



**THE STATE STATISTICAL COMMITTEE
OF THE REPUBLIC OF AZERBAIJAN**

**Alternative Care of Children
in the Republic of Azerbaijan**

In 1992 to 1994 all countries ratified the UN Convention on the Rights of the Child and by doing this assumed the commitment to establish a system that would serve the best interests of children and would treat them as subjects of rights, not only objects of care; in this way the reform of the childcare system commenced.

Azerbaijan acceded to the Convention on the Rights of the Child, which expressly recognizes that *“the child, for the full and harmonious development of his or her personality, should grow up in a family environment”*. Only in cases where there is a risk of serious harm the child should be taken away from the family and placed into care by using an alternative family arrangement.

Azerbaijan has taken an innovative and very important step in the reform by introducing a plan of transforming state-run child care institutions at the national level. This is the most up-to-date example of planning the reform.

The year 2008 saw an in-depth assessment of all state-run childcare institutions, aimed at obtaining more reliable data on how many children the system is servicing and, therefore, how many and what types of services will be required in the new system. According to the assessment, from among 14,389 children in state-run childcare institutions only 4,055 (28 per cent) live there permanently, and the other ones visit classes, spending every night or weekend at home (comprehensive boarding schools, institutions for children with mental or physical disorders, speech disorders, and health camps). Compared with what was initially contemplated, an entirely different scenario has materialized, which takes into account the number of children who might be in need of alternative services. In the course of the assessment the researchers also studied institutions and collected information on the infrastructure of the institution and of the nearby area; on the quality of provided services; on the number of children living in institutions, the number of children from the area where the institution is situated, and the inflow of children during a year.

On the basis of obtained data, as guidance for implementing the State Programme for Deinstitutionalization and Alternative Care (2006 to 2015), the government developed a National Plan for Transforming State-run Childcare Institutions. The Education Ministry is in charge of implementing and coordinating the reform and to this end has led the establishment of a Taskforce. The specific role of the Plan is to quantify target indicators and determine performance benchmarks and stakeholders in order to manage transformations in the system of state-run childcare institutions. The objectives arising from this document will be included into annual plans of each institution, and their implementation will be monitored on a regular basis.

Azerbaijan intends to continue implementing the General Plan for Transforming State-run Childcare Institutions and Developing an Alternative Care System. In this regard the government also plans to use the service-providing potential of non-governmental agencies and academic institutions and develop necessary mechanisms to enable their involvement in the services. Azerbaijan plans to improve its legal framework by using the results of pilot projects in

developing regulatory acts and introducing a three-level system for child protection and by doing this overcome the inconsistency of the system and strengthen the coordination of activities. Primary importance has been assigned to decentralizing the childcare system stage by stage to ensure timely measures in respect of consumers of the services alongside with increasing the amounts of investments to collect reliable data, on whose basis the system will develop.

To date residential care institutions are the most common form of formal care.

Care in residential institutions should be used as a last resort, mainly to provide individually-agreed-on temporary care for older children. To make this possible, family arrangements should be developed, such as foster families or guardianship. At the same time other types of services and functions are necessary as part of the childcare system. Family and child support services perform important functions of the prevention and early detection of risks, which are to be prioritized in such a way as to minimize the number of children left without parental care.

In recent years Azerbaijan has established a few types of family support services. Examples are rehabilitation centres for children with disabilities that support children's return to families and prevent children's being placed into institutions. The centres provide services such as psychological support, physiotherapy, sensory therapy, life skills development, basic vocational training, developmental therapy, consulting, speech therapy, art and play therapy, and ensuring school readiness. In accordance with the General Plan for Transforming State-run Childcare Institutions, daycare services will be established in all the redesigned institutions.

In addition, as part of the said Plan, all the institutions of the country were divided into institution groups to be redesigned in the short, medium or long term. Institutions that care for children with severe forms of disabilities and accommodate a large number of children who cannot return into families will have smaller childcare groups and additionally render other services, such as daycare, rehabilitation services, family support, and the functioning of small family groups (for young people who have just left the care system and for children with severe forms of disabilities). In addition, the Plan provides for the promotion of child adoption, the development of foster families, the strengthening of guardianship and support to extended families, and the training of employees of guardianship institutions and agencies.

Today Azerbaijan has entered the stage of sustainable economic development, and this has created a favourable ground for people's adequate living standards. All this has generated a basis for the exercise of the rights of the child in the country, in particular, specific steps in the area of child protection and improving children's situation in general.

Orphanhood as a social phenomenon is as old as the human society and is an integral element of the civilization. And it is one of the most acute socio-economic

and psychological and pedagogical problems in our country, just like in the entire post-Soviet region.

According to the Universal Declaration of Human Rights, children are entitled to special care and assistance. Upholding the rights of the child is among global contemporary problems whose solution is of interest for the entire global community. This is explained by the coming generation's crucial role in guaranteeing the viability of the society and forecasting its future development.

The safeguarding of children's rights and the protection of their legitimate interests, including those of orphans and children without parental care, is one of the main priorities of our state.

The national policy in respect of all children left without parental care has been implemented in accordance with the Law of the Republic of Azerbaijan "On the Rights of the Child", the Family Code of the Republic of Azerbaijan, the Law "On the Social Protection of Children Who Have Lost Their Parents and Are Left without Parental Care", and the State Programme for Placing Children from State-run Institutions into Families (Deinstitutionalization) and Alternative Care.

In Azerbaijan, authorities engaged in protecting children's rights are guardianship agencies and juvenile affairs commissions run by local executive authorities.

Decisions regarding alternative care are made by the following authorities: the Internal Affairs Ministry, the Justice Ministry, and the Judicial and Legal Council.

The regulatory framework that ensures the functioning of the standard process for the child's alternative family arrangement is set forth in the Family Code of the Republic of Azerbaijan.

In accordance with the legislation of the Republic of Azerbaijan, children in state-run childcare institutions are encompassed with care on the part of the state. According to the UN Convention "On the Rights of the Child", which the Republic of Azerbaijan has acceded to, the family is the most acceptable environment for the child's healthy development and integration into the society. According to the requirements of the Convention, the placement of children from state-run childcare institutions into biological or other alternative forms of families and the protection of their rights are to always remain in the focus of attention, and families caring for such children are to be provided with social assistance.

Recently there have been positive developments in the area of determining child protection mechanism and establishing new forms of alternative care. What is of great importance from this perspective is the enactment of the State Programme for Placing Children from State-run Childcare Institutions into Families (Deinstitutionalization) and Alternative Care in the Republic of Azerbaijan (for the

Period from 2006 to 2015) approved by the Azerbaijan President's Decree dated 29 March 2006.

The State Programme for Placing Children from State-run Childcare Institutions into Families (Deinstitutionalization) and Alternative Care in the Republic of Azerbaijan (for the Period from 2006 to 2015) was approved by the country's President's Decree No. 136 dated 29 March 2006. The aim of the Programme is to expand the range of deinstitutionalization-related works, carry on effective activities, and obtain specific positive results.

Bearing in mind the fact that the child's full and harmonious development requires a family environment, the main goal of the programme is to place children from state-run childcare institutions into families; alongside with making arrangements for mechanisms for organizing alternative care, the society establishes an environment to enable children to receive alternative care in the territories they live in and to prevent their being placed into state-run childcare institutions.

To ensure the effective implementation of the State Programme, in accordance with Decree No. 174 by the Cabinet of Ministers of the Republic of Azerbaijan dated 28 June 2007 and pursuant to Order No. 788 by the Minister of Education of the Republic of Azerbaijan dated 02 July 2007, a Taskforce constituted by 5 persons was established; on the basis of the Taskforce, Decree No. 5 dated 13 January 2010 established the Child Deinstitutionalization and Protection Authority. One of the objectives faced by the State Programme after children with disabilities are placed into families is to carry on activities to integrate them into mainstream schools and arrange such children's learning side by side with ordinary children.

