



T-ES(2014)GEN-AZ

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

AZERBAIJAN

Replies registered by the Secretariat on 6 February 2014

Question 1: Definition of “Child”

a) The Article 1 of the Law on the Rights of the Child of Azerbaijan Republic provides that 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. So, in our national legislation a child is defined a person under the age of 18. According to the Convention on the Rights of the Child acceded by the Republic of Azerbaijan in 1992, every person under the age of 18 shall be considered a child. The Article 151 of the Constitution of the Republic of Azerbaijan provides that if discrepancy emerges between national legislative acts and international treaties which the State is a party, international treaties will prevail.

b) In the event that the age of a crime victim is unknown and there is a likelihood that the injured person is a child, his/her protection will be carried out based on the statutory enactments of the legislation of the country relating to children and within the rules of practice of judicial agencies. At the same time the child's parents, legal representatives or other individuals and legal entities provided for by law have the commitment to discharge these duties. In any case rights and interests of children under 14 are ensured and protected by their legal representatives and other persons authorized by law. Children of 14 and over may apply to court for protection of their rights and children over 16, who has already obtained citizenship authorities, may apply to all power structures including the internal affairs.

c) According to the Article 152 of Criminal Code of the Republic of Azerbaijan, adults having sexual activity with person below age of 16 are deprived from liberty till 3 years. It should be noted that as a result of amendments made to the Criminal Code in 2011, wording of “limitation of liberty” was excluded from this Code.

Thus, according to the classification given by Article 308 of the Administrative Offences Code of the Republic of Azerbaijan, women over 16 but under the age of 18 may be held criminally liable for prostitution and fine sanctions. Collection and classification of the database relating to the above mentioned age category is provided by the relevant directorate of the Ministry of Internal Affairs according to reporting and current periods.

The State Committee on Family, Woman & Children Affairs of Azerbaijan Republic has given recommendation on making changes and amendments to the Family Code on increasing the age of marriage for females and males to 18. It should be noted that, as a result of amendments made to the Family Code on 15 November, 2011, age of marriage for women was increased to 18.

Question 2: Non-discrimination

Yes, the implementation of the provisions of this Convention, in particular the enjoyment of measures to protect the rights of victims, is secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status.

- According to Article 25 of the Constitution, equal rights of all citizens and stateless persons residing in the territory of the Republic of Azerbaijan are secured by the state and any discriminatory actions are prohibited by the legislation.

Question 3: Overview of the implementation

a) National Action Plan on Human Rights that was approved by the Decree of the President of the Republic of Azerbaijan of December 28, 2006, 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.

National Program for Action approved by the Decree of the country President of 27 December 2011, #1938 to raise effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan enshrines specific provisions regarding sexual exploitation and abuse against children. Provision 1.2.5 of the Plan provides elaboration of proposals to ensure the compatibility of the legislation with international legal standards in order to prevent the sexual exploitation of children. Basic legislation to protect children from sexual exploitation and sexual abuse are the laws "Children's rights", "Against Human Trafficking" and Criminal Code.

b) In order to protect children from sexual exploitation and sexual abuse by Order № 133 of the President of Azerbaijan Republic dated February 6, 2009 was confirmed the "***National Action Plan on Combating Trafficking in Human Beings in the Republic of Azerbaijan***" (2009-2013 years). Ministry of Internal Affairs of the ***Republic of Azerbaijan*** is responsible for the implementation of the National Action Plan.

Question 4: Child participation

Two Forums of Azerbaijani Children have been held for this purpose by the State Committee for Family, Women and Children Affairs. About one thousand children were participated in the I Forum of Azerbaijani Children in 2009 and the II Forum of Azerbaijani Children in 2011.

The State Committee for Family, Women and Children Affairs has provided organizational support to found the "Future of Azerbaijan" Child and Youth Organization for ensuring ability of children to express themselves independently, increasing of knowledge in management field and leading discussions for the members of organization as well as trainings on various topics (such as development of leadership skills of children, internet security, organizing of leisure time etc.) were held by experts. These issues are implemented within the following state programs and documents:

- "State Program on poverty reduction and sustainable development in 2008-2015";
- "State Program on Azerbaijani youth (2011-2015)";
- "State Program on Employment Strategy of the Republic of Azerbaijan for 2011-2015";

There is Ombudsman child rights resource Centre - Azerbaijan Child and Youth Peace Network that acts as advisory capacity to the Commissioner. Leadership school under this network that has been functioning regularly more than 10 years has done profound work on child rights protection and promotion. Young people of the organization acted in their schools as Ambassadors of Ombudsman. Members of the network closely participate in conferences, events, round-table discussions related to children, surveys conducted to learn their views. They participated in sessions on anniversary of the Convention on the Rights of the Child, on violence against children, on Juvenile Justice held at the Parliament.

