailers were terminated and promotional posters were removed.

In order to prepare proposals and recommendations on analysing national legislation regulating the activity of mass media from the viewpoint of children’s rights and on ensuring its harmonization with international standards, the Ombudsman Office with the support of the UNICEF selected two experts, familiarized with international experience, analysed national legislation, and prepared relevant proposals and recommendations. These proposals and recommendations were discussed with the participation of the relevant bodies, NGOs and experts and sent to the Parliament and other concerned bodies. Furthermore, the Ombudsman Office in cooperation with the UNICEF carried out training seminars on children’s rights for journalists.

The Ombudsman recommends mass media journalists to demonstrate sensitivity in preparation of programs and information on children and to attach special attention to the advocacy of children’s rights:

- **To ensure that the broadcasting of programs demonstrating cruelty and other such type of information at times other than defined by rules should be accompanied with “Prohibited for the view of children” and with other warning notes;**

- **To produce continuously different child-oriented programs covering different subjects;**
- **To allocate children's right hours on monthly basis in TV channels;**
- **To broadcast social trailers on TV channels and in screens placed on the streets and to place posters, placards, other advertisement and promotional materials on children's rights in cities and districts of the country;**
- **In order to prevent the damage imposed on children's psychological development by harmful information gained through mass media, internet sites and other means and the cases of violation of children's rights in mass media to make changes and amendments to the existing laws in the field of media.**

Child Labour Exploitation

The problem of child labour exploitation which has become more pressing in recent years draws the attention of both State and public. Different reasons cited below are contributing to the shaping of child labour as a serious problem: in the result of occupation of Azerbaijani lands by Armenian forces, more than one million people became refugees, more than 100 000 children were born in tent camps; the war badly hit the country's economy and intrastate migration became typical for the county. It should be noted that as a result of child labour exploitation, different rights of children, including right to health, education, rest, development and other rights are being violated. The Government has initiated a number of measures aimed at elimination of the problem of child labour exploitation.

The problem of child labour was enshrined in the Labour Code and in Law of the Republic of Azerbaijan on the Rights of the Child. The Article 24 of the Law on the Rights of the Child

states that child possesses the right to labour in accordance with his/her age, health status and the level of secondary school and vocational training preparedness. Moreover, Article 9 of the same law highlighted the prohibition of the sale of alcoholic beverages and tobacco products to children, application of child labour in hard, harmful working conditions, including underground tunnels, mines and other underground works, night clubs, bars exerting negative impact on morale behaviour of children, and in production, transportation, sale and storage of alcoholic beverages, tobacco products, narcotic drugs and substances.

The UN Convention on the Rights of the Child, acceded to by the Republic of Azerbaijan in 1992, includes a number of provisions on this issue. Thus, in accordance with the Article 32 of the Convention, States Parties have to protect children from economic exploitation and from works inflicting damage to their health, hindering their education or health, physical, mental, spiritual, morale and social development. Furthermore, States Parties have to define the minimum age limit for employment, relevant requirements on the length of work hours and working conditions for children, types of punishment and other sanctions for the persons exploiting child labour, within national legislation.

Moreover, the State is signatory to a number of Conventions of International Labour Organisation, including the “Convention on Urgent Measures for Prohibition and Prevention of the Worst Forms of Child Labour”.

On March 18, 2009, as a result of referendum carried out for the purpose of making amendments and changes into the Constitution of the Republic of Azerbaijan, important provisions on state care of children without parents or guardians, children deprived of parental care, the prohibition of recruitment of children to works damaging their life, health or morale as well as recruitment of children under the age of 15 were incorporated into the Article 17 of the Constitution.

There are cases when children from early ages are forced by family to work in markets, private entities, on the streets in activities which don't correspond to their health status and physical ability. As a result, their childhood is cut short, mental and physical development, development of natural skills and talents, education, and rearing are badly affected. In order to prevent such cases, concerned bodies should analyse the current situation and take relevant measures.

The Ombudsman with the support of National Confederation of Entrepreneurs (Employers) Organisations of the Republic of Azerbaijan and International Labour Organisation (ILO) participated at the Intraregional Conference "On Exchange of Experiences and on Measures Carried Out in the Field of Combating the Child Labour".

Speaking at the conference, she noted that after gaining independence, the Republic of Azerbaijan has acceded to a number of international and regional Conventions and has improved national legislation with the purpose of legal state building. The guests were informed that the rights of all categories of population, including children have been protected and, towards this end, country has acceded to the UN Convention on the Rights of the Child, ILO Convention No. 182 on the worst forms of child labour and other important treaties.

Ombudsman noted that as a result of occupation of Azerbaijani lands by Armenian forces, more than 1 million people became refugees and internally displaced persons, more than 100 000 children were born in refugee camps, this situation damaged country's economy and led to the increasing of poverty level and exploitation of child labour. She also noted that due to economic growth within the country in recent years, poverty level reduced from 49% to 16% and later on to 11%. As a result the cases of child labour violations were also reduced.

The Ombudsman also discussed the adoption of National Action Plan (NAP) on Human Rights Protection in the country,

inclusion of the measures on protection of children's rights and on prevention of the exploitation of child labour therein and carrying out public discussions on these issues in all districts of country.

She noted that exploitation of child labour exerts negative impact on health of children, leads to drop-out of school by children and in some cases results in their fall into the streets. In order to solve the problem of child labour, the Ombudsman recommended the implementation of continuous enlightening works, the strengthening of control, elimination of the reasons conditioning child labour, similar to international experience on implementation of measures on encouragement of children at certain age to labour activities, the establishment of database for exploration of current situation, carrying out analysis, the explanation of obligations to employers and the rendering of assistance to vulnerable families with many children.

Execution of Court Decisions

Alongside with complaints on violation of children's rights, Ombudsman receives application on disregarding the share of children during distribution of apartment between spouses in the course of court investigation and on non-payment of alimony. Relevant measures are being carried out with the view of solution of these problems and restoration as well as ensuring violated rights of children.

Sometimes, the rights and interests of child are not taken into consideration in due manner at the time of adoption of court decisions on distribution of apartment during divorce of parents, on imposing the alimony, and eventually, children are suffering from financial viewpoint. Moreover, in some cases court decisions are not executed on time and fully, without objective cause, which exerts negative impact on financial and spiritual condition of

child. As a result, children are forced to drop-out of school and work to earn livelihood.

The Ombudsman receives a large number of complaints on non-payment of alimony by parents for child support. The main reason of this problem is that alimony payer is out of the country or he is officially unemployed. In most cases, father, depriving family of care, conceals his income and, by providing fake certificates, reaches the goal of being imposed by the alimony in the amount of 5-10 AZN per month. Such cases should be condemned by family and public.

Taking into account the existence of a huge number of problems on payment of alimony for child support by debtor in accordance with court decision, the Ombudsman put forward recommendation on establishment and application of mechanism on payment of alimony (which, based on court decision, should be paid by defendant to claimant) by the State Social Protection Fund (or “Alimony Fund” established within relevant state body and financed from state budget), provided that, eventually, the amount of paid alimony is recovered by the state from debtor in obligatory manner.

Applications submitted to Ombudsman Office on payment of alimonies were kept in the focus of attention.

Applicant Z. from city of Baku, applicant T. from Bilasuvar district, refugee A. from Agdam district, applicant S. from Kurdamir district and applicant I. from Agstafa district applied to Ombudsman noting that Court Decisions on payment of alimony were not executed. Following Ombudsman’s intervention, incurred debts on alimony were fully reimbursed and it was noted that control over systematic payment of alimony will be ensured.

Children's Rights Clinic

In order to ensure provision of free-of-charge legal services on children's rights, further improvement of the situation on protection of children's rights, and protection of their interests at court, the Ombudsman Office in cooperation with the NGO Alliance on Children's Rights, established by the Ombudsman office and appointed as its first National Coordinator, and with the support of the Embassy of Great Britain carried out a number of works on establishment of the network of Children's Rights Clinic. Also, they organized training courses at the Ombudsman office for the students of law faculties of the Baku State University, "Azerbaijan" "Khazar" and "Western" Universities, who are working at these clinics and provided them with the information on child's rights, the mechanism of their protection.

Children's Rights Clinic fulfils the tasks of ensuring advocacy of children's rights and education on these rights, the cooperation of lawyers in the field of children's rights, the provision of legal assistance to children, carrying out protection work at court for the purpose of solution of issues pertaining to the protection of children's rights and the training of young lawyers on juvenile justice.

During first two years of functioning, clinic received 189 applications on civil cases. 142 of 158 completed cases were addressed successfully. Civil cases cover the issues on receipt of alimony, targeted social assistance, identification of fact of birth, arrangement of documents for the children, giving children under guardianship, and ensuring the right to housing, right to education etc.

Clinic's personnel provide legal assistance to applied persons and ensure protection of these persons at courts and in other concerned bodies. The works on legal protection of applying persons is carried out not only in Baku but also in the districts of the country.

At the same time, legal protection of minor offenders is also ensured by Children's Rights Clinic. Clinic received 36 applications on criminal cases, 24 of 32 completed cases were addressed successfully.

Booklets and posters were prepared and library was created for raising public awareness on operation of clinic. Prepared booklets and posters were distributed within different higher educational institutions, NGOs, international institutions and secondary schools. Moreover, Children's Rights Clinic's internet site www.crlc.az was established.

Currently, the Ombudsman keeps an eye on the operation of Children's Rights Clinic and continuously provides recommendations on the increasing the efficiency of fulfilled work.

The Protection of the Rights of Children from Refugee and Internally Displaced Person's (IDP) Families

In the result of occupation of the Azerbaijan lands by Armenia, about one million people became refugees and internally displaced persons. About one hundred thousand children were born in refugee camps and forced to live as refugees and IDPs, thus, their rights have been violated since the moment of their birth.

Currently, the State takes important steps towards the solution of the problems encountered by refugees and internally displaced persons. People living in refugees' camps and tents have been resettled to the newly constructed settlements. New kindergartens and schools have been constructed for refugee and internally displaced children.

As a result of successful policy of the President of the Republic of Azerbaijan, the refugee camp, constructed in Sabirabad district, was liquidated on December 29, 2007. On the

initiative of the Ombudsman, children took part and made speeches at the event dedicated to this occasion, afterwards meetings with the people living in newly established settlements were held.

However, in spite of this, a number of problems of refugee and internally displaced children remain unaddressed.

One of the problems is connected with the education of refugee and internally displaced children. On the whole, high quality education is considered to be one of the most important problems within the country and children from vulnerable families are more exposed to this problem.

As compared with other strata of society, due to exposure to harder economic-social conditions, refugees and internally displaced persons encounter difficulties in upbringing of their children. Economic and social problems hinder the realisation of children's right to education, health and other rights. The State carries out a number of measures in this respect and additional resources are being allocated for the improvement of economic-social conditions of refugees and internally displaced persons. The amount of allowances allocated for them is being constantly increased and, in case of entering higher educational institutions on paid basis, refugee children are being exempted from payment of education fee.

The protection of refugee and internally displaced children's rights is enshrined in the Article 39 of the Law of the Republic of Azerbaijan "On the Rights of the Child". According to this article, refugee and internally displaced children have the right to be provided with relevant status. The State takes urgent, appropriate measures in order to provide them with necessary protection and humanitarian aid, arranges the search of their parents, with that end in view cooperates with international institutions and facilitates the activities of non-governmental organisations.

The Ombudsman office pays special attention to the problems of refugees and internally displaced persons. During regular visits

to refugee camps, the Ombudsman takes an interest in the conditions of the children growing up there and provides assistance within her competence.

While paying regular visits to settlements established in Fuzuli, Beylagan, Agdam and other districts, as well as “Gayidish” settlement, the Ombudsman holds meetings with refugees and internally displaced persons at the communities, schools and kindergartens, carries out public awareness events on different aspects of children’s rights, as well as takes an interest in existing problems and concrete steps towards their solution. It should also be mentioned that, in connection with the problem of kindergartens which, due to the delay of financing, were not able to commence their work in the settlements and personnel couldn’t receive their salaries, the Ombudsman applied to the State Committee on Affairs of Refugees and Internally Displaced Persons, the Ministry of Finance and the Ministry of Education. Following Ombudsman’s interference, the problem was addressed; necessary steps were taken in order to enable kindergartens to commence their operation.

School supplies, globes, maps and other visual aids brought by the Ombudsman were provided to pedagogical personnel of eight schools. Altogether, during visits made to “Gayidish” settlement, the Ombudsman brought with her about 1000 various books for the school libraries of settlement. Furthermore, The Ombudsman held events on children’s right’s protection in Fizuli district with the participation of the Head of the UNICEF Azerbaijan office, Representative of the Cabinet of Ministers, the Head of Local Executive Power Body, the Director of Education Department, teachers, and students.

The Ombudsman applied to the State Commission on Admission of Students in connection with the provision of schools for refugees from Fuzuli and other districts with books; the application was addressed in due manner.

The Ombudsman met with teachers and students of schools within the settlement, witnessed the process of education during lessons, heard out wishes and desires of students and identified a number of problems such as shortage of textbooks, training equipment, including computers, sport equipment and appliances and others. In order to get familiarized with the living conditions, health and nutrition of children in preschool establishments, the Ombudsman visited kindergartens, met with kindergarten teachers and children, listened to their problems and offered her recommendations. The Ombudsman also visited centralized hospital and medical centres within the settlement, held conversations with medical personnel and chiefs of health facilities and took an interest in the status of newly born children in maternity section.

On the eve of a new 2009 academic year, the Ombudsman paid a visit to Fuzuli district and within the framework of this visit, attended secondary schools #8 in Gayidish settlement and #27 in Zobubcug province and met with teachers, students and their parents. First of all, the Ombudsman attended schools for refugee and internally displaced children. Speaking at the meeting, she congratulated all the participants on forthcoming New Academic Year, the Day of Education and Sacred Ramadan Holiday and called on pedagogues working at schools for refugees to improve their professional skills, pedagogical preparedness, teach disciplines in accordance with up-to-date standards, increase the quality of education, enrol all children in school, ensure the upbringing of children in the spirit of national cultural traditions and patriotism and pay attention to their harmonious development.

