**Information by the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan regarding the call for input of OHCHR report on the theme “The rights of the child and family reunification”**

1. ***What are the main human rights concerns affecting children separated from their families, and the priorities to strengthen global and national frameworks for the prevention of family separation?***

Under the “Law of Azerbaijan on Social Protection of Orphans and Children Deprived of Parental Care” children deprived of parental care refer to those whose both parents: are unknown; deprived of parental rights or restricted parental rights; unaccounted for missing, incapable (restricted), declared dead; serving a sentence in a penitentiary institution; who refuses to bring up their children or to protect their rights and interests; refusing to take their children from children's social service institutions; persons under the age of 18 who are deprived of parental care in other cases in accordance with the law.

Our Government takes decisions at the national level in the field of education, health care, labor rights, property and housing for children who lost their parents or are deprived of parental care. For example, children, who have lost their parents or are deprived of parental care, are provided with school supplies at the expense of the educational institution during their education in state higher, secondary and vocational education institutions. Benefits are assigned as well. When these children graduate from those educational institutions, they are provided with seasonal clothes and shoes at the expense of the cost estimate of the relevant educational institution. Furthermore, they are provided with one time monetary support in cash. In addition, children deprived of parental care, who are graduates of the state institutions are provided with housing in the "Graduate House" social institution.

Generally, the main challenges faced by children separated from their families are issues such as special housing, education, health, access to social services and rehabilitation.

1. ***A) How can the right to family life be uphold for children in cross-border situations, particularly migrant children who are separated from their families (taking into consideration Article 10 of the Convention on the Rights of the Child)***

***B) How can the best interests of children separated from their families in cross-border situations, in particular migrant children, be more effectively upheld without discrimination?***

A) The sub-item 5.5.4 of the “Action Plan for 2020-2025 on the Implementation of the Strategy for Children” approved by the Presidential Order No. 2306, of Azerbaijan dated November 27, 2020, it is considered to establish a single Database- Unified Migration Information System for foreigners and stateless persons under the age of 18 who came to the country unaccompanied or left unaccompanied upon arrival and to include the information on such persons into that Database on a regular basis.

(B)The sub-item 5.3.17 of the “Action Plan” above-mentioned envisages taking measures to ensure that the education, health and social rights of refugee and asylum seeker, as well as foreigners and stateless persons under the age of 18 belonging to other vulnerable groups are protected.

In the frame of the national preventive mechanism (NPM) the visits are conducted by Ombudsman Office to the Immigration Detention Center where irregular migrants and their family members are held. General detention conditions and treatment standards created for detained foreigners, including children staying with their parents are examined. During NPM visits, the detained immigrants are interviewed in a confidential manner to investigate their conditions of detention and to be sure that they are not subjected to any kind of discrimination.

Commissioner cooperates with ombudspersons from different countries in order to ensure the rights of migrant children, including their reunification with their family members.

***3) A) What are the main human rights concerns for children living in conflict, children in detention or whose parents are detained, or children allegedly associated with terrorism or terrorist groups, regarding their rights to be reunited with their families?***

***B) How can the best interest of children separated from their families in these situations be more effectively upheld without discrimination?***

3) A) According to the Article 9 of the Law of Azerbaijan on the Prevention of neglect and juvenile delinquency of minors, juveniles who have not reached the age limit established by the criminal legislation of Azerbaijan shall be sent to an open or closed special educational-correctional facility for criminal prosecution. “According to Article 5.5 of the Model Charter on Open and Closed Special Educational-Correctional Facilities, juveniles have the right to correspond, receive parcels, use phone, and their personal belongings. There are no restrictions on their visits to parents and relatives. The juvenile has the right to attend the funeral of his parents (or legal representatives) in the event of their death, and to visit them if their parents (or legal representatives) are seriously ill. Travel expenses are covered by the correctional facility.

In women penitentiory institutions, women having children under the age of three stay with their kids.

Within the mandate of the NPM, meetings of children with their parents are constantly monitored by the Ombudsman Office. Due to the pandemic, there were some restrictions on live meetings, however online communication was always ensured. During those visits, it was observed that sometimes some children were ignored and neglected by their own parents. In this regard, relevant recommendations were given to the administration of the institution monitored on how to improve the work with parental consulting.

In addition, people seeking for their relatives, nationals of Azerbaijan, detained in Syria, appealed to the Commissioner at various times. According to them, families of their relatives who had fought there in various armed groups, including women and children were being held hostage in the camps.

The Commissioner requested the Cabinet of Ministers of Azerbaijan, as well as other competent state bodies dealing with these issues with regard to the repatriation of those citizens. The Commissioner also discussed with the Head of the ICRC Baku Delegation the current situation of citizens of Azerbaijan holding hostage in Syria and, directions of cooperation for the repatriation of those citizens.

Incidentally, on May 27, 2021, as a result of measures undertaken by the Government of Azerbaijan, 20 Azerbaijani citizens, including 6 women and 14 children, held in the Amerna detention camp in the Syrian city of Jerabus, were repatriated to the country.

The Commissioner cooperates with organizations, ombudspersons from different countries in order to ensure the rights of this group of children, including the right to be reunited with their families.

During appeals of citizens to the Commissioner, the issues of reunification children with their families are ensured by the intervention of the Commissioner.

**B)** The sub-item 5.3.18 of the “Action Plan" mentioned above envisages taking measures to rehabilitate and reintegrate child victims of the conflict abroad, who have returned to and are citizens of Azerbaijan, who have been returned under the readmission agreements to which Azerbaijan is a party, as well as to provide them with legal, social, psychological and pedagogical assistance.

During awareness-raising activities conducted by the Ombudsman Office, issues regarding children deprived of family care are addressed, persons are informed about the rights of children enshrined in the Article 10 of the Convention on the Rights of the Child.