The State Strategy for Education Development in the Republic of Azerbaijan approved by the Decree by the President of the Republic of Azerbaijan dated 24 October 2013 provides for the country's preparation and introduction of developmental and inclusive educational programmes for children in need of special care. By arranging inclusive education in the territory of the Republic we will be able to prevent children with disabilities from being placed into boarding schools.

The implementation of the programme has been financed from the state budget of the Republic of Azerbaijan, by way of technical and financial assistance from international and donor organizations and other sources that are not contrary to legislation.

On the basis of the Programme for the Development of Orphanages and Boarding Schools prepared on an initiative of Ms. Mehriban Aliyeva, President of the Heydar Aliyev Fund, in recent years the country renovated and thoroughly

repaired almost all boarding schools and orphanages that educate and look after for children in need of special care and equipped them with state-of-the-art equipment. These institutions provide children deprived of parental care with an environment that is close to a family arrangement.

The country has been paying due attention to detecting children who for various reasons are left without parental care.

Activities that at any time provide children with necessary support and protection by a legal guardian or another officially authorized person who has attained the legal age of majority are carried on according to the Civil Code and the Family Code of the Republic of Azerbaijan. There are two types of guardianship: full guardianship, which is instituted over children under fourteen years of age, and guardianship with limited capacity, which is instituted over children from fourteen to eighteen years of age.

In accordance with article 114.1 of the Family Code of the Republic of Azerbaijan, the protection of children's rights and interests if their parents have died or have been deprived of parental rights or their parental rights have been limited or they have been declared legally incapable, are ill or have been absent for a long time, evade caring for their children or protecting their children's rights and interests, including cases where parents refuse to take their children from social welfare, educational, healthcare or other similar institutions, and in other cases of the absence of parental care is entrusted to the guardianship agency of the local executive authority.

The respective guardianship agency detects children left without parental care, keeps records on them and, proceedings from specific circumstances in which the children were left without parental care, selects living arrangements for them and controls the environment in which they live and are cared for and educated.

Children without parental care are to be placed into a family (by way of adoption, guardianship, or foster care) or, in the absence of such an opportunity, into social welfare, educational, healthcare and other similar institutions for children without parental care or orphaned children.

The procedure for keeping centralized records on children left without parental care is determined by the Cabinet of Ministers of the Republic of Azerbaijan. The Cabinet of Ministers of the Republic of Azerbaijan may stipulate other living arrangements for children left without parental care.

When determining the living arrangement for a child, his or her ethnic origin, religion and culture, native tongue, and the most favourable conditions for his or her education and for care for him or her are to be taken into account.

Before children left without parental care are placed into a family or an institution, the guardianship's duties are temporarily entrusted to local executive authorities' guardianship agencies.

According to the Law of the Republic of Azerbaijan "On the Social Protection of Children Who Have Lost Their Parents and Are Left without Parental Care", the social protection of children who have lost their parents and are left without parental care and of persons classified as such children is ensured by the state in accordance with applicable legislation.

Within the limits of its powers the Cabinet of Ministers of the Republic of Azerbaijan, the Healthcare Ministry, the Labour and Social Protection Ministry, the Education Ministry, the Youth, Sports and Tourism Ministry, the State Committee for Problems of the Family, Women and Children, and the respective executive authorities develop and implement targeted programmes for the social protection of children who have lost their parents and are left without parental care and persons classified as such children and, on the basis of centralized dedicated places of residence and educational institutions, institutions providing social services and other institutions, establish state-run social adaptation and rehabilitation entities.

In accordance with the Law of the Republic of Azerbaijan "On the Social Protection of Children Who Have Lost Their Parents and Are Left without Parental Care", the rights and legitimate interests of children who have lost their parents and are left without parental care and persons classified as such children may be protected by themselves, their lawful representatives, guardians, the respective executive authorities, courts and prosecutors' offices, municipalities, public associations, and trade unions, according to the procedure provided for by the legislation of the Republic of Azerbaijan.

In accordance with article 138 of the Family Code, guardianship is not assigned to children in full-time formal care in childcare, healthcare, and social welfare institutions. It is the administrations of these institutions that must perform guardians' duties. The child's being temporarily placed into such an institution does not limit the guardian's rights and obligations in respect of this child. Guardianship agencies must supervise on an ongoing basis children's living, care, and educational environment in the institutions indicated in this article of the Code. It is guardianship agencies that are obligated to protect the rights of children who leave the institutions indicated in this article.

According to article 140 of the said Code, children left without parental care and staying in childcare, healthcare, social welfare, and other similar institutions have the right to:

- provision for their needs, care and education, all-round development, respect to their human dignity, and the protection of their interests;
- the pensions, benefits, and other social security transfers that are due to them;
- the retention of their title to residential premises or of the right to use residential premises, and, in the absence of residential premises, of the right to be granted residential premises in accordance with housing legislation;
- the employment privileges provided by the employment legislation of the Republic of Azerbaijan, upon the end of their stay in the said institutions;
- children left without parental care and looked after by the said institutions have the rights provided for by articles 50 (the child's right to be in contact with his or her parents and other relatives), 51 (the child's right to protection), and 52 (the child's right to express his or her opinion) of the Family Code.

Paragraph 4.0.1.9 of the Law of the Republic of Azerbaijan "On Social Security Benefits" provides for monthly benefit payments to guardians of children who have lost their parents and are deprived of or left without parental care.

As of the first of July 2014 the average amount of the monthly benefit granted to a guardian was US\$64.

Over last two decades, in an extremely severe social, economic, and financial environment Azerbaijan managed to establish a solid foundation for developing a sound social protection framework. Now it is a system of a wide range of measures that have been designed to prevent social ill-being and support socially vulnerable population groups.

Upon the breadwinner's death the survivors are paid pensions and benefits. As of the first of July 2014 the State Social Protection Fund paid survivors' pensions to 96,271 children, with the average amount of their monthly pension equalling US\$144. According to the Law "On Retirement Pensions", the pension of each survivor who is incapable to work is to be calculated as 30 per cent of the breadwinner's average monthly salary. The pensions of children who have lost both parents is to be calculated as 60 per cent of the total amount of each parent's average monthly salary.

The Labour and Social Protection Ministry has been paying loss-of-breadwinner benefits to 39,395 children, with the average amount of their monthly benefit equalling US\$70. In addition, the Labour and Social Protection Ministry has been paying monthly US\$22 benefits to children of shekhids (those who died in the Nagorno-Karabakh War).

The country has a variety of state-run educational and childcare institutions for children who are in need of social support, namely infant and child orphanages; boarding schools for orphaned children and children left without parental care;

dedicated boarding schools for children with general disabilities; and residential care homes for children with intellectual disabilities.

	2005	2010	2011	2012	2013
Number of infant orphanages	4	4	4	4	4
number of children in them in persons	156	143	153	168	163
from among them, orphans and children left without parental care	59	43	8	1	-
Number of child orphanages	6	6	6	6	6
number of children in them in persons	734	513	499	510	509
from among them, orphans and children left without parental care	438	351	175	26	30
Number of dedicated boarding schools for children with general disabilities	12	11	10	11	12
number of children in them in persons	2915	2537	2159	2725	2653
from among them, orphans and children left without parental care	280	162	134	115	163
Number of residential care homes for children with intellectual disabilities	2	2	2	2	2
number of children in them in persons	298	267	300	310	297
from among them, orphans and children left without parental care	61	44	72	72	40
Number of boarding schools for orphans and children left without parental care	2	2	2	3	3
number of children in them in persons	480	398	373	414	389
from among them, orphans and children left without parental care	330	398	373	414	389

Now Azerbaijan has 4 infant orphanages, which accommodate 163 infants aged less than 3 years, and two dedicated residential care institutions, which accommodate 297 children with disabilities, 40 of them being orphans.