Children who should go to the first grade at settlement schools were provided with school bags and other stuff allocated by the Heydar Aliyev Foundation. Teachers noted that in the course of education process they had benefited from textbooks, placards and maps published with the support of the Heydar Aliyev

Foundation. The Ombudsman visited classrooms and the school library.

Moreover, she visited kindergarten at “Gayidish” settlement, met with habitants, parents, became familiarized with the process of children’s upbringing and working conditions of kindergarten teachers. Visual aids, children’s literature, including novels “Folklore samples for children of preschool age”, story books brought by Ombudsman were distributed among kindergartens. Children who would be enrolled in the first grade from kindergartens were supplied with school bags and other school stuff by the Heydar Aliyev Foundation.

The Ombudsman attended hospitals in “Gayidish” settlement for refugees, got acquainted with maternity division, held conversations with doctors and provided medical facilities with posters and publications on reproductive health and family planning.

During the meeting, all hospitals, medical centres and kindergartens functioning in refugee settlements were given the set of bedclothes allocated by the State Committee on Affairs of Refuges and Internally Displaced People.

Within the framework of the “Child Year” announced in accordance with relevant Decree of the President of the Republic of Azerbaijan, on the eve of the anniversary of Khojaly massacre, on the initiative of Ombudsman, together with the Ministry of Education, signature collection campaign was held among children under the motto “We are Peace Envoys! Join us!” in order to deliver the truth about Azerbaijan to the world community and signatures of 310 000 school students, including refugee children, were collected in the lists which were forwarded to the UN Secretary General Special Representative for Children and Armed Conflict, Madam Radhika Coomaraswamy.

Moreover, on the initiative of the Ombudsman and with the support of the Ministry of Emergency, the Ministry of Ecology and Natural Resources, International Conference on “Protection of

Children's Rights in Extreme Conditions and the Role of National Human Rights Institutions" dedicated to the 60th anniversary of the Council of Europe, the 20th anniversary of the Convention on the Rights of the Child and the announcement of 2009 as Child Year was held on May 25-27, 2009. Children's rights Ombudsmen and international experts from different countries participated in this prestigious event. The issues of the protection of children's rights in extreme conditions, the conditions of children in armed conflicts, rendering urgent assistance to the children affected by climate changes, various natural disasters and negative environmental impact of man-caused disasters were broadly discussed; video shots on occupation of the Azerbaijani Land by Armenia and Khojaly massacre were shown to the conference participants.

It should especially be noted that children themselves took part and made speeches in this conference, students from International Children School, Secondary Musical School named after Bulbul and Children Home #2 delivered musical performances, presentation on work fulfilled in the city of Baku and districts by the members of Azerbaijani Child to Child Peace Network was made.

The conference participants were informed that Azerbaijan had been suffering from Armenian occupation for more than 20 years and one fifths of its territory had been occupied; the problem of protection of the rights of children in armed conflicts, refugee children constituting a third of one million refugees as well as captive children was highlighted in the conference. It should be noted that foreign guests attended Guba cemetery proving mass killings committed with particular cruelty by Armenian forces during March massacres of the year of 1918 and witnessed the obvious facts of Armenian vandalism with anxiety and sense of outrage. At the end of the Conference the Baku Declaration was adopted. The Declaration included the recommendation on the

establishment of an Ombudsman for Children's Rights in Azerbaijan.

The Declaration highlighted the necessity of making an appeal on ensuring regular control over relevant responsibilities of the UN Secretary General Special Representative for Children and Armed Conflict and UNICEF by taking into account special provisions on child protection included in the UN priority areas of operation.

Moreover, journalists' essays and children's drawings competitions on "The protection of children's rights in extreme conditions" were carried out and, within the framework of the conference, the winners were awarded.

The Ombudsman in cooperation with the UN Development Program, UNHCR, UNICEF, Norwegian Refugees Council, International Red Cross Committee and other international institutions highlighted the problems of refugees and internally displaced persons and called on these institutions to make joint efforts towards protection of the rights of these people.

As an integral part of this cooperation, holding of educational seminars for the staff of the Ombudsman Office, especially for personnel working in the field of protection of rights of refugees and internally displaced persons, and familiarization with the international law documents on more efficient protection of the rights of refugees and internally displaced persons are of utmost importance.

De-institutionalization and Alternative Care

The special attention is being paid to the children in need of special care within the country. The approval of the State Program on De-institutionalisation and Alternative Care for the years of 2006-2015 based on the Decree of the President of the Republic of Azerbaijani of March 29, 2006 is an illustrative example. The

ultimate purpose of this program is to transfer children from the state institutions to family environment and establish as well as apply the mechanisms on arrangement of alternative care with the view of ensuring healthy development in family environment and integration into society of children who lost their parents and were deprived of parental care. The program targeted at children homes, boarding schools and children homes for abandoned children.

The main provisions on the exploration of the conditions of children within state children institutions, holding a continuous monitoring work, the enrolment of children given to families in education and provision of health and rehabilitation services have been identified in the program.

The right of children to live in family environment has been endorsed in international and national legislation. Thus, the Article 17 of the Convention on the Rights of the Child envisages the child's right to live with parents and receive care from them.

Upon the initiative of the Ombudsman for increasing the efficiency of the implementation of De-Institutionalization Program, the exploration of the conditions of children transferred from institutions to biological and alternative families, independent monitoring and monitoring with the participation of the representatives of the Ministry of Education were carried out in the years of 2007 and 2008.

Based on the inquiry made to the Ministry of Education by the Ombudsman, the list of children given to families was developed, on the basis of which, monitoring plan was developed, and special questionnaires were prepared.

According to the information received from the Ministry of Education in 2007, in the years of 2005-2006, 325 children had been transferred from state institutions to families. In order to investigate the efficiency of program implementation aiming at familiarization with the situation of children given to families the Ombudsman Office personnel and the representative of Children's

Rights Centre under the Ombudsman Office carried out analysis on the basis of provided list upon the initiative of the Ombudsman. As a result, it was identified that following the adoption of this program 150 children were given to families. With the support of the UNICEF, the Ombudsman Office personnel, including the representative of the Children's Rights Centre under the Ombudsman Office, on the basis of identified list, paid visits to districts and cities, held conversations with parents and children using special questionnaires and explored their conditions.

During the monitoring, the conversation was held with 90 children (53 boys, 37 girls) from 25 cities and districts. Other children were not covered by survey due to their resettlement from mentioned addresses or wrong indication of their addresses. 65 out of children given to families were enrolled to school, while others were not able to attend school because of financial constraints and other hardships.

The monitoring identified that one of the children given to families was adopted by an alternative family, while other two children aged 18, have been living with unrelated alternative families since the completion of boarding school. In spite of the fact that parents covered by surveys noted that financial hardship was the main reasons of placement of children into institutions, it was identified that only five of these families were covered by targeted social assistance. Moreover, in the course of meeting with families, it was revealed that despite the fact that they applied for receipt of targeted social assistance they were encountered with bureaucracy.

At the same time, the monitoring analysis showed that death of one of or both parents, divorce of parents, financial hardships of family, absence of housing, the imprisonment of one of or both parents and other similar reasons foster the transfer of children to state institutions. In the majority of cases, on the return of child to

family, the financial standing of family is still not at the appropriate level.

Furthermore, applying to the Ministry of Education in 2008, the Ombudsman received the list of children given to families in 2007 and carried out monitoring.

Within the frame of monitoring, 97 (42 girls, 55 boys) out of 184 children from 29 cities and districts, given to families in 2007 and 2008, were attracted to the survey. As 3 boys were conscripted into military service and 3 girls entered into marriage (official marriage), their families were covered by the survey. It should also be noted that two of the children given to families were turned back to other state institution again. The majority of children covered by the survey live in incomplete families. At the same time, monitoring revealed that 3 children are of out-of wedlock birth.

17 children out of all covered by the survey were in state institution within short period of time. It shows that formation of children and family support centres is of great importance, as it would enable family encountering temporary hardships to place their child temporarily in these centres and as soon as domestic problem is solved to ensure the return of child to family. Otherwise, following the placement of child by one of parents in state institution, in spite of gradual rooting-out of problems children are still living there for a long period of time.

We were not able to meet with other 79 children living in these cities and districts. Despite our search of them on the basis of addresses given by representatives of executive power bodies, police departments and field inspectors, we could not reach positive results. The list provided by the Ministry of Education stated that 4 children from one family moved to Tyumen province of Russian Federation together with their families. In Ganja city, some mothers who had taken their children from state institutions moved to Turkey, Russia and other countries together with their children, and that is why we couldn't meet with them. However, it

should be taken into account that in such cases the exploitation of children abroad is unavoidable.

57 out of 97 children we met, were enrolled to school and one of them was registered at school, but due to financial constraints and other problems didn't attend school. It is pity to note that in spite of the fact that 27 children (32% of school age children we met) are of school age and haven't completed obligatory education; currently they don't attend the school. The root causes of this problem are financial hardships of family and frequent change of rented place of residence, while the most important reason is that management of state institution doesn't require reference on where a child given to family will continue his/her education and doesn't liaison with them. It should be especially noted that in spite of the fact that some children were of school age, they hadn't attended school before placement in institution.

The result of monitoring together with the list of children evaded school was sent to the Ministry of Education. We asked to take measures towards the enrolment of these children in school starting from new academic year and keep us informed on that.

Regardless of the fact that parents we met noted that financial hardships were the main reason why they placed their children to institutions, it was identified that families of 9 children out of 19 we met were covered by targeted social assistance. Moreover, in the course of meeting with families they informed that in spite of the fact that they applied for receipt of targeted social assistance they were encountered with bureaucratic delays. The Ombudsman considered applications on this complaint and positive results were attained. The Ombudsman office closely cooperates with the Ministry of Labour and Social Protection of Population with the view of elimination of problem in this field. Furthermore, based on the initiative and proposal of the Ombudsman, relevant changes and amendments were made to legislation on the provision of social assistance. Thus, the term of aid provision was extended from 6 months to one year, while the term of suspension

of aid provision due to certain reasons was reduced from two years to one year.

During the monitoring the reasons contributing to influx of children returned to families into state institutions were explored.

63 of children we met were placed in state institutions due to financial hardships. Other children were placed in institutions due to the death of their parents (6 children), assignment of parent(s) to work abroad (6 children), divorce of parents (5 children), absence of caregiver (3 children), the imprisonment of parent(s) (3 children), by the relatives without informing mother (5 children), getting education (2 children), family conflict (2 children), illness of child (1 child), as well as illness of parent (1 child).

The main reason of placement of children in state institutions is financial hardships. The survey showed that only one child was returned to family due to the improvement of financial situation of family, the financial standing of other families is still poor. This fact once again shows that vulnerable families shall be provided with financial assistance in order to ensure normal habitation of children within family. The monitoring revealed that 54 children returned to family at the request of parents, other children returned due to various reasons, and one child left institution for another state institution. The return of children to their families upon the initiative of parents demonstrates that children are returned not in the result of de-institutionalization program but at the request of parents.

The monitoring identified that children are exposed to violence, abuse and indifference by teachers and caregivers within institutions. The most widespread case of violence encountered by children is physical abuse committed by teachers and caregivers. 25 out of all children we met face this type of violence. Another form of violence towards children includes forcing them to carry out cleaning works, (in latrine, bath-room, kitchen, rooms, corridor, floor and yard), yelling at them, and using physical punishments.

The absence of centres where children encountering such problems can turn to provides ground for continuous exposure of children to indifferent treatment. It should be especially noted that, in spite of availability of laundry machines and cleaners, in most of the cases children wash their own and other children's clothes, clean rooms, bathroom, latrine and other places. Apart from exerting negative impact on children health, such cases enable exploitation of child labour.

Children surrendered to families from Lenkaran City Children's Home (combined) named after O. Mirzayev noted that they were exposed to violence in the course of assignment of the institution previous director. However, aside from dismissal from work, the persons committing violence against children shall be held accountable. This enterprise was repaired by the Heydar Aliyev Foundation; its equipment was renovated and quality of food was improved. Now, this enterprise is under regular supervision of the Local Head of Executive Power.

Taking into account the fact that majority of children returned to families encounter financial hardships, the Ombudsman office with the purpose of partial solution of this problem collaborated with the SOS Children Village Association and within the framework of "Strengthening Family" Project, every month 11 children from 6 families are provided with food.

Nevertheless, such kind of individual initiatives don't solve existing problem. One of the most important aspects contributing to the efficiency of this program in the country is the provision of sustainable financial support to biological, especially alternative families. For instance, in the course of de-institutionalization process carried out in most of the CIS countries, provision of financial support for the children given to families became one of the main components of this program. According to the information gained from Ukrainian State Guardianship and Children's rights Protection Services, in the city of Kiev, during 2006, allowances in the amount of 2 minimum subsistence fees,

which amount to about 300 USD, were provided for the children given to families based on alternative care model.

In Lithuania, lump-sum of 290 EURO is given to family for adopted child and this amount is equal to the sum of allowance provided to parents for each new born child. Apart from that, every month each family is provided with additional allowances for these children. The advantage of this practice is that pregnant women are provided with 71 EURO after certain period of pregnancy. It plays an important role in prevention of the cases of abandonment of children by future mothers due to financial shortcomings.

The Ombudsman applied to concerned bodies in connection with the provision of targeted social assistance to vulnerable families identified in the result of monitoring in accordance to the legislation, and the issue was addressed in expedient manner. Moreover, the monitoring showed that some children after return to families' evaded school. The relevant list was developed and application was addressed to the Ministry of Education with the purpose of re-enrolment of children in school.

However, this year the Ombudsman addressed the Ministry of Education regarding the provision of the list of children given to families from institutions within the framework of De-Institutionalization Program in the course of 2008. As a result, it was revealed in response letter that in 2008 no children were given to families within the frame of program.

Another issue triggering concern is that in most cases the apartments inherited from parents of children living in institutions and children who are under guardianship (trusteeship) are being illegally registered in the name of other persons by Executive Power and guardians (trustees) of children. Nevertheless, the Article 27 of the Constitution states that the State guarantees the inheritance right and that no one can be deprived of property without court judgement.

At the same time, taking measures for ensuring normal living conditions for the orphans discharged from state institutions is of great importance. Currently, orphan boys discharged from institutions are being conscripted into the armed forces and girls are forced to live on the streets or become the victims of criminal and immoral activities. In Nizami district, residential building for orphan girls discharged from institutions was constructed and measures are taken towards their employment. The scaling-up of this initiative across other districts is of paramount significance.

