

**On the approval of the Council of Europe Convention "On the protection of children from sexual exploitation and sexual violence".**

LAW OF THE REPUBLIC OF AZERBAIJAN

**The Milli Mejlis of the Republic of Azerbaijan decides** on the basis of Clause 4 of Part I of Article 95 of the Constitution of the Republic of Azerbaijan :

The Convention of the Council of Europe "On the protection of children from sexual exploitation and sexual violence" signed in Lanzarote on October 25, 2007 should be approved with the corresponding statement of the Republic of Azerbaijan.

**Ilham Aliyev,**

**President of the Republic of Azerbaijan**

Baku city, October 22, 2019

№ 1681-VQ

**"On the protection of children from sexual exploitation and sexual violence"**

**COUNCIL OF EUROPE CONVENTION**

**Preamble**

Member States of the Council of Europe and other signatories to this Convention,

Considering that the aim of the Council of Europe is to achieve greater unity among its members,

Considering that every child has the right to the protections required by his or her status as a minor by family, society and the State,

Noting that sexual exploitation of children, especially child pornography and prostitution, as well as all forms of sexual violence against children, including acts committed abroad, are harmful to the health and psychosocial development of children,

that sexual exploitation and sexual violence against children has reached alarming proportions at both national and international levels, particularly with the increasing use of information and communication technologies (ICTs) by both children and criminals, and that sexual exploitation and sexual violence against children Noting that preventing and combating them requires international cooperation,

Considering that the welfare and best interests of children are fundamental values recognized by all member states and that these values must be protected without discrimination,

Referring to the Plan of Action adopted at the 3rd Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005) calling for action to end the sexual exploitation of children,

in particular Recommendation R (91) 11 of the Committee of Ministers on the sexual exploitation, pornography, prostitution and trafficking of children and young people, Recommendation Rec (2001) 16 on the protection of children from sexual exploitation, the Cybercrime Convention (No. 185), especially its 9 Referring to the article, as well as the Convention of the Council of Europe "On Combating Trafficking in Human Beings" (No. 197),

The Convention for the Protection of Human Rights and Fundamental Freedoms (1950, No. 5), the Revised European Social Charter (1996, No. 163) and the European Convention on the Fulfillment of the Rights of the Child (1996, No. 160) considering

as well as the UN Convention on the Rights of the Child, especially its Article 34, the Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography, the UN Convention against Transnational Organized Crime, and the Convention on Trafficking in Human Beings, Especially Trafficking in Women and Children Taking into account the Protocol on Prevention, Elimination and Punishment, as well as the International Labor Organization Convention on the Prohibition of the Worst Forms of Child Labor and Urgent Measures for their Elimination,

Framework Decision of the Council of the European Union "On combating sexual exploitation of children and child pornography" (2004/68/JHA), Framework Decision of the Council of the European Union "On the status of victims in criminal proceedings" (2001/220/JHA) and Council of the European Union "On trafficking in human beings" taking into account the Framework Decision (2002/629/JHA) on the fight against

other relevant international documents and programs in this field, especially the Stockholm Declaration and Plan of Action adopted at the 1st World Congress against Commercial Sexual Exploitation of Children (August 27-31, 1996), the 2nd World Congress against Commercial Sexual Exploitation of Children Yokohama Global Commitment adopted (December 17-20, 2001), Budapest Commitment and Plan of Action adopted at the Preparatory Conference for the 2nd World Congress against Commercial Sexual Exploitation of Children (November 20-21, 2011), UN General Assembly Necessary implementation of Resolution S-27/2, A world fit for children, and the three-year program, Building Europe for and with children, adopted after the 3rd Summit and launched at the Monaco Conference (April 4-5, 2006) taking into account the

Determined to contribute effectively to the common goal of protecting children from sexual exploitation and sexual violence and assisting victims, regardless of the identity of the perpetrators,

Considering the need to develop a comprehensive international instrument and to create a special monitoring mechanism, focusing on the preventive, protective and criminal-legal aspects of combating all forms of sexual exploitation and sexual violence against children,

have agreed on the following:

## Chapter I

### OBJECTIVES, THE WAY TO DISCRIMINATION

### PRINCIPLE OF NON-GIVING AND CONCEPTS

#### Article 1. Objectives

1. The objectives of this Convention:

- a) preventing and combating sexual exploitation of children and sexual violence against them;
- b) protection of the rights of children who are victims of sexual exploitation and sexual violence;
- c) promotion of national and international cooperation against sexual exploitation of children and their sexual violence.

2. In order for the parties to effectively implement the provisions of the Convention, a special monitoring mechanism is established in this Convention.