The 4 infant orphanages are within the jurisdiction of Azerbaijan's Healthcare Ministry. Foundlings are admitted on the basis of police records, and abandoned infants enter these facilities on the basis of the mother's application, the child's health record, and his or her maternity hospital record. Infants leave the orphanages for the following reasons:

1. They are taken by their parents;
2. They are adopted (adoption is an arrangement where children left without parental care are placed into a family and treated as natural children).
The adoptive parent acquires the entire range of parental rights and obligations. The procedure is governed by quite a few binding legal aspects. The child to be adopted must be less than 18 years old, and the adoptive parent must be no less than 16 years older than him or her;
3. They are referred to educational institutions upon attaining a certain age; or
4. They are referred to social welfare institutions.

Six state-run child orphanages take care of children aged from 3 to 18 years. Since 2005 the network of child orphanages has remained unchanged, but the number of children staying there has decreased from 734 to 509. Only every seventeenth child (in 2005 the share of such children was 60 %) is an orphan or a child left without parental care. Children in the orphanages are mainly aged from 7 to 15 years.

Two state-run boarding schools for orphaned children and children left without parental care look after 389 children (in 2005 the number of such children was 480) aged from 5 to 18 years, all of them being orphaned children and children left without parental care. All school-age children are covered by school education.

Twelve state-run boarding schools for children with disabilities take care of 2,653 children. From among the total number of children in dedicated schools and boarding schools for children with disabilities, 57 % are children with intellectual disabilities, 8 % are those with speech disorders, 10 % are deaf, 4 % are blind, 2 % are children with musculoskeletal system disorders, and 2 % are hard-of-hearing and late-deaf children. One hundred and sixty-seven children (3 %) in these institutions are orphans.

Twenty-one state-run comprehensive-type boarding schools look after 5,734 children, of which every eight child is an orphan or a child left without parental care.

In addition to the forms envisaged by the Family Code, there are SOS Children's Villages – Azerbaijan (run by SOS Kinderdorf International). Now Azerbaijan has 2 SOS Children's Villages, in Baku and Gyanja, which take care of more than 150 children deprived of parental care. The entity's motto is "A loving home for every child".

These children live in SOS youth homes and villages. The SOS childcare model comprises four stages, namely SOS villages, youth homes where children move to upon attaining the age of 15, and the semi-independent and independent life of adult SOS-home- and village- leavers. Even such adults get assistance from the Children's Villages Association of the Republic of Azerbaijan in the form of health insurance, renting a flat, etc.

According to the country's Justice Ministry, 961 children were adopted in 2013, 5 of them adopted by foreign citizens; in 2005 the respective numbers were 803 and 9. Citizens of the Republic of Azerbaijan are granted a preference in adoption and have the right to adopt a child as soon as he or she has been assigned the status of one left without parental care. Azerbaijan is among the countries that have been developing international adoption as a way of protecting the child's right to live in family care. Foreigners may not adopt children left without parental

care unless the placement of the children into Azerbaijan citizens' care is deemed impossible.

	Total	<i>including children in the below age groups</i>			
		<i>less than 1 year</i>	<i>1 to 5 years</i>	<i>6 to 10 years</i>	<i>11 to 17 years</i>
Adopted children and children in guardian care in persons	961	204	429	183	145
from among them:					
girls	432	102	198	81	51
boys	529	102	231	102	94
From among the total number, children adopted by and placed into the guardian care of foreign citizens and stateless persons	5	1	2	1	1
from among them:					
girls	2	-	2	-	-
boys	3	1	-	1	1

According to article 32 of the Law of the Republic of Azerbaijan “On the Rights of the Child”, a child may be adopted if this serves his or interests, according to the procedure provided for by the legislation of the Republic of Azerbaijan. The person who has adopted a child must have adequate capabilities for the child’s appropriate development and upbringing. Child adoption for personal gain is prohibited. The adoption secret is protected by the state. Rules for foreigners’ adoption of a child who is a citizen of the Republic of Azerbaijan and rules for the adoption of a foreign child by citizens of the Republic of Azerbaijan are defined by the intergovernmental treaties and legislation of the Republic of Azerbaijan.

Section 1: Definitions Matrix

Table 1. Definitions of Key Terms

Terms	UNICEF working definition/explanation	Your country: definitions/explanations/legal references/data collection	
		English	National language
		<p><i>Explain if your country's understanding of this expression is different. Please answer all questions and provide details with examples. Please indicate clearly where data are not available or of poor quality and the reasons for this. Please refer to appropriate legislation. Please provide additional comments on your country context and other remarks, if possible.</i></p>	
Child	Every human being below the age of 18 years (CRC Art 1).	<p><i>In accordance with the Law of the Republic of Azerbaijan "On the Rights of the Child", a child is a person who has not attained the age of eighteen.</i></p> <p><i>According to article 1 of the said Law, the rights and obligations provided therein apply to all persons below the age of 18.</i></p>	<p><i>В соответствии с Законом Азербайджанской Республики «О правах ребенка» лицо, не достигшее восемнадцатилетнего возраста, является ребенком.</i></p> <p><i>Согласно статье 1 указанного Закона, предусмотренные в нем права и обязанности распространяются на всех лиц до 18 лет.</i></p>
	Formal family-based care		
Foster care	<p>Situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family, that has been selected, qualified, approved and supervised for providing such care (<i>para 29.c.ii; source: 2009 UN Guidelines for the alternative care of children</i>).</p> <p><i>How are data collected on foster care? Who/which ministry is responsible? Please explain what definitions/ classification systems are used to collect data. Please define all terms used in your country, and common English translations if relevant.</i></p>	<p><i>The State Statistical Committee of the Republic of Azerbaijan annually collects a report in form No. 1 "Patronage" from local executive authorities.</i></p> <p><i>Local executive authorities are responsible for collecting information on children living in Azerbaijan who have been placed into foster families. The State Committee for Problems of the Family, Women and Children is responsible for collecting information on foreign children placed into foster families of citizens of Azerbaijan.</i></p> <p><i>According to the Family Code of the Republic of Azerbaijan, a foster family is established on the basis of an agreement on placing a child into care. The said agreement is entered into between the guardianship agency and foster parents (who may be spouses or independent citizens wishing to care for a child as a family). Only a minor may be placed into a foster family and only for the period provided for by the agreement.</i></p> <p><i>Regulations on the foster family are approved by the respective executive authority.</i></p>	<p><i>Государственный Комитет Азербайджанской Республики по статистике ежегодно собирает отчет по форме № 1- патронат от районных органов исполнительной власти.</i></p> <p><i>За сбор сведений о детях, проживающих в Азербайджане, принятых в приемные семьи несет ответственность Местная Исполнительная Власть. За сбор сведений о детях-иностранцах, принятых в приемные семьи граждан Азербайджана несет ответственность Госкомитет по проблемам семьи, женщин и детей.</i></p> <p><i>Согласно Семейному Кодексу Азербайджанской Республики, приемная семья образуется на основании договора о передаче ребенка на воспитание. Указанный договор заключается между органом опеки и попечительства и приемными родителями (супругами или отдельными гражданами, желающими взять ребенка на воспитание в семью). На воспитание в приемную семью передается только ребенок, не достигший совершеннолетия, и только на срок, предусмотренный договором.</i></p> <p><i>Положение о приемной семье утверждается соответствующим органом исполнительной</i></p>