It is necessary to point out that, according to official statistics, in 2008, the total of 844 children were adopted, 9 of which were adopted by foreigners or non-residents. Currently, 1932 orphans or children deprived of parental care live in institutions.

Moreover, within the last five years, 90 children from children homes were given to biological families, 322 children to alternative families, 40 of which were adopted by foreign citizens. It should be highlighted that the cases of giving children to adoption to foreign citizens by the Ministry of Health are on the decrease; such cases weren't reported in 2008.

In order to ensure the transfer of these children to Azerbaijan families, advocacy work should be initiated through mass media and certain incentive mechanisms should be created for those families.

Within the frame of the "Child Year", the Ombudsman paid visit to Zerdabi settlement of Guba district and attended a Special Type Boarding School where orphans or children deprived of parental care live and are brought up, met with School Director, and discussed the issues on preparation for a new academic year.

The Ombudsman got acquainted with conditions of boarding school, education, nutrition of children, provision of medical aid for them, as well as the organisation of their leisure time and examined classrooms, bedrooms, and canteen.

Moreover, the Ombudsman Office personnel visited children home of Lenkaran city, met with settled children, enterprise

director and caregivers and explored the living conditions, education, health, leisure time and problems of settlers.

In previous annual reports the Ombudsman suggested the creation of Asylum and Rehabilitation Centres with the view of prevention the influx of children into institutions, temporary settlement of children in need of special care and most-at-risk children and provision of social and psychological assistance for them.

“The Rule on the Provision of Services for Adolescents within Specialised Social Rehabilitation Centres for Adolescents” was approved with the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan of March 7, 2008. The document identifies the rule of the provision of social, psychological and other aids to children and their parents, legal assignees in the alleviation of difficult living conditions, the restoration of their social status in places of residence, education institutions and workplaces and rules on taking measures by specialized rehabilitation centres towards the return of children to families.

It should be stated that the European Union allocated 640 770 € for the purpose of facilitation of the Project on “Formation of Trusteeship Family System in Azerbaijan”. Within the frame of the project, the mechanisms of Trusteeship Family System will be created, various training courses will be carried out, and special workers will be trained.

The stay of children in biological or alternative family environment is obligatory for ensuring his/her all-round development. In order to ensure the efficiency of the transfer of children from institutions to families and implementation of the De-Institutionalisation Program, the Ombudsman put forward a number of proposals:

- **In order to arrange and strengthen social protection of orphans and children deprived of parental care and ensure gradual solution of the problem it is necessary to establish**

Social Rehabilitation Centres with the capacity of provision of social assistance to children and ensuring their return to families, Crisis Centres for children exposed to violence, Asylums for Children and Adolescents, and Aid Centres for the Children Deprived of Parental Care, to create the network of entities and services under state social protection bodies, to transfer children from State Training-Fostering Institutions to families for the purpose of ensuring their sustainable development in family environment and integration into society, to create and apply the mechanism on the provision of alternative care and to increase, according to need, the amount of financial means to be allocated from state budget for taking measures stipulated in relevant programs for the implementation of mentioned work;

- To create special centre within the Ministry of Foreign Affairs for the issuance of identification card for the children whose parents are unknown;**
- To reconsider the legal status of Trusteeship and Guardianship Institutions and to ensure their transformation into independent state bodies;**
- To create the database on children given to biological and alternative families;**
- Before the transfer of child from institution to family to explore general conditions, financial standing, living conditions of family, psychological status of family and child and to give child to family if only domestic environment is favourable for the child;**
- In order to ensure control over conditions of children given to families and prevent their dropping out of school, to send the list of children given to families by districts to the Commissions on Adolescents' Affairs and Protection of Their Rights functioning under the auspices of executive power body of that district;**

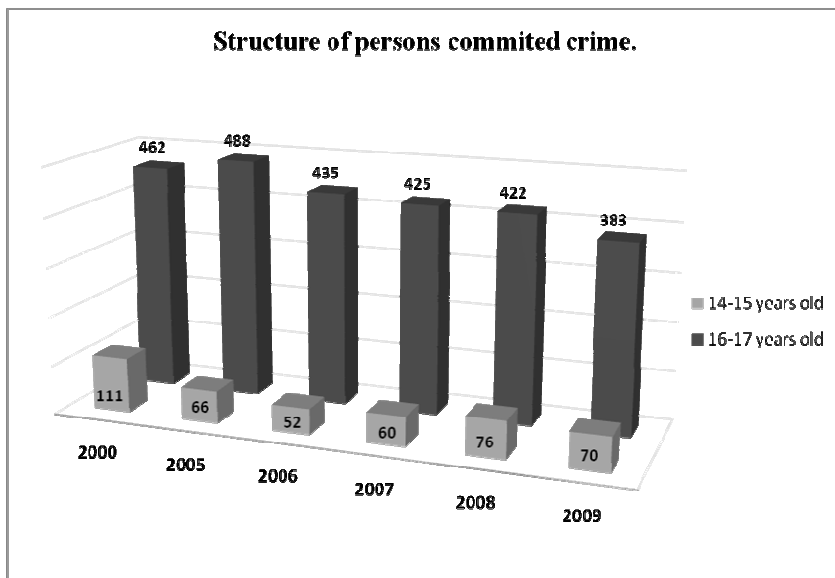
- **To increase the amount of monthly allowance (25 AZN) paid to trustees (guardians) of children who have lost their parents or deprived of parental care to the level enabling to cover basic needs;**
- **In boarding schools, instead of 1 worker per 20 children, to assign at least 2 workers per 20 children and restore 40% of concessions for them;**
- **At assigning targeted social assistance for families to make relevant changes and amendments to legislation with the view of taking into account the children in the family;**
- **To assign lump-sum allowance and regular allowances until maturity age of children for the persons taking children under guardianship from children homes and boarding schools and allowances for children who have lost their parents or deprived of parental care;**
- **To carry out regular public awareness work on De-Institutionalization program.**

Juvenal Justice - Fair Trial of Adolescents

In the course of recent years a number of changes have been made to the legislation for ensuring fair trial of adolescents (juvenile justice) in Azerbaijan. Nevertheless, in practice, the rules stipulated in national legislation and international treaties acceded by Azerbaijan are not always observed.

The Ombudsman also attaches much importance to taking measures towards more reliable protection of rights and interest of children in conflict with law, addressing existing problems and their rehabilitation and re-integration into the society.

According to official statistics, in 2008, 489 children aged 14-17 committed crime, 305 of which were convicted for committed crimes. The majority of committed crimes were related to burglary, hooliganism, robbery and acts of violence.



“Azerbaijan in figures”, State Statistical Committee of the Republic of Azerbaijan, Baku, 2010, p. 187

Unlike adult offenders, punishment of children in the form of deprivation of liberty should be considered as a last resort and the development of juvenile justice within the country is very important and pressing in terms of preferring alternative correction and educative measures, minors’ rehabilitation, integration into society, creation of mediation institute, upbringing of minors’ as decent citizens and fulfilling obligations to international institutions.

The Ombudsman office in cooperation with the Azerbaijan NGO Alliance on the Rights of the Child and with financial support of the UNICEF, OSCE and Great Britain implemented the “Program on the Development of Juvenile Justice in Azerbaijan”.

Within the frame of this program, in Gobustan, Devechi, Shamakhi, Agsu, Ismayilli and Goychay districts, the

Ombudsman's Adviser on Children's Rights carried out monitoring at local courts, temporary detention places of district police departments, Commissions on Adolescents' Affairs and Protection of Their Rights functioning under the auspices of local executive power bodies based on special questionnaire and put forward the corresponding recommendations and proposals. Moreover, Ombudsman's Adviser on Children's Rights acted as co-author in developing training manual on juvenal justice for judges, prosecutors, defenders and police personnel - Fair Trial Proceedings on Criminal Cases Committed by Adolescents named "Fair Trial and Child Rights".

In order to get acquainted with the conditions of children in Children Correctional Institution, the Ombudsman continuously meets with them and takes an interest in the progress of their correction, education and problems. The Ombudsman donated computers to the institution for enabling children to gain knowledge on modern technologies. With the aim of taking measures towards the adaptation of convicted minors to the society and solution of their problems, upon the recommendation of the Ombudsman the Trusteeship Council under Children Correctional Institution was created basing on the Resolution of the Cabinet of Ministers.

The Ombudsman, in cooperation with the Azerbaijan NGO Alliance On the Rights of the Child, with the support of the UN High Commissioner On Human Rights and the UNICEF, in order to develop Juvenal Justice within the country, organized round table discussions on "Alternative Measures Assigned by Court on Minor Offenders", "International Standards on Juvenile Justice and Comparison of Azerbaijan Legislation", "Court Proceedings on the Cases of Minor Offenders", "Improvement of Child Protection System and the Role of Commissions on Affairs of Adolescents and Protection of Their Rights"; thus situation in this field was discussed.

On the occasion of International Children Protection Day on the 1st of June, the Ombudsman attended Correctional Institution for Adolescents of the Ministry of Justice Penitentiary Service and Detention Centre #3 in Shuvalan settlement and met with adolescents.

Taking the floor at the event, the Ombudsman congratulated adolescents on this important day and noted that children's rights hold a prominent place among human rights and freedoms. She stated that just like in most countries, important measures on protection and advocacy of children's rights have been carried out in Azerbaijan as well. The Ombudsman met with the parents of minor offenders and held conversations with them.

The Ombudsman also met with minor offenders who were under investigation in Detention Centre. The Ombudsman told them about the work done in the field of the protection of children's rights within the country.

She got acquainted with the kitchen and canteen of detention centre, checked the quality of food and examined wards, a praying room, classrooms and a bathroom.

Within the framework of the "Child Year", on the eve of a new academic year, the Ombudsman participated in "Open Doors" event dedicated to the Day of Knowledge, which was carried out in the Correctional Institution, met with minor offenders and their parents and took interest in their conditions. She regularly concerns and offers certain recommendations on improving of their status.

Besides, the Ombudsman attended Special Boarding School in the city of Guba, held confidential meetings with 19 minors having behaviour disorders, explored their needs and explained to them their rights. The Ombudsman examined detention conditions of children, their provision with school supplies, vocational training and visited the workshops in the facility.

Moreover, the Ombudsman advised children having behaviour disorders to get knowledge and professional skills, to improve

behaviour and return to families, restore healthy lifestyle and to grow up as decent citizens of homeland. Part of children from Special Boarding School applied to the Ombudsman and asked to address their problems. The applications are mainly about the request for employment upon discharge from institution as well as transfer to the institution close to their families or relevant children homes.

Eventually, the application was filed to the Director of the Institution. In the response letter it was stated that since majority of children are orphans or from disadvantaged families, have no place to live and somebody to take care of them, are of weak character and can easily fall under influence, can try to take revenge for all misfortunes, it would be expedient to keep them in this institution until they reach the age of maturity.

The issues indicated in the letter prove that there is a need of carrying out regular educational and psychological work with the children placed in this institution.

The Ombudsman took the floor at a two-day training course on juvenile justice for police investigators and inspectors carried out at the Ombudsman Office with the support of the UNICEF Azerbaijan Office, the OSCE Baku Office, and the NGO Alliance on the Rights of the Child. She noted that important work on all-round development, health, education of children were carried out, that Ombudsman office placed high emphasis on the protection of the rights of population, most-at-risk groups, including children from streets, and that important measures towards solution of their problems were implemented.

The Ombudsman provided comprehensive information on fundamental principles of juvenile justice, relevant international standards, main rights and freedoms of adolescents, including the UN fundamental principles on the protection of the rights of adolescents, and other important documents. It was noted that the Ombudsman made regular visits to Children Correctional Institution of the Ministry of Justice Penitentiary Service, got

acquainted with detention conditions of minor offenders, facilitated solution of their problems and sent relevant proposals to concerned bodies.

As in most instances, police officers are being in contact with children in conflict with law, suspected or accused children, and children-victims of crimes, necessity of their enlightening on children's rights and juvenile justice was highlighted.

The Ombudsman put forward a number of proposals on the exploration of the issue of the provision of children's rights in national legislation, on making amendments and changes to relevant legislative acts, on establishing field-specific cooperation on juvenile justice and the improvement of this system, on the mobilization of potential of NGOs, civil society, and legal clinics, on assigning alternative sentences on children in conflict with law, the expansion of enlightening work on fair trial of adolescents, and in other areas.

Participants of the training carried out exchange of views on the perspectives of the development of juvenile justice system in Azerbaijan, communication with children and adolescents, utilization of technical means during interrogation of children and adolescents, as well as European experience on juvenile justice and discussed future plan of actions.

Having placed high emphasis on the provision of rights of condemned during last period, guided by the Article 1.4 of the Constitutional Law "On Human Rights Ombudsman of the Republic of Azerbaijan", the Ombudsman, taking into account the applications of convicted persons and their families, at different times applied to the Pardoning Commission under the President of the Republic of Azerbaijan and solicited for granting a pardon. These applications weren't neglected and over 300 condemned, including children were pardoned.

The Ombudsman held numerous meetings with Essex University professor, the Director of Child Rights Centre, Madam Carolina Hamilton, on juvenile justice-fair trial of adolescents.

She also received Mr. Helmket Diyerki, a Juvenile Judge from Germany and Expert on Juvenile Justice. In the course of meeting the Ombudsman spoke of the necessity of the development of juvenile justice system within the country, proactive participation of Ombudsman office in this process, noted that the cooperation with concerned institutions will be expanded in the future.

Having worked as prosecutor and judge in juvenile justice system for many years, Mr. H.Diyerk highly praised the establishment of Child Rights Centre under the Ombudsman Office and expressed hope that this centre will play an important role in protection of children's rights and education in this sphere.