They regularly participate in the international conferences.

Members of the network participated in preparation of the first specialized report of Ombudsman on child rights, dozens of proposals of children were taken into consideration in the report. They made many visits to regions, child institutions, and children in conflict with the law, children from refugee and IDP families and other children in need of special care.

Commissioner ensured participation of children in conflict with the law during preparation of “Council of Europe Guideline on Child-friendly justice”. In order to learn children’s view, conducted surveys on child-friendly justice among children in conflict with the law in all correctional institutions. All questionnaires were translated and sent to the Council of Europe; views of children were taken into consideration by the Cabinet of Ministries of Council of Europe during preparation of the Guideline. Questionnaire also contains questions regarding treatment towards children.

b) In accordance with Article 14-1 of the Law "On Combating Trafficking in Human Beings" victims of trafficking is given 30 days to make deliberate decisions about the status of rehabilitation of victims, cooperation with the authorities to prosecute offenders and to avoid the influence of offenders. Under Article 15 of this Law in the implementation of social rehabilitation of victims of trafficking are taken into account needs, age, education, care needs and needed place of residence of victims of trafficking, especially children.

Question 5: Specialised bodies/mechanisms

a) State Committee on Family, Woman & Children Affairs of Azerbaijan Republic has been established in 2006. The State Committee for Family, Women and Children’s Issues (here after – the Committee) is a central executive power body implementing and regulating the state policy on family, women and children’s issues. There are 11 regional children and family support centers acting under the Committee. The Committee has the following rights to fulfil its duties:

- Give proposals on main directions of the state policy in the appropriate field;
- Establish a unique information system in the appropriate field within its competence;
- Organize systematic work with women and men in compliance with gender principles;
- Participate in implementation of state programs on millennium development goals, poverty reduction, and employment strategy within its competence;
- Implement “healthy mother”, “healthy child” principles, to provide study of juridical knowledge on the direction of children’s rights protection;
- Carry out supervision under the implementation of state woman policy, giving children from child institutions for foster-care, protection of their rights and legal interests, and social protection as well by departments within the Committee’s structure, to receive information on the way appropriate state bodies fulfil their duties in these directions;

Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan has been functioning since 2002 as an independent institution that is in charge of promoting and protecting human rights, including child rights. There are 4 regional centers of the Commissioner which are situated in Ganja, Guba, Jalilabad and Shaki. According to the Article 1.1 of the Constitutional Law of the Commissioner for Human Rights, the Commissioner is set up to restore the human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties to which the Republic of Azerbaijan is a party as well as violated by governmental and municipal bodies and officials of the Republic of Azerbaijan and to prevent violation of human rights in cases envisaged by the given Constitutional Law.

b) Measures of protection of children against sexual abuse and sexual violence in the territory of the Republic of Azerbaijan are provided in all cases on the basis of the national laws and criminal legislation, and guilty persons are brought to trial. Prevention of such cases, public awareness and education efforts, varied aid to aggrieved persons as well as inter-departmental relations and cooperation with non-governmental organizations in prevention of this type of offences are carried out in accordance with the National Action Plan and National Program adopted in the field of human rights and freedoms protection.

Question 6: National or local coordination, cooperation and partnerships

State Committee for Family, Women and Children Affairs coordinates the issues related to children with Ministry of Education, Ministry of Health, Ministry of Labor and Social Protection of Population, Ministry of Justice, Ministry of Internal Affairs, Prosecutor's Office and other central and local power bodies on child issues and on preventing and combating sexual exploitation and sexual abuse of children.

According to the Decree of the President of the Republic of Azerbaijan on Approval of the National Program for Action to raise effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan of 27 December 2011, #1938, it is decided to recommend the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan to lead the activity of the working Group on coordination of the implementation of the National Program for Action. Different awareness-raising, promotional events on child rights are conducted in cooperation with relevant state bodies and NGOs. Joint monitoring of child institutions is regularly conducted with relevant state bodies and with Azerbaijan NGO Alliance for Children's Rights.