Terms	UNICEF working definition/explanation	Your country: definitions/explanations/legal references/data collection	
		English	National language
		<p><i>Explain if your country's understanding of this expression is different. Please answer all questions and provide details with examples. Please indicate clearly where data are not available or of poor quality and the reasons for this. Please refer to appropriate legislation. Please provide additional comments on your country context and other remarks, if possible.</i></p>	
			<p>власти.</p>
Guardian	<p>A guardian is a legally appointed adult representative for a child. The guardian's function is to ensure that a child's rights are upheld and the child's best interests are protected. The existence, process and duties of a guardian will vary from country to country. (Source: <i>The Better Care Network website</i>). Guardianship refers only to situations where the child is looked after on a day-to-day basis in the guardian's own home.</p> <p><i>How are data on guardianship collected? Who/which ministry is responsible? Please explain what definitions/ classification systems are used to collect data.</i></p>	<p><i>According to article 115.5 of the Family Code of the Republic of Azerbaijan, the respective executive authority (the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority) is to keep centralized records on children deprived of parental care.</i></p> <p><i>Local social protection centres provide Azerbaijan's Labour Ministry with data on the number of guardians who are paid benefits, and the Ministry, in its turn, sends consolidated data to the State Statistical Committee of the Republic of Azerbaijan.</i></p> <p><i>The State Statistical Committee of the Republic of Azerbaijan annually collects reports in form No. 1 "Patronage" from local executive authorities.</i></p> <p><i>Local executive authorities are responsible for collecting information on guardianship.</i></p> <p><i>Only majors who are fully legally capable may be appointed as guardians.</i></p> <p><i>Aspects to be taken into account when appointing a guardian for children are the would-be guardian's behaviour and other qualities, his or her ability to discharge the duties of a guardian, his or her and his or her family's communication with and attitude to the child, and, as far as possible, the child's preferences.</i></p>	<p><i>Согласно статье 115.5 Семейного кодекса Азербайджанской Республики, соответствующий орган исполнительной власти (Комиссия по делам и защите прав несовершеннолетних при местной исполнительной власти) ведет централизованный учет сведений о детях, лишенных попечительства родителей.</i></p> <p><i>Районные центры социальной защиты представляют данные о числе опекунов, получающих пособия, в Министерство Труда Азербайджана, которые, в свою очередь, направляют сводные данные в Государственный Комитет Азербайджанской Республики по статистике.</i></p> <p><i>Государственный Комитет Азербайджанской Республики по статистике ежегодно собирает отчет по форме № 1- патронаж от районных органов исполнительной власти. За сбор сведений об опекунстве несет ответственность Местная Исполнительная Власть.</i></p> <p><i>Опекунами (попечителями) назначаются только совершеннолетние и полностью дееспособные лица.</i></p> <p><i>При назначении детям опекуна (попечителя) должно учитываться поведение и другие качества опекуна (попечителя), его способность выполнять обязанности опекуна (попечителя), общение его и его семьи с ребенком и отношение их к нему, а также по возможности пожелание ребенка.</i></p>

Terms	UNICEF working definition/explanation	Your country: definitions/explanations/legal references/data collection <i>Explain if your country's understanding of this expression is different. Please answer all questions and provide details with examples. Please indicate clearly where data are not available or of poor quality and the reasons for this. Please refer to appropriate legislation. Please provide additional comments on your country context and other remarks, if possible.</i>	
		English	National language
		<p><i>Alcoholics and drug addicts, persons relieved of duties of a guardian, persons whose parental rights have been limited, persons who previously adopted children if, through such persons' fault, the adoption has been annulled, and persons who for health reasons are unable to care for a child (articles 120.1.1 to 120.1.5 of the Family Code) may not be guardians.</i></p> <p><i>Guardians are to safeguard the rights and interests of children in their care in relations with any persons, including courts, without a special power of attorney.</i></p> <p><i>Guardians are the representatives of children in their care by operation of law and may enter into all necessary transactions in their name and in their interests.</i></p> <p><i>The guardianship agency located at the place of residence of children in guardian care is to supervise their guardians' activities.</i></p> <p><i>Guardians of minor individuals are to live in the same household as the children in their care. A guardian to a child who has attained the age of sixteen may live in a different household subject to an authorization issued by the guardianship authority and if this will not adversely affect care for, and the protection of the rights and interests of, the child in his or her care.</i></p> <p><i>Guardians are to notify guardianship agencies of any changes in their place of residence. Guardians are to ensure that the needs of the children in their care are satisfied, that they are provided with care, including healthcare, and education and that their rights and interests are protected.</i></p>	<p><i>Алкоголики и наркоманы, лица, отстраненные от исполнения обязанностей опекуна (попечителя), лица, родительские права которых ограничены, лица, ранее усыновлявшие, в случае, если по их вине усыновление было отменено, и неспособные по состоянию здоровья воспитывать ребенка (статьи 120.1.1-120.1.5 Семейного Кодекса), не могут быть опекунами (попечителями).</i></p> <p><i>Опекуны и попечители выступают в защиту прав и интересов своих подопечных в отношениях с любыми лицами, в том числе в судах, без специального полномочия. Опекуны являются представителями подопечных в силу закона и совершают от их имени и в их интересах все необходимые сделки.</i></p> <p><i>Орган опеки и попечительства по месту жительства подопечных осуществляет надзор за деятельностью их опекунов и попечителей.</i></p> <p><i>Опекуны и попечители несовершеннолетних физических лиц обязаны проживать совместно со своими подопечными. Раздельное проживание попечителя с подопечным, достигшим шестнадцати лет, допускается с разрешения органа опеки и попечительства при условии, что это не отразится неблагоприятно на воспитании и защите прав и интересов подопечного.</i></p> <p><i>Опекуны и попечители обязаны извещать органы опеки и попечительства о перемене места жительства. Опекуны и попечители обязаны заботиться о содержании своих подопечных, об обеспечении их уходом и лечением, об их обучении и воспитании, защищать их права и интересы.</i></p>

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		English	National language
		<p><i>The guardianship authority is to relieve the guardian of his or her duties in cases where the minor is returned to his or her parents or adopted. After the underage child in care of a guardian attains fourteen years of age, full guardianship over him or her terminates, and the individual who has discharged the duties of a full guardian becomes, without an additional decision thereon, the minor's guardian with limited capacity.</i></p> <p><i>Guardianship with limited capacity over a minor is terminated, without a special decision thereon, when the minor attains eighteen years of age and/or marries and in other cases where he or she becomes fully legally capable before attaining the age of majority.</i></p>	<p><i>Орган опеки и попечительства освобождает опекуна или попечителя от исполнения им своих обязанностей в случаях возвращения несовершеннолетнего его родителям или его усыновления. По достижении малолетним подопечным четырнадцати лет опека над ним прекращается, а физическое лицо, осуществлявшее обязанности опекуна, становится попечителем несовершеннолетнего без дополнительного решения об этом.</i></p> <p><i>Попечительство над несовершеннолетним прекращается без особого решения по достижении несовершеннолетним подопечным восемнадцати лет, а также при вступлении его в брак и в других случаях приобретения им полной дееспособности до достижения совершеннолетия.</i></p>
<p>Patronat (patronage care) <i>No data on patronat care are currently collected as part of TransMonEE. There is a separate line in the TransMonEE template (at the end of the section on guardian care) for "Other types of family-based care". Data on informal kinship care arrangements are usually presented in that line.</i></p>	<p>A family-based placement concept by which children are placed in "patronat" families while remaining under the guardianship of the director of their residential institution of origin – through a tripartite agreement between the institution – family – guardianship agency. Children and potential "patronat" parents are prepared, selected and accompanied by the institution. The institution retains legal power and financial resources to manage this process and intervene as much as needed.</p> <p><i>Do you have patronat care in your country? How are data collected on patronat care? Who/which ministry is responsible? Please explain if children in patronage are counted as living in "foster care", "residential care" or other in your country. Please explain what definitions/classifications are used to collect data.</i></p>	<p><i>The State Statistical Committee of the Republic of Azerbaijan does not collect data on patronage. In our country children in patronage are counted as living in "foster care" or "residential care".</i></p> <p><i>A guardian family is established on the basis of an agreement on placing a child into care. This agreement is entered into between the guardianship agency and guardian parents (who may be spouses or independent citizens wishing to care for a child as a family). Only a minor may be placed into care of a guardian family and only for the period provided for by the agreement.</i></p> <p><i>Regulations on the guardian family are approved by the respective authority, namely the Adoption Affairs</i></p>	<p><i>Государственный Комитет Азербайджанской Республики по статистике не собирает данные относительно патронажа. Дети в патронаже в нашей стране посчитаны как живущие на «воспитании в приемной семье», «в учреждении интернатного типа» .</i></p> <p><i>Семья-попечитель создается на основании договора о передаче ребенка на воспитание. Данный договор заключается между органом опекунства и попечительства и родителями-опекунами (супругами или отдельными гражданами, желающими взять ребенка в семью на воспитание). В семью-попечитель может быть передан на воспитание только несовершеннолетний ребенок и только на срок, предусмотренный договором.</i></p> <p><i>Положение о семье-попечителе утверждается соответствующим органом – Комиссией по</i></p>