In order to ensure the implementation of preventive work on the reduction of the cases of illegal action committed by children and conducting alternative measures aimed at re-integration of these children into the society, the Ombudsman put forward a number of recommendations for concerned bodies:

- **Considering the problems of children in conflict with law as a priority issue, to take preventive measures through involvement of concerned bodies, to arrange alternative upbringing methods, rehabilitation measures, preventive work while children are in the Correctional Institution for ensuring his/her reintegration into society following discharge from institutions, to ensure the provision of right to personal life for the children detained in training prisons of the Correctional Institution (personal clothes, shelf, stuff etc.), to guarantee their education, to train specialized court personnel and defenders on children's rights and to develop the State Program "On Fair Trial of Adolescents (juvenile justice)" reflecting other important issues pertaining to this field.**
- **To adopt Law on Juvenile Justice;**
- **To teach based on special curriculums on juvenile justice governance in the Baku State University, Nakhchivan**

State University and special curriculums within Training Centers of the Ministry of Justice, MIA Police Academy and other higher educational institutions;

- With the participation of concerned state bodies, national and international institutions to create a special commission under relevant executive power body on development of juvenile justice system in Azerbaijan;**
- In order to deepen the efficiency of the process of correction and upbringing within children Correctional Institution to ensure and expand cooperation of institution with family and public;**
- To strengthen the control over quality and qualitative preparation of food within children Correctional Institution;**
- To take necessary measures for further improvement of vocational training and preparation within children Correctional Institution;**
- To accompany persons discharged from Correctional Institution to place of residence, to provide them with employment and housing, to address problems linked with military service, to patronize children who lost their parents and were deprived of parental care, to render assistance for children within the period of release;**
- In order to prevent the cases of criminality to hold conversations of educative nature and take preventive measures within educational institutions as well as special schools for children with behavioral disorders;**
- To create special Juvenile Police Agency under the Ministry of Internal Affairs consisting of child police inspectors and establish child room in police agency (department) of each district and ensure separate entrance to these rooms;**
- To prevent the disclosure of personal information on minor offender and adolescent exposed to violation to**

public without having a permission of child himself/herself (if he/she has reached the age of 14) or his/her legal representative;

- To strengthen existing mechanisms with the view of rehabilitation, integration into society and development of life skills of adolescents in conflict with law;**
- Before the interrogation of child within police department to ensure assessment of psychological constitution of child by psychologist and make relevant amendments to legislation for the purpose on ensuring obligatory presence of psychologist during the interrogation of child;**
- To create Juvenal Prosecutor Office within the General Prosecutor Office on criminal cases of adolescents in the country;**
- In accordance with the recommendations of the UN Committee on the Rights of the Child, to create juvenile courts consisting of trained professionals.**

Protection of Rights of Azerbaijani Children in Migrant Families

The Ombudsman cooperates with Ombudsman Offices of foreign countries, as well as international organizations, including the European Ombudsmen Institute, the Asian Ombudsman Association, and the International Ombudsman Institute.

Upon the initiative of the Ombudsman, ten agreements on cooperation with Ombudsmen of different countries, Poland, Russian Federation, Moscow, Sverdlovsk and Saratov provinces, the Republic of Dagestan, Tatarstan, Ukraine, Georgia and Uzbekistan, have been signed during her term in the office. It should be noted that the Office of Ombudsman of Azerbaijan closely cooperates with Child Rights Ombudsmen of other countries as well. The agreements have been directed to the

protection of rights of all groups of the population, including children.

It is noteworthy to mention the efforts of the Ombudsman to return children that lost their parents from Sverdlovsk to Azerbaijan. These children together with their parents moved from Masalli district of Azerbaijan to Nijni Tagil city of Sverdlovsk province of the Russian Federation and after a little while were deprived of parental care. When they were placed to the Centre of Social Assistance to Families and Children, the Commissioner for Human Rights of that province, Tatyana Merzlyakova, informed the Ombudsman of the Republic of Azerbaijan on the issue. The Ombudsman in her turn found relatives of the children, involved representatives of Azerbaijan Diaspora in solving the problem, and benefited from their assistance in documentation of the case. Only after those efforts, their return to homeland was possible. Thus, upon her arrival to Baku, the Commissioner for Human Rights of Sverdlovsk brought with her minors deprived of parental care and handed them over to their relatives with intermediation of the Ombudsman.

It is worth mentioning that although during two years T.Merzlyakova had applied to concerned bodies in connection with bringing children back to Azerbaijan and returning them to their relatives, it didn't yield any result. Only after interference of the Commissioner for Human Rights of the Republic of Azerbaijan, this problem was resolved. Currently, the Ombudsman keeps the fate of these children under her attention. Thus, because of difficult condition of the family, one of children given to his sister's patronage wasn't able to attend school. The Ombudsman took interest in this issue and achieved its solution. Moreover, certain measures had been taken for helping the sister of the children who was still living in the Russian Federation and due to document-related problems couldn't return to country.

Furthermore, the Ombudsman pays regular visits to Georgia, meets with compatriots, and gets acquainted with the conditions

of children. The Ombudsman together with Parliamentarian, the Head of parliamentary group “Azerbaijan-Georgia friendship” paid visit to Georgia on the eve of a new academic year and explored the situation of children’s education and their provision with textbooks and school supplies at Azerbaijan schools. Within the frame of this trip, the Ombudsman attended event carried out at Candar village secondary school and participated in distribution of textbooks, school supplies and computers allocated by the Heydar Aliyev Foundation.

Apart from that, the Ombudsman met with representatives of Azerbaijan Diaspora at Azerbaijan House in Norway and Prague and donated secondary school textbooks for different classes, books, encyclopedic publications on Azerbaijan, and writings of eminent Azerbaijan writers to their children.

International Experience in the Field of Children’s Rights

The Ombudsman also places high emphasis on the exploration of international experience on reliable protection and advocacy of children’s rights. Towards this end, the Ombudsman and the Ombudsman Office personnel take proactive part at various international events dedicated to the protection of children’s rights.

On October, 2006 the Ombudsman participated in international conference on “Ombudsman Institute Experience on Children’s Rights: Prospects for Ukraine” carried out in the city of Kiev, Ukraine. Together with the Ombudsman, Ulker Bayramova, the Commissioner for Human Rights of the Nakhchivan Autonomous Republic represented the country at this event. This conference was organized on the initiative of the International Renaissance Foundation, Ukrainian Women Consortium, the Fund of Youth, Culture and Education (FYCE),

Ukrainian Reform Centre, and Ukrainian Children's Rights Protection Fund and brought together Ombudsmen of various countries, representatives of state bodies, non-governmental institution on human rights, international institutions, and well-known legal experts. The main purpose of the international conference was to identify the role of independent institutions working on more reliable solution of children's rights and partnership strategy on children's rights protection.

Moreover, the Ombudsman took part at the 3rd intergovernmental conference carried out in the city of Palencia on the theme Children Living in Europe and Central Asia and made a speech on the "Situation of the Protection of Children's Rights in Azerbaijan and Ombudsman's Role in This Field".

The Ombudsman Adviser on Children's Rights and the Officer of Children's Rights Centre participated in the international conference on "The Protection of Children's Rights is the Guarantee for the Development of the Society" carried out on September 14-15, 2006 in the city of Moscow. They put forward a number of proposals on the measures to protect children's rights to be included into the Communiqué which was adopted at the end of the conference.

The Controller for Children's Rights of Lithuania, Rimante Salasevichyute, visited the Ombudsman Office several times. Within the frame of visits, the Azerbaijani experience in this field was explored and assessed, legislation on children's rights, set of activities on child protection, and programs aimed at increasing their social welfare were learned.

Following this trip, the Ombudsman's Adviser on Children's Rights and personnel of Children's Rights Centre of the Ombudsman Office paid visit to the Republic of Lithuania in order to get acquainted with country's experience on the protection of children's rights. During the trip, the operation of Supervisor on Children's Rights of the Lithuanian Republic and programs implemented in the field of the protection of children's

rights were analyzed, relevant mechanisms were explored and children institutions, organizations dealing with children issues and centers providing services for children were visited.

On May 21-24, 2007, the Ombudsman participated in the World Conference dedicated to the orphans and children deprived of parental care and organized in Hague, Holland. At the international event conducted with the support of the World Initiative for Orphans Organization the issue of protection and ensuring the rights of orphan children was discussed. The Ombudsman made the speech on theme “The Role of the Ombudsman in the Protection of the Rights of Children Deprived of Parental care” and discussions on addressing encountered problems were carried out.

In 2005, Ombudsman staff member participated in the II World Conference on “Problems of Children Deprived of Parental Care” organized by the US «International Advocates for Children», «Focus on Adoption» organizations and Massachusetts University in the city of Vuster, USA. The main purpose of this event was the exploration of the problems, interests of orphans and children deprived of parental care, discussion of the rules of inter-state adoption, and ways of elimination of related problems.

The Ombudsman’s Adviser on Children’s Rights and the Officer of Children’s Rights Centre of the Ombudsman Office participated in the International Conference on the theme “The Problems of Children of Working Migrants: challenges and prospects” organized by the Ombudsman for Children’s Rights of Poland and The Controller for Children’s Rights of Lithuania on March 26-27, 2008 in the city of Warsaw. They informed conference participants of current situation in this field within the country and carried out the exchange of opinions.

The Ombudsman and 5 staff members of the Ombudsman office paid visit to the city of Strasburg on the invitation of the Council of Europe. The main purpose of the visit was learning the activity of the Council of Europe on Human Rights and to develop

the cooperation between the two countries. Within the frame of the trip, with the Ombudsman met with Elda Moreno, the Chief of Council of Europe Program “Building Europe for and with Children”, exchanged with, and discussed the issue of future cooperation.

At the same time, the Ombudsman regularly meets with international experts on children’s rights and discusses the existing situation with them. She also held meeting with the UNICEF Regional Director for Central and Eastern Europe, Madam Maria Calivis. The Ombudsman informed the guest about the important measures taken towards education, all-round development, intellectual improvement, and health, physical and spiritual upbringing of children in the country, brought into attention the exiting problems, and carried out the exchange of opinions. Moreover, she met with a number of the UNICEF experts, and reciprocal experience in various fields was shared.

The Ombudsman together with the former Representative of the UNICEF in Azerbaijan, Hanaa Singer, parliamentarians Hadi Rajabli, Ziyad Samedzade and Rovshan Rzayev participated in the seminar carried out with the support of the UNICEF at Innochenti Center famous for its research on children’s rights in Florence, Italy.

The seminar on the implementation of the Convention on the Rights of the Child was organized specially for Azerbaijan delegation. At the event, specialists and international experts gave speeches on researches made in the field of children’s rights, international standards on application of the Convention, experiences, successes and problems of 62 countries in this field, violence against children, economic situation and welfare of children in CIS countries, including Azerbaijan, indicators for the assessment of these issues, and the necessity of incorporation of child-related problems into national development programs and national action plans.

The reports, speeches and perspective plans of members of Azerbaijan delegation, their opinions and proposals on economic, social, legislative basis on conditions of children within the country, and juvenile justice, including, application and further improvement of children's rights, were heard out with great attention and highly appreciated.

On September 3-5, 2008, in the capital of Ireland, Dublin, the Ombudsman participated in the event dedicated to the 12th annual conference of European Network of Ombudspersons for Children (ENOC) that has 10 years experience of 34 European countries.

It should especially be highlighted that, the Ombudsman Office of the Republic of Azerbaijan is the first non-specialized institution on children's rights which has been a member of the European Network of Ombudspersons for Children (ENOC) since 2008.

This event brought together statesmen and public figures of various countries, reputable international experts on human rights, including children's rights, as well as representatives of national human rights institutions and civil societies. It should be noted that, in a plenary session, the President of Ireland, Madam Meri MakAliz, made a comprehensive speech on children's rights.

Participating in international conference, the Ombudsman of the Republic of Azerbaijan highlighted the necessity of increasing attention to children in need of special care, prevention of violence against girls, hard child labor, sexual exploitation of children, child trafficking, adolescent victims of drug addiction and AIDS.

She spoke about the occupation of Azerbaijan land by Armenia lasting for more than 20 years and mass-scale violation of human rights, including children's rights of Azerbaijanis. It was brought to information that the protection of children's rights was the main direction of activity of the Ombudsman and that purpose-oriented work had been carried out in this field. The emphasize was made on that, in order to coordinate work on

children's rights protection, the Ombudsman's Specialized Adviser was assigned and Children's Rights Centre of Ombudsman Office was created with financial support of the UNICEF. Also, upon the Ombudsman's initiative on the preparation of curriculums and modules on human rights for the children in accordance with their sex and age, innovative initiatives on the formation of the hierarchic education system on children's rights with participation of students at secondary schools and her work in whole were highly appreciated.

In 2009, in Paris, the Ombudsman and Ombudsman Office personnel participated in the 13th annual conference of European Network of Ombudspersons for Children (ENOC) conducted by this organization and Ombudsperson of France on Children's Rights Protection. The conference brought together more than 50 Ombudsmen from 25 countries and their personnel, and representatives of international institutions and NGOs working on protection of children's rights.

Speaking at the event, the Ombudsman informed conference participants about the reforms carried out within the country in the field of children's rights, their results, future perspectives, the implementation of De-institutionalization Program, juvenile justice system, steps taken towards elimination of the cases of violence against children, initiative of children in restoration of peace, the protection of the rights of refugees and internally displaced persons and on the work done by the Ombudsman in this field. She also participated and gave a speech at the conference "The Protection of the Children's Rights in Emergencies" conducted in Baku for the first time, and on forwarding message on Peace signed by over 300 thousands Azerbaijan children to the UN Secretary General Special Representative for Children and Armed Conflict.

Within the frame of the conference, speeches were made and discussions were conducted on different subjects related to the issue of children's rights, including, the improvement of

legislation in this field, the development of effective mechanisms on the best interests of children, and access to international justice system by adolescents.

At the same time, the Declarations on the 20th anniversary of the Convention on the Rights of the Child and on the Children in Armed Conflict of European Network of Ombudspersons for Children were adopted.

The Ombudsman and Office personnel participated in the meetings on “Interrogation of Children and Their Participation in Decision-Making Process”, “Juvenile Justice”, “Children Placed into Institutions, Adopted Children and Children under Guardianship” and on other topics, shared experiences on the mentioned fields, and put forward their proposals and suggestions.

On the closing date of the conference, the Chief of the Council of Europe Program “Building a Europe for and with Children”, Elda Moreno, made a speech, touched main directions of this program and new projects, noted that new strategy of the Council of Europe on children’s rights would be adopted in the nearest future, stated that prevention of violence against children would be one of the priority issues, and demonstrated a video clip on protection of children.