Question 7: International cooperation

Cooperation with UNHCHR, UN Treaty Bodies, including UN Committee on the Rights of the Child, Council of Europe, European Union, UNICEF, ENOC and other international organizations have been conducted on behalf of Government bodies.

The National Parliament hold the Conference dedicated the launch of the "One in five company" with the Corporation Council of Europe on sexual violence against children in June 2013.

Question 8: Education, awareness-raising and training

a) Based on the life skills education which is currently being taught at schools in primary and secondary textbooks there is information about sexual exploitation and sexual activity and the topics about self-defence. Among the staffs who work in the judiciary, law enforcement, education, health, social sphere who are regularly in contact with children to improve information about the rights of children in the program of teacher training was amended topics about protection of the rights of children and the identification of children victims of violence.

Awareness raising programs have been conducted on behalf of Children & Family Support Centers acting under the State Committee on the risks of sexual exploitation and sexual abuse of the children in different regions of the Country.

b) In accordance with the National Action Plan to Combat Trafficking in Persons approved by the Order of the President of the Republic of Azerbaijan dated 6 May 2004, a working group for combating trafficking in persons consisted of representatives of the Ministry of Internal Affairs, the General Prosecutor Office, Ministries of Justice, National Security, Foreign Affairs, Labour and Social Security, Health, Youth and Sport, Culture and Tourism, Education, State Border Service, State Customs Committee and State Committee for Family, Women and Children Affairs and representatives of Ombudsman's Office was formed for the purpose of joint engagement of government institutions in the field of prevention of trafficking in persons and forced labour in the country, and an Inter-departmental Commission providing the mechanism of coordination among the relevant government institutions was formed on the basis of an Order of the Cabinet dated 17 August 2009 for the purpose of the National Referral Mechanism for victims of trafficking in accordance with the 2nd National Action Plan approved by the Decree of the President on 6 February 2009. Activity of the Commission covers protection of rights and freedoms of the victims of trafficking in persons and forced labour, ensuring their security, rendering them necessary aid, as well as social rehabilitation and reintegration processes.

The capacity building trainings and practical seminars regularly conducted for the staff of the children and family support centers, school psychologists, teachers, sport trainers, institution staff, social workers, doctors and parents.

The adoption of the Law of the Republic of Azerbaijan "on Preventing Domestic Violence" dated 22 June 2010 has considerable importance in protecting children against violence used on the ground of the family relationship.

Every year on the eve of adoption of UN Convention on the Rights of the Child, from October 20 to November 20, it is declares Child Rights Month-long Campaign and during the campaign appropriate Government bodies and its Regional Centres, concerned central and local executive power bodies, NGOs, child organizations carried out different events such as seminars, round-table discussions, art and essay competitions, and awareness-raising events on children's rights in secondary schools and child institutions. During the campaign promotional posters are placed on the streets with the support of Baku City Executive Power Body, activities are highlighted in TV channels.

In order to support European Campaign Stop Sexual violence against children! That launched in 2010, the seminar was organized for children and parents in cooperation with the Scientific-Research Obstetrics and Gynaecology Institute of the Ministry of Health. During the seminar discussions were held on violence against children, early marriage, reproductive health, fighting HIV/AIDS and other topics. Moreover, this campaign was lobbying in all events organized within the framework of Child Rights Month-long Campaign.

c) In accordance with the provisions of articles 130 and 131 of the Criminal Code in Correctional institutions for the rehabilitation and training of prisoners to independent living, to encourage them to law-abiding, the formation of an honest relationship with labour and education, raise their cultural level of the educational process are carried out in the medium-educational, vocational or industrial institutions. In correctional institutions for the prisoners with disabilities special education is organized in accordance with the law. In accordance with Article 131 of the Criminal Code, to assist the school administration in the organization of the educational process, strengthening the material-technical base of prisoners on social protection, as well as the conditions of life for released without punishment, with the participation of government officials, public associations, and individuals created the Board of Trustees. Organization and Functioning of the Board of Trustees is governed by regulations approved by the Cabinet of Ministers of the Republic of Azerbaijan. To improve the efficiency and effectiveness of education and training of prisoners in correctional institutions with the assistance of their parents or

other relatives can be created parent committees. The activity of Parent committees is regulated by legislative acts approved by the Ministry of Justice of the Republic of Azerbaijan.

e) By the Law 408-IVQD of the Republic of Azerbaijan dated June 29th, 2012 Article 171-1 has been added to the Criminal Code. According to this article spreading of child pornography, advertising, selling, transferring, offering, creating conditions for acquisition of it, or to advertise, distribute or manufacture, acquisition or keeping implies a fine of eight to ten thousand manat, or imprisonment for a term of five years. For the purposes of Article 171-1 of the Code, "child pornography" means minors or those who give the impression of minors, participated in real or simulated sexual acts, or any property or materials containing sexual organs of minors for sexual purposes, participating in sexual acts, including the detection of realistic images containing minors.