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		English	National language
		<p><i>Commission of the Cabinet of Ministers of the Republic of Azerbaijan.</i></p> <p><i>The agreement on placing a child into family care is to stipulate on a mandatory basis his or her living, care and educational environment, the guardian parents' rights and duties, the duties of the guardianship agency to the guardian family, grounds for cancelling this agreement, and the results of the cancellation. The amount of the guardian parents' salary and benefit, depending on the number of children placed into their care, is stipulated by legislation.</i></p> <p><i>The agreement on placing a child into family care may be cancelled early on the guardian parents' initiative if there are sound reasons for the cancellation (an illness, a change in the family and property situation, the absence of mutual understanding with the child, a conflict situation among the children) and, on the initiative of the guardianship agency, in the existence of unfavourable conditions for care for and education of the child and his or health in the family or if the child returns to his or her family or is adopted.</i></p> <p><i>Persons of both sexes who have attained the age of majority, except for the following persons, may be guardian parents:</i></p> <ul style="list-style-type: none"> <i>- persons recognized by a court as legally incapable or persons with limited legal capacity;</i> <i>- persons whom a court has deprived of parental rights or persons whose parental rights have been limited;</i> <i>- persons relieved of a guardian's duties for a failure</i> 	<p><i>Делам об Усыновлении при Кабинете Министров Азербайджанской Республики.</i></p> <p><i>В договоре о передаче ребенка в семью на воспитание непременно указываются условия его проживания, воспитания и обучения, права и обязанности родителей-попечителей, обязанности органа опекунства и попечительства перед семьей-попечителем, основания для отмены данного договора и ее результаты. Размер оплаты труда родителей-попечителей и предоставленные им льготы в зависимости от количества взятых ими на воспитание детей устанавливаются законодательством.</i></p> <p><i>Договор о передаче ребенка в семью на воспитание может быть досрочно расторгнут по инициативе родителей-попечителей при наличии уважительных причин (болезни, изменения семейного и имущественного положения, отсутствия взаимопонимания с ребенком, конфликтной ситуации между детьми), а также по инициативе органа опекунства и попечительства - при наличии неблагоприятных условий для воспитания, обучения ребенка и его здоровья в семье, или в случае возвращения ребенка в свою семью, либо усыновления.</i></p> <p><i>Родителями-попечителями могут быть совершеннолетние лица обоего пола, за исключением следующих:</i></p> <ul style="list-style-type: none"> <i>- Лиц, признанных судом недееспособными или с ограниченной дееспособностью;</i> <i>- Лиц, лишенных судом родительских прав, или лиц, родительские права которых ограничены;</i> <i>- Лиц, отстраненных от обязанностей опекуна (попечителя) за невыполнение в необходимом порядке возложенных на него обязанностей;</i>

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		English	National language
		<p><i>to fulfil, as necessary, the duties imposed on them; - persons who previously adopted children if the adoption was annulled by a court through such persons' fault; and - persons unable for health reasons to fulfil duties to care for a child.</i></p> <p><i>Guardian parents have the rights and duties of a guardian In respect of children placed into their care.</i></p> <p><i>Children left without parental care, including children in social welfare, educational, healthcare and similar institutions, may be placed into care of a guardian family.</i></p> <p><i>Children to be placed into guardian families are preselected by persons wishing to have a child placed into their family, as agreed on with the respective executive authority.</i></p> <p><i>Siblings may not be separated except for cases where the child's interests call for such separation.</i></p> <p><i>When placing a child into a guardian family, his or her opinion is to be taken into account. A child who has attained 10 years of age may not be placed into a guardian family unless he or she consents to such placement.</i></p> <p><i>A child placed into a guardian family has the right to be paid his or her pension, child support payments, benefit and other social transfers and the right to retain his or her title to living premises or use them and, in the absence of living premises, to be granted living premises in accordance with housing</i></p>	<p><i>- Лиц, ранее усыновлявших, если усыновление было отменено судом по их вине; Лиц, не способных по состоянию здоровья выполнять обязанности по воспитанию ребенка.</i></p> <p><i>Родители-попечители обладают в отношении детей, принятых на воспитание, правами и обязанностями опекуна (попечителя) .</i></p> <p><i>Дети, лишённые попечительства родителей, в том числе находящиеся в учреждениях социальной защиты населения, воспитательных, лечебных и подобных им учреждениях, могут быть переданы на воспитание в семью-попечитель.</i></p> <p><i>Предварительный выбор детей, передаваемых в семьи-попечители, осуществляется лицами, желающими взять ребенка в семью, по согласованию с соответствующим органом исполнительной власти.</i></p> <p><i>Разлучение братьев и сестер не допускается, за исключением случаев, когда указанного требуют интересы ребенка.</i></p> <p><i>Передача ребенка в семью-попечитель осуществляется с учетом его мнения. Ребенок достигший 10-летнего возраста, может быть передан в семью-попечитель только после получения его согласия.</i></p> <p><i>Ребенок, переданный в семью-попечитель, имеет право получать причитающиеся ему пенсию, алименты, пособие и другие социальные выплаты, право собственности на жилую площадь, пользование ею, а при отсутствии жилой площади - получения жилой площади в</i></p>