Speaking at the event, the Vice-president of the European Commission, Jack Barrot, provided information on the priorities of the European Union on the protection of children’s rights. The Ombudsman of the Republic of Azerbaijan brought to J. Barrot’s notice about the necessity of taking into account the specialties of former Soviet countries and the implementation of projects in accordance with these priorities. J. Barrot agreed with mentioned points and said that it would be considered during the implementation of future projects.

At the end of the conference, the meeting of ENOC General Assembly was carried out and commitments, future strategies and the plans of network were discussed. The Ombudsman suggested the identification of the issue of instilling the culture of peace in

children and close participation of children in peace process as most important elements, highlighted the necessity of cooperation of children organizations of different countries and the creation of the European network of these organizations as well as electron network between children themselves for sharing information and exchanging views. She also put forward proposals on the development of future mutual relations.

It should be noted that the Ombudsman gave an interview to “Ouest France” newspaper of France and provided comprehensive information on children’s rights in Azerbaijan, occupation of 20 percent of lands and existence of more than one million refugees displaced from their homeland in the result of occupation, as well as about the problems of children in the country.

The staff member of Children’s Rights Centre under the Ombudsman office participated at the international conference “Children are the Victims of Sexual Exploitation” organized by Lithuanian Ombudsman for Children’s Rights and the Committee on the Rights of the Children in Vilnius.

The event brought together the representatives of different countries. The Chairman of Human Rights Committee A. Lydeka opened the conference and informed event participants on the purpose and intention of the event.

R.Salaseviciute spoke about the work done in the field of protection of children from sexual exploitation and the obligation of Lithuanian Republic undertaken in this field.

Furthermore, other speeches covered sexual exploitation of children, child prostitution, its impact on welfare, health and problems of children and the ways out of the problem in the Baltic States, including Lithuania.

The representative of the Republic of Azerbaijan the Ombudsman Office took proactive part in discussions, shared its vision on the issue, and provided comprehensive information on the work done by the Ombudsman on child’s rights protection and promotion.

The Officer of the Children's Rights Centre together with other foreign guests got closely acquainted with the work at Lithuanian Ombudsman Office on Children's Rights.

Moreover, the representative of the Ombudsman office participated in the seminar on identification of indicators on welfare of children organized by the "ChildONEurope" institution in the city of Florence and paid visit to Innochetti Research Centre located at the same place. During the visit, the operation of search centre was explored and information was provided on the measures taken within the country in the field of the protection of children's rights.

In recent years, the cooperation of Azerbaijan with European Union has been developing. Within the framework of European Union "Twinning" Program the Ombudsman's participation has also been planned. The attention will be paid to the issue of more efficient protection of children's rights by Ombudsman and various measures will be taken in this field.

Apart from paying a special attention to the cases of violence committed against girls, the Ombudsman puts emphasis on the exploration of international experience on the prevention of such cases. Thus, on the initiative and with the support of the Ombudsman, from February 26-March 9, 2007, the President of Azerbaijan Women and Development Centre and a 16 year-old proactive graduate of "Leaders" School participated in the event "The Elimination of All the Forms of Discrimination and Violence Against Girls" at the 51st session of the UN Commission on the Status of Women. Making a speech on behalf of Azerbaijan girls at UN level for the first time, she informed event participants on the problems encountered by them.

Moreover, with the support of the Ombudsman, the member of Azerbaijan Child to Child Peace Network (ACCPN), Aydan Allahyarova was invited to international conference "Children for Peace" carried out in January, 2009 in Geneva. Being the only representative from the Caucasian region, she informed

conference participants on heavy losses inflicted on the country as a result of a 20-year Armenian occupation, conditions of refugee children, on births of hundred thousand children in camps, on major and mass violation of their rights, the provision of care by Azerbaijan government for children, including children displaced from their homeland, resettlement of refugees and internally displaced people to new settlements, enabling favorable conditions for the education of children from this category, taking measures for their intellectual development, involvement of children and adolescents in addressing priority issues within the country. The exploration of foreign experiences by children and youth through such events is of crucial importance. In order to share the gained experience on a large scale, meeting with children at ACCPN Leadership School was carried out.

The Ombudsman met with the Representative of the UNICEF Office in Azerbaijan, Mark Hereward. At the meeting the situation in the field of the protection of and advocacy on the rights of the child, the prospect of future cooperation between UNICEF and Ombudsman Office were discussed.

The Ombudsman suggested holding monitoring of central (in Baku) and regional children resource centers created with the support of the UNICEF under the Ministry of Education, formation of Children Creativity and Public Awareness Societies, NGOs on children's rights and the expansion of their network, conduction of regular monitoring of the implementation of De-Institutionalization Program, apart from NGOs, involvement of parents and communities in this work, the implementation of hierarchic human rights education programs at secondary schools and higher educational institutions with the participation of children, the creation of efficient training modules, the application of inclusive education system in the districts, carrying out regular work in districts, the solution of health and education related problems of vulnerable families and refugee children, increase of attention to children in need of special care, children with

disabilities, making analysis of legislation on children's rights, instilling healthy lifestyle, national values in and ensuring patriotic upbringing of children, the development of legal publications on children's rights, the holding of relevant exhibitions and she highlighted the necessity of the learning and application of international experience on children's rights.

M. Hereward noted that during conversation with his predecessor, former Representative of UNICEF Azerbaijan H. Singer, he was informed in comprehensive manner on multilateral lines of activities of Ombudsman Office, work done in the field of the protection of children's rights and highly appreciating the meeting with the Ombudsman and efficient exchange of views he expressed hope for success of a new stage of bilateral cooperation.

Furthermore, it should be noted that, the International Coordination Committee of National Human Rights Institutions granted status A to the Republic of Azerbaijan Ombudsman Office on Human Rights. According to this status, by cooperating with the UN Committee on the Rights of the Child, the Ombudsman can send additional reports on children's rights and put forward recommendations for concerned bodies with the view of more efficient protection of the rights of the child.

Public Awareness on Children's Rights

The Ombudsman gives continuous attention to the holding of educational events on children's rights and conduction of discussions on the problems encountered by them with their participation.

The Ombudsman and the Ombudsman Office personnel have held meetings with children at schools, on former occasions at camps for refugees and internally displaced persons, currently at new settlements constructed for them, children institutions and

detention centers, taking into account their age inform them on their rights and take an interest in their problems.

The Ombudsman and office personnel carry out a series of training courses on the “Convention on the Rights of the Child”, “Protection of Children’s Rights in Azerbaijan” in different districts with the participation of personnel of local executive power bodies, representatives of the commissions on affairs of adolescents and protection of their rights, courts, police departments, prosecutor offices, educational and health institutions, municipalities, caregivers of children institutions, and members of civil society organizations and children.

During the training, the information was being given on history and theoretical basics of human rights and freedoms, including children’s rights, constitutional principles of human rights within the country, the Convention on the Rights of the Child, the role of the Ombudsman in the provision of children’s rights and state programs on children. Furthermore, discussions are carried out on more efficient solution of problems encountered by children and reliable protection of their rights, working group discussions are held, and proposals put forward by participants are being finalized and sent to concerned state bodies.

At the same time, the Ombudsman pays a special emphasis on the involvement of children themselves in training courses on children’s rights. Thus, the Ombudsman facilitates the operation of “Azerbaijan Child to Child Peace Network” which was created at the Azerbaijan Women and Development Centre, by holding regular meetings with the members of School of Leaders which functions at the Network. She explains children their rights and means of protection of these rights. Up to this day, more than 300 children have successfully completed a one-year course carried out at School of Leaders under the motto “Azerbaijan is my homeland”. Following the completion of training courses, seminars, and round table discussions on children’s rights are

organized for students by these grown up children's rights trainers - teenagers.

This year, the Ombudsman participated in opening of the ninth academic year of Schools of Leaders. The Event was attended by the Representative of the UNICEF in Azerbaijan, representatives from the Ministry of Education, State Committee on Family, Women and Children's Affairs, Sabayil district Executive Power Body, NGOs, teachers, parents and representative of mass media.

The Ombudsman congratulated school graduates and noted that state paid a great attention to the protection and implementation of children's rights, the solution of their problems, on the initiative of the Heydar Aliyev Foundation a large number of up-to date school buildings had been constructed and educational, preschool and health facilities, children homes had been reconstructed.

The Representative of the UNICEF in Azerbaijan highlighted the necessity of realization of children's rights to participation similarly to other rights and noted that School of Leadership served as a perfect example for it. During the event it was highlighted that proactive involvement of youngsters with advanced thinking in public life and free expression of their opinions were important conditions for building a democratic society and the necessity of participation of youth in decision making process was also emphasized. M.Hereward stated that further mutual cooperation would be very useful.

At the event, graduates of the eighth academic year of School of Leadership, including children completed training course on the history of the country carried out at the Azerbaijan History Museum, volunteer caregivers for children with disabilities at "Meslek" recreation camp under "Shirin" kindergarten, participants of tournament carried out at "Shahinler" recreation camp with military-patriotism bias and of events carried out by Red Crescent Society, and children distinguished in the work of network were provided by certificates.

Currently, the teaching of “Human Rights” as a separate discipline at secondary schools and higher educational institutions is not obligatory. However, development tendencies in Europe and life itself necessitate the learning of this discipline. Awareness of citizens of their rights and the fulfillment of their obligations are important conditions for the realization of democratic changes.

The Ombudsman deemed that teaching of “Human Rights” as a separate discipline at secondary schools, secondary vocational schools and higher educational institutions was expedient and proposed to the Ministry of Education to add this discipline to the list of obligatory ones.

Moreover, the Ombudsman initiated the development of relevant modules (programs) on education of human rights for the inclusion of topics “On Child Rights” in each pillar of hierarchic children’s rights education system at the secondary schools (for I-IV, V-VIII, IX-XI grades respectively). It should be noted that the implementation of program is envisaged within the frame of the UN Education Decade on Human Rights and the UNESCO Decade on Sustainable Development of Education. The program has already been signed by the Ombudsman and the Minister of Education; hierarchic education has already commenced at 3 schools of Yasamal, Nesimi and Nerimanov districts of Baku city, and the Ombudsman Office has developed and distributed two methodical manuals for teachers and students on teaching of child’s rights that were approved by the Ministry of Education.

Furthermore, the Ombudsman office takes a number of important measures in cooperation with the Azerbaijan NGO Alliance on Children’s Rights created by the Ombudsman and with its member NGOs dealing with children.

In addition, the Ombudsman Office in cooperation with the Azerbaijan government, the UNICEF, the European Union and the Council of Europe, on the occasion of 5th anniversary of the UN General Assembly Special Session “World fit for children”, carried out event at the Gulustan palace. The Event brought

together Deputy Prime-Minister Elchin Efendiyev, the Vice-speaker of Parliament Bahar Muradova, the Minister of Education Misir Mardanov, the Minister of Health Ogtay Shiraliyev, the Chairman of the State Committee on Family, Women and Children's Affairs Hijran Huseynova, Deputy Minister of Internal Affairs Oruj Zalov, a former representative of the UNICEF in Azerbaijan Hanaa Singer, the Chairman of the UN Child's Rights Committee Y. Doek and representatives of state bodies, international institutions, as well as NGOs. Speaking at the event, the Ombudsman provided information about the status of children's rights in the country, work done towards protection of their rights, including Ombudsman Office's activity in this field, and existing problems. In her speech, the Ombudsman spoke of survey carried out with the support of the UNICEF with the purpose of exploring the cases of violence against children within state institutions and detention centers and put forward a number of recommendations on the elimination of the cases of violence at the institutions.

In his speech, the Chairman of the UN Committee on the Rights of the Child specially highlighted the necessity of formation of a Children's Rights Centre under the Ombudsman Office with the purpose of ensuring the realization of Committee's Recommendations to the Azerbaijan Government - "Committee suggests Partner State that, taking into account Committee's General Opinion No. 2 on the role of independent national human rights institutions in the protection and spreading of human rights, the position of Child Rights Commissioner, or special department or division on children's rights should be established at the Ombudsman office. Afterwards, this division should be supplied with necessary human and financial resources and assigned to consider complaints on child sensitive issues and ensure compensations in case of violation of rights stipulated by the Convention in efficient and timely manner".

During the meeting of the Ombudsman with the former Chairman of the Committee on the Rights of the Child, the situation in the field of children's rights in the country and mechanisms of the reliable protection of these rights were discussed.

In order to increase public attention to advocacy and protection of children's rights and taking measures within the frame of cooperation with state bodies and civil societies, on the occasion of the 15th anniversary of the acceding of Azerbaijan to the Convention on the Rights of the Child, on November 13-20, 2007, the Ombudsman Office together with the UNICEF, in accordance with the principles of the "World fit for Children" campaign held "Child Rights Week" under the motto "Care for Every Child". The main purpose of holding this week was to attract attention of state bodies, NGOs, and communities to educational and social problems of children, their involvement in inadmissible labour, health conditions of children, fight against HIV/AIDS and drug addiction, to identification and addressing problems encountered by children suffered from war, children in need of special care and deprived of parental care, children given from state institutions to vulnerable families, children victims of violence and sexual exploitation, and with this end in view to take relevant measures.

During this week, the Ombudsman Office in cooperation with the Ministry of Education, the Ministry of Justice and other institutions explored the conditions of children in state institutions in the city of Baku and districts, carried out educational events on children's rights, met with children in need of special care at "Leadership" School and "Rainbow" Rehabilitation Centre, spoke of the work done in the field of child's rights in the country, and addressed their questions.

Within the frame of this week, the Ombudsman Office personnel paid a visit to "Umid Yeri" Child Asylum Centre, children homes #1, #2 and #3, boarding schools #1 and #2 for

orphans and children deprived of parental care, boarding school #16 for children with poliomyelitis and brain paralysis, boarding school #7 for children with mental and physical retardation, Boarding school #7 in Saray settlement for children with physical and mental retardation, boarding school #3 for children with mental and physical retardation, boarding school #3 for deaf-blind children, open type of special boarding schools for boys with behavioral disorders, psycho-neurological boarding school #2, and other child institutions, explored the conditions of children, and informed them about children's rights.

Applying to the Minister of Education, the Ombudsman suggested, together with the Ministry of Education, taking measures on conducting a lesson on "Children's Rights" at all the schools on November 19, Day of Combating the Violence Against Children, the application was welcomed and realized in relevant manner.