Question 9: Recruitment and Screening

a) Necessary conditions for professions requiring direct contact with children, including the owners of these professions must be verified by the innocence of sexual exploitation and violence against children, by sending a request to the relevant authorities, and only then assign to relevant job. Correctional Institutes officers also should pass through this procedure.

In Criminal Law for committing crimes against person's sexual inviolability and sexual freedom implies imprisonment for a term of fifteen years. At the same time, a person serving a sentence in prison committed in rape and sexual offenses against minors was sentenced to life imprisonment for the murdering.

Question 10: Preventive intervention programmers or measures

a) About 200 begging parents who used their children for beggary according to the subjective interests and 462 children were identified, 131 of those parents were notified according to Article 307-1.1 (beggary) and 51 (failure of parents or other persons substituting them to provide children with proper upbringing and education) of the Code of Administrative Offences, 4 of them were arrested under administrative procedure and with others preventive talks were conducted. 86 materials were sent to local structures of the State Labour Inspection and other relevant institutions concerning the facts of illegal employment and illegal involvement of children in the work without appropriate labour contracts.

Prevention of homelessness and beggary among children is carried out according to appropriate orders and instructions of the police as well as special guidances prepared for this purpose (2003-8, 2007-76, 2009-61.

In accordance with the National Action Plan to Combat Trafficking in Persons in the Republic of Azerbaijan (2009-2013) the Government Program aimed at Elimination of Social Problems Conducing to Trafficking in Persons was developed and adopted by the Decision of the Cabinet of Ministers of the Azerbaijan Republic on 20 May 2011. This Program provides for prevention of forced labour, carrying out of joint monitoring for detection of its victims or potential victims by the relevant authorities including the Ministries of Internal Affairs, Labour and Social Security of the Population, Education, Health, Communication and Information Technologies, Justice, the State Committee for Family, Women and Children Affairs and the State Migration Service, provision of the victims with an access to aid, improvement of the procedure of adoption, protection of children against any information which could have negative influence on their morality and development, rendering of

necessary assistance to children and minors who are under the influence of negative environment, as well as provision of social services, and measures in this direction are taken.

According to the Article 1.2 of the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Commissioner fulfils the functions of National Preventive Mechanism (NPM) in accordance with the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. For this purpose, Commissioner and her staff members and joint monitoring and evaluation delegation with the participation of the members State Committee on Family, Woman and Children Affairs regularly visit to the institutions being in the jurisdiction of NPM, including child institutions, conduct monitoring in order to prevent acts of violence, take relevant measures while reveal shortcomings or any violation of rights.

Question 11: Participation of the private sector, the media and civil society

a) Regular raids to entertainment and resort centres, bars and night club are held in order to prevent the different types of exploitation, including sexual violence against children. Recommendations and instructions were given on prohibiting the entrance of children to different entertainment centres, and conducted regular monitoring.

Measures have been taken on preventing distribution of promotional posters violating child's rights and damaging their psychological state.

Several round-tables on "Business and human rights" with the participation relevant state bodies, private sectors and civil society organizations, discussions on preventing human rights violations by private sectors, also preventing children, young girls from sexual exploitation and abuse were held.

c) There were registered 90 NGOs on children rights affairs by the Ministry of Justice. Analysis of the registered grant contracts (decisions) shows that the protection of children's rights, as well as representatives of civil society in the field of sexual violence and abuse in the last 3 years, was allocated to more than 4.5 million manat.

Question 12: Effectiveness of preventive measures and programs

a) For the purpose of implementation of relevant provisions of the Sale of Children, Child Prostitution and Child Pornography to the UN Convention on the Rights of the Child dated 25 May 2000 the Ministry's regional authorities together with government and non-governmental organizations conducted 487 raids-inspections and monitoring in 2008-2011, over 130 facts of offences connected with sale of alcoholic drinks to children and use of child labour in sale of such products, 83 materials, presentations and applications were sent to children and administrative commissions under the Executive Authority, as well as to the State labour inspection and tax authorities, and appropriate measures were taken in respect of accused persons.

