



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

Ref: 0274/12/21/31

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 letter dated 11 March 2021 by Ms. Mama Fatima Singhateh, Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, has the honour to transmit herewith the replies of the authorities of Azerbaijan to the requested questionnaire.

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.



Geneva, 16 June 2021

Enclosure: 5 pages

Office of the United Nations
High Commissioner for Human Rights
GENEVA

Answers submitted by the Government of the Republic of Azerbaijan due to the report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material.

1. In accordance with the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings, trafficking in human beings is the involvement, acquisition, holding, hiding, transportation, transfer or receiving people for the purpose of exploitation under the threat of the use of force or by force, threats or other coercive means through kidnapping, fraud, false pretences, abuse of ability to influence or vulnerable condition, or by granting or receiving material and other benefits, preferences or privileges to obtain consent of a person who takes care of the potential victim. Facts of involvement, acquisition, holding, hiding, transportation, transfer or receiving in respect of a child for the purpose of exploitation is considered trafficking in human beings even when committed without resorting to the above mentioned methods.

According to Article 144-1.2.3 of the Criminal Code of the Republic of Azerbaijan, trafficking in minor children is punishable by imprisonment for 8-12 years.

Observations have shown that facts including idleness and begging, school avoidance or dropout, domestic violence and early marriage significantly increase the risk to become a victim of trafficking. Thus, 48 of victims identified in 2015-2020 were subject to domestic violence and 46 entered into early marriages.

2. The Republic of Azerbaijan ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Violence in 2019 (Lanzarote Convention).

The "Law of the Republic of Azerbaijan on Protection of Children from Harmful Information" was adopted in 2018. It regulates issues related to ensuring the right of children to access to information, as well as, the circulation of information products intended for children. The purpose of the law is to ensure children's safe access to information and protect them from unhealthy information products that they may encounter in the media and on the Internet. One of the main issues in the law is the age classification of information products and the issuance of qualification certificates to experts in this regard. The State Committee on Family, Women and Children Affairs prepared "Regulation of the Expert Council on the age classification of information products", "Rules for assigning information products to age categories", "Issuance of qualification certificates to experts on age classification of information products, suspension or termination of the certificate, maintenance of register of experts and expert organizations and control over their activities" which were approved by the Decion of the Cabinet of Ministers of the Republic of Azerbaijan dated June 29, 2020.

The "Strategy of the Republic of Azerbaijan on Children for 2020-2030" was approved by the presidential order dated June 2, 2020. The aim of the strategy is to fully bring the country's child protection system in line with the Constitution of the Republic of Azerbaijan and the principles of the UN Convention on the Rights of the Child, to create equal opportunities for all children in the Republic of Azerbaijan, to protect their interests, providing them with social support services with modern standards. The strategy emphasizes the provision of quality education and medical services that meet high standards, comprehensive care, creating the necessary conditions for children to grow up in a high moral and social environment. The "Action Plan for the implementation of the Strategy for Children for 2020-2025" strengthens the child protection

system at the local level, implements measures to improve and expand the child protection mechanism in the country and the principles of a comprehensive approach to the protection of children's rights, ensure equal access to safe services for children in special situations, identify of vulnerable, neglected children, implement measures for their integration into society, as well as the development alternative care services and many other important issues.

3. Relationship involving gender dimension are regulated by the Law of the Republic of Azerbaijan on Gender (Men and Women) Equality. In accordance with this Law, all forms of gender discrimination are prohibited.

The system of measures to prevent trafficking in human beings (trafficking in children) according to the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings includes researches on gender dimensions and strengthening the legal and social protection of women and children; creation of a system of social, legal, educational and other measures to identify and eradicate causes and circumstances conducive to child homelessness and neglect and effective use of these measures; taking steps to identify children avoiding education and provide them with care and education; preparation and implementation of special programs in educational institutions, child care homes, board schools and other authorities and offices carrying out the prevention of homelessness and delinquency among minors.

It is worth to mention that at the present time special monitoring groups on gender based violence and violence against children exists under the executive power in each region of the country to increase coordination of gender based violence prevention and response efforts among different state institutions. To improve collection, analysis and use of data on domestic violence, the Government of Azerbaijan has already established the country-wide on-line database on domestic violence in 2017.

