

LANZAROTE COMMITTEE

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

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Replies to the thematic questionnaire

“Screening of professionals, volunteers and other
persons in contact with children”

REPUBLIC OF AZERBAIJAN

Replies received by the Secretariat on 30 June 2026

Please note:

a. State Party in respect of which the questionnaire is submitted:

Azerbaijan Republic

b. Entities and bodies which have been involved in responding to this questionnaire

- 1) Ministry of Internal Affairs
- 2) State Committee for Family, Women and Children Affairs
- 3) Ministry of Labour and Social Protection of the Population
- 4) Ministry of Science and Education
- 5) State Migration Service
- 6) Ministry of Youth and Sports
- 7) Ministry of Health
- 8) Baku City Executive Power

Persons concerned by screening requirements

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

		Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	–	Yes	Yes	Yes	Partially	Educator, assistant nanny, and others
Education – Primary	–	Yes	Yes	Yes	Partially	Teacher, homeroom teacher, and others
Education – Secondary	–	Yes	Yes	Yes	Partially	Subject teachers, social pedagogues

Education – Tertiary	Yes	Yes	Yes	Partially	Professor, teacher
Education – Extracurricular (e.g. language schools)	Yes	Yes	Yes	Partially	Teacher, coach, trainer, and others
Childcare (e.g. kindergartens, crèches, childminders)	Yes	Yes	Yes	Partially	Nanny, educator, childcare worker, psychologist, and others
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	Partially	Social worker, medical worker, security guard, and others
Detention	Yes	Yes	Yes	Partially	Supervisor, educator
Migration facilities (e.g. reception centres)	Yes	Yes	Yes	Partially	Social worker, security officer, and others
Sport	Yes	Yes	Yes	Partially	Coach, assistant coach, team leader
Culture and leisure activities	Yes	Yes	Yes	Partially	Camp director, animator, trainer, and others
Entertainment sector	Yes	Yes	Yes	Partially	Childcare worker, animator, playroom staff member
Faith and religion	Yes	Yes	Yes	Partially	Clergyman, religious instructors, and others
Healthcare (including psychological and psychiatric services)	Yes	Yes	Yes	Partially	Paediatrician, child psychiatrist, nurse, and others

Social protection services	Yes	Yes	Yes	Partially	Social worker, family consultant, child protection officer, and others
Law enforcement	Yes	Yes	Yes	Partially	Police officers, particularly specialists in child affairs
Judicial	Yes	Yes	Yes	Partially	Judge, judicial assistant, forensic psychologist
Civil society organisations	Yes	Yes	Yes	Partially	Social workers, other personnel working directly with children
Victim services (including Barnahus, domestic violence services)	Yes	Yes	Yes	Partially	Lawyer, psychologist, specialists working with children
Any other sectors (please specify)					

Here you can insert additional details or specify any exceptions.

Response: Pursuant to Article 5 of Chapter II of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, each Party shall take the necessary legislative or other measures, in accordance with its internal law, to ensure that, with respect to recruitment for professional activities involving regular contacts with children, a person's lack of a criminal record for offences of sexual exploitation or sexual abuse of children is verified as a prerequisite for engaging in such activities. The labour and education legislation of the Republic of Azerbaijan provides for relevant restrictions regarding individuals employed in fields of activity involving regular contact with children.

Pursuant to Article 27.2.2 of the Law of the Republic of Azerbaijan "On Civil Service" (if the conviction has not been served or withdrawn) and the Labor Code, the admission of persons with a conviction to civil service is prohibited. This requirement is mandatory in educational and healthcare institutions.

Pursuant to Article 6 of the Law of the Republic of Azerbaijan "On Voluntary Activity", the organizer has the right to verify the volunteer's suitability for the respective field of activity prior to concluding a contract. For volunteering in children's institutions, a certificate of clear criminal record is required.

This requirement is strictly monitored within licensed activities (e.g., tutoring centres, speech therapy practices). However, monitoring remains challenging within informal individual services (e.g., nannies, private tutors) and depends primarily on the requirements set by the parents.

Pursuant to Paragraph 17-1 of the Labor Code, persons convicted of crimes related to the sexual exploitation or sexual abuse of children may not be recruited (appointed) or engaged in work involving regular contact with children.

