



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations  
GENEVA**

Ref: 0587/12/21/31

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the request of the High Commissioner on the theme “the rights of the child and family reunification”, has the honour to transmit herewith the information provided by the Government of Azerbaijan.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 3 pages



Geneva, 3 November 2021

**Office of the United Nations  
High Commissioner for Human Rights  
GENEVA**

**Information of the State Committee for Family, Women and Children Affairs  
on "Children's rights and reunification of families" of the UN High Commissioner  
for Human Rights**

**1. a. How are the human rights of children separated from their families upheld in your country?**

According to Article 114 of the Family Code, the protection of the rights and interests of children is carried out by the guardianship and custody body when parents died, deprived of parental rights, or their parental rights are restricted and considered incapable for working, when they are ill or not with children for a long time, when they do not bring up children or protect their rights and interests, including the case of refusal to take their children from social service institutions, as well as in other cases in the absence of parental care.

According to Article 7 of the Law on Social Services, the loss of parents or the loss of parental care, the neglect of minors or the socially-at-risk situation are defined as grounds for children living in difficult conditions. The main purpose of the law is to provide social services to people who are in need and live in unfortunate situations. According to Article 18 of the same law, 4 forms of social service are defined: home (mobile) social service, semi-stationary (daytime) social service, stationary social service, and social-advisory assistance services.

According to Article 18 of the Law on the Rights of the Child, a child living separately from both or one of his parents has the right to recognize them, as well as to communicate with his parents, if this does not adversely affect him.

**b. What are the priorities to strengthen global and national frameworks for the prevention of family separation?**

The Republic of Azerbaijan ratified the UN Convention on the Rights of the Child in 1992. In 1998, Azerbaijan adopted the Law on the Rights of the Child, which reflects the provisions of the UN Convention on the Rights of the Child. The "Strategy of the Republic of Azerbaijan for Children 2020-2030" was adopted by the Order of the President dated November 27, 2020. A draft of the Children's Code has been prepared according to Article 5.1.2 of the Action Plan of the Strategy.

A number of vital documents are envisaged to be adopted according to Article 7.4 of the "Azerbaijan 2020: Look into the Future" Concept of Development on Ensuring Gender Equality and Family Development. For this purpose, the State Committee has prepared a draft "Strategy of the Republic of Azerbaijan on Families for 2021-2030".

According to sub-item 5.1.7 of the Action Plan for the implementation of the Strategy for Children for 2020-2025, the State Committee has developed "Rules for the identification of children living in difficult conditions and the implementation of social protection measures in relation to them." This rule identifies children who have lost his/her parent or deprived of parental care, who are neglected or in socially-at-risk situation, who have limited health opportunities, who have been subjected to violence and abuse, who have



no place to live, and who are in a state of social exclusion or deprivation, and covers social protection measures in relation to them.

**2. a. How can the right to family life be upheld for children in cross-border situations, particularly migrant children who are separated from their families (taking into consideration Article 10 of the Convention of the rights of the Child)?**

The sub-item 5.5.4 of the "Action Plan for 2020-2025 on the implementation of the Strategy for Children" approved by the Order of the President of the Republic of Azerbaijan dated November 27, 2020, No. 2306, envisages the establishment of a single database of foreigners and stateless persons under the age of 18 who came to the country unaccompanied or left unaccompanied upon arrival in the Unified Migration Information System and information on such persons shall be entered into this database on a regular basis.

**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?**

Sub-item 5.3.17 of the "Action Plan for 2020-2025 on the Implementation of the Strategy for Children" approved by the Decree of the President of the Republic of Azerbaijan No. 2306 dated November 27, 2020 envisages "Measures to ensure 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".

Regular monitoring of the situation is carried out with the protection of children's rights and improvement of the assessment system.

When information about migrant children is obtained, an investigation is conducted in conjunction with the relevant government agencies to assess the child's living condition in terms of health, upbringing, education and safety. When a child is found to be deprived of parental care, subject to violence or exploitation, he or she is placed in state-run or non-state-run children's institutions.

**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 right to be reunited with their families?**

As a result of the conflict between Armenia and Azerbaijan, that lasted more than 30 years, about 700,000 Azerbaijanis were displaced, among whom are children. The fate of 71 Azerbaijani children missing since 1990s is still unknown. Moreover, 44-day war between Armenia and Azerbaijan in 2020 resulted in casualties among civilian population, in Azerbaijan. 1.8 million people in thirteen districts, including almost half million children were severely affected by the war. In addition more than 100 civilians, including 12 children were killed and more than 50 were injured.



According to Article 30 of the Law on the Rights of the Child, the state provides protection of children living in or affected by military operations, epidemics, natural and environmental disasters, as well as orphans, children from incomplete (single parents), low-income families, and children of martyrs on the basis of special programs. According to Article 37 of this law, the government of Azerbaijan undertakes to ensure the protection of children in the area where it is involved in military conflicts in accordance with international law. Military authorities should use all possible means to evacuate children in combat zones and protect their lives and health. The direct participation of children under the age of 15 in military operations is prohibited.

According to Article 160 of the Code of Criminal Procedure, during an arrest of a parent or breadwinner, or the people who are unaccompanied, neglected or deprived of the means of subsistence, the minors or people who are incapable of work as a result of actions of the prosecuting authority, those people have the right to be protected and the authority must ensure this right at the expense of the state budget of the Republic of Azerbaijan.

The instructions of the prosecuting authority on the organization of temporary placement, supervision and care of disabled persons in the state social protection body or medical institution shall be binding for the guardianship and trusteeship bodies and their officials.

According to sub-item 5.1.5 of the Action Plan for 2020-2025 on the implementation of the Strategy for Children, a draft document was prepared in order to establish mechanisms to ensure equality of children's safe access to education, social and other services in emergencies, pandemics and similar special situations based on international experience.

Sub-item 5.3.18 of the "Action Plan for 2020-2025 on the Implementation of the Strategy for Children" approved by the Order of the President of the Republic of Azerbaijan No. 2306 dated November 27, 2020 states that "Measures will be taken to rehabilitate and reintegrate children victims of the conflict abroad, who have returned to the Republic of Azerbaijan and are citizens of the Republic of Azerbaijan who have been returned under the readmission agreements to which the Republic of Azerbaijan is a party, as well as to provide them with legal, social, psychological and pedagogical assistance".

**b. How can the best interests of children separated from their families in these situations be more effectively upheld without discrimination?**

According to sub-item 5.3.18 of the "Action Plan for 2020-2025 on the implementation of the Strategy for Children" approved by the Order of the President of the Republic of Azerbaijan dated November 27, 2020, regular work is carried out by the State Committee for Family, Women and Children Affairs, and Commission on Juvenile Issues and the Protection of Minor's Rights of the local executive authorities to identify the needs of children in foster families, assess their psycho-social status and provide relevant services.