At the same time, on November 19 - "The Day of Combating Violence against Children", the Ombudsman Office personnel carried out events for convicted children at the Ministry of Justice Correctional Institution for Adolescents. Children were provided with information on children's rights, the mechanism of their protection, and pardon granting. Confidential meetings with convicted minors were carried out, their complaints were heard out, and problems were explored. Some of convicted minors expressed a desire to see their parents and on that day telephone calls with parents of convicted minors were facilitated.

On November 19, a visit was made to the Ministry of Justice Investigation Centre #3, the conversation with detained minors was held, and information on their rights were given to them.

The Personnel of the Ombudsman Office regional branches in Guba, Sheki, Jalilabad and Ganja districts visited child institutions in 30 surrounding areas, carried out events on the advocacy of the Convention on the Rights of the Child and discussed the problems encountered by children and ways of their solution.

On the initiative of the Ombudsman, in order to increase public attention to “Children’s Rights” week, the Baku City Executive Power prepared 3 banners and sited them in different parts of the city.

As a conclusion of the “Children’s Rights” Week in Baku, the Ombudsman Office in cooperation with the Ministry of Education, the UNICEF and the Azerbaijan NGO Alliance on Children’s rights carried out the conference “The Current Status and Perspectives of Children’s Rights in Azerbaijan”. Also, the discussions on the current situation were held with the participation of representative from state bodies, NGOs and mass media.

Speaking at the conference, the Ombudsman informed participants on the work done within the country towards protection of children’s rights and increasing their social welfare, measures taken by the Ombudsman Office within the frame of “Children’s Rights” Week and on identified child-related problems.

The Representative of UNICEF in Azerbaijan, the Deputy Minister of Education, the Chairman of Coordination Council on State Program on the Transfer of Children from Children Institutions to Family Environment (De-Institutionalization) and Alternative Care, the Chief of Human Rights and Public Relations Agency of the Ministry of Justice, the Chief of Department of General Public Safety Agency of the Ministry of Internal Affairs, and the National Coordinator of Azerbaijan NGO Alliance on Child’s Rights made speeches at the event, exchanged with their opinions, and put forward a number of proposals.

By conducting analysis of that event, a number of recommendations were included in Ombudsman’s previous annual reports with the view of the solution of existing problems.

Moreover, the Ombudsman Office with the support of the UNICEF initiated regional consultations on the implementation of Declaration “World Fit for Children+5”. In the course of event,

exchange of views on education, health, social provisions, violence against children, early marriage, child labour, juvenile justice, children with disabilities, the arrangement of leisure time and public awareness on child rights were carried out with the participation of Representative of District Executive Power, the Secretary of Commission on Adolescents' Affairs and Protection of Their Rights, personnel of law-enforcement bodies, judges, teachers, doctors, community representatives and children themselves, and achievement gained in the course of the last five years, existing problems and ways of the solution of these problems were discussed. At the end of the consultations, the discussed issues were analyzed and relevant recommendations were addressed to the concerned bodies and the UNICEF.

At the same time, the Azerbaijan Society of Young Academician, Post-graduate and Holder of Master Degree (ASYAPHM) in cooperation with the Ombudsman Office and with the support of the UNICEF implemented Project named "Children's Umbrella: Establishment of the Network of Child Rights Activists". Within the frame of project, in Goygol and Zagatala districts, training course on "Child Rights" were conducted for students of 7-10th forms, and at the end of training course, "Children Post" information group was established in order to coordinate work of children's rights activists network. The main purpose of the formation of this group was to coordinate the operation of network, to collect the information on children in districts and on the cases of delinquency committed against them and to transfer the information to the Ombudsman Office and ASYAPHM.

During the event, debates were initiated with the involvement of the representatives of local executive power bodies, school directors, school psychologists, parents and schoolchildren; children's rights, cases of violence against children in family, society and at school, wide scale application of child labour in the

districts, drop out of children from school, early marriage, and other issues were discussed.

Furthermore, in 2008, on the occasion of the Universal Children's Day on November 20, the Ombudsman Office together with Azerbaijan office of the UN Public Information Department and in close cooperation with the UNICEF organized round table discussions in Gabala district on the theme "Children's rights in Azerbaijan National Legislation and Its Implementation".

The event was attended by the Ombudsman, former Representative of the UNICEF in Azerbaijan, Mohamed Alami, the Head of Azerbaijan Office of the UN Public Information Department, Envera Selimovich, parliamentarians, representative of the State Committee on Family, Women and Children's Affairs, other state bodies, and non-governmental institutions.

Speaking at the event, the Ombudsman informed participants about the work implemented by the Ombudsman Office in the field of children's rights and brought into attention that the Ombudsman Office operates in different directions in order to ensure more reliable protection of children's rights. Speeches covering different topics were made and discussions were carried out at the event.

Furthermore, on the occasion of the Universal Children's Day, on November 20, the Ombudsman conducted round table discussions on the theme "Ensuring the Best Interests of Children". The event which was carried out within the frame of "Human Rights" Month initiated by the Ombudsman was attended by the former Representative of the UNICEF in Azerbaijan, the Head of Baku office of the UN Public Information Department, representatives of the OSCE Baku Office, as well as concerned bodies, the Baku City Education Department, the City Health Administration, the Commission on Affairs of Adolescents and Protection of Their Rights at the district executive power bodies, children homes, and boarding schools, NGOs working in the field on children's rights, and mass media.

The Ombudsman congratulated the participants on the Universal Children's Day and brought to notice that, within the frame of the "Human Rights" month, held on the occasion of the 60th anniversary of the Convention on Human Rights on December 10, measures were taken on the protection and ensuring of the rights of different categories of population, including children.

It was highlighted, that the purpose and target of the next round table was to ensure more efficient protection and realization of children's rights and to identify future perspectives of the cooperation.

The former Representative of the UNICEF in Azerbaijan thanked the Ombudsman for enabling large-scale meetings and the exchange of views with institutions dealing with children's rights, including civil society. He highly appreciated the Ombudsman's work in the field of protection of human rights, including children's rights, and her preference in carrying out interactive discussions through the network and highlighted the necessity of the provision of necessary support to institutions working with children.

The Head of Baku Office of the UN Public Information Department, the Chief of Baku City Health Administration, the Officer of National TV-Radio Council, the Member of the Commission on Affairs of Adolescents and Protection of Their Rights under Baku City Executive Power Body, the Head of Division of Baku City Education Agency, Child's Clinic Director, the Director of Orphanage #3, the President of Hemophilia Association and others expressed their gratitude to the Ombudsman for holding round table discussions and expressed their opinions on issues included in the agenda.

A number of proposals were put forward at the event on dispatching children to state institutions, children homes and boarding schools based on court judgment, assigning compensations for the harm inflicted on sick children during

treatment process or blood transfusion and for negative environmental impact on children's health, assigning a sufficient number of social workers within children homes, involvement of curators in the transfer of children to family environment, the protection of rights of, the provision of housing for adolescent orphans discharged from children homes, the improvement of national legislation on adoption, the preparation of programs on the improvement of financial-technical basis of out-of school institutions with the view of ensuring harmonious development, and efficient arrangement of leisure time of children as well as the development of cooperation mechanisms.

On February 19-20, 2009, with the support of the UNICEF, training course was carried out for personnel of regional branches of the Ombudsman Office with the purpose of deepening their knowledge on the protection of children from violence. Having opened a training course, the Ombudsman and former Representative of the UNICEF in Azerbaijan informed the participants about the objective of the training course and on the work done within the country in this field.

Additionally, the UNICEF Officer, the Ombudsman Office representatives, the Director of Child Rights Clinic, the Director of Children and Youth Social Rehabilitation Centre, in the capacity of experts, informed event participants of legislation on the protection of children from violence, the notion and types of violence, social rehabilitation of children exposed to violence, the existing situation and problems in this field, the method of interviewing children in this aspect, the Convention on the Rights of the Child, the role of the Ombudsman in ensuring children's rights and state programs on children.

Furthermore, within the frame of the "Child Year" the Ombudsman and office personnel in cooperation with state bodies, international institutions and NGOs carried out a number of events at the capital and districts for the purpose of advocacy on children's rights.

On March 17, 2009, round table under the motto “Let us take care of children with disabilities” was carried out with the participation of representatives of state bodies and NGOs. The Ombudsman brought to attention that Down syndrome triggers a concern worldwide and in Azerbaijan as well, the existing problems and the ways of resolving them were discussed.

On June 1, the International Child Protection Day, the Ombudsman met with convicted minors in the Correctional Institution of the Ministry of Justice Penitentiary Service and congratulated them on this occasion. During the meeting with convicted minors, the Ombudsman explained to them their rights and answered their questions.

Furthermore, on June 1, the Ombudsman visited Psycho-neurological Children Home at Narimanov district and met with children undergoing treatment there. It should be stated that upon the initiative and with the support of the President of the Heydar Aliyev Foundation, Mehriban Aliyeva, new up-to-date building was constructed for this medical facility and medical, psychological, physiological rooms and massage rooms were supplied with duly designed equipment and furniture. The Ombudsman witnessed that all necessary conditions had been created for rehabilitation of children of preschool age inhabiting there, specialists provided relevant medical and psychiatric assistance for sick children and children received exercise equipment based and vocational preparation therapy. She recommended to the medical staff to treat patients kindly and to be very polite towards them.

Moreover, on June 1, 2009, the Ombudsman participated in selling exhibition of handicrafts of children with Down syndrome organized together with Association of Persons with Down Syndrome at State Museum of Arts and at the concert organized by these children’s participation. In her speech, she noted that Down syndrome concerned all countries, including Azerbaijan and noted that one of each 700 newly born children in the world

are suffering from Down syndrome. The Ombudsman highlighted the necessity of taking care of children with disability, including children with Down syndrome and took measures in this direction within the frame of the “Child Year”.

On June 5, 2009, the Ombudsman Office representative participated in round table discussion on the topic “Reforms in Education in Azerbaijan: towards Increasing the Quality” organized in the city of Mingachevir by Baku Office of the UN Public Information Department together with the National NGO Forum.

He spoke on the implementation of reforms aimed at increasing the quality of education within the country, the application of international experience, the work done towards upbringing-education, and harmonious intellectual development. It was noted that educational activities on human rights and advocacy of juridical knowledge holds a prominent place in Ombudsman’s activity, and that certain work on application of hierarchic education of human rights at a secondary schools were carried out.

At the same time, the Ombudsman Office representative participated as a trainer, in the seminar “Enlightening Young Teachers of Secondary Schools on Children’s Rights” organized by the “World of Rights” Legal Advocacy Public Union and Children’s Rights Clinic and held working group on discussed subject. Moreover, he took interest in education of students at secondary school of refugee hostel as well as learned the conditions of upbringing and protection of the rights of refugee children.

Furthermore, within the frame of the “Child Year”, the Ombudsman Office together with the UNICEF in Azerbaijan carried out a seminar on the topic “Advocacy and Protection of Children’s Rights” for children and teachers at Guba, Ganja, Sheki, Jalilabad, and Lenkeran districts. The main purpose of the seminar was to increase awareness of children and teachers on

mechanisms of protection of children's rights, including rights to education, health and other ones and to discuss the situation in the field of children's rights in the districts.

Participants got acquainted with children's rights in interactive group discussions, discussed existing problems in the field of protection of children's rights, exchanged with views and experiences on the ways of solution of these problems, and, as a result, relevant recommendations were put forward.

The Ombudsman holds various events for the purpose of the advocacy of the rights of persons with disability. Thus, the Ombudsman applied to the Parliament in connection with the ratification of the UN Convention on the Rights of Persons with Disabilities, the Azerbaijani version of the Convention was published, and booklets and posters were prepared with the view of raising public awareness. Moreover, upon the Ombudsman's initiative, in order to ensure the rights of persons with disability and to discuss their problems, two conferences were conducted and on the basis of conference materials a book was compiled and sent to concerned bodies.

Children's Right to Development and Participation

Concerned bodies have taken consistent and purpose-oriented measures with the view of ensuring all-round development of children within the country. The participation of children in taking of decisions affecting them, implementation of programs and projects and school management contributes significantly to their development.

For restoring the activity of Youth Resource Centers which were created by the UNICEF at different spots within the country and afterwards, handed over to the Ministry of Education, the Ombudsman Office representatives together with staff of education departments carried out monitoring work at these

centers. Monitoring results showed that in a number of districts Youth Resource Centers attached to Child Creative Centers don't function at full capacity. One of the most important reasons of that is lack of conditions, logistics, visual aids, and technical assistance for the operation.

Furthermore, the Ombudsman Office personnel monitored the activities of a number of Children Creativity Centers in various cities and districts. Observation had shown that a number of hobby groups (painting, music, handicrafts, weaving and other circles) were functioning in working centers; however, most of buildings were in need of substantial repair, including the heating system, visual aids, and computers.

Aiming at addressing the problems of these centers, which contribute to the development of children and carry out exchange of experiences in efficient and systematic way, the Ombudsman applied to the Minister of Education with regard to the development of the "State Program on the development and improvement of financial-technical basis of out-of school institutions" and the formation of "Human Rights" Groups in order to orient the operation of creativity centers to human rights education, including children's rights. In consequence, the issue raised was supported by the Minister of Education.

Ensuring the participation of children in school management is of vital importance. Unfortunately, the activity of the Children's Parliament is not obvious at schools and within the country which leads to failure of ensuring children's right to participation in discussion of and addressing the issues affecting them. Strengthening activity of the Child Parliament, establishing partnerships with children and child organizations, improvement of children-teacher relations at schools, as well as election of the Ombudsman's Ambassadors with the purpose of addressing existing problems are of vital importance for the elimination of this problem.

Conduction of Children's Drawing Contests

On the initiative of the Ombudsman a series of drawing exhibitions were held in view of the development of creativity potential of children and identification of their skills.

Thus, every year, at upon the Ombudsman's initiative, on the occasion of the International Human Rights Day, contests of children drawings on the topic "My rights and Me" are carried out.

Moreover, children's drawings competitions on "The Convention on the Rights of the Child", "Peace", and "Occupation of Azerbaijan by Armenia", Khojaly Massacre" are held regularly and winners are awarded with certificates and gifts.