At the same time, pursuant to Article 36-1 of the Law of the Republic of Azerbaijan "On Education", persons who are prohibited from engaging in pedagogical activity by a legally binding court decision, as well as those with unspent or unexpunged criminal records for grave and especially grave crimes, shall not be permitted to engage in pedagogical activity. In this regard, the employees of the Child Protection Department assigned to general educational institutions working in contact with children (social pedagogues and specialists), as well as administrative staff, are hired on the basis established by legislation.

Pursuant to Articles 28-1.2 and 28-1.3 of the Law "On the Rights of the Child", persons convicted of crimes related to the sexual exploitation or sexual abuse of children may not be recruited (appointed) or engaged in work involving regular contact with children. At the same time, children who have fallen victim to sexual exploitation or sexual abuse shall enjoy the rights and guarantees provided for child victims of human trafficking.

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:

a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification?

b. distinguish between direct, indirect or online contact with children?

If yes, please provide details.

Response: When defining the "screening" (verification) requirement, the legislation of the Republic of Azerbaijan primarily focuses on the nature of the activity and the respective job responsibilities.

Yes, when requiring a criminal record check for positions gaining access to work with children, the state takes into account the level and nature of contact. In this case, the following criteria are applied:

Direct contact – working physically with children (e.g., teachers, educators)

Indirect contact – performing activities within the children's environment without working directly with them (e.g., technical staff)

Online contact – communicating or providing services over the internet

Voluntary activity: Pursuant to Article 9.1 of the Law "On Voluntary Activity", relations between the participants of voluntary activity are regulated by a contract concluded between the parties in written form.

The differentiation based on the form of contact under the legislation of the Republic of Azerbaijan is formally established as follows:

Direct contact (physical): This is the most strictly regulated area. Professionals who share the same physical space with children (pedagogues, coaches, medical workers) are subject to mandatory verification. The Laws of the Republic of Azerbaijan "On Education" and "On the Rights of the Child" directly prohibit individuals with a criminal record for the sexual exploitation of children from being admitted to these fields.

Employees in contact: Staff working in children's institutions but not directly engaged with children (e.g., a school accountant, cook, or driver). Since the legislation considers employment within a children's institution as a criterion in itself, a certificate of clear criminal record is required even from employees with indirect contact (pursuant to the internal security regulations of the institution).

Online contact: Due to the increase in distance learning in recent years, the same verification requirements apply to individuals who come into contact with children via online platforms (e.g., online tutors operating within the framework of state projects). However, within private online platforms or individual online services (including international platforms), this verification mechanism is not yet fully regulated by legislation and relies primarily on the platform's own internal policies.

As evident from the response to the first question, it is an absolute requirement to verify the presence or absence of a criminal record for the aforementioned individuals.

3. Is the absence of criminal convictions for sexual offences against children required to become:

- a. an adoptive parent
- b. a foster parent
- c. a child's legal guardian (including for unaccompanied children)?

Please provide details.

Response: a. an adoptive parent

Pursuant to Article 120.1.6 of the Family Code of the Republic of Azerbaijan, individuals convicted of intentional grave or especially grave crimes against peace and humanity, public safety and public morality, life and health, personal freedom and dignity, sexual inviolability and sexual freedom of personality, or against minors and family relations, regardless of the expungement or satisfaction of their criminal record, as well as individuals against whom criminal prosecution for committing these crimes was terminated without exonerating grounds, shall not have the right to adopt.

- b. a foster parent

Pursuant to Article 137.2 of the Family Code of the Republic of Azerbaijan, when appointing a foster parent (custodian) for children, the moral and other personal qualities of the foster parent (custodian) must be considered—taking into account their criminal history, psychological state, and other nuances—to determine their capability to fulfil fostership (custody) duties, the communication and relationship between them, their family, and the child, as well as, where possible, the child's own wishes.

- c. a child's legal guardian (including for unaccompanied children)

Pursuant to Paragraph 64.0.8 of the Family Code of the Republic of Azerbaijan, parents (or one of them) shall be deprived of their parental rights if they commit a crime related to the sexual exploitation or sexual abuse of children.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:

- a. persons carrying out professional activity in their home who are in contact with children
- b. persons carrying out volunteering activity in their home who are in contact with children
- c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

Please provide details.

Response: a. persons carrying out professional activity in their home who are in contact with children

Partially required (Indirectly).