#### Article 2. The principle of non-discrimination

The implementation of the provisions of this Convention by the Parties, in particular the adoption of measures for the protection of the rights of victims, regardless of sex, race, color, language, religion, political or other opinions, national and social affiliation, belonging to any national minority, property, birth, sexual orientation, health provided without discrimination based on characteristics such as status, disability or other status.

#### Article 3. Definitions

For the purposes of this Convention:

- a) "child" means any person under 18 years of age;
- b) "sexual exploitation of children and sexual violence against them" - includes the behavior specified in Articles 18-23 of this Convention;
- c) "victim" means a child who has been sexually abused or sexually abused.

## PREVENTIVE MEASURES

### Article 4. Principles

Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual violence against children and to protect children.

### Article 5. Recruitment, training and awareness raising of persons working in contact with children

1. Each Party shall take the necessary legislative or other measures to raise awareness of the protection of children and their rights among those who regularly come into contact with children in the education, health, social protection, judicial and law enforcement sectors and in the fields of sports, culture and recreational activities.

2. Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have sufficient knowledge of the sexual exploitation and sexual violence against children, the means of their disclosure and the opportunity provided for in paragraph 1 of article 12. be ensured to have.

3. Each Party shall, in accordance with its legislation, implement all necessary legislative or other measures to ensure that candidates for professions related to regular contact with children are not convicted of sexual exploitation of children or sexual violence against them as a condition for engaging in this profession. .

### Article 6. Education of children

Each Party shall implement all necessary legislation or other measures to ensure that children receive information appropriate to their developmental level about the dangers of sexual exploitation and sexual violence during primary and secondary education, as well as means of self-defense. This information, presented together with parents where necessary, is given within the more general context of sex education and focuses on dangerous situations, especially those involving the use of new information and communication technologies.

### Article 7. Preventive intervention programs or measures

Each Party shall ensure, where necessary, effective intervention programs or measures designed to assess and prevent the risk of committing any of the acts established in accordance with this Convention by persons suspected of committing an act.

### Article 8. Events intended for the general public

1. Each Party shall promote or conduct campaigns aimed at the general public and providing information on the phenomenon of sexual exploitation and sexual violence against children, as well as on possible preventive measures.

2. Each Party shall take all necessary legislative or other measures to prevent or prohibit the dissemination of material promoting the criminal acts established in accordance with this Convention.

### Article 9. Participation of children, private sector, media and civil society

1. Each Party shall encourage the participation of children in accordance with their developmental level in the development and implementation of state policies, programs or other initiatives to combat sexual exploitation and sexual violence against children.

2. Each Party shall encourage the private sector, in particular the information and communication technology sector, the tourism and travel industry, the banking and financial sectors, as well as civil society to prevent the sexual exploitation and sexual violence against children and to implement internal norms on the basis of self-regulation or joint regulation. encourages participation in policy development and implementation.

3. Each Party shall, while respecting media independence and freedom of the press, encourage the provision of relevant information by the mass media on all aspects of sexual exploitation and sexual violence against children.

4. Each Party encourages the financing of projects and programs implemented by civil society for the prevention of sexual exploitation of children and sexual violence against them and protection of children, including through the creation of funds when necessary.

### Chapter III

#### QUALIFIED AND ASSOCIATED AUTHORITIES

##### Article 10. National measures for coordination and interaction

1. Each Party shall ensure coordination at the national or local level between the various bodies responsible for the protection of children from sexual exploitation and sexual violence, the prevention and combating of such cases, in particular education, health, social services, law enforcement and judicial authorities takes necessary measures for

2. Each Party shall implement the necessary legislation and other measures to establish or designate the following:

a) independent competent national or local institutions for the promotion and protection of children's rights by providing separate funds and responsibility;

b) data collection mechanisms or coordination centers at the national or local level and in cooperation with civil society in order to monitor and evaluate the phenomenon of sexual exploitation and sexual violence against children, complying with the requirements for the protection of personal data.

3. Each Party shall promote cooperation between competent public authorities, civil society and the private sector to better prevent and combat sexual exploitation and sexual violence against children.

### Chapter IV

#### PREVENTIVE MEASURES AND ASSISTANCE TO VICTIMS

##### Article 11. Principles

1. Each Party shall develop effective social programs and establish multidisciplinary structures to provide the necessary support to victims, their next of kin and any person responsible for their care.

2. Each Party shall implement the necessary legislative or other measures to ensure that, in cases where the age of the victim is not known and there are reasons to believe that the victim is a child, protection and assistance measures for children are applied until their age is determined.