For the purpose of satisfaction of children's personal and family needs 16 facts of getting minors involved in the voluntary timework in public catering and other service sectors (without appropriate labour contracts) were detected by relevant service structures of the police within 2012, 14 materials were sent to local structures of the State Labour Inspection and other relevant institutions and appropriate measures were taken.

About 300 raids, inspections and surveys were conducted jointly with representatives of relevant government and non-governmental organizations in 2012, in the result of which 669 children (80-85%

of them were pre-schoolers) and 121 parents who used their children for beggary according to the subjective interests were identified. In this respect 111 materials were sent to judicial authorities and over 200 materials were sent to the commissions under the executive department, 121 parents received notices in a judicial procedure and 11 were arrested under administrative procedure.

During 2013 year Children and family Support Centers prevented 12 early marriages cases.

Young girl below the age of 16 calling Ombudsman child rights hotline informed that she is forced to get married. Ombudsman made urgent appeal to the relevant body and gave information that young girl is under 18 and their marriage and sexual activity is illegal. Parents of the girl are warned about it and the marriage was stopped after the intervention of the Commissioner. Staff members of Ombudsman conducted monitoring and got familiar with the procedure.

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

a) Republic on the basis of the special program on outreach campaign for the purpose of prevention of trafficking in persons and forced labour, detailed information is provided on risks conducting to such crimes as well as on “152” Hot Line service and Shelter activity, a documentary crime movie and advertising clips about Hot Line service are demonstrated and outreach materials are distributed.

The proposals have been prepared on the amendments to the Article 149.2 and 149.3 of the Criminal Code Azerbaijan Republic for aggravating the sanctions if the violent actions of sexual nature committed by the close relatives and persons who protects their rights and interests to the minors.

b) In accordance with the recommendations of the institutes for human rights protections under UNO and Council of Europe an updated database was created for the purpose of generalization, analysis and real evaluation of the current situation and control of all kinds of crimes and offences committed against children, including the cases of trafficking in children, their exploitation, suicide and suicide attempts among children, street work and beggary, and new statistical tables were prepared and made available for execution.

- The Ministry of Internal Affairs took part in a number of conferences, workshops, trainings and various projects organized at the international and national levels by the UNICEF Representative Office, OSCE Office in Baku and other international organizations in recent years for the purpose of effective organization of preventive measures to be conducted in respect of children in the risk group including children living in the street and protection of their violated rights.

- Progress in the international cooperation for the development of the child protection system was achieved, the Memorandum on cooperation was signed with the UNICEF and OSCE Offices in Baku and NGOs Coalition in 2007 as a new and more efficient stage of reforms, plans of actions for mutual activity with the participation of the Ministry of Justice were approved and special emphasis was put on the problems of protection of children against forced labour and negative impact within the scope of these measures.

- For the purpose of implementation of relevant provisions of the Sale of Children, Child Prostitution and Child Pornography to the UN Convention on the Rights of the Child dated 25 May 2000 the Ministry's regional authorities together with government and non-governmental organizations conducted 487 raids-inspections and monitoring in 2008-2011, over 130 facts of offences connected with sale of alcoholic drinks to children and use of child labour in sale of such products, 83 materials, presentations and applications were sent to children and administrative commissions under the Executive Authority, as well as to the State labour inspection and tax

authorities, and appropriate measures were taken in respect of accused persons.

Question 14: Helplines

24-hour “hotline” serving for prevention of torture and other cruel, inhuman or degrading treatment or punishment, also three digital “hotline 916” for promptly addressing the Commissioner regarding violation of child rights is functioning at Ombudsman Office upon the initiative of the Commissioner. Advice is provided, investigations are conducted, and appropriate measures are taken on complaints received via these hotlines, even for confidentially callers, followed by the monitoring up to the resolving of the violence observed. Another 24 -hour hotline serves in the NGO Alliance on Children Rights.

Question 15: Assistance to victims

a) Provision of immediate delivery of information on child victims of trafficking in persons by aid centres and shelters to the State Committee for Family, Women and Children Affairs, juvenile affairs commissions or warship and guardianship authorities for taking urgent measures.