Situation: If an individual organizes a home-based kindergarten (family-type), a learning centre, or a rehabilitation service for children, this activity is regulated by the Law of the Republic of Azerbaijan "On Licenses and Permits".

Verification: Although there is no strict provision explicitly stating "every family member in the household must submit a certificate" under direct legislation, state monitoring regarding children's safety is conducted in locations registered as institutions. If a family member is involved in the said activity as support staff (for instance, as a driver or a cleaner), it is mandatory to require a certificate of clear criminal record from them.

b. persons carrying out volunteering activity in their home who are in contact with children

It is advisory in nature, but required under specific programs.

Situation: If the volunteer activity is coordinated by an official organization (for instance, an NGO or a state agency), the said organization is obligated to verify the environment where the child is placed or trained.

Practice: In compliance with international standards and the spirit of the Lanzarote Convention, when children are hosted in a domestic environment by volunteers (for instance, within exchange programs), an investigation is conducted into whether family members pose a risk to the children. However, rather than being governed by a uniform, centralized legislative act, this matter is currently regulated by the internal Child Safeguarding policy of the organizing entity.

c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian

Pursuant to Article 120.6 of the Family Code of the Republic of Azerbaijan, the requirements specified in Articles 120.1.6, 120.1.7, and 120.2 of this Code shall simultaneously apply to individuals residing together (sharing a common household) with the person (persons) wishing to adopt a child. According to Article 120.1.6 of the Code, individuals convicted of intentional grave or especially grave crimes against peace and humanity, public safety and public morality, life and health, personal freedom and dignity, sexual inviolability and sexual freedom of personality, or against minors and family relations, regardless of the expungement or satisfaction of their criminal record, as well as individuals against whom criminal prosecution for committing these crimes was terminated without exonerating grounds, shall not have the right to adopt. A

relevant certificate regarding the criminal record of foreigners and stateless persons, as well as individuals residing together with them, shall be submitted by the citizen from the competent authority of their country of citizenship.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:

- a. children applying for professional or volunteer positions
- b. adults in respect of criminal convictions received before the age of 18?

Please provide details.

Response: This category is more sensitive and is directly linked to Article 10 of the Lanzarote Convention.

Age of criminal responsibility: In Azerbaijan, criminal responsibility generally begins at 16 years of age, and from 14 years of age for certain grave crime.

Verification requirement: If a child (for instance, a 16–17-year-old adolescent) is officially engaged in a volunteer program or employment activity that involves contact with children, they may also be required to provide a certificate of clear criminal record.

Limitation: However, the Law of the Republic of Azerbaijan "On the Rights of the Child" and the Criminal Procedural Code place special emphasis on the confidentiality of information regarding crimes committed by children. In practice, the appointment of individuals under the age of 18 to positions of full responsibility under the status of a "professional working with children" is limited, as legislation requires higher or secondary specialized education (which is typically completed at 18+ years of age) for pedagogical and medical activities.

Expungement of Criminal Record: Pursuant to Articles 83–84 of the Criminal Code of the Republic of Azerbaijan, the timeframes for the expungement of a criminal record for individuals who committed a crime as a minor are significantly shorter compared to adults (for instance, 3 years for grave crimes).

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

Please provide details.

Response: Article 26 of the Civil Code of the Republic of Azerbaijan (Right to a Name): Every natural person has the right to a name, consisting of a given name, a patronymic, and a surname. A natural person acquires and exercises rights and obligations under their own name. A

natural person has the right to change their name in the manner prescribed by law. The change of name by a natural person does not terminate or alter the rights and obligations acquired under their previous name. Pursuant to the Law on the Approval of the "Rules for the State Registration of Acts of Civil Status," a change of name undergoes official state registration. Registration authorities maintain the link between the previous and the new name and transmit this data to other state systems.

At the same time, even if the name is changed, the person's PIN code (Personal Identification Number) remains unchanged. The databases of the Ministry of Internal Affairs retain the criminal history, and this information is automatically linked when a name change occurs. The State maintains complete control over this process through a unified digital identification system and inter-agency integration.

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

Please provide details.

Response: The financing of child-related projects and the rules for the use of state funds (grants, subsidies, or budget allocations) in the Republic of Azerbaijan are based on the principles of child safety and protection. During the implementation of projects financed by state funds, relevant executive authorities (for instance, the State Committee for Family, Women and Children Affairs) monitor the progress of the project.