##### Article 12. Reporting suspected cases of sexual exploitation or sexual violence

1. Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules prescribed by law for certain professionals who come into contact with children are responsible for the protection of children in any case where there are serious grounds for believing that such person is a victim of sexual exploitation or sexual violence. ensure that it does not create an obstacle to the ability to provide information to services.

2. Each Party shall take the necessary legislative or other measures to encourage any person who has knowledge of, or a bona fide suspicion of, sexual exploitation or sexual violence against children to report such facts to the appropriate authorities.

##### Article 13. Information services for receiving assistance

Each Party shall take the necessary legislative or other measures to encourage and support the establishment of information services, such as telephone or Internet help services, to provide advice to applicants in a confidential or anonymous manner.

#### Article 14. Assistance to victims

1. Each Party implements the necessary legislation or other measures to help the victims in the recovery of their physical and psycho-social conditions in the short or long term. The child's position, needs and problems are taken into account in the measures taken under this section.

2. Each Party shall take measures to cooperate with non-governmental organizations engaged in helping victims, other relevant organizations or other elements of civil society under the conditions provided by legislation.

3. Intervention measures for the application of Article 11, Part 1, in cases where parents or caregivers are involved in sexual exploitation or sexual violence against a child, include the following:

the ability to isolate the alleged perpetrator;

the possibility of isolating the victim from his family. The conditions and duration of such isolation shall be determined in accordance with the best interests of the child.

4. Each Party shall implement the necessary legislation or other measures to ensure that persons close to the victim can receive therapeutic assistance, especially urgent psychological assistance, if necessary.

### Chapter V

#### INTERVENTION PROGRAMS OR EVENTS

##### Article 15. General principles

1. Each Party shall provide or promote, in accordance with its legislation, effective intervention programs or measures for persons referred to in paragraphs 1 and 2 of Article 16 in order to prevent or reduce the risk of reoffending of sexual offenses against children. Access to such programs or measures should be available at all times, whether in or out of prison, during a criminal prosecution, in accordance with the conditions established by law.

2. Each Party shall ensure, in accordance with its legislation, the development of other forms of partnership or cooperation between competent authorities, in particular health and social service authorities, as well as courts and the persons specified in parts 1 and 2 of Article 16 and other bodies responsible for the case, and or encourages.

3. Each Party shall ensure, in accordance with its legislation, the assessment of the dangerousness of the persons specified in parts 1 and 2 of Article 16 of the criminal acts defined in accordance with this Convention and the risk of re-offending in order to determine the necessary programs or measures.

4. Each Party ensures the evaluation of the effectiveness of implemented programs and measures in accordance with its legislation.

##### Article 16. Persons to whom intervention programs and measures are directed

1. Each Party shall ensure that persons prosecuted for any criminal offense established in accordance with this Convention have access to the programs or measures specified in Article 15, Part 1, without prejudice to the rights of the defense, as well as to the requirements for a fair and impartial trial. or provides in accordance with its legislation under non-contradictory conditions, in particular by observing the provisions related to the principle of the presumption of innocence.

2. Each Party shall ensure, in accordance with its legislation, that persons convicted of any criminal offense established in accordance with this Convention have access to the programs or measures specified in Article 15, Part 1.

3. Each Party ensures that intervention programs or measures are developed or adapted in accordance with its legislation in order to solve the problems of sexual behavior in accordance with the developmental needs of children who have committed sexual crimes, including minors of criminal responsibility.

##### Article 17. Information and consent

1. Each Party shall ensure, in accordance with its legislation, that the persons referred to in Article 16 and to whom intervention programs or measures are proposed receive full information about the reasons for this proposal and consent to the program or measure in full knowledge of the facts.

2. Each Party shall ensure, in accordance with its legislation, that persons offered intervention programs or measures have the opportunity to refuse them, as well as that convicted persons are informed of the possible consequences of such refusal.

## Chapter VI

### PROVISIONS OF SUBSTANTIAL CRIMINAL LAW

#### Article 18. **Sexual violence**

1. Each Party shall take all necessary legislative or other measures to ensure the establishment of criminal liability for the following intentional acts:

a) acts of a sexual nature with a child under the legal age for sexual acts based on the relevant provisions of the legislation;

b) do not perform sexual acts with a child in the following cases:

by coercion, use of force or threats; or

from the child's trust, authority or influence over him, including the family

by abusing within; or

by abusing the child's particularly vulnerable condition, i.e. due to mental or physical disability or dependency.