The short number **116-111** of the Children Hotline became available in 2019 which has been operating for more than 10 years with the support Hopeful Future Social Initiatives Public Union and Azercell. The "Children Hotline" service provided assistance to 6,657 children in 2020 by working in an intensified mode during the global health crisis announced in connection with the outbreak of coronavirus pandemic (COVID-19).

The new **146-3** "Hotline" service of the Ministry of Education has been launched in 2020. Due to the announcement of a quarantine regime in connection with the new coronavirus (COVID-19) infection in our country, students who remain at home, as well as all citizens can contact the hotline if they need moral and psychological support. Every contact is provided by school psychologists with telephone counseling and necessary support.

4. The Law on Gender Equality was adopted in 2006 to ensure gender equality by elimination of all forms of discrimination on sex, creation to men and women of equal opportunities in political, economic, social, cultural and other spheres of public life. The Government of Azerbaijan actively undertakes measures to distribute opportunities equitably and to support the equal and balanced participation of women and men in public and social life. That is why all the legislation goes through gender expertise to monitor national legislation and other normative acts with the aim of determining their compatibility with gender legislation.

It should be underlined that Identification and protection of human (child) trafficking victims as well as investigative activities and criminal prosecution for trafficking crimes are carried out by the Main Department for Combating Trafficking in Human Beings of the Ministry of Internal Affairs. At the same time, in accordance with the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan (2020-2024), 32 state bodies, local executive authorities, specialized non-governmental organizations, higher education institutions and commissions for juvenile affairs and protection of rights have been engaged in the activities to prevent and eradicate all forms of trafficking in human beings including trafficking in children.

5. Involvement of younger boys for the purpose of sexual exploitation is not typical for Azerbaijan. Seven of 25 minor victims identified in the period between 2005 and 2020 were subjected to sexual exploitation and there were no young boys among them.

Nevertheless a series of awareness-raising activities have been carried out in accordance with the 13.4.1 Article of the Presidential Order of the Republic of Azerbaijan dated July 24, 2014 on approving the National Action Plan on Combating Trafficking in Human Beings (2014-2018) for studying socio-psychological aspects of human trafficking in the regions and identifying the causes of this condition. An educational television Program on prevention of the trafficking in women was released on ARB TV. Booklets on "Trafficking in women" were distributed at the border and customs checkpoints of the country by the State Committee for Family, Women and Children Affairs jointly with the State Customs Committee and the State Border Service for the implementation of the 13.9.2 Article of National Action Plan on Combating Trafficking in Human Beings (2014-2018). The State Committee for Family, Women and Children Affairs has developed special PSAs on combating human trafficking, including "Let's learn about our rights and teach our rights" which is regularly demonstrated in public places and on television.

6. The laws and regulations were passed in the Republic of Azerbaijan to ensure effective protection of children's rights including the following: the Act on the Rights of the Child in 1998, the Act on Social Protection of Orphans and Children Deprived of Parental Care in 1999; the Act on Approval of the Regulations on commissions for juvenile affairs and protection of rights in 2002; the Act on Nutrition of Infants and Young Children in 2003; the Act on Prevention of Child Neglect and Juvenile Delinquency in 2005; the Act on Protection of Children from Harmful Information in 2018.

In addition, the Republic of Azerbaijan ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol on the Involvement of Children in Armed Conflict to the UN Convention on the Rights of the Child in 2002; the Convention on the Rights of Persons with Disabilities in 2008; and became a party to the ILO Convention No.138 concerning Minimum Age for Admission to Employment in 1993 and ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2004; the European Convention on the Legal Status of Children Born out of Wedlock in 2000; the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2004; the EU Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2019, and other international instruments.

In addition, the Strategy of the Republic of Azerbaijan on Children for 2020-2030 approved by Order of the President of the Republic of Azerbaijan dated June 2, 2020 provides for the creation

of effective mechanisms to protect children, state support for their development in the period of early childhood, protection of children in difficult life situation, children care and education in a healthy environment, carrying out activities to develop the system of monitoring and assessment of measures taken with respect to children.