Specific requirements are imposed for the allocation of financial funds in child-oriented projects announced by entities such as the State Support Agency to Non-Governmental Organizations of the Republic of Azerbaijan or the Youth Foundation:

This is provided for in Article 12 of the Labor Code of the Republic of Azerbaijan (Main duties and responsibilities of the employer). Clause 12 (ğ) of the same Code stipulates "not to involve children in activities that may pose a threat to their life, health, or morality." On this basis, the professional reputation and past activities of individuals working with children are monitored. If any individual with a history of violence or sexual exploitation against children is identified within the project staff, it constitutes a ground for the refusal of project financing.

The possession of certificates of a clear criminal record by staff members who will be in direct contact with children (coaches, doctors, educators) is required by internal regulations and safety rules during the execution of state orders.

Access to state funds is directly linked to ensuring the safety of children. The verification of criminal records is not only a legal requirement, but also a fundamental condition that ensures the credibility of the project and the protection of children from sexual exploitation.

Information included in screening:

8. Does the criminal record check include criminal convictions for:

a. sexual abuse of a child (Article 18 of the Lanzarote Convention)

Yes. Relevant articles of the Criminal Code of the Republic of Azerbaijan: Article 144-1 (Human Trafficking), 149 (Rape), 150 (Violent Actions of a Sexual Nature), 152 (Sexual Intercourse or Other Actions of a Sexual Nature with a Person Under the Age of Sixteen)

b. sexual exploitation of a child (“child prostitution” Article 19 of the Lanzarote Convention)

Yes. Relevant articles of the Criminal Code of the Republic of Azerbaijan: Article 171 (Involving minors in prostitution, participation in pornographic performances, or other immoral acts), 171-1 (Circulation of child pornography)

c. acts involving child sexual abuse material (“child pornography” Article 20 of the Lanzarote Convention)

Yes. Relevant article of the Criminal Code of the Republic of Azerbaijan: Article 171-2 (Grooming or stalking of children for sexual purposes)

d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)

Yes. Relevant article of the Criminal Code of the Republic of Azerbaijan: Article 171-1 (Circulation of child pornography)

e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)

Yes. Relevant article of the Criminal Code of the Republic of Azerbaijan: Article 153 (Immoral acts against a person under the age of sixteen)

f. solicitation of a child for sexual purposes (“grooming”), including online (Article 23 of the Lanzarote Convention)

Yes. Relevant articles of the Criminal Code of the Republic of Azerbaijan: Article 171-2 (Grooming or stalking of children for sexual purposes)

g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)

Yes. Relevant articles of the Criminal Code of the Republic of Azerbaijan provide for: Article 28 (Preparation for a Crime), 29 (Attempted Crime), and 32 (Types of Complicity).

h. any other convictions (please specify)?

Yes. Relevant articles of the Criminal Code of the Republic of Azerbaijan: Articles 84–92 (Specific features of criminal liability and punishment of minors), Article 174 (Illegal adoption)
Please provide details.

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:

a. relevant administrative or disciplinary sanctions;

b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?

Please provide details.

Response: Pursuant to Article 120.1.6 of the Family Code of the Republic of Azerbaijan, an employment prohibition is established only for individuals who have been convicted of the specific crimes listed in that article, as well as those against whom criminal proceedings for committing these crimes were terminated on non-exculpatory grounds; meanwhile, Article 17-1 of the Labor Code of the Republic of Azerbaijan establishes an employment prohibition regarding individuals convicted of crimes related to the sexual exploitation or sexual abuse of children. As can be seen, both Codes strictly refer to individuals who have committed the specified crimes, and the verification is conducted solely in relation to those crimes. Additionally, any administrative or disciplinary sanctions, as well as other types of information, are not required.

In addition to this, the "Labor and Employment" subsystem (EMAS) operates in Azerbaijan. When hiring a candidate, an employer can see through this system the grounds on which they were dismissed from previous workplaces (for example, whether they received a disciplinary sanction for unethical behaviour toward a child).

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

a. are they life-long?

b. if they are not life-long, please specify the time-limits applicable.

c. are they applied only to activities in the public sector?

Please provide details.

Response: It is stipulated in Article 17-1 of the Labor Code of the Republic of Azerbaijan that individuals convicted of crimes related to the sexual exploitation or sexual abuse of children cannot be hired (appointed) or involved in work that entails regular contact with children.