- Searching for parents of child victims of trafficking in persons or appointment of guardians for them.
- Elaboration and implementation of special programs for social rehabilitation and reintegration of child victims of trafficking in persons.
- Taking measures for protection of children's rights and lawful interests in accordance with the Laws of the Republic of Azerbaijan on Children’s Rights and on Prevention of Juvenile Homelessness and Delinquency, the UN Convention on Children’s Rights as well as other international treaties a party of which the Republic of Azerbaijan is.
- Offering opportunities to children accommodated to shelters to continue their education and contact and communicate with their parents (unless it is supposed that they are the cause of trafficking in their children).
- Taking appropriate measures for appointment of a guardian and ensuring safe repatriation of child victims of trafficking in persons during the repatriation from a source country to their own countries.

c) Shelters and aid centres immediately provide information about child victims of trafficking in persons to warship and guardianship authorities and juvenile affairs commissions. Children are accommodated to a shelter for a period of 60 days.

- This period may be prolonged upon a petition of the Ministry of Internal Affairs, warship and guardianship authority or juvenile affairs commission. On each occasion, attitude of children of 10 and upward towards this issue is taken into account.
- Children are accommodated in shelters separately. Taking into account their interests children may be accommodated in shelters together with their parents (unless it is supposed that they are the cause of trafficking in their children) or other persons having positive influence on their psychological condition. Children accommodated in shelters have an opportunity to continue their education and to

contact and communicate with their parents (unless it is supposed that they are the cause of trafficking in their children).

- Appropriate measures were taken by relevant organizations in the following areas in accordance with the National Action Plan to Combat Trafficking in Persons (2009-2013) of the Republic of Azerbaijan.
- Elaboration and effective use of the package of social, legal, pedagogical and other measures aimed at elimination of causes and cases conducive to homelessness among children.
- Taking measure for detection of minors who deliberately avoid secondary education and getting them involved in educational process.
- Elaboration and execution of the programs on prevention of juvenile homelessness and delinquency in educational facilities, orphan homes, boarding schools, commissions for juvenile affairs and protection of rights and other relevant organizations and establishments.

Question 16: Criminal Law offences

d) Crime committed against minors (i.e. under 18) is considered an aggravating circumstance. According to the Criminal Law of the Republic of Azerbaijan person who has reached the age of sixteen committed a crime will be subject to criminal liability. Person who has reached the age of 14 for having committed crimes under Article 20-2 of the Criminal Code of the Republic of Azerbaijan will be subject to criminal liability.

During the 6 months of 2013, 141 juveniles were convicted (18 of them under the age of 16 - 124 people, aged 14 to 16 years old - 17 men, boys - 137 girls - 4). Juveniles were assigned to the following penalties: imprisonment for a certain period of time – 3, penalty – 44, corrective work – 13, conditional condemnation – 51.

Question 17: Corporate liability

By the Law 314-IVQD dated March 7th, 2012 to the Criminal Code has been added Chapter 15-2 which determines responsibility of legal persons and criminal law measures.

Question 18: Sanctions and measures

Involving of juveniles into prostitution is punishable under Article 171 of the Criminal Code. Circulation of child pornography is punishable in accordance with Article 171-1 of the Criminal Code.

Criminal Code of the Azerbaijan Republic

CRIMES AGAINST FREEDOM AND DIGNITY OF INDIVIDUAL

Art. 144-1. Human Trafficking

144-1.1. Human trafficking, i.e. purchase and sale of human being or making other agreement with regard to ownership over the person or his/her involvement, obtaining, storage, concealment, transportation, giving or receiving with an aim to exploit for transferring through the state border of the Republic of Azerbaijan or for giving to other individuals with the same aim –

shall be penalized with five to ten years of deprivation of liberty with the confiscation of the property.

144-1.2. If similar actions are made:

144-1.2.1. against two or more persons

144-1.2.2. repeatedly;

144-1.2.3. against minors;

144-1.2.4. against a pregnant woman whose pregnancy is apparent to the accused person;

144-1.2.5. by preliminary conjoint group of people, organized group or criminal union (criminal organization);

144-1.2.6. by accused person by abusing his duty position;

144-1.2.7. by applying force that endangers the life and health or when threatening to apply this force;

144-1.2.8 by means of tortures to victims or cruel, inhumane, or degrading treatment;

144-1.2.9. with the purpose to use the organs or tissues of the victim –

shall be penalized with ten to twelve years of deprivation of liberty with the confiscation of the property.