2. For the purposes of paragraph 1 above, each Party shall establish an age limit for sexual activity with a child.

3. The provisions of clause "a" of part 1 do not apply to consensual sexual acts between minors.

#### Article 19. **Criminal acts related to child prostitution**

1. Each Party shall take all necessary legislative or other measures to ensure the establishment of criminal liability for the following intentional acts:

a) attracting a child to prostitution or inducing a child to prostitution;

b) forcing a child to engage in prostitution or profiting from it, or otherwise exploiting a child for such purposes;

c) use of child prostitution services.

2. For the purposes of this article, the term "child prostitution" means sexual acts from a child by making or promising money as payment, or any other form of reward or payment, regardless of whether this reward, promise or payment is given to the child or to a third party. indicates the fact that it is used for

#### Article 20. **Criminal acts related to child pornography**

1. Each Party shall take all necessary legislative or other measures to ensure the establishment of criminal liability for the following wrongful and intentional acts:

a) production of child pornography;

b) offering or presenting child pornography;

c) distribute or transmit child pornography;

d) acquisition of child pornography for personal use or for another person;

e) storage of child pornography;

f) knowingly obtaining child pornography through information and communication technologies.

2. For the purposes of this article, the term "child pornography" means any material that shows a child performing acts of an overtly sexual nature, whether real or simulated, or that displays the genitalia of a child primarily for sexual purposes.

3. Each Party may reserve the right not to apply, in whole or in part, paragraphs (a) and (e) of Part 1 to the production and storage of the following pornographic materials:

consisting exclusively of a simulated representation or life-like depiction of a non-existent child;

In the presence of children who have reached the age specified for the application of Article 18, Part 2, when such images are made or kept by them with their consent and only for their own personal use.

4. Each Party may reserve the right not to apply paragraph 1 (f) in whole or in part.

#### **Article 21. Criminal acts related to child's participation in pornographic performances**

1. Each Party shall take all necessary legislative or other measures to ensure the establishment of criminal liability for the following intentional acts:

a) attracting a child to participate in pornographic performances or forcing a child to participate in such performances;

b) forcing a child to participate in pornographic performances or profiting from it, or otherwise exploiting him for such purposes;

c) knowingly not attending pornography performances with the participation of children.

2. Each Party may limit the application of paragraph 1(c) only to cases of involvement or coercion of children in accordance with paragraphs 1(a) and 1(b).

#### **Article 22. Immoral acts against children**

Each Party shall take the necessary legislative or other measures to establish the criminal liability of children under the age specified for the application of paragraph 2 of article 18, even without participation, in acts of sexual violence or forced to observe sexual activity.

#### **Article 23. Harassment of children for sexual purposes**

Each Party shall, through information and communication technologies, report on the meeting with a child under the age specified for the application of Article 18, Part 2, by an adult, in accordance with Clause "a" of Article 18, Part 1, or 20- For making a deliberate offer to commit a crime defined in accordance with paragraph 1, paragraph "a" of Article 3, when practical actions are taken to make this meeting happen after such an offer, implements the necessary legislation or other measures to establish criminal liability.

#### **Article 24. Inciting or aiding and abetting the commission of a crime**

1. Each Party shall take the necessary legislative or other measures to establish criminal liability for the intentional incitement or facilitation of any crime established in accordance with this Convention.

2. Each Party shall take the necessary legislative or other measures to establish criminal liability for the willful attempt of any offense established in accordance with this Convention.

3. Each Party, in accordance with clauses "b", "d", "e" and "f" of part 1 of article 20, clause "c" of part 1 of article 21, articles 22 and 23 reserves the right not to apply Part 2 in whole or in part to offenses defined as

#### **Article 25. Effect of criminal law**

1. Each Party shall take the necessary legislative or other measures to establish its jurisdiction over any crime established in accordance with this Convention committed when:

a) in its territory; or

b) on a watercraft sailing under the flag of that Party; or

- c) on an aircraft registered under the laws of that Party; or
- d) by his own citizen; or
- e) when committed by a person with permanent residence in its territory.

2. Each Party shall endeavor to take the necessary legislative or other measures to establish its jurisdiction over any crime established in accordance with this Convention committed against its national or resident.

3. Each Party reserves the right not to apply, or to apply only in certain cases or under certain conditions, the provisions on jurisdiction defined in paragraph 1, paragraph "e" of this article when it signs or delivers an instrument of ratification, acceptance, approval or accession. can make a declaration to the Secretary General of the Council of Europe.

4. In order to bring responsibility for the crimes established in accordance with articles 18, 19, article 20, paragraph 1, paragraph "a" and article 21, paragraph 1, paragraphs "a" and "b" of this Convention each Party shall take all necessary legislative or other measures to ensure that jurisdiction under subparagraph (d) of paragraph 1 is not conditioned on the determination of responsibility for the offense at the place where it is committed.