Pursuant to Article 83 of the Criminal Code of the Republic of Azerbaijan, although the expungement (clearing) of a criminal record for individuals convicted of crimes that do not pose a great public threat, less serious, serious, and especially serious crimes eliminates the criminal-legal consequences associated with that conviction, the aforementioned article of the Labor Code establishes a verification requirement and legal restrictions on admission to certain professions and jobs for the purpose of child protection.

As can be seen, while Article 83 of the Criminal Code of the Republic of Azerbaijan regulates the general legal consequences of a criminal record, Article 17-1 of the Labor Code is a special norm aimed at the protection of children, and a special norm is deemed to prevail over a general norm in that specific field.

These restrictions are lifelong and cover both the public and private sectors. The legislation of the Republic of Azerbaijan does not differentiate between sectors regarding this matter.

Licensing: When private educational, sports, or healthcare institutions obtain a license from the state, their staff is verified to ensure they meet the relevant requirements.

Unified Control: Whether it is a private kindergarten or a state school, the employer is obliged to request a "Certificate of Criminal Record" from the individual, and bears legal liability before the law if they hire a person with a conviction for the specified type of crime.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

Please provide details.

Response: Yes, the verification system makes it possible to view and confirm both active convictions and expired/expunged past criminal records (via the archive database).

Since individuals who have been convicted of the crimes specified in Article 120.1.6 of the Family Code of the Republic of Azerbaijan, as well as those against whom criminal proceedings for

committing these crimes were terminated on non-exculpatory grounds, cannot become adoptive parents, criminal record data is obtained regardless of whether the conviction has been expunged.

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

Please provide details.

Response: In the Republic of Azerbaijan, the screening procedure for individuals who come into contact with children is not regulated by a single unified law, but rather through a comprehensive set of legislative acts. This system encompasses general labour law, sector-specific rules, as well as procedural norms.

The Labor Code of the Republic of Azerbaijan is the main regulatory document. Article 12 of the Labor Code outlines the main duties and responsibilities of the employer. Paragraph ğ of the same article directly states that they should not involve children in activities that may endanger their life, health or morals. This creates a general "screening" mandate for all sectors.

Education Sector: The Law of the Republic of Azerbaijan "On Education" and the Law "On General Education". Article 36-1.2.5 of the Law of the Republic of Azerbaijan "On Education" and Article 27.2.5 of the Law of the Republic of Azerbaijan "On General Education" strictly prohibit individuals convicted of crimes related directly to the sexual exploitation or sexual abuse of children from engaging in pedagogical activity. These laws establish the background screening of teachers and other pedagogical staff as a mandatory condition during the recruitment process.

Articles 118 and 119 of the Family Code of the Republic of Azerbaijan sequentially establish the screening procedure for adoptive parents down to the smallest detail (living conditions, health, and criminal history).

In addition to this, Article 118.6 of the same Code also notes that, with the exception of foreigners and stateless persons who have undergone adoption training in their own countries, the prospective adoptive parent(s) who have passed the interview are enrolled in adoption training by the Ministry of Labor and Social Protection of the Population for a period not exceeding 30 (thirty) days. Foreigners and stateless persons who present a supporting document (certificate) proving they have undergone adoption training in their own country are exempt from these training sessions.

The "E-Government" portal and EMAS (Labor and Employment Subsystem): The regulations of these systems govern the employer's right to access information regarding a

candidate's criminal record and previous employment history, as well as the procedures for maintaining the confidentiality of this data.

13. If screening is required, who is required to act:

a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities

b. the candidate must provide proof of absence of convictions

c. another scenario. Please specify

Please provide details.

Response: EMAS (Labor and Employment Subsystem): When hiring an individual, once the employer enters their FIN code (Personal Identification Number) into the system, information regarding the candidate's criminal record status and previous workplaces becomes visible in the system upon the candidate's consent.

Public sector child protection authorities (for instance, the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan or local executive powers) can obtain information about a candidate through a direct inquiry from the electronic database of the Ministry of Internal Affairs (MIA) of the Republic of Azerbaijan.

Pursuant to Article 119.1 of the Family Code of the Republic of Azerbaijan, for the purpose of creating a unified database of prospective adoptive parent(s), the Ministry of Labor and Social Protection of the Population maintains their unified registry in electronic form, taking into account the requirements of this Article, by utilizing electronic information resources (databases, information retrieval systems, registers, and other information resources) maintained by state bodies (institutions) via the information system of the body (institution) designated by the relevant executive authority.