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		English	National language
		<p>legislation.</p> <p>Children placed into a guardian family enjoy the rights provided for by articles 50 to 52 of this code.</p> <p>According to the procedure stipulated by legislation, a benefit is to be paid in respect of each child placed into a guardian family.</p> <p>The Juvenile Rights Protection Commission of the local executive authority is to exercise control to ensure normal living standards, care and education for children placed into guardian families.</p>	<p>соответствии с жилищным законодательством.</p> <p>Дети, переданные в семью-попечитель, пользуются правами, предусмотренными статьями 50-52 настоящего кодекса.</p> <p>В установленном законодательством порядке на каждого переданного в семью-попечитель ребенка ежемесячно выдается материальное пособие.</p> <p>Комиссия по защите прав несовершеннолетних при местной исполнительной власти обязана осуществлять контроль за нормальным содержанием, воспитанием и обучением детей, переданных в семью-попечитель.</p>
	Informal care arrangements		
<p>Kinship care <i>There is a separate line in the TransMonEE template (at the end of the section on guardian care) for "Other type of family-based care". Data on informal kinship care arrangements are usually presented in that line.</i></p>	<p>Any private arrangement provided in a family environment whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (para 29.b.i) – 2009 UN Guidelines for the alternative care of children.</p> <p><i>How are data collected on informal kinship care? Who/which ministry is responsible? Please explain what definitions/classification systems are used to collect data.</i></p>	<p><i>Relatives who are children's caregivers may register as official guardians if they wish. The state pays a benefit to official guardians. To be granted the benefit, the official guardian, after being approved, should contact the Labour and Social Protection Ministry.</i></p> <p><i>The State Statistical Committee of the Republic of Azerbaijan has no data on children cared for by relatives.</i></p>	<p>Родственники осуществляющие уход за детьми регистрируются по- собственному желанию. Официальные попечители получают материальное пособие от государства. Для получения пособия официальный попечитель после его утверждения обращается в Министерство Труда и Социальной Защиты Населения.</p> <p>Данных относительно попечения родственников в Государственном Комитете Азербайджанской Республики по статистике не имеется.</p>
	Residential care		
Residential care	<p>All care provided in a non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, etc. (para 29.c.iv) – 2009 UN Guidelines for the alternative care of children.</p>	<p><i>The needs of children placed into state-run childcare institutions are fully provided for by the state, such children are cared for by the state on a 24-hour basis, temporary or for an indefinite term. As a rule, such children spend all nights at the school.</i></p>	<p>Дети, воспитывающиеся в государственных воспитательных учреждениях находятся на полном содержании государства под круглосуточной его опекой, на временной или постоянной основе. И, как правило, все время ночуют в школе.</p>

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		English	National language
	<p><i>How are these data collected? Who/which ministry or ministries is/are responsible?</i></p>	<p><i>Responsibility for arranging, and for the quality of, education of and care for children in residential childcare institutions rests with the administrations of these institutions. Persons who have committed any acts that are contrary to pedagogical and (or) moral standards are not to be admitted to work in childcare institutions.</i></p> <p><i>To provide for children's all-round physical and moral development in residential childcare institutions, for molding their personality, these institutions are to establish a proper physical and moral/psychological environment that is close to a family environment.</i></p> <p><i>Annually the State Statistical Committee of the Republic of Azerbaijan collects report in form No. 1 "Patronage" from local executive authorities. Local executive authorities are responsible for collecting information on children placed into state-run care institutions.</i></p>	<p><i>Ответственность за организацию и качество учебы и воспитания детей в детских учреждениях интернатского типа несут руководители этих учреждений. Лица, совершившие антипедагогические и аморальные поступки, не должны допускаться к работе в детских учреждениях.</i></p> <p><i>Для обеспечения всестороннего физического и нравственного развития детей в детских учреждениях интернатского типа, для формирования их личности, в этих учреждениях создаются надлежащие, близкие к семейным, материальные и морально-психологические условия.</i></p> <p><i>Государственный Комитет Азербайджанской Республики по статистике ежегодно собирает отчет по форме № 1- патронаж от районных органов исполнительной власти. За сбор сведений о детях, воспитывающиеся в государственных воспитательных учреждениях, несет ответственность Местная Исполнительная Власть.</i></p>
<p>Family-type home/ family care group Family-type homes could be public or non-public. There is a separate line for public family-type homes under public residential care in the TransMonEE template while non-public family-type homes are included under "Other non-public institutional care".</p>	<p>Personalized residential care provided by one or more employees in a house that is not their own, looking after a group of (typically 10-15) children in a home-like environment. <i>UN Study on Violence Against Children, p. 178.</i></p> <p><i>How are data collected on family-type homes? Who/which ministry is responsible? Please explain if children in family-type homes are counted as living in "foster care", "residential care" or other in your country. Please explain what definitions/classification systems are used to collect data.</i></p>	<p><i>SOS Children's Villages run by the Education Ministry of the Republic of Azerbaijan belong to the type of family-type homes. Children living in family-type homes are categorized as children living in foster families.</i></p> <p><i>The report is collected by the Education Ministry, which, in its turn, provides information on these children's homes to the State Statistical Committee of the Republic of Azerbaijan.</i></p>	<p><i>К типу детских домов семейного типа относится Ассоциация детских деревень СОС которая находится при ведомости Министерства Образования Азербайджанской Республики. Дети, проживающие в детских домах семейного типа считаются детьми, живущими в приемных семьях.</i></p> <p><i>Отчет собирается Министерством Образования, который, в свою очередь, представляет сведения по этим детским домам в Государственный Комитет Азербайджанской Республики по статистике.</i></p>

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Institutions	<p>"Large" residential care facilities (para. 23) – 2009 UN Guidelines for the alternative care of children.</p> <p>Generally viewed as any public or private facility staffed by salaried carers or volunteers working pre-determined hours/shifts, and based on collective living arrangements with a large capacity – 2012 <i>Identifying Basic Characteristics of Formal Alternative Care Settings for Children: Discussion Paper of the NGO Working Group on Children without Parental Care, Geneva</i></p>		
Add if you wish to include additional terms	Add if you wish to include additional terms		
Add if you wish to include additional terms	Add if you wish to include additional terms		

Table 2. Qualitative Data: Description of Formal Family-based Care System

Questions	Answers
<i>(If no data are available, please indicate this and explain why. If data are available but are of poor quality, please indicate this and explain why.)</i>	
Foster care	
<p>1. Has foster care been established in your country and if so, how? (e. g. by law, decree, regulation or other measure – please specify details and year of establishment.)</p> <p>Explain clearly how foster care is regulated by law. If more than one system of foster care exists (e. g. in Russia), then please provide details for all systems. Please explain if other terms (e. g. maternal assistants) are used in your country.</p>	<p>The foster care system is governed by the Family Code of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan “On the Rights of the Child”.</p> <p>According to article 115.5 of the Family Code of the Republic of Azerbaijan, the respective executive authority (the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority) is to keep centralized records on children left without parental care.</p> <p>Guardianship agencies and the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority are to protect children’s rights and interests if their parents have died, have been deprived of parental rights, if their parental rights have been limited, if their parents are ill or live separately from their children for a long period of time, if their parents evade caring for their children or protecting their rights and interests and, among other things, refuse to take their children from social welfare, educational, healthcare and other similar institutions, and in other cases where children are without parental care.</p> <p>The respective agencies of local executive authorities detect children left without parental care, keep records on them and, with due regard to specific circumstances in which the children have been left without parental care, determine the forms of placing the said children and exercise control over their living, care and educational environment.</p> <p>Officials of pre-school, comprehensive educational, healthcare and other institutions and other individuals that/who have information on such children are to deliver the said information to the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority. Within three days upon receiving such information the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority is to inspect the child’s living conditions and, upon making sure that</p>