5. When each Party signs or hands over an instrument of ratification, acceptance, approval or accession, the application of part 4 of this article in relation to the crimes defined in accordance with the second and third subparagraphs of paragraph 1 of article 18 may make a declaration to the Secretary General of the Council of Europe that it reserves the right to limit the permanent residence of its citizens in its territory.

6. Each Party shall take all necessary legislative or other measures to prosecute the offenses established in accordance with Articles 18, 19, Article 20, paragraph 1, paragraph (a) and Article 21 of this Convention, so that , in relation to clauses "d" and "e" of part 1, the possibility of starting criminal prosecution only after receiving a complaint from the victim or receiving information from the state where the crime was committed.

7. Each Party shall take all necessary legislative or other measures to establish jurisdiction over an offense established in accordance with this Convention where the alleged offender is in its territory and has not been extradited to another Party solely because of his nationality.

8. When several Parties claim jurisdiction over an offense established in accordance with this Convention, the Parties concerned shall, if necessary, consult to determine the most appropriate jurisdiction to prosecute.

9. Without prejudice to the general rules of international law, this Convention does not exclude any criminal prosecution carried out by a Party in accordance with its own legislation.

#### **Article 26. Liability of legal entities**

1. Each Party shall implement the necessary legislation or other measures to prevent, in the interest of the legal entity, certain acts committed in accordance with this Convention by any individual or by any natural person acting as a body of that legal entity holding a leading position in the structure of the legal entity on the following grounds: to provide the opportunity to hold that legal entity responsible for the committed crime:

- a) authority to represent a legal entity;
- b) authority to make decisions on behalf of a legal entity;
- c) the authority to exercise control within the legal entity.

2. Except as already provided for in Part 1, each Party shall take the necessary legislative or other measures to ensure that, due to the lack of control by the natural person referred to in Part 1, the offense established in accordance with this Convention is committed by a natural person at the direction of a legal person. to ensure the possibility of bringing the legal person to responsibility in cases where the legal person commits it for the benefit of that legal person.

3. In accordance with the legal principles of the Party, the liability of a legal entity may be of a criminal, civil or administrative legal nature.

4. This type of liability does not affect the criminal liability of natural persons who have committed a criminal act.

#### **Article 27. Penalties and measures**



1. Each Party shall take the necessary legislative or other measures to ensure that the offenses established in accordance with this Convention are subject to effective, proportionate and dissuasive penalties, taking into account their gravity. These penalties include custodial sentences that may be extraditable.

2. Each Party shall take the necessary legislative or other measures to ensure that legal entities prosecuted in accordance with Article 26 are subject to effective, proportionate and dissuasive penalties, including criminal or non-criminal fines, as well as other measures, including the following to ensure the appointment of measures:

- a) deprivation of the right to receive state benefits or assistance;
- b) temporary or permanent deprivation of the right to engage in commercial activity;
- c) placing under judicial control;
- d) judicial liquidation.

3. Each Party implements the necessary legislation and other measures to

- a) provide for the taking and confiscation of the following:

objects, documents or other means used to commit or assist in the commission of criminal acts established in accordance with this Convention;

the income obtained as a result of the commission of these criminal acts, or the property whose value corresponds to such income;

b) the temporary or permanent closure, without prejudice to the rights of *bona fide* third parties, of any establishment used for the commission of any criminal act defined in accordance with this Convention, or temporary and or to prohibit the implementation of this activity permanently.

4. Each Party may impose other measures, such as deprivation of parental rights, or supervision of convicted persons, against criminals.

5. Each Party may establish a special fund of proceeds of crime or property confiscated in accordance with this article to finance prevention and assistance programs for victims of any crime established in accordance with this Convention.

#### Article 28. **Aggravating circumstances**

Each Party shall implement the necessary legislative or other measures to ensure that the following circumstances are taken into account as aggravating circumstances in accordance with the relevant provisions of the law when determining the penalties for the crimes established in accordance with this Convention, unless they are established as an element of the criminal act:

- a) when the physical or mental health of the victim is seriously damaged as a result of the crime;
- b) when the crime is accompanied by torture or serious violence;
- c) when the crime is committed against a particularly vulnerable victim;
- d) when the crime is committed by a family member, a person living with a child or a person who has abused his authority;
- e) when the crime is committed by a group of persons;
- f) when the crime is committed by an organized criminal group;
- g) when the criminal was previously convicted for committing crimes of the same nature.