Pursuant to the Labor Code and existing administrative regulations, the employer has the right to require the following from a candidate.

Certificate of conviction: The candidate himself obtains this document from "ASAN Service" centres or online through the "Electronic Government" (e-gov.az) portal and submits it to the employer.

Document Feature: This certificate states whether the person currently has a conviction, and if so, the specific offense and date.

14. If screening is required, who bears the costs of screening procedures? Please provide details.

Response: There is no state fee for official screening (conviction certificate) in the Republic of Azerbaijan.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

Please provide details.

Response: Compliance with the vetting (screening) regulations for individuals who come into contact with children in the Republic of Azerbaijan is ensured through both state control and institutional monitoring mechanisms. In accordance with the requirements of Article 10 of the "Lanzarote Convention", this oversight is carried out in the following directions:

The State Labor Inspectorate Service (under the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan) monitors compliance with labour legislation in all enterprises (state and private).

All employment contracts concluded by employers are monitored in real time through the "Labor and Employment" subsystem (EMAS). If a discrepancy is detected regarding the criminal record or qualification of a person working in a children's institution, the system automatically issues a warning.

Inspectors check the personal files of staff working with children for criminal records during planned or complaint-based inspections.

Education Sector: During the "Teacher Recruitment" (MİQ) examinations and the centralized hiring process conducted by the Ministry of Science and Education of the Republic of Azerbaijan, all candidates undergo official screening (verification). Private schools and kindergartens, on the other hand, can be stripped of their licenses if they fail to comply with licensing conditions (including the staff vetting requirement).

Social Services Sector: The Social Services Agency regularly monitors the registration and background checking of both permanent staff and volunteers operating in children's shelters and boarding schools (orphanages).

Preventive Oversight by Law Enforcement Agencies: The Ministry of Internal Affairs (MIA) of the Republic of Azerbaijan conducts preventive inspections of children's institutions (particularly in high-risk zones) through juvenile inspectors. During these inspections, they

investigate whether there are unauthorized individuals working with children or any suspicious activities taking place.

Civil Society and Ombudsman Oversight: The Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan: The National Preventive Group of the Ombudsman conducts unannounced visits to children's institutions (including orphanages and correctional facilities). During these visits, staff selection procedures and child protection standards are evaluated.

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

Please provide details.

Response: The legislation of the Republic of Azerbaijan provides for strict liability measures for both employers and officials who fail to comply with the vetting (screening) requirement for individuals who come into contact with children. Depending on the severity of the violation and the resulting consequences, these sanctions are divided into two categories: administrative and criminal liability:

Violation of licensing regulations: If private educational or children's institutions violate vetting requirements during staff selection, their licenses may be suspended or revoked.

Pursuant to Article 314 of the Criminal Code of the Republic of Azerbaijan (Negligence), if an official (for instance, a school principal) displays a dishonest attitude toward their official duties and fails to conduct a background screening, and as a result, a crime is committed against a child, that individual can be punished with penalties up to deprivation of liberty (imprisonment).

The oversight process operates according to the following chain structure:

Detection: The State Labor Inspectorate or prosecution authorities conduct inspections.

Enforcement: Upon detection of a regulation violation, an official protocol is drawn up.

Court decision: Administrative fines or criminal penalties are determined by the court.

17. Is regular screening, beyond the initial recruitment process, required, for:

- a. professionals in contact with children;
- b. volunteers in contact with children;
- c. foster parents and legal guardians?

If regular screening is required, please specify its frequency and provide other details.

Response: Monitorings are conducted on the implementation of job functions by the employees (social pedagogues and specialists) of the Child Protection Department under the Ministry of Science and Education, who are assigned to general education institutions operating in conditions of contact with children

Permanent Volunteers: For volunteers working on a permanent basis in children's shelters or NGOs, annual background checks are recommended within the framework of the internal "Child Safeguarding Policy."

The highest-frequency screenings are carried out regarding guardians and legal representatives. Thus, guardianship and care authorities (under local executive powers) are obligated to regularly inspect the environment in which the child lives.