	<p>the child has been left without parents' and close relatives' care, is to ensure the protection of the children's rights and interests until the issue of their placement is solved.</p> <p>Guardianship agencies and the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority are to keep records on children left without parental care and help place them into family care.</p> <p>Centralized records on children left without parental care are kept by the Healthcare Ministry, Education Ministry and the State Committee for Problems of the Family, Women and Children of the Republic of Azerbaijan.</p> <p>Children left without parental care may be placed into family care (by way of adoption, guardianship with limited capacity (over children from fourteen to eighteen years of age), full guardianship (over children aged under fourteen) or family care) and, in the absence of such an opportunity, into social welfare, educational, healthcare and other similar institutions for children left without parental care or orphaned children.</p> <p>Adoption is authorized by a court on the basis of an application of the person(s) wishing to adopt. The court considers cases of adoption by way of special proceedings provided for by civil procedure legislation, with participation from the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority.</p> <p>The adoptive parents' and adopted children's rights and duties emerge on the day when the court's decision authorizing the child's adoption enters into legal force.</p> <p>Within 3 days after the decision authorizing the child's adoption enters into force the court is to send an extract from this decision to the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority.</p> <p>Records on adopted children are kept by the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority. The Commission keeps centralized records on children deprived of parental care and then helps place the children into family care.</p> <p>Records on persons wishing to adopt a child are kept according to the procedure</p>
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	<p>stipulated by the local executive authority. Records on foreigners and stateless persons wishing to adopt children who are citizens of the Republic of Azerbaijan are kept by the State Committee for Problems of the Family, Women and Children of the Republic of Azerbaijan.</p>
<p>2. Has specialized foster care been established:</p> <ul style="list-style-type: none"> <input type="checkbox"/> for children below three years? <input type="checkbox"/> for children with disabilities? <input type="checkbox"/> for emergency care (placement of children at short notice)? 	<p>We have no information on specialized foster care.</p>
<p>3. Who has responsibility for the placement of children into foster care? Have the persons responsible for the placement of children into foster care received professional or appropriate training?</p>	<p>Responsibility for the placement of children into foster care rests with the guardianship agencies and the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority.</p> <p>We have no information on the professional or appropriate training of persons responsible for the placement of children into foster care.</p>
<p>4. What type of state obligations exist with regard to fostering, e. g. is the state obliged to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> establish criteria for screening/selection of foster parents? <input type="checkbox"/> provide training of foster parents? <input type="checkbox"/> carry out supervision of quality of care? <input type="checkbox"/> establish periodic contact with foster parents? <input type="checkbox"/> periodically review the continuing need for and appropriateness of the placement in the light of any developments or of changes in family circumstances? <input type="checkbox"/> have a centralized database to monitor children being fostered? 	<p>Periodic reviews of how the child is treated in the foster family and of other circumstances related to his or her foster care are conducted by the Juvenile Affairs and Juvenile Rights Protection Commission and the Ombudsman's (Human Rights Commissioner's) Office.</p> <p>The implementation of the remaining items is being developed by the taskforce of the State Programme for Placing Children from State-run Institutions (Deinstitutionalization) into Families and Alternative Care.</p> <p>According to article 144 of the Family Code of the Republic of Azerbaijan, persons of both sexes who have attained the age of majority, except for the following persons, may be foster parents:</p> <ul style="list-style-type: none"> - persons recognized by a court as legally incapable or persons with limited legal capacity; - persons whom a court has deprived of parental rights or whose parental rights have been limited; - persons relieved of a guardian's duties for the improper fulfilment of the duties imposed on them; - former adoptive parents if the adoption has been annulled by a court through their fault; and - persons who for health reasons are unable to fulfil duties to care for a child.
<p>5. In terms of the functioning of the actual system of fostering, please identify at what level these obligations are to be effectively met (e. g. central, regional/provincial, local/municipal)</p>	<p>An agreement on placing a child (children) into family care is to stipulate the child's living, care and educational environment, foster parents' rights and duties, the</p>

<p>(please explain details of any problems):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Established criteria for screening/selection of foster parents <input type="checkbox"/> Provision of training of foster parents <input type="checkbox"/> Supervising quality of care <input type="checkbox"/> Ensuring periodic contact with foster parents <input type="checkbox"/> Ensuring periodic reviews of the continuing need for and appropriateness of the placement in the light of any developments or of changes in family circumstances <input type="checkbox"/> A centralized database to monitor children being fostered 	<p>guardianship agency's duties to the foster family, and grounds for and consequences of the termination of such an agreement.</p> <p>When placing a child into a foster family, his or her opinion is to be taken into account. A child who has reached ten years of age may not be placed into a foster family unless he or she consents to such placement.</p> <p>Foster parents have a guardian's rights and duties in respect of the child placed into their care.</p> <p>According to article 145.7 of the Family Code, the respective executive authority is to exercise control to ensure a normal living, care and educational environment for children placed into foster families.</p>
<p>6. How are data on children in foster care collected? If a central database exists, who has responsibility for it?</p> <ul style="list-style-type: none"> ▪ Is the unit of data collection the number of placements of children? ▪ Apart from the number of children entering foster care (inflow), does the country also monitor the number of children leaving foster care (outflow) and the number of children in foster care (stock data)? ▪ Is it possible that in the situation of temporary foster care (e. g. a child taken on holiday by foster parents) the child is counted twice, both as being in residential care and foster care? (Please explain the problem of double counting if relevant to your country.) <p><i>Please explain if there are children classified as living in "foster care" but who mainly live in institutions.</i></p>	<p>The State Statistical Committee collects reports from Juvenile Affairs and Juvenile Rights Protection Commissions of local executive authorities.</p> <ul style="list-style-type: none"> • The unit of data collection is the number of placements of children. • The country monitors: <ul style="list-style-type: none"> - the number of children entering foster care during a year; - the number of children leaving foster care during a year; and - the number of children in foster care as of the end of a year. • Our country has no cases where a child is counted twice, both as being in residential care and foster care. <p>Our country has no children classified as being in foster care but living mainly in institutions.</p>
<p>7. Specify if there is any provision of financial support by the state to foster parents (please specify what and the amount in local currency per month):</p> <ul style="list-style-type: none"> <input type="checkbox"/> cash benefits <input type="checkbox"/> salary <p><i>If other incentives exist, such as housing, please provide details.</i></p>	<p>The state provides financial support to foster parents in the form of cash benefits. Responsibility for providing foster parents with cash benefits rests with the Labour and Social Protection Ministry. The amount of foster parents' salaries and the privileges granted to them, depending on the number of children placed into their care, are stipulated by legislation.</p>

Guardianship	
<p>8. How has guardianship been established in your country? (e. g. by law, decree, regulation or other measure – please specify details and year of establishment.)</p> <p>Explain clearly if guardianship is regulated by law.</p> <p>If more than one system of guardianship exists, then please provide details for all systems.</p>	<p>The system of child guardianship in guardian families is governed by the Family Code of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan “On the Rights of the Child”.</p> <p>Articles 33, 34, 35, 36, 37, and 38 of the Civil Code of the Republic of Azerbaijan and articles 136, 137, 138, 139, 140, and 141 of its Family code are devoted to guardianship issues.</p> <p>Minors are placed into guardian care if they have no parents or adoptive parents, if a court has deprived their parents of parental rights, and also in cases where such citizens are for other reasons left without parental care, in particular, where their parents evade caring for them or protecting their rights and interests.</p> <p>Guardian care is established over children who have lost their parents (article 114.1 of this Code), for the purpose of their support, care, education and the protection of their rights and interests and also the rights and interests of individuals who are legally incapable or do not have full legal capacity.</p> <p>A full guardian is assigned to a child less than 14 years of age, and a guardian with limited capacity is assigned to a child from 14 to 18 years of age.</p>
<p>9. Who has responsibility for overseeing guardianship care? Have these persons received professional or appropriate training?</p>	<p>Responsibility for overseeing guardianship care rests with, and such overseeing is implemented by, the Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority.</p> <p>There is no information on guardians’ professional training.</p>