#### Article 29. **Conviction**

Each Party shall take the necessary legislative and other measures to ensure that the convictions of the other Party for offenses established in accordance with this Convention are taken into account when determining the penalty.

### Chapter VII

### Article 30. Principles

1. Each Party shall implement the necessary legislation and other measures to ensure that investigations and criminal prosecutions are conducted in the best interests of the child and in compliance with his rights.

2. Each Party shall adopt a victim protection approach so that the trauma suffered by the child as a result of the investigation and prosecution is not aggravated and, where necessary, assistance is provided after the application of criminal legal measures.

3. Each Party shall ensure that investigations and prosecutions are conducted as a matter of priority and without undue delay.

4. Each Party shall ensure that the measures applied under this chapter do not prejudice the rights of the defense and the requirements for a fair and impartial trial in accordance with Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

5. Each Party implements the necessary legislation or other measures in accordance with the main principles of its legislation, so that to ensure effective investigation and criminal prosecution in connection with the crimes defined in accordance with this Convention, by allowing covert operational-search measures if necessary;

investigative units or services to be empowered to identify victims of crimes defined in accordance with Article 20, including by analyzing child pornography material such as photographs or audiovisual recordings transmitted or made available through information and communication technologies.

### Article 31. General protective measures

1. Each Party shall implement the necessary legislation and other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigation and criminal prosecution, in particular through the following:

a) informing them about their rights and the services available to them, as well as about the measures taken in connection with their complaints, accusations, the progress of the investigation and criminal prosecution in general, as well as their role in this matter and the results of the case, unless they refuse to receive such information;

b) at least in cases where the victims and their families may be exposed to danger, to provide them with necessary information about the temporary or final release of the person brought to criminal responsibility or convicted;

c) creating an opportunity to testify for them in accordance with the procedural norms of the law, to present evidence, as well as to choose the means of taking into account their position, needs and opinions directly or with the help of an intermediary;

d) providing them with appropriate assistance services for the proper presentation and consideration of their rights and interests;

e) by implementing measures in accordance with its legislation in order to protect their private life, identity and images, as well as to prevent the dissemination of any information that may lead to their identification;

f) protecting them, as well as their families and witnesses speaking on their behalf, from threats such as persecution, retaliation and repeated victimization;

g) Ensuring that there is no contact between victims and criminals in the buildings of judicial and law enforcement agencies, except when the competent authorities determine another rule for the best interests of the child, or when such contact is required for investigation or criminal prosecution.

2. Each Party shall ensure that victims are informed of the appropriate judicial and administrative process, beginning with their initial contact with the authorities.

3. Each Party shall ensure that victims have the right to participate in criminal proceedings and have access to legal aid, and free legal aid upon request.

4. Each Party shall ensure the possibility for judicial authorities to appoint a legal representative for the victim in cases where the victim has the right to participate in the criminal proceedings in accordance with the law, but the persons bearing parental responsibility are deprived of the right to represent the child in such proceedings due to a conflict of interests with the victim.

5. Each Party shall, with the consent of the victims, provide assistance or support to groups, foundations, societies, or governmental or non-governmental organizations in the prosecution of crimes established in accordance with this Convention, in accordance with the conditions provided for in its legislation. provides through legislation or other measures.

6. Each Party shall ensure that the information provided to victims in accordance with the provisions of this article is provided in a manner appropriate to their age and maturity and in a language they understand.

#### **Article 32. Initiation of proceedings**

Each Party shall take the necessary legislative or other measures to ensure that the investigation or prosecution of offenses established in accordance with this Convention does not depend on the complaint or accusation brought by the victim, and that the proceedings can continue even if the victim withdraws his or her application. .

#### **Article 33. Liability periods**

Each Party shall take the necessary legislative or other measures to ensure that, in accordance with Article 18, Article 19, paragraphs 1, a and b, and Article 21, paragraph 1, paragraph a. It should be ensured that the period of bringing criminal responsibility related to the committed crimes to the period that allows the effective initiation of proceedings after the victim reaches the age of majority, as well as a period proportional to the gravity of the criminal act.

#### **Article 34. Investigation**

1. Each Party shall take the necessary measures to ensure that the persons, units or services carrying out the investigation are specialized in the field of combating sexual exploitation or sexual violence against children or that such persons are trained for this purpose. These units or services are provided with adequate financial resources.

2. Each Party shall take the necessary legislative or other measures to ensure that uncertainty as to the true age of the victim does not impede the initiation of criminal proceedings.