Pursuant to the Family Code of the Republic of Azerbaijan and the resolutions of the Cabinet of Ministers, state oversight over the activities of guardians and foster families is conducted with the following frequency:

Once the adoption is approved by the court, monitoring is conducted quarterly during the first year of adoption and at least once a year in subsequent years until the child reaches 18 years of age. During the monitoring, the family's general living conditions (cleanliness and sanitary-hygienic status), the family's financial situation, the child's medical and mental health status, and the standard of care and attention provided to the child within the family are screened.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

Please provide details.

Response: If a person remaining in a position that involves contact with children poses a real risk to them (for example, the likelihood of reoffending or pressuring witness children), the investigative authority may officially notify the employer. The prosecutor or investigator may file a petition before the court for the suspension (removal) of the individual from office. When this petition is granted, the official decision is presented to the employer.

There is no separate article in Azerbaijani legislation that explicitly provides for law enforcement agencies to inform an employer about an ongoing investigation. However, for the purpose of child protection, information exchange between state bodies and the implementation

of protective measures are possible. In such cases, the presumption of innocence must be maintained.

Article 123-2 of the Criminal Procedure Code of the Republic of Azerbaijan (Measures for the protection of children's rights) provides for informing the legal representatives of children about the measures taken regarding their complaints, as well as the progress of criminal prosecution; informing the legal representatives of children who are victims of sexual exploitation or sexual violence about the release of a person detained, arrested, or convicted for a crime related to the sexual exploitation or sexual violence against children; providing assistance to children in order to ensure their rights and interests; ensuring the safety of children who are victims of sexual exploitation or sexual violence, their families, and witnesses; and, upon the request of a child victim of sexual exploitation or sexual violence or their legal representative, ensuring the participation of a lawyer more experienced in working with children to provide free legal aid.

Cross-border screening

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

- a. professionals
- b. volunteers
- c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

Please provide details.

Response: Pursuant to Article 347.2 of the Civil Procedure Code of the Republic of Azerbaijan, an application for the adoption of a child who is a citizen of the Republic of Azerbaijan by foreigners or stateless persons must be accompanied by the documents specified in Articles 347.1.1–347.1.7 of the Civil Procedure Code, as well as the opinion of the competent authority of the state of which the adoptive parents are citizens (or the state of permanent residence of the stateless persons, if the child is being adopted by stateless persons) regarding their living conditions and capability to adopt, a document certifying the absence of a criminal record and ongoing criminal prosecution in those countries, and the permission of the competent authority of the respective state for the adopted child to enter and reside in its territory.

Pursuant to the Migration Code of the Republic of Azerbaijan, when a foreign citizen applies for a work permit to engage in labour activity in Azerbaijan, it is investigated whether or not they have been held criminally liable in their home country.

Azerbaijan has bilateral agreements with many countries on legal assistance in civil, family, and criminal matters. Within the framework of these agreements, official requests regarding criminal records are sent. The authenticity of the documents is verified through the Ministry of Foreign Affairs and embassies.

20. Is there a mechanism to:

a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings¹ (please specify)

b. providing information to a competent authority of another state regarding a person's criminal record for sexual offenses against children outside the context of criminal proceedings (please specify)?

Please provide details.

Response: Yes, Article 12-1 of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse states that each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules provided by law for certain professionals working in contact with children do not prevent them from reporting to the services responsible for child protection any case where they have serious grounds to believe that a child has been a victim of sexual exploitation or sexual abuse.

Administrative Requests (via Interpol): Through Interpol's "Blue Notices" or preventative channels, it is possible to collect information regarding a person's activities, identity, or past criminal records, including sexual offenses against children.

Bilateral Agreements: Azerbaijan has agreements on legal assistance with many countries. These agreements allow for the exchange of information not only on criminal cases, but also on acts of civil status and other civil/administrative matters.

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Please provide details.

Response: The legislation of the Republic of Azerbaijan and the international treaties to which it is a party, particularly the Lanzarote Convention, regulate the exchange of information for the purpose of child safety even outside the context of criminal proceedings. In response to your question, it can be stated that such an obligation arises directly from international conventions and bilateral interstate agreements:

Pursuant to Article 10.3 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), ratified by the Republic of Azerbaijan on October 22, 2019, State Parties must assist each other in the screening of candidates for positions (professional or voluntary) that come into contact with children. This means that if a competent authority of another state (e.g., a child protection agency or ministry) submits a request for the purpose of child protection, the Azerbaijani side bears an obligation to provide criminal record information in accordance with domestic legislation.