Note:

1. “Exploitation of human being” in this Article means forced labour (service), sexual exploitation, slavery, traditions similar to slavery and dependence caused by them, illegal transplantation of human organs and tissues, conducting unlawful biomedical research on persons, involvement in illegal as well as criminal activity.

2. The consent of a victim of human trafficking to the exploitation, life style, as well as immoral behavior shall not be considered as mitigating circumstances with regard to the punishment of the accused person in human trafficking.

Art. 144-2. Forced Labour

144-2.1. Coercion to fulfillment of certain tasks by limiting the freedom of a person by means of application of force, threat or intimidation of the force to be applied -

Shall be penalized with two years of correctional work or deprivation of liberty for the same period

144-2.2. if similar actions are made:

144-2.2.1 against two or more persons;

144-2.2.2. repeatedly;

144-2.2.3. against minors;

144-2.2.4. against a pregnant woman whose pregnancy is apparent to the accused person;

144-2.2.5. by accused person by abusing his/her duty position;

144-2.2.6 by preliminary conjoint group of people, organized group or criminal union (criminal organization);

CRIMES AGAINST SEXUAL INVOLABILITY AND SEXUAL FREEDOM OF THE INDIVIDUAL

Article 149. Rape

149.1. Rape, is the sexual relations with application of violence or with threat of its application to the victim either to other persons, or with use of a helpless condition of the victim –

is punished by imprisonment for the term of four to eight years.

149.2. The same action:

149.2.1. committed by a group of persons, by a group with a premeditated conspiracy or by an organized group;

149.2.2. which resulted in a victims infection of a venereal disease;

149.2.3. committed against the person, who is wittingly known as a minor to the guilty;

149.2.4. committed with a threat of murder or serious health damage of the victim or other persons, and also with cruelty;

149.2.5. committed repeatedly –

is punished by imprisonment for the term of five to ten years.

149.3. The same action:

149.3.1. on negligence brought the death of the victim;

149.3.2. on negligence resulted by infection of the victim with a virus HIV or other serious consequences;

149.3.3. committed wittingly against a person under age of 14 –

is punished by imprisonment for the term of eight to fifteen years.

Article 150. Violent actions of sexual nature

150.1. Buggery or other actions of sexual nature, with application of violence or with threat thereof against the victim (male, female) or to other persons, or with use of a helpless condition of the victim (male, female) –

is punished by imprisonment for the term of three to five years.

150.2. The same actions:

150.2.1. Committed by a group of persons, by a group with a premeditated conspiracy or by an organized group;

150.2.2. Which resulted in a victim's (male, female) infection with venereal disease;

150.2.3. Committed against the person, who is wittingly known as a minor to the guilty;

150.2.4. carried out with a particular cruelty against the victim (male, female) or against other individuals;

150.2.5. committed repeatedly –

is punished by imprisonment for the term of five to eight years.

150.3. The same action:

150.3.1. on negligence brought the death of the victim (male, female);

150.3.2. on negligence resulted by infection of the victim with a virus HIV or other serious consequences;

150.3.3. committed wittingly against a person under age of 14 -

is punished by imprisonment for the term of eight to fifteen years.

Article 151. Coercion into actions of sexual nature

Coercion of the person to the sexual relations, buggery or to committing of other actions of sexual nature by threat of destruction, damage or withdrawal of property or with use of material or other dependency of the victim (male, female) –

is punished by fine of five hundred up to one thousand nominal financial unit, or by corrective work for the term of up to two years, or imprisonment for the term of up to three years.

Article 152. Sexual relations and other actions of sexual nature with the person who has not reached of age 16

The Sexual relations or other actions of sexual nature, committed by a person who has reached 18, with the person who is wittingly known as person who has not reached 16 –

is punished by restriction of freedom for the term of up to three years or imprisonment on the same term.

Article 153. Depraving actions

Depraving actions, carried out without application of force against the person, with the person who is wittingly known as person who has not reached age of 14 –

is punished by fine of five hundred up to one thousand nominal financial unit, or by corrective works for the term of up to two years, or restriction of freedom for the term of up to two years, or imprisonment for the term of up to two years.

Article 171. Involving of minor to prostitution, or commitment of immoral actions

171.1. Involving of minor to prostitution or commitment of other immoral actions –

is punished by imprisonment for the term from three up to six years.

171.2. The same act committed:

171.2.1. with application of violence or with threat of its application;

171.2.2. by organized by group –

is punished by imprisonment for the term from four up to eight years.