#### **Article 35. Taking a statement from the child**

1. Each Party shall take the necessary legislative or other measures to ensure the following:

a) an interview is conducted to obtain a statement from the child without any unreasonable delay after the information about the facts has been received by the competent authorities;

b) if necessary, the interview to obtain a statement from the child is held in a place created or adapted for this purpose;

c) the interview to obtain a statement from the child is conducted by specialists trained for this purpose;

d) if possible and appropriate, the interviews to obtain a statement from the child are conducted by the same persons;

e) interviews should be as few as possible, required only for the purposes of criminal prosecution;

f) the child can be accompanied by his legal representative or, if appropriate, a person who has reached the age of majority at his choice, except for cases where there is a decision to prohibit his participation.

2. Each Party implements the necessary legislation and other measures to ensure that all interviews with the victim and, in relevant cases, child witnesses are videotaped and these videos can be accepted as evidence during court proceedings in accordance with the norms of the law.

3. In cases where the age of the victim is uncertain and there are reasons to believe that the victim is a child, the measures provided for in parts 1 and 2 shall be applied until his age is determined.

#### **Article 36. Criminal trial**

1. Each Party shall implement the necessary legislation and other measures in compliance with the norms on the independence of the legal profession to ensure that the participants in the proceedings, especially judges, prosecutors and lawyers, are trained on the rights of children, as well as on the sexual exploitation of children and sexual violence against them.

2. Each Party implements the necessary legislation and other measures to ensure the following in accordance with the norms of its legislation:

a) making a decision by the judge to hold the court session closed;

b) the victim's testimony at the court session without being present in the courtroom, that is, using appropriate communication technologies.

## Chapter VIII

### DATA RECORDING AND STORAGE

#### Article 37. Registration and storage of information about persons convicted of sexual crimes

1. In order to prevent and prosecute the crimes established in accordance with this Convention, each Party shall, in accordance with the relevant provisions and legislation on the protection of personal data, provide information on the identity and genetic profile (DNA) of persons convicted of crimes established in accordance with this Convention. implements the necessary legislation and other measures for collection and storage in accordance with other relevant norms and guarantees.

2. Each Party, when depositing its instrument of signature or ratification, acceptance, approval or accession, shall submit to the Secretary General of the Council of Europe the name and address of the single national authority responsible for the purposes of paragraph 1.

3. Each Party implements the necessary legislation and other measures to ensure the possibility of transferring the information specified in Part 1 to the competent authority of the other Party in accordance with the conditions established in its legislation and relevant international documents.

## Chapter IX

### INTERNATIONAL COOPERATION

#### Article 38. General principles and measures on international cooperation

1. The Parties cooperate with each other for the following purposes, in accordance with the provisions of this Convention and through an agreement reached on the basis of relevant international and regional documents, as well as on the basis of laws and norms that are uniform or reciprocal as far as possible:

- a) prevention of sexual exploitation of children and sexual violence against them and fighting against such cases;
- b) providing victims with protection and assistance;
- c) conducting investigations or prosecutions in relation to crimes established in accordance with this Convention.

2. Each Party shall implement the necessary legislation and other measures to ensure that a person who is a victim of a crime established in accordance with this Convention in the territory of the Party in which he does not reside has the opportunity to complain to the competent authorities of his State of residence.

3. When a Party that stipulates mutual legal assistance or extradition in criminal matters with the existence of an agreement receives a request for legal assistance or extradition from a Party with which no such agreement has been concluded, it shall implement this Convention on mutual legal assistance in criminal matters and may consider a legal basis for extradition.

4. Each Party shall, where appropriate, endeavor to include the prevention and combating of sexual exploitation and sexual violence against children in the assistance programs of third States.

## Chapter X

### MONITORING MECHANISM

#### Article 39. Committee of the Parties

1. The Committee of the Parties consists of representatives of the states that are parties to the Convention.

2. The Committee of the Parties is convened by the Secretary General of the Council of Europe. Its first meeting shall be held within one year of the entry into force of this Convention for the tenth signatory State. Subsequent meetings shall be held at the request of at least one third of the Parties or the Secretary General.

3. The Committee of the Parties adopts its own regulations.

#### Article 40. **Other representatives**

1. The Parliamentary Assembly of the Council of Europe, the Commissioner for Human Rights, the European Committee on Criminal Problems (CDPC), as well as other relevant intergovernmental committees of the Council of Europe appoint their representative to the Committee of the Parties.

2. The Committee of Ministers may invite other bodies of the Council of Europe to appoint a representative after consulting the Committee of the Parties.

3. Representatives of civil society, especially non-governmental organizations, may be admitted as observers to the Committee of the Parties following the procedure established by the relevant rules of the Council of Europe.