The Republic of Azerbaijan has signed agreements with many countries on "Legal Assistance in Civil, Family and Criminal Matters". According to these agreements, states undertake to provide each other with information in the following cases.

Although adoption or fostership cases are of a civil nature, there is a right to request the criminal records of the counterparty in the best interests of the child, and Azerbaijan executes these requests. The obligation covers providing information on whether or not the person has committed a crime, the specific article number, and the status of the criminal record.

Although there is an obligation to provide information, this process is not absolute and passes through certain filters. The condition of personal data protection is also taken as a fundamental basis.

The requesting state must justify that the information will be used specifically for the purpose of child protection and screening (vetting). Usually, the exchange of information is carried out on the basis of the principle of reciprocity.

If there is no specific criminal case, the provision of information usually takes place in the following ways:

Ministry of Justice or Prosecutor's Office: As central authorities, they receive the requests, obtain the information from the database of the Ministry of Internal Affairs, and transmit it to the counterparty.

Consular services: With the person's own consent (for example, for an Azerbaijani citizen getting a job at a kindergarten abroad), criminal record certificates are legalized and provided through diplomatic missions.

Summary: Yes, within the framework of international legal obligations and the priority of child protection, the Republic of Azerbaijan recognizes and executes the obligation to provide information to the competent authorities of other states regarding a person's criminal record for sexual offenses.

Additional details and reflections

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Please provide details.

Response: In the Republic of Azerbaijan, the screening procedures implemented to ensure the safety of children are not limited to criminal background checks alone. The state has established several protection systems to achieve the goals of the Lanzarote Convention. For example, Medical and Psychological Screening (Mandatory Screening): For professions involving direct contact with children (teachers, educators, coaches, medical personnel), the following examinations are required during the hiring process and on a regular basis:

Psychiatric and Narcological screening: The person's mental health status and the presence or absence of drug addiction are screened. This is crucial for ensuring emotional stability around children.

1. Screening for infectious diseases: Regular medical examinations are conducted within the framework of the "Sanitary Booklet".

2. "Moral Fitness" and Ethical Screening: Within Azerbaijan's education system, not only the legal but also the ethical reputation of a person is screened.

3. Rules of Ethical Conduct for Teachers: According to these rules, the return to pedagogical activity is strictly restricted for individuals who were dismissed from their previous workplace due to unethical behaviour toward a child (even if it did not escalate to the level of a criminal case).

4. Reference screening: In the public sector and large private childcare institutions, obtaining official or unofficial character references from previous workplaces is a standard procedure.

5. Material and living conditions screening: The sanitary-hygienic condition of the person's home and its safety for the child are inspected.

6. Socio-psychological evaluation: The candidate's parenting skills and their ability to establish an emotional bond with the child are assessed by specialists.

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

Please provide details.

Response: No difficulties have been observed during the acquisition of criminal record information regarding individuals wishing to adopt and their family members in the Republic of Azerbaijan.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

Please provide details.

Response: In order to ensure the effective implementation of labour legislation in the field of protecting children from sexual exploitation, the Republic of Azerbaijan has carried out large-scale digitalization and modernization reforms in the labour inspection system, and the functionality of the "Labor and Employment Subsystem" (EMAS) of the Ministry's Centralized Electronic Information System has been significantly expanded to improve oversight mechanisms.

The Labor and Employment Subsystem (EMAS) operates in an integrated manner with the information databases of the Ministry of Internal Affairs (MIA). When an employer enters an employee's PIN (Personal Identification Number) code while hiring them into a childcare institution, the system automatically checks the individual's criminal record status.

The (EMAS) system contributes significantly to increasing transparency in labour relations, mitigating risks, and preventing informal employment. Furthermore, to minimize risks in fields requiring regular contact with children, capabilities have been established to electronically obtain and verify medical certificates and other relevant documents through integrated systems whenever their submission is required. Citizens or institutions can obtain official, unfalsifiable (QR-coded) certificates electronically within a few minutes. This completely eliminates any possibility of manipulation associated with paper media.

Thus, while forming an advanced approach to the management of labour relations, the mentioned digital solutions create favourable conditions for the implementation of stronger control and preventive mechanisms in fields of activity requiring regular contact with children.