The mechanisms to identify child victims of trafficking in human beings, including a “model identification survey”, have been reflected in Resolution No131 dated September 03, 2009 of the Cabinet of Ministers of the Republic of Azerbaijan on approval of the Rules (Indicators) for Identification of Victims of Human Trafficking.

The “Rules for the accommodation of child victims of trafficking in human beings in the shelter” and the “Program of social rehabilitation and reintegration into society of child victims of trafficking in human beings” have been approved by the resolutions of the Cabinet of Ministers dated November 19, 2009 and February 6, 2014 to reduce vulnerability of children to trafficking in human beings.

Children without parents, or whose parents do not or cannot protect them, are acknowledged to be at heightened risk of abuse and exploitation. Unfortunately, there are always people who are ready to take advantage of their inexperience, lack of skills. To address these questions, the government established “**House of graduates**” for the orphanage graduates deprived of parental care under the State Social Security Service of the Ministry of Labor and Social Protection in 2015, “**Social Shelter and Rehabilitation Institution** for neglected, orphaned and socially vulnerable minors” in 2017 and “Social Shelter for homeless people over 18 years of age”.

7. The National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan (2020-2024) provides for the following measures to improve protection and support to child victims as well as alleged or potential child victims of trafficking in human beings:

- formulation of proposals on the improvement of trafficking victims (especially children) identification indicators as well as methodic tools for the organization of investigative and search activities in combating trafficking in human beings, and strengthening legal and social protection of women, children and other groups of population vulnerable to trafficking in human beings in order to reduce the risk of being trafficked;
- scientific and social research related to the specifics of the problem of trafficking in human beings in the Republic of Azerbaijan, efforts made to combat trafficking in human beings and forced labor, children vulnerability to trafficking in human beings and other issues, as well as ensuring state support in this area;
- taking measures to prevent circulation of child pornography in the Internet content, as well as cases of online distribution of children sexual exploitation, limiting access to such content in the republic in accordance with the legislation;
- carrying on activities to identify trafficking and forced labor victims in the republic, including children, foreign citizens or stateless persons; apply the sanctions to individuals, officials and legal entities allowing the facts of exploitation of people;
- carrying out special work with children involved in begging, reinforcing the fight against cases of the involvement of infants in beggary by other persons and against the organization of such activities; special interviews with parents of such children (or individuals replacing them); taking measures against their parents (or individuals replacing them);

- strengthening efforts to prevent child marriage;
- strengthening control over the facts of childbirths outside medical facilities and detection of child marriages based on such facts;
- formation of the institute of social work with minors, especially children with disabilities on the basis of the best international practice, improvement of the legislation taking into account the specifics of this work;
- expansion of educational opportunities for child victims, alleged child victims and potential child victims of trafficking in human beings;
- aid and social and consulting assistance related to the provision of social-legal and social-psychological services and employment services to leavers of state children's institutions in order to reduce the risk of being trafficked;
- carrying on monitoring of cases of education avoidance and child neglect as well as carrying out individual preventive work with out-of-school children and children at high social risk;
- monitoring of adopted children, children under guardianship or custody in their families;
- Issue of identity documents to children who lacked personal identification documents;
- development of general standards for employees of law enforcement agencies and other state authorities involved in combating trafficking in human beings to communicate with child victims or alleged child victims of trafficking in human beings as well as development of procedures to transfer relevant cases and child victims to competent authorities;
- introduction of the subjects related to trafficking victims rights protection, compelling to provide various services and other forms of exploitation of people, gender specifics of trafficking in human beings, aspects typical for children, and involvement of children in sexual exploitation and abuse via the Internet in training programs on combating trafficking in human beings;
- Training on identification and protection of child victims, alleged child victims or potential child victims of trafficking in human beings and preparation of instruction booklets;
- carrying out awareness raising activities for entrepreneurs and employers to prevent exploitation of child labor.

8. No additional information available.

9. Drug trafficking, lack of education, vagrancy and beggary as well as other external environment factors are the aspects that may increase the magnitude of trafficking in human beings (children).

Negative influence of such factors as war, various forms of migration and COVID-19 has not been reported in our country.