The Code of the Azerbaijan Republic On administrative violations

Article 51. Non-fulfilment by parents or persons, or their substitutes liabilities on bringing-up and education of the children

Non-fulfilment or improper fulfilment by parents or persons substituting them liabilities of on bringing-up and education of underage children shall involve penalisation at the rate of twenty to forty manats

Article 53. Violation of the labor legislation

Article 307. Driving juvenile to state of drunkenness

Driving juvenile to state of drunkenness by parents of juvenile and other persons—

□ entails imposition of penalty in amount of 20-35 manats. (1, 119)

Article 307-1. Vagrancy

307-1.1. For vagrancy the citizens will be warned or if by circumstances and taking into consideration the personality of the disturber, the application of these measures will be considered insufficient, then administrative arrest for the period up to 10 days will be applied, foreigners and stateless persons will be warned or expelled from the Azerbaijan Republic in an administrative order with imposition of the penalty in the amount 20-25 conventional financial unit or without penalty application.

307-1.2. Involvement of under-age persons by their parents or other persons to vagrancy

□ entails imposition of penalty in the amount of 10-15 conventional financial unit or if by circumstances and taking into consideration the personality of the disturber, the application of these measures will be considered insufficient, then administrative arrest for period up to 15 days will be applied.

Note: Persons without permanent place of residence and maintenance, not involved in any socially useful work or professional activity (except for persons, received unemployed status in an order established by the legislation), constantly engaged in pilfering or earning their maintenance by panhandling are considered as the «persons engaged in vagrancy» mentioned in this article.

Question 19: Jurisdiction

Question 20: Aggravating Circumstances

Question 21: Measures of protection for the child victim

b) Under the Articles 87.8 and 104.1 of the Criminal Procedure Code victim

c) Personally or through a representative to exercise their rights and fulfil their duties. Juveniles or incapacitated victim's rights shall be exercised by his legal representative in accordance with procedures prescribed by the Code. Juvenile, under the age of 14 and more years, if the prosecuting witness' is under the age of 18 or incapacitated and hasn't legal representative, the prosecuting authority must appoint guardianship and trusteeship body as his legal representative. Provided in accordance with Article 88.1 the legal representative made the petition, application or request is considered to be a special plaintiff.

According to the 226.1 and 226.3 Articles of the Code as a general rule, minors are urged by their legal representatives. Under the age of 14 or according to the investigator's discretion minors under the age of 16, the questioning of the witness shall be carried out in the presence of teacher, if necessary, of the doctor and his legal representative.

Before the start of the interview to the participants is explained their participation in interview, under the permission of the investigator's right to express their comments and questions, as well as their duties. Witness under the age of 16 is explained that only task is to speak the truth.

According to Article 52 of the Family Code in solving any issue affecting interests of child in family has the right to express his opinion. Unless it is contrary to the interests of child, his opinion must be considered when the child has reached the age of 10.

f) Giving information to the victim or his family members about the prison release of a person arrested or convicted by the penitentiary institutions administration is not provided in law.

Question 22: Investigations and criminal measures to protect the child victim

Question 23: Child-friendly interviewing and proceedings

a) Under Article 42 of the Law "About children's rights", children's (minors') pre-trial proceedings, the proceedings of the first appellate and cassation instances is determined by the characteristics of the Criminal Procedure Code. Chapter 50th 428 - 435.2 articles of the Code are devoted to these issues.

In accordance with the Articles 430, 431, 432, 434 and 435 of the Code the pre-trial proceedings for an offense committed by juveniles carried out only in preliminary form of an investigation. The preliminary investigation of juvenile pretrial investigations should be carried out by a special unit within the body by persons who have relevant work experience.

Juvenile criminal proceedings shall be conducted without any delay, defence counsel is mandatory. Termination of the criminal proceedings in the case of minors is permitted only with the consent of their parents (or legal representatives). Criminal cases must be handled by experienced judges. It should be noted that the development of the juvenile justice system of the Republic of Azerbaijan is carried out in cooperation with the United Nations Children's Fund (UNICEF).

d) According to Article 330.5 of the Criminal Procedure Code in exceptional circumstances when there is a real threat to the safety of the victim, in order to prevent impacts on the victim or on the request of the public prosecutor, by the initiative of the court or on the basis of a reasoned decision, without direct participation of the person in the hearing, can be created opportunity to make use of techniques.