On June 5, on occasion of the International Day of Protection of Environment, the Ombudsman Office, Azerbaijan Women and Development Centre Peace Network from Children to Children and Azerbaijan State Museum of Art named after R. Mustafayev held children's drawing exhibition on the topic "Nature through Children's Eyes". The Ombudsman made a speech at the event and the winners were provided with certificates and gifts.

Efficient Organization of Children's Leisure Time

The Ombudsman participated in closing ceremony of "The Brave" summer camp with military patriotism orientation which was organized for 150 children by Sabail District Executive Power Body, Internal Troops of the Ministry of Internal Affairs and Guba District Executive Power Body at Guba district Qimil Qazma village.

Speaking at the event, the Ombudsman noted that the protection and implementation of human rights, including children's rights, was the priority issue for the government, and the important measures had been taken in this direction. She

emphasized that important work was done towards the upbringing of young generation in the spirit of patriotism and statehood, as well as the training for the protection of homeland. Moreover, she noted that care and attention given to harmonious development, health, education, intellectual development, and physical culture of children are on a prominent place.

It was brought to notice that the Ombudsman put emphasis on the protection of different strata of population, including refugee children, orphans, children deprived of parental care, children suffering from different diseases, children with disabilities and took measures directed to the solution of their problems. Participants were informed that, within the frame of the “Child Year”, in order to improve the conditions of children returned to families within the framework of De-Institutionalization Program, the Ombudsman and her office personnel had initiated monitoring as well as visits to homes for children with disabilities and, summarizing the result of carried out work, had sent proposals to concerned bodies.

Children and adolescents demonstrated learned exercises, including knowledge on primary military preparedness, civil defense and first medical aid given by the officers of Internal Forces and experienced coaches at camp with military patriotism. Winners, their coaches and team leaders were awarded with honorary diplomas and rewards. The Ombudsman participated at the prize-giving ceremony.

On the eve of Ramadan Holiday, the Ombudsman visited boarding school #3 for deaf and dumb children at Nizami district of Baku and participated in Charitable Event organized by the “Happy Future of Children” Public Union.

She stated that, according to European standards, one caregiver should be assigned for every 6-7 children with mental retardation and one caregiver for children with more severe disorders; within the country, one caregiver is assigned for 18-20 children, at the initial stage the number of children should

be reduced to 7-10 children for each caregiver. Also, she informed that taking into account working conditions of personnel in the children homes and boarding schools she forwarded relevant recommendations to the Cabinet of Ministers on the increase in the salary of personnel.

The Ombudsman took an interest in health, medical service level, nutrition, and problems of sick children and put forward relevant recommendations for the Chief of the Institution.

The Ombudsman Office staff regularly participates in events organized on the initiative of “Origami” Children and Adolescents Public Union for children with disabilities and raise public awareness on children’s rights.

In order to ensure children’s development, their rights to participation and efficient organization of their leisure time, the Ombudsman suggests following proposals:

- **To put more emphasis on the issue of self-management within educational institutions, to ensure election-based management, and to equip pedagogical staff, students and their parents with capacity to influence the process of school management;**
- **To elect an Ombudsman Ambassador at every school;**
- **To create and improve Child’s Parliaments at all the schools;**
- **To adopt “The State Program on the Improvement of Financial-Technical Basis of Out-of-school Institutions”;**
- **To take measures (contests, exhibitions etc.) towards identification of talented children;**
- **To enable children to benefit from Olympic Complexes free of charge as well as to create hobby circles for children and youth;**
- **To construct sport fields for children;**
- **To organize summer and winter camps.**

Analysis of Legislation on Children

Within the framework of the “Child Year”, the Ombudsman analyzed the legislation on children’s rights and put forward a number of proposals on the improvement of regulations on children rights enshrined in regulatory and legal acts.

I. Recommendations on the Criminal Code of the Republic of Azerbaijan (CC):

1. In the Article 79.1, the word ”eight” shall be replaced by the word “fourteen”;
2. The Article with the following contents shall be incorporated in General Part of CC:

Article 79-1. Exemption of minors from criminal liability.

Minors under the age of 14 shall not be held criminally liable for committed crime. The liability for committed crime shall be regulated in accordance with the Regulations on the competence of concerned bodies and (or) relevant regulations of the CC and Criminal-Procedural Code;

3. The title of the Article 170 shall be amended in the following manner:

Instigating minors under the age of fourteen or adolescents to crime;

4. In Articles 170.1, 170.2 and 170.3, before the words “adolescents” the words “minors under the age of 14 or” shall be added;

5. In the Article 47.4.3, the word “eight” shall be replaced by the word “fourteen”;

6. In the Article 85.3, the words “from forty to one hundred and sixty hours” shall be replaced by words “from thirty to one hundred and twenty hours”.

II. Recommendations on Criminal-Procedural Code of the Republic of Azerbaijan:

1. In the Article 428.2, after the word “up to”, words “has reached the age of fourteen, but” shall be added;

2. The Article 428.3 with the following amendment shall be added to the Criminal-Procedural Code:

“Minors under the age of 14 are the persons who haven’t reached the age of criminal liability. The liability for severe or extremely severe crimes committed by them shall be addressed in accordance with the Article 435-1 of this Code”;

3. In the Article 7 (Main Definitions of Criminal-Procedural Legislation), the definitions “minors” and “juveniles” shall be defined in a more precise manner.

III. Recommendations on the Civil Code of the Republic of Azerbaijan:

1. In the Article 38.7, the word “on guardianship” shall be replaced by the word “on trusteeship”;

2. In the Article 29.1, the replacement of expression “The agreement reached by such juvenile” by the expression “Such agreement reached by juvenile” would conform with the grammatical and logical rules;

3. In the Article 1120.2, the words “but not less than six AZN” shall be withdrawn and the sentence with following contents shall be added therein:

“The compensation for inflicted loss shall be paid, based on stated evidences for the days from the commencement till the end of that incident”.

4. In the Article 1120.3, after the word “but”, the word “daily” shall be added;

5. In the Article 1121.1, replacements of sentence “In case of death of victim (head of family), the following persons have rights to receive the compensation» with the following one will be more expedient in terms of grammar and logic:

“In case of death of victim (head of family), the following persons have the rights to claim the compensation”;

6. In the Article 1121.1.3, the words “hasn’t reached the age of fourteen” shall be replaced by “hasn’t reached the age of fifteen”;

7. In the Article 1121.3.5, the words “under the age of fourteen” shall be replaced by the words “under the age of fifteen”;

IV. Recommendations on the Code of Administrative Offences of the Republic of Azerbaijan:

1. The Regulation “Minor” shall be added to relevant Chapter of the Code and its definition shall be identified as follows therein:

“Persons who haven’t reached the age of fourteen at the time of committing a crime shall be considered as minors”;

2. In the Article 30.2, the words “women having children under the age of eight” shall be replaced by the words “women having children under the age of fourteen”, while words “men who bring up child under the age of eight alone” shall be replaced by “men who bring up child under the age of fourteen alone”;

3. The Provision “The Responsibility of Person Who Has Not Reached the Age of Administrative Responsibility” shall be added to the Code.

V. Recommendations on the Labour Code of the Republic of Azerbaijan:

1. According to the paragraph 1 of the Article 125 of the Labour Code, working women are entitled to paid maternity leave for 126 calendar days (70 calendar days for pre-delivery and 56 calendar days for post-delivery period) for pre- and post-delivery period. In case of the complication of delivery, birth of two or more children, post-delivery leave is extended to 70 calendar days. It shows that men are not entitled to paid leave in connection with pregnancy and child-birth of their wives (for the purpose of taking care for them). Therefore, in accordance with the Convention No.183 of the International Labour Organization, the inclusion of provision on entitling men, along with women, to paid social leave in connection with pregnancy and childbirth of their wives in the Labour Code would be expedient. Apart from being an important step towards more efficient ensuring and strengthening social rights of family, in a whole, and children, it would contribute to the elimination of existing discrimination and inequality in these relationships;

2. In the first section of the Article 249 (Age Limit for Employment), words “as a rule” shall be eliminated;

3. The section 2 of the Article 249 shall be edited in the following manner:

“Students of secondary schools, vocational training schools, lyceums and secondary vocational institutions who have reached the age of 14 are allowed, at out-of-school time, to be involved in hand-on training which doesn’t inflict damage on their health upon the consent of their parents or persons substituting them”.

4. The section 2 of the Article 258 (Labour relations at Individual Agricultural (farming) Industries and Family Enterprises) shall be edited in the following manner:

“2. Adolescents under the age of 15 are not allowed to be involved in work at family enterprises. Adolescents who have not reached the age of 15, but not below the age of 14 can be involved in vocational training courses contributing to instilling labour skills”. It should be noted that, proposed changes are in line with Section V of the Article 17 of the Constitution of the Republic of Azerbaijan and the paragraph 1 of the Article 7 of the Section II of the European Social Treaty.

VI. Recommendations on the Family Code of the Republic of Azerbaijan:

1. Referring to the requirements of the Article 1 of the Convention on the Rights of the Child and the Article 16.2 (child engagement and marriage have no legal force) of the Convention on the Elimination of All the Types of

Discrimination Against Women, in order to ensure equality between women and men in family relationship, it would be expedient to identify the minimum marriage age for women and men in the Article 10 of the Family code (Marriage age) as 18 and allow entering into marriage at age below this limit only by complying with the requirements envisaged by the Article 28.4 of the Civil Code of the Republic of Azerbaijan.;

2. The harmonization of the Article 57 of the Family Code (The Rights of Adolescent Parents) with the Article 1 of the Convention on the Rights of the Child and the Article 16.2 (child engagement and marriage have no legal force) of the Convention on the Elimination of all Types of Discrimination Against Women would be appropriate. Keeping the mentioned article of the Family Code as it is, creates the legal basis not for prevention of early marriages but to the spread of such cases, what is unacceptable.;

3. Taking into account the necessity of ensuring the minimum living conditions for adolescents, it is of great importance to make relevant changes to the Articles 76.1.1, 76.1.2, 76.1.3 and 76.3 of the Family Code. These Articles shall be amended in the following manner:

“76.1.1. for a child – the amount not less than half a minimum of subsistence level;

76.1.2. for two children – the amount not less than a minimum of subsistence level;

76.1.3. for 3 or more children – the amount not less than 2 units of minimum subsistence level”.

76.3. The amount of these allowances cannot be reduced, but, by taking into account intra-family and financial position of concerned parties and other justified cases can be increased based on a court decision”;

4. According to the Article 126.1 of the Family Code, in order to ensure the confidentiality of the case of adoption, upon Adopter's request, Adoptee's place of birth and the date of birth can be changed not later than 3 months. We deem that, since this provision and other pertaining provisions imply the fabrication of documents and they are out of line with the Article 16 of the Convention on the Rights of the Child, their withdrawal from legislation would be expedient. Thus, in accordance with the requirement of mentioned Convention, children cannot be the objects of arbitrariness and illegal intervention in realization of their rights to personal and family life or exposed to abasement of honour and dignity;

5. In the Section 7 of the Family Code "The application of family legislation to family relations with the participation of expatriates and persons without citizenship" (Articles 146-157) it is important to incorporate separate provision on state control over and care for the citizens of the Republic of Azerbaijan adopted by foreign citizens and persons without citizenships. The task of ensuring control and care within the country shall be delegated to relevant executive power body, while, outside the country, this task should be fulfilled by concerned executive power body (for instance, the State Committee on Diaspora Affairs) or by ensuring reciprocal coordination of activity of diplomatic representation and consulate of the Republic of Azerbaijan in the concerned State.

It is necessary to envisage, in the system of mentioned measures, medical examination of minor adoptees through relevant executive power body (for instance Ministry of Health) on annual basis until the age of maturity. Moreover, the system of measures shall include provision on the

prohibition of giving adoptees by adopters to other persons for adoption (except parents and other close relatives in cases allowed by legislation).

VII. Recommendations on the Law of the Republic of Azerbaijan “On the Rights of the Child”:

1. In the Article 4, after the words “prosecutor bodies”, the words “the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman)” shall be added;

2. The following paragraphs shall be incorporated into the Article 20: “The State, based on the right to property, takes measures on realization of the right to housing of homeless children”;

“The children of different sex who have reached the age of 9 are not allowed to live (to be transferred to) in the same room”;

3. The following paragraph shall be added to the Article 21: “This right is also valid with respect to children of persons who, in manner stipulated by the legislation, were deprived of parental rights, persons with limited ability or disability”;

4. The provision named “The inadmissibility of violence, torture and inhuman treatment of children” shall be included in the Law;

5. In the Article 30, after the words “martyr’s children”, the words “including children born in family with status of martyr’s family” shall be added;

6. The following note shall be incorporated concerning the paragraph 2 of the Article 31 of the Law: «The requirement of the paragraph 2 of the Article 31 of the Law shall not prejudice the requirement of the Article 6 (The equality of rights of children) of the same Law”;

7. The following paragraph shall be added to the Article 34: “The provision of housing to graduates without place of residence upon the attainment of the age of maturity”;

8. The words “who have not reached 15” shall be withdrawn from the paragraph 3 of the Article 37 of the Law;

VIII. Recommendations on the Law “On Feeding of Infants and Young Children”:

1. The Article 3.0.4 shall be edited as follows: “exercising state and (or) public control over artificial food products”;

2. In the Article 4.90, after the word “to mother”, the words “non-substitutive” shall be added;

3. In the Article 5.2, the words “under the age of one year” shall be replaced by words “under the age of three years”;

4. The paragraph 5.3 with the following content shall be incorporated in the Article 5:

“5.3. Woman with child under the age of three are entitled to receive monthly social allowance in the amount of at least half a salary received before maternity leave until a child reaches the age of three”;

5. It is necessary to generalize and submit to concerned bodies the information on activity of relevant executive power bodies,

including NGOs controlling the implementation of the law. Therefore, the incorporation of Chapter of provisions regulating public relations in the Law would be expedient;

6. The Article 12 (Limitations imposed on producers or distributors) of the Law shall be withdrawn. Thus, mentioned article can create artificial obstacles in implementation of Objectives and Obligations of the Law and cause a number of negative cases, including corruption.

Generally, while working in the field of children's rights, the Ombudsman places a great emphasis on institutions dealing with children. Within the frame of this cooperation, the preference is given to monitoring of the implementation of children's rights, conduction of joint events, and taking measures towards realization of recommendations.

