

### **Regarding question 1:**

The Republic of Azerbaijan acceded to the United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and against the Smuggling of Migrants by Land, Sea and Air, as well as the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on legal status of migrant workers and members of their families of the State Parties of the Commonwealth of Independent States.

In accordance with the Constitution of the Republic of Azerbaijan, the state controls the implementation of the protection of children's rights. Article 6 of the Law of the Republic of Azerbaijan "On the Rights of the Child" regulates equality of rights of children, Article 12 the right to liberty and personal immunity of children, Article 18 the right of a child living separate from parents, Article 31 measures on protection of children deprived of parental care, and Article 39 the protection of refugee or IDP children.

According to Article 74 of the Migration Code of the Republic of Azerbaijan ([https://migration.gov.az/content/pdf/5b83f1dc9236e\\_Migration\\_Code\\_EN.pdf](https://migration.gov.az/content/pdf/5b83f1dc9236e_Migration_Code_EN.pdf)) unless otherwise is envisaged by the Law and the international agreements which the Republic of Azerbaijan is a party to, foreigners and stateless persons enjoy equally all of the rights as the citizens of the Republic of Azerbaijan while staying in the Republic of Azerbaijan.

The legislation does not include any provisions that restricts or sets conditions for migrant's reunification with their families.

Part 1 of the "Rules for Consideration of Applications for Refugee Status" approved by the Decree No. 419 of the President of the Republic of Azerbaijan dated November 13, 2000, reflects the issues related to unaccompanied children entering the country. According to the second paragraph of Part 1 of the Rules, "When a person under 18 arrives unaccompanied or becomes unaccompanied after arrival (hereinafter - an unaccompanied child), is identified, information about that person is referred to the guardianship and custody authorities". Unaccompanied children in the country is treated equally as children who have lost their parents and are deprived of parental care, and their social protection is ensured by the state, and their rights and best interests are protected in accordance with the legislation. An unaccompanied child is a person who has not reached the age of 18 and is a minor in accordance with the law applicable to children, as well as a person deprived of the care of adults responsible for them in accordance with the law and custom, and separated from both parents. Refusal to allow unaccompanied children seeking asylum to enter the country is prohibited. Moreover, foreigners and stateless persons under the protection of the UNHCR are not expelled from the territory of the country and conditions are created for their children to get education in the country.

According to the Laws of the Republic of Azerbaijan "On the status of refugees and internally displaced (persons displaced within the country) persons" and "On the Rights of the Child", foreigners and stateless persons who have obtained refugee status in the country have the opportunity to study at all stages of education in the Republic of Azerbaijan.

### **Regarding question 2:**

The guardianship and custody authorities determine whether an unaccompanied child enters the territory of the country or becomes unaccompanied after arrival and in case of his/her intention to obtain refugee status, application is filled to the State Migration Service in accordance with the Rules. Until the issue of granting refugee status to an unaccompanied child is resolved, the guardianship and custody authorities place him/her in a social service facility. Unaccompanied children in the country are treated equally as children who have lost their parents and are deprived of parental care, and their social protection is ensured by the state, and their rights and best interest are protected in accordance with the legislation. According to the instruction of the Cabinet of Ministers a Working Group was established to ensure the effective national referral mechanism in the area of child care for improving the system of protection of unaccompanied and separated children. The Working Group is headed by the State Committee for Family, Women and Children Affairs. The working group includes representatives of the State Migration Service, the Ministry of Labour and Social Protection of the Population, the Ministry of Education, the Ministry of Health and the Baku City Executive Power.

### **Regarding question 3:**

Article 3.0.11 of the Migration Code of the Republic of Azerbaijan defines "family members of a foreigner or a stateless person". Thus, this category includes foreigner's or stateless person's spouse, children under the age of 18, children who are 18 or older, but unable to work and parents supported by him/her. In accordance with the Code, migrants have the right to reunite with their families. Family members of migrants legally staying and residing in the territory of the Republic of Azerbaijan can stay and reside in the territory of the country for the period of validity of their relevant permits.

Unaccompanied children must be registered during the interview with them. The documentation of the child allows to carry out further activities to ensure their interests. Once an unaccompanied child has been identified, an official request is addressed to the relevant executive authorities to take appropriate measures to appoint a guardian and place them in a social service institution until the issue of their refugee status is resolved, later a guardian and custodian is selected for the child, and such children are placed at the "Social asylum and rehabilitation center for neglected, orphaned and socially disadvantageous minors". The guardian and custodian must have the necessary experience in the field of social protection of children in order to protect the child and meet his/her relevant needs. All opinion and wishes of the children should be taken into account and considered in each case. The children should be provided with the opportunity to participate in all procedures, regardless of age. Asylum-seeking children, especially unaccompanied ones, have the right to special care and protection. Asylum seekers should not be arrested. This should be taken into account, especially when examining the personal files of unaccompanied children.

In accordance with Article 5 of the Law "On education", state ensures right of every citizen to free compulsory secondary education and everyone who receives education at state educational institutions enjoys the right to free-of-charge general education. Furthermore, pursuant to that Article the Republic of Azerbaijan ensures creation of relevant conditions for education of every citizen and does not permit deprivation of any stage, level and form of education, ensures creation of opportunities for education of every citizen and prohibits any discrimination, regardless of gender,

race, language, religion, political views, nationality, social status, background, and state of health.

All the opportunities have been created for foreigners and stateless persons, obtained refugee status in the territory of the country in compliance with the Laws of the Republic of Azerbaijan "On the Status of Refugees and IDPs (internally displaced persons)" and "On the Rights of the Child", to receive education at all stages of education in line with the legislation.

Compulsory child care measures encompass citizens of the Republic of Azerbaijan, stateless persons and foreigners permanently residing in the Republic of Azerbaijan in accordance with the Law "On Compulsory Medical Examinations of Children". According to the law of the Republic of Azerbaijan "On protection of health of population" medical care is free in the public medical enterprises of the Republic of Azerbaijan. According to the legislation of the Republic of Azerbaijan migrants can use ambulance and special medical care without any restrictions or discrimination.

In 2019 and the first quarter of 2020, 8159 migrant children were issued residence permits in the territory of the Republic of Azerbaijan. During 2019, 4 persons applying to obtain refugee status in the country (3 from Islamic Republic of Afghanistan, 1 from the Arab Republic of Egypt) were identified as unaccompanied children, requests on those persons were addressed to the guardianship and custody authorities, guardians were appointed to them in accordance with the legislation, those children were placed at "Social asylum and rehabilitation center for neglected, orphaned and socially disadvantaged minors".