<p>10. What types of state obligations exist with regard to guardianship, e. g. is the state obliged to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> provide training of guardians? <input type="checkbox"/> carry out supervision of quality of care? <input type="checkbox"/> establish periodic contact with guardians? <input type="checkbox"/> periodically review the treatment provided to the child and other circumstances relevant to his or her placement? <input type="checkbox"/> have a centralized database to monitor children in guardianship care? 	<p>The Juvenile Affairs and Juvenile Rights Protection Commission of the local executive authority carries out supervision of the quality of care of children, establishes periodic contact with guardians, periodically reviews the treatment of the child in the guardian family and other circumstances relevant to his or her care and health in the guardian family.</p> <p>In accordance with article 115.5 of the Family Code, the respective executive authority sends documents on children placed into guardian care to enable the entry of information on them into centralized records.</p> <p>The procedure for keeping centralized records on children deprived of parental care is stipulated by the respective executive authority.</p>
<p>11. In terms of the functioning of the actual system of guardianship, please identify at what level these obligations are to be effectively met (e. g. central, regional/provincial, local/municipal) (please explain details of any problems):</p> <ul style="list-style-type: none"> ▪ providing training of guardianship parents ▪ supervising quality of care ▪ ensuring periodic contact with guardians ▪ ensuring periodic reviews of the continuing need for, and appropriateness of the placement in light of any developments or of changes in family circumstances ▪ a centralized database to monitor children in guardianship care 	<p>For centralized-record-keeping purposes the respective executive authority accepts information on children left without parental care and then helps place the children into family care (article 115.5 of the Family Code).</p> <p>In accordance with article 115.6 of the Family Code, the procedure for keeping centralized records on children left without parental care is determined by the Cabinet of Ministers of the Republic of Azerbaijan.</p> <p>The top managers of the institutions indicated in article 115.3 of the Code and the officials of the respective guardianship agencies are to be held liable, according to the procedure stipulated by legislation (article 115.7 of the Family Code), for a failure to discharge the obligations provided for by articles 115.2 to 115.5 of the Family Code, for having provided knowingly false information and for other acts aimed at hiding the child to prevent his or her being placed into family care.</p> <p>In accordance with article 5 of the Law of the Republic of Azerbaijan “On the Rights of the Child”, governmental agencies and all individuals and legal entities, in their activities, are to give preference to children’s interests and establish conditions to ensure that children’s rights are upheld. The laws and regulations of the Republic of Azerbaijan and decisions made by the respective authorities are not to conflict with the interests of the child, and the implementation thereof is not to inflict damage on children’s lives, development and on care for the children.</p> <p>A guardianship agency is to inspect the living conditions of the child and the would-be caregiver and provide the court with an inspection certificate.</p>

<p>12. Specify if there is any provision of financial support by the state to guardians – give amount in local currency per month.</p>	<p>The state provides guardians with financial support in the form of cash benefits. The Labour and Social Protection Ministry is in charge of providing guardians with cash benefits.</p> <p>According to the Ministry of Labour, guardians are entitled to monthly benefits amounting to 55 manats (as of 01 July 2014).</p>
<p>13. How are data on children in guardianship care collected? If a central database exists, who has responsibility for it?</p> <ul style="list-style-type: none"> ▪ Is the unit of data collection the number of placements or children? ▪ Are disaggregated data collected on children who are personally cared for by guardians on a daily basis in their own home and children who have legally appointed guardians but are cared for elsewhere? ▪ Is it possible that the child is counted twice, both as being in residential care and guardianship care? (Please explain the problem and impact of double counting if relevant to your country). <p><i>Please explain if there are children classified as being in “guardianship care” but who actually reside in an institution, in other type of care or with their parents.</i></p>	<p>Now the State Statistical Committee collects reports from Juvenile Affairs and Juvenile Rights Protection Commissions of local executive authorities.</p> <ul style="list-style-type: none"> • The unit of data collection is the number of placements of children. • Our country has no disaggregated data on children who are personally cared for by guardians on a daily basis in their own home or children who have legally appointed guardians but are cared for elsewhere. • Our country has no information on children who are counted twice.

Table 3. Quantitative Data

Main categories	Sub-categories (use sub-categories appropriate for your country)	Data for 2005-2013 (or the most recent year for which data are available)									Comments
		2005	2006	2007	2008	2009	2010	2011	2012	2013	
1. Informal kinship care <i>There is a separate line in the TransMonEE template (at the end of the section on guardian care) for "Other type of family-based care". Data on informal kinship care arrangements are usually presented in that line.</i>	<p>How many children have been notified to the authorities as being in informal kinship care?</p> <p>Is there an estimate of how many children might actually be in informal kinship care in the country?</p>										
2. Patronat (patronage care) <i>No data on patronat care is currently being collected as part of TransMonEE.</i>	<p>If patronat care exists in your country and you are able to distinguish this category of children as a separate group or within the numbers of children in "foster care" or "residential care", please specify the numbers in the next column.</p>	2,043	2,106	1,535	1,315	1,304	1,251	1,406	

3. Financing of formal family-based care	Proportion of children in formal family-based care funded wholly or primarily by: - the State (central) % - provincial or local authorities % - non-state entities in the country (NGOs, religious groups) % - foreign entities %										
	Total public expenditure on all forms of formal family-based care (in national currency) Currently data only on "total public expenditure on foster/guardian allowance" are collected in TransMonEE. Explain the reason for differences between two figures, if any.										
	By type of care: - foster care - guardianship - patronat - other (please add and specify if appropriate)										
	By source of financing: - central - sub-regional or local authorities										

Section 3: Description of Data System

Recognizing that data availability and quality is a big challenge, we would know more about the strengths and weaknesses of existing mechanisms for data collection on children without parental care. This information is useful for two main reasons: first, it improves our understanding of the meaning of the data we receive (it is easier to draw conclusions), and second, it enables UNICEF to know how it may better support governments in data collection and research. Please consider the following:

Data sources, availability, accessibility and quality

Sources:

- Please explain which Ministries (or other) are responsible for collecting data (outline the responsibilities of each Ministry).
- How comparable are the data collected from the different sources? (e.g. Do they use the same definitions of terms, or data collection method?)
- How comparable are the data over time? Where there any major changes in data collection methods which may affect the data and interpretation of trends over time? (e.g. a change from one year to the next may be explained by a change in the way the data were collected, not in the underlying indicator.)
- For which areas of child care is no data collected by anyone? (e.g. Are there any major gaps such as absence of data on non-public residential care or informal kinship care?)

Availability:

From where/whom did you obtain data for this report? (Name the authorities and ensure that public documents are included in the reference list at the back of the report. Include non-public sources if relevant.)

- For which questions/topics was it most difficult for you to obtain reliable data? Why? (e.g. because it is not collected in the first place, not full coverage/comprehensive, questionable quality, or because it cannot be shared?)

Accessibility:

- How did you gain access to the data? (e.g. did you need special permission?)
- What were the main problems you experienced in accessing data? (If possible, please explain how these problems were overcome.)

Quality:

- Does the government have internal quality assurance mechanisms to validate the data collected? (If so, please give details.)
- Please identify the strengths and weaknesses of the data provided in this report.

The Process of Data Collection, Review and Usage

We wish to build on your experiences to ensure that TransMonEE data are of high quality and are relevant and useful for your partners. Therefore, in order to improve our understanding of how the NSO collects and reviews the data presented in this report, and how the published data are used nationally, please answer the following questions:

1. Please name and explain who (individuals, state or non-state organizations) you liaise with in order to gain child protection data.
2. Please describe the approach/mechanisms you use to overcome problems with the data, such as inconsistencies or missing data, and to maximize its quality.
3. What type of mechanisms for internal/external review of the data/reports has been in place?
4. Is published TransMonEE data used within the National Statistical Office? If so, how? (Please provide examples.) Where has the data been most useful?
5. Is published TransMonEE data shared with other government or non-governmental partners in your country, such as UNICEF? (Please provide details.)
6. Please provide any comments you have, based on your experience, on how the collection, review and use of TransMonEE data can be improved in the future.