Thus, as it is seen from above, the Commissioner for Human Rights of the Republic of Azerbaijan is acting as an important intrastate right defender without replicating the work of and substituting other state bodies working in the field of children's rights

In order to ensure the protection of children's rights, to improve social state of children, to ensure the best interests of children, to initiate changes in addressing problems faced by children, and to build "Azerbaijan fit for children", the Ombudsman deems that the following measures should be carried out.

Final recommendations and proposals

Recommendation to the Parliament of the Republic of Azerbaijan:

To make changes and amendments to legislative acts on considering the person under the age of 18 as a child in legislative and other legal-normative acts;

The Article 1 of the Law of the Republic of Azerbaijan “On the Rights of the Child” states “The rights and obligations of children enshrined in this Law are referred to every person under the age of 18 (the age of maturity) and who are not fully able-bodied.» According to the Convention on the Rights of the Child acceded by the Republic of Azerbaijan in the year of 1992, every person under the age of 18 shall be considered a child. The Article 151 of the Constitution of the Republic of Azerbaijan states that if discrepancy emerges between judicial acts included into national legislation and international treaties acceded by the State, international treaties will prevail. Taking this into account, in order to define lower age limit of youth as 18, it is recommended to make amendments and changes to relevant Law;

To ratify the Convention of the Council of Europe on the Protection of Children from Sexual Exploitation and Abuse;

In order to ensure more reliable protection of rights of family, women and children at the Parliament, including harmonization of national legislation with relevant International Conventions, to establish a “Specialized Committee on Family, Women and Children’s Affairs” for the purpose of adoption new legislative acts if necessary and making relevant changes and amendments to existing ones;

In accordance with international experience, within the frame of the state budget to define “Child Friendly Budget”;

To fully restructure working principle, composition and competences of the commissions and make changes to relevant Statute in order to supply commissions on affairs of adolescents

and protection of their rights with necessary human and technical resources for smooth operation in the field of protection of children's rights;

To make changes to relevant Law on aggravating the punishment for committing acts mentioned in the Article 152 of the Criminal Code of the Republic of Azerbaijan in order to prevent the cases of early marriage;

To make changes and amendments to the Family Code on increasing the age of marriage for women and man to 18;

To make changes and amendments to existing laws in order to prevent negative impact of information obtained by children from mass media, internet sites and other means on their psychological status and the cases of violation of rights of children in mass media;

To strengthen existing mechanism for ensuring rehabilitation, integration into society and development of life-skills of minors in conflict with law;

Aiming at guaranteeing the examination by psychologist of psychological constitution of children before interrogation at police bodies and presence of psychologist during interrogation, to make relevant changes to legislation;

Since the needs of children who have lost the head of family or children with disabilities differ from normal children, it is necessary to make changes and amendments to relevant legislation for the purpose of granting allowances for both children who have lost the head of family and children with disabilities;

In order to prevent the public disclosure of information on identity of minor offenders and children-victims of crimes without their (if he/she has reached the age of 14) or their legal representatives' permission, to make changes and amendments to relevant legislation;

To make changes and amendments to relevant law for considering existence of children in family at assigning targeted social assistance;

To define for parents (persons) taking a child under guardianship from children homes and boarding schools lump-sum allowances and regular allowances until maturity age of a child and allowance for children who have lost their parents and are deprived of parental care;

To make changes and amendments to legislation with the view of taking measures on allocation of special financial assistance to families with twins and triplets, assigning caregivers for the children under the age of one, the provision of assistance to pregnant women and women with infants;

To make changes and amendments to relevant legislation on the provision of children with state insurance with the purpose of the protection of their health;

To held Parliament sessions on children's rights with the participation of children themselves.

Adoption of under-mentioned laws is recommended:

The Law of the Republic of Azerbaijan “On judicial defense of children”;

The Law of the Republic of Azerbaijan “On Juvenile Justice”;

The Law of the Republic of Azerbaijan “On Domestic Violence”;

The Law of the Republic of Azerbaijan “On the Protection of Children from Corporal Punishment”;

The Law of the Republic of Azerbaijan “On the Protection of Children from all Types of Violence”;

The Law of the Republic of Azerbaijan “On Reproductive Health”;

The Law of the Republic of Azerbaijan “On Arranging Leisure Time of Children”;

The Law of the Republic of Azerbaijan “On Provision of Social Rights of Children”;

The Law of the Republic of Azerbaijan “On Prevention of all Types of Discrimination against Children”;

The Law of the Republic of Azerbaijan “On Compensation of Financial and (or) Psychological Damage Inflicted on Children”;

The Law of the Republic of Azerbaijan “On Procedure of Identification of Talented Children”;

The Law of the Republic of Azerbaijan “On Regulating the Participation of Children in Cultural Events”;

The Law of the Republic of Azerbaijan “On Provision of Children’s Rights to Property”;

Measures recommended to relevant executive power bodies:

To develop state program on children’s rights with the view of conducting coordinated, efficient and qualitative work in order to take measures towards protection of the rights of people from different categories enlisted in Section III of National Action Plan;

Similar to the adoption of the Declaration “World Fit for Children” by the UN General Assembly and the Declaration “Europe fit for Children” by the Council of Europe and development of special strategy on children’s rights at the European Union, to adopt long-term Strategic Program “Azerbaijan fit for Children”;

Taking into account large number of cases concerning payment of alimony imposed by a court decision for child support, to create and apply the mechanism of payment of alimony by the State Social Protection Fund (or “Alimony Fund” created at the concerned state body and financed by state) which should be paid based on court resolution decision by defendant to claimant, provided that later on the alimony is recovered by the State from debtor in a mandatory manner;

Similar to education sector, to adopt “Program on Encouraging Medical Personnel in Employment at Medical Facilities in Rural Areas” in health sector;

To carry out discussions with state bodies and non-governmental institutions on recommendations concerning next state report of the Republic of Azerbaijan on the Convention on the Rights of the Child and to take measures on elimination of mentioned shortcomings and implementation of recommendations;

Taking into account the Convention on the Rights of the Child and its complementary protocol to held international conference on the theme “Children in War and Armed Conflicts”;

To held conversations with state bodies and public institutions on implementation of the “Child Friendly Cities” project which is highly appreciated worldwide;

In order to ensure pro-active involvement of citizens in donor campaign, to establish the “National Donor’s Day” and held blood giving campaign for blood bank;

According to the last recommendation of the UN Committee on the Rights of the Child, to create DevInfo database in order to establish a system on collection of comprehensive statistical information on children;

To incorporate special education program on juvenal justice administration within Baku State University, Nakhchivan State University and special curriculums within training centers of the Ministry of Justice, Police Academy of the Ministry of Internal Affairs and other higher educational institutions;

To establish a special commission at the concerned executive body on the development of juvenile justice system in Azerbaijan with the participation of all concerned state bodies, national and international institutions;

Considering the problem of children in conflict with law as a priority issue, to develop the “State Program on Fair Trial of Adolescents (Juvenile Justice”) which stipulates taking preventive measures through involvement of concerned bodies, ensuring the application of alternative methods of upbringing, rehabilitation measures and preventive work while children are in the Correctional Institution, in order to ensure his/her reintegration into society

following discharge from institution, ensuring right to personal life for the children in the Correctional Institutions (personal clothes, shelf, stuff etc.), ensuring their education, training of specialized judicial personnel and advocates, the formation of mediation institute and other important measures pertaining to this field;

Aiming at increasing the efficiency of the process of correction and upbringing at children Correctional Institution, to establish and expand the cooperation of the institution with family and public;

To strengthen control over quality of products and qualitative preparation of meal within children Correctional Institution;

To take necessary steps towards further improvement of vocational education and vocational preparedness within children Correctional Institution;

To accompany persons discharged from the Correctional Institution to the place of residence, to provide them with employment and housing, to address conscription related problems, to patronize children who lost their parents and were deprived of parental care, and to render assistance for children within the period of release;

To held discussions of educative nature, take preventive measures within educational institutions, and special schools for children with behavioral disorders in order to combat the cases of delinquency;

Aiming at arranging and strengthening social protection of orphans and children deprived of parental care and ensuring gradual solution of the problem, to establish Social Rehabilitation Centers with the capacity of provision of social assistance to children and ensuring their return to families, Crisis Centers for children exposed to violence, Asylums for Children and Adolescents, Aid Centers for the Children Deprived of Parental Care, to create the network of entities and services under state social protection bodies, to transfer children from State Training-Fostering Institutions to families for the purpose of ensuring their sustainable development in family environment and integration into society, to create and apply the mechanism on the provision of alternative care and to increase,

according to need, the amount of financial means to be allocated from state budget for taking measures stipulated in relevant programs for the implementation of mentioned work;

To create special Juvenile Police Agency within the Ministry of Internal Affairs consisting of children inspectors and establish child room within every district police department and ensure separate entrance to these rooms;

To create special centers within the Ministry of Internal Affairs for the issuance of identification cards for the children with unknown parents;

To explore international experience on the interrogation of children-victims of sexual violence and to apply it within the country in child-friendly manner taking into account local peculiarities;

To prevent the disclosure of personal information on minor offenders and adolescents exposed to violence without having their (if she/he has reached the age of 14) or their legal assignee's permission;

To ensure that the broadcasting of news and TV spots promoting cruelty at time other than specially assigned for this purpose are accompanied with "Prohibited for the view of children" and other warning signs;

To develop regular programs on different child-related subjects on TV channels;

To allocate monthly children's rights hours at TV channels;

In order to ensure the rights of persons with disabilities and create conditions for their free movement, to construct ramps within cities and districts;

To review the legal status of Guardianship and Trusteeship Institutions and to ensure their transformation into independent state bodies;

To create database on children given from state institutions to biological and alternative families;

To explore intra-family environment, financial position, living condition, psychological status of family and child before the transfer of

child from institution to family and to give child to family only if favorable conditions for his/her upbringing and development is ensured;

In order to exercise control over condition of children given to families and prevent their evasion of school, to send the list of children given to families by districts to the Commissions of Affairs of Adolescents and Protection of Their Rights at the executive power body of that district, to receive information on their conditions on regular basis until they reach the age of maturity and take measures on covering their needs;

To increase the amount of monthly allowance (25 AZN) paid to guardians (trustees) of orphans and children deprived of parental care to the level enabling to cover basic needs;

To spread the knowledge on reproductive health;

To advocate healthy lifestyle;

To raise public awareness campaigns on feeding of children with breast-milk, iodized salt, and micro-supplements;

To fully cover the need of children with diabetes in Lantus medicine;

To increase food expenditure provided to kindergartens, boarding schools and children homes;

To increase furthermore the amount of allowances allocated for the children of conscripts, martyrs, disabled servicemen, persons who became disabled during January 20 events, persons with I and II groups of disability of Chernobyl disaster, and of deceased persons;

To increase the amount of allowances allocated to the parents and other legal assignees of children attracted to special education for the transportation of children to and from educational institutions, health and rehabilitation centers and medical facilities;

To assign at least 2 workers instead of one for every 20 children with disabilities within boarding schools, and restore 40% of privileges for them;

To establish health units within the schools and supply them with necessary medicines and equipment;

To prepare and teach relevant modules (programs) in order to include the subject of “Child rights” at every pillar of three-pillar hierarchic children’s rights educational system (I-IV, V-VIII, IX-XI grades respectively) at general educational schools in the field of education of human rights;

Since “The Program on Education of Children in Need of Special Care (with disabilities)” is nearing to completion this year, to prepare the similar program for the next years;

Since “The program on pedagogical staff acquisition for the network of general educational schools of the Republic of Azerbaijan for the years of 2005-2009” of the Cabinet of Ministers is nearing to completion this year, to prepare the similar program for the next years;

To replace hobby groups by human rights groups at schools;

To place more emphasis on self-management within the schools, to ensure election-based school management, to empower pedagogical staff, students and their parents to influence school management process;

To elect Ombudsman’s Ambassador at each school;

To create and improve the work of Children’s Parliament at all schools;

To held public hearings within the country under the motto “Let us hear children”;

By taking into account the age of schoolchildren, to print the Convention on the Rights of the Child in the form of booklets and distribute among all schools;

To further improve the operation of parents and students committees functioning within the schools;

In order to identify children of school age dropping out of the school, to carry out survey and by addressing the problems of those children to enroll them to education in a new academic year;

For increasing the efficiency of primary military preparedness disciplines in the schools to supply them with visual aids;

To improve conditions of children libraries and advocate them;

To take measures (competitions, exhibitions etc.) on the identification of talented children;

To adopt “State Program on the Improvement of Financial-technical basis of out-of-school facilities;

To enable children to benefit from Olympic complexes free of charge and create hobby groups for children and youth;

To harmonize sport halls in the schools with up-to date standards and supply them with modern equipment;

To construct sports-grounds for children;

To organize summer and winter camps;

To improve the activity of vocational schools;

To include children with physical and mental disabilities in inclusive education and provide necessary physical means;

To create children-related sections at web-site of state bodies;

To create web portal in the Azerbaijani language reflecting all valuable information for children;

To create and support NGOs dealing with women and children’s affairs at every district;

To broadcast social breaks (advertising) on children’s rights at TV channels and on screens sited on the streets, and to site banners, posters and other promotion materials in cities and districts of the country;

In order to instill the sense of patriotism in children to held country-scale military competition on June 26, the Day of Armed Forces of the Republic of Azerbaijan;

Every year on November 20, to initiate competition “What did we do for the best interests of children?” among different institutions (state bodies, NGOs and international organizations);

To held “The Month of Children’s Rights” on different topics under the motto “Azerbaijan fit for children”;

Recommendations to Judicial Authorities:

To create special juvenile prosecutor office at the General Prosecutor Office in order to deal with the criminal cases of minors;

In accordance with the recommendations of the UN Committee on the Rights of the Child to establish juvenile court system composed of trained professionals;

Recommendations to mass media and NGOs:

To broadcast social breaks and advertising on the advocacy of children's rights on TV channels;

To carry out measures on raising public awareness on De-Institutionalization program.

In spite of the measures taken in the country in the field of children's rights protection and promotion, problems still exist and proactive participation and cooperation of state bodies with local and international non-governmental institutions is obligatory for development and implementation of integral strategy on children's rights.

The main objective of all these measures is to ensure more reliable protection of rights and interests of children. The implementation of recommended measures will serve to the realization of this objective and building of Azerbaijan fit for children.