



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Optional Protocol on the involvement of children in armed conflict

List of issues concerning additional and updated information related to the consideration of the initial report of Azerbaijan (CRC/C/OPAC/AZE/1)

Addendum

Written replies of Azerbaijan *

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPAC/AZE/Q/1)

1. The steps taken to establish a coordinating body for implementation of the Optional Protocol in the State party were elaborated in State party's report (para. 7).

Reply to the issues raised in paragraph 2 of the list of issues

2. The Child Rights Centre under the auspices of Ombudsman apparatus also promotes the Convention on the Rights of the Child and its Optional Protocols, initiates awareness-raising work among public and children, while the Ministry of Justice's website ensures easy access to the legislative basis.

Reply to the issues raised in paragraph 3 of the list of issues

3. Great attention is paid to the exploration of international treaties on human rights, including norms on children's rights, and precedents of the European Court of Human Rights at the Academy of Justice during mandatory training of persons recruited for the first time for justice, law-enforcement bodies and candidates for the post of lawyers, long term pre-service training of candidates for the post of judges and continuous training of judges. Programmes on new curriculums were developed by the Ministry of Education and

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

discussions around this issue have been initiated. Once programs on new curriculums are adopted, the Optional Protocol will be implemented accordingly. Currently, efforts on the development of those documents are being taken.

Reply to the issues raised in paragraph 4 of the list of issues

4. There are 3 special military educational institutions (Azerbaijan high military school named after Heydar Aliyev, Azerbaijan high naval school, Azerbaijan high military aviation school) and 2 military lyceums (Military lyceum named after Heydar Aliyev, Military lyceum named after C. Nakhchivansky) under the auspices of the Ministry of Defence of the Republic of Azerbaijan. 2523 students are involved in those trainings. 1242, 1239 and 1271 students under the age of 18 were enrolled in 2008, 2009 and 2010 respectively in special military educational institutions and military lyceums of the Ministry of Defence of the Republic of Azerbaijan. Cadets of military lyceums are trained based on youth pre-conscription training discipline. Students of special educational institutions are trained on the use of firearms within the framework of firing training courses and fulfil firing exercises.

5. Also see paragraphs 23-24 of the State's report.

Reply to the issues raised in paragraph 5 of the list of issues

6. Cadets enrolled in special military educational institutions and lyceums under the age of 18 are not exposed to military discipline and punishment. A score system is applied based on the requirements of schools' statutes. Cadets of special educational institutions, upon taking the "Military oath", are punished in accordance with the requirements of the Discipline Statute of the Armed Forces. Cadets of military lyceums do not possess the status of military servants. Since the minimum age limit for admission to special educational institutions of the Ministry of Defence is 17, cadets of those schools are not called into military operations in the event of military mobilization, hostilities and emergency situations. Requirements of the Decree of the Ministry of Defence on Preparation of Armed Forces of the Republic of Azerbaijan for the Next Academic Year envisage at least a 2-year shortened education and training of cadets of special educational institutions before enrolment in military operations.

Reply to the issues raised in paragraph 6 of the list of issues

7. In accordance with Article 1 of the Law of the Republic of Azerbaijan on the Rights of the Child, as well as Article 1.1 of the Law of the Republic of Azerbaijan on the Prevention of Negligence and of Violation of Rights of Minors, persons under the age of 18 are considered persons who have not reached mature age.

8. During 2008-2010, as well as 6 months of 2011, criminal cases based on Article 116 of the Criminal Code of the Republic of Azerbaijan were not registered.

Reply to the issues raised in paragraph 7 of the list of issues

9. According to Criminal Code, the involvement of minors in armed forces is a violation of humanitarian legal norms during armed conflicts and is considered a war crime. According to Article 12.3 of this Code, citizens of the Azerbaijan Republic, foreigners or persons without citizenship who committed war crimes, irrespective of where the crimes were committed, are held criminally liable and punished based on this Code (extraterritorial jurisdiction).

10. According to the Law of the Republic of Azerbaijan on the handing over (extradition) of persons who committed a crime, persons, whose extradition is required by a foreign state, can be handed over only if acts committed by them are considered crimes

based on the legislation of the Azerbaijan Republic and the inquiring state and if punishment in the form of imprisonment for the period of at least one year or more severe punishment is envisaged for that crime.

11. A person sentenced by court of foreign state to deprivation of liberty or a more severe type of punishment for a committed crime can be handed over to serve punishment. In this case the non-served term of imprisonment cannot be less than 6 months.

12. Article 13.2. Foreigners and persons without citizenship, who have committed a crime outside the limits of the Azerbaijan Republic and are living on the territory of the Azerbaijan Republic, can be handed over to the foreign state for instituting the criminal liability or serving of punishment according to the Law of the Republic of Azerbaijan on Handing over (extradition) of Persons who committed a crime, other legislative acts of the Republic of Azerbaijan and international agreements to which the Azerbaijan Republic is a party.

Reply to the issues raised in paragraph 8 of the list of issues

13. There is no a risk of involvement of refugee, asylum-seeking and migrant children in hostilities in the Republic of Azerbaijan. During 2008, 2009 and 2010 no foreign children provided with refugee status by the Republic of Azerbaijan returned to their country of citizenship or origin.

Reply to the issues raised in paragraph 9 of the list of issues

14. Duty and civil weapons are included under the Law of the Republic of Azerbaijan on the list of items which might belong to certain participants of civil turnover and whose turnover requires special permission (i.e. whose turnover is limited).

15. According to the rules on bringing duty and civil weapons in and out of the Republic of Azerbaijan approved by Decree # 769 of the President of the Republic of Azerbaijan of August 24, 2002, bringing duty and civil weapons and their supplies in and out of the Republic of Azerbaijan requires the special permission of the Ministry of Internal Affairs of the Republic of Azerbaijan. According to the Rules on the sale of duty and civil weapons in the territory of the Republic of Azerbaijan approved by the same decree, entities involved in the sale of duty and civil weapons and their supplies should get special permission for sale from the Ministry of Internal Affairs of the Republic of Azerbaijan.

16. According to the list of executive power bodies issuing special permission, by categories and sections, conducting export control over and inspections before and after issuance of special permission of goods which are under export control, as well as goods included in the list defined by the legislation (work, services and the product of intellectual activities), and ensuring control over the use of dual-purpose items for assigned purposes, the Cabinet of Ministers of the Republic of Azerbaijan issues special permission, based on the opinion of concerned state bodies, for export, import, secondary export, secondary import, transit of submachine guns and their components, weapons with even muzzle, and military supplies.

17. Decree No. 230 of the Cabinet of Ministers of the Republic of Azerbaijan dated December 15, 2005 in connection with the fulfilment of the Law of the Republic of Azerbaijan "On Export Control" maintains the issuance of the special permits for the control of exporting goods (works, services, products of intellectual activities). Regulations set forth procedures for issuing special permits for export and if the opposite side will not comply with the obligations of the international treaties to which Azerbaijan is a party, the export of their goods, including the military character goods, will not be allowed.

18. According to Article 7 on duty and civil weapons, in accordance with the requirements of the same law, the citizens of the Republic of Azerbaijan who have reached the age of eighteen have the right to possess civil weapons.
