



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **AZERBAIJAN – COUNTRY REPORT**

Child population: 2,671,000 (UNICEF, 2009)

### **Summary of necessary legal reform to achieve full prohibition**

#### ***Settings where explicit prohibition is necessary***

home, ?schools, ?penal institutions, alternative care settings

#### ***Is there a legal defence for corporal punishment which must be repealed?***

No – There is no defence for the use of corporal punishment enshrined in legislation but there is no explicit prohibition and provisions against violence and abuse are not interpreted as prohibiting corporal punishment in childrearing. Realisation of children’s rights to equal protection from assault under the law and to protection from all forms of violence requires clarity in law that no degree or form of corporal punishment is acceptable or lawful, without exception. Explicit prohibition should be enacted of all corporal punishment and other humiliating and degrading treatment, in the home and all other settings where adults exercise authority over children.

#### ***Other legislative measures necessary***

*Schools* – Legislation should explicitly prohibit corporal punishment in all schools, public and private.

*Penal institutions* – Explicit prohibition should be enacted of corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

*Alternative care settings* – Explicit prohibition of corporal punishment should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is lawful in the home. Provisions against violence and abuse in the Criminal Code, the Family Code, the Administrative Offences Act, the Law on the Rights of the Child, the Law on Prevention of Domestic Violence (2010) and the Constitution are not interpreted as prohibiting corporal punishment in childrearing.

Ms Hyra Husseynova, Chair of the State Committee for Family, Women and Children's Affairs, has signed up to the Council of Europe campaign against corporal punishment. In accepting the recommendations made during the Universal Periodic Review in 2009 to prohibit all corporal punishment of children, the Government stated that draft amendments to the Criminal Code and the Administrative Offences Code address cruel treatment of children (10 June 2009, A/HRC/11/20/Add.1, Report of the Working Group: Addendum). As at December 2011, a draft Law on Protection of Children against All Forms of Corporal Punishment was being discussed by the Government.

### Schools

Corporal punishment is considered unlawful in public and private schools, but we have yet to identify explicit prohibition in legislation. A new Law on Education was adopted in 2009 but we have no details of its provisions.

### Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not available as a sanction under the Criminal Code, the Criminal Procedure Code, the Rights of the Child Act, or the Order on Commissions on Minors Affairs and Protection of their Rights.

Corporal punishment is considered unlawful as a **disciplinary measure** in penal institutions, but we have yet to confirm that prohibition is explicit. As at December 2011, a draft law on Juvenile Justice was under discussion.

### Alternative care

There is no prohibition of corporal punishment in alternative care settings. It would be prohibited in the draft Law on Protection of Children against All Forms of Corporal Punishment (see above).

## Prevalence research

A UNICEF report published in 2010 states that 76% of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006. Almost half (48%) experienced physical punishment, while a much smaller percentage (18%) of mothers and caregivers thought that physical punishment was necessary in childrearing, and non-violent discipline was also very widely used: experienced by 93% of children. Nearly one child in five (17%) experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement) and 73% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). Boys were slightly more likely than girls to experience violent discipline: 79% compared to

72%. Children living in households with adults with a higher average level of education were less likely to experience violent discipline than those living with less educated adults. No significant differences in children's experience of violent discipline were found according to age, household size or engagement in child labour. (UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF)

According to statistics from UNICEF on violence in the family, in 2005-2006 nearly half of girls and women aged 15-49 thought that a husband is justified in hitting or beating his wife under certain circumstances; 58% of boys and men aged 15-49 thought this. (UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF)

## **Recommendations by human rights treaty bodies**

### *Committee on the Rights of the Child*

(3 February 2012, CRC/C/AZE/CO/3-4 Advance Unedited Version, Concluding observations on third/fourth report, paras. 45 and 46)

“While noting that the State party has a draft Law on Protection of Children against All Forms of Corporal Punishment under consideration, the Committee is concerned that current legislation fails to explicitly prohibit corporal punishment in all contexts.

“The Committee reiterates its previous recommendations (CRC/C/AZE/CO/2 para. 45) and recommends that the State party introduce and fully implement legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. It also recommends that the State party conduct awareness-raising and public education campaigns promoting non-violent, participatory forms of child-rearing and education.”

### *Committee on the Rights of the Child*

(17 March 2006, CRC/C/AZE/CO/2, Concluding observations on second report, paras. 44 and 45)

“The Committee expresses concern that corporal punishment, while prohibited in schools and in the penal system, remains lawful at home and it is still widely practiced in the society as an accepted measure of discipline.

“The Committee recommends that the State party introduce and fully implement legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home. The State party should also conduct awareness-raising and public education campaigns promoting non-violent, participatory forms of child-rearing and education.”

## **Universal Periodic Review**

Azerbaijan was examined in the first cycle of the Universal Periodic Review in 2009. The Government accepted the recommendations to prohibit all corporal punishment of children (A/HRC/11/20/Add.1, Report of the Working Group: Addendum). Examination in the second cycle is scheduled for 2013.

*Report prepared by the Global Initiative to End All Corporal Punishment of Children*  
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