4. The representatives appointed in accordance with the above-mentioned parts 1-3 participate in the meetings of the Committee of the Parties without having the right to vote.

#### Article 41. **Functions of the Committee of the Parties**

1. The Committee of the Parties monitors the implementation of this Convention. The procedure for evaluating the implementation of this Convention is defined in the regulations of the Committee of the Parties.

2. The Committee of the Parties shall facilitate the collection, analysis and exchange of information, practices and best practices among them in order to prevent and improve the capacity to combat sexual exploitation and sexual violence against children.

3. The Committee of the Parties shall also, in appropriate cases:

(a) assist in the effective implementation and application of this Convention, including in determining the problems and effects of any declaration or reservation made under this Convention;

b) express an opinion on any issue related to the application of this Convention, as well as assist in the exchange of information on important legal, political or technological processes.

4. The Secretariat of the Council of Europe shall assist the Committee of the Parties in the performance of its functions in accordance with this article.

5. Information on the activities specified in parts 1, 2 and 3 of this article is regularly reported to the European Committee on Criminal Problems (CDPC).

## Chapter XI

### RELATION TO OTHER INTERNATIONAL INSTRUMENTS

#### Article 42. **Relation to the UN Convention on the Rights of the Child and its Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography**

This Convention does not affect the rights and obligations arising from the provisions of the UN Convention on the Rights of the Child and its Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography, and is intended to increase the effectiveness of the protection afforded by them, as well as to develop and complement the standards contained therein. carries

#### Article 43. **Connection with other international documents**

1. This Convention does not affect the rights and obligations deriving from the provisions of international documents to which the Parties are or will be signatories, as well as the provisions of the issues considered in this Convention, which provide wider protection and assistance to child victims of sexual exploitation and sexual violence.

2. The Parties to this Convention may conclude bilateral or multilateral agreements with each other on the matters covered by this Convention in order to strengthen the provisions of this Convention or to promote the application of the principles set forth herein.

3. In their mutual relations, the Parties that are members of the European Union, without prejudice to the purpose and purpose of this Convention and without prejudice to its full application with other Parties, shall apply the rules of the Union and the European Union, if there are Union or European Union norms governing a specific issue and applied to a specific case. applies.

## Chapter XII

### AMENDMENTS TO THE CONVENTION

#### Article 44. **Amendments**

1. Any proposal put forward by the party regarding the amendment of this Convention shall be submitted to the Secretary General of the Council of Europe and by him to the member states of the Council of Europe, the state that has signed and acceded to this Convention, the European Union, in accordance with the provisions of Article 45, Part 1 sent to each State invited to sign this Convention, as well as to each State invited to accede to this Convention in accordance with the provisions of Article 46, paragraph 1.

2. Any amendment proposed by a Party shall be referred to the European Committee on Criminal Problems (CDPC), which shall submit its opinion on the proposed amendment to the Committee of Ministers.

3. The Committee of Ministers shall consider the proposed amendment and the opinion submitted by the CDPC and may adopt the amendment after consulting the non-member States of the Council of Europe which have acceded to this Convention.

4. The text of any amendment adopted by the Committee of Ministers in accordance with part 3 of this article shall be submitted to the Parties for adoption.

5. Any amendment adopted in accordance with part 3 of this article shall enter into force on the first day of the following month after the expiration of one month from the date on which all Parties have notified the Secretary General of their acceptance of the amendment.

## Chapter XIII

### FINAL CONCLUSIONS

#### Article 45. **Signing and entry into force**

1. This Convention is open for signature by member states of the Council of Europe, non-member states of the Council of Europe that participated in its development, as well as by the European Union.

2. This Convention shall be open to ratification, acceptance or approval. Documents on ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 5 signatories, including at least 3 members of the Council of Europe, have expressed their agreement to accept the provisions of the Convention in accordance with the provisions of the previous part.

4. The Convention shall enter into force on the first day following the expiration of a period of three months from the date of deposit of the instrument of ratification, acceptance or approval in relation to any of the states specified in Part 1 and the European Union that have agreed to accept the provisions of the Convention.

#### Article 46. **Accession to the Convention**

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting with the Parties to this Convention and receiving their unanimous consent, by the decision adopted by the majority vote provided for in paragraph "d" of Article 20 of the Statute of the Council of Europe, and having the authority to participate in the Committee of Ministers Any non-member state of the Council of Europe that did not participate in the development of the Convention may be invited to join this Convention by a unanimous majority of the representatives of the contracting states.

2. In relation to any state acceding to the Convention, the Convention shall enter into force on the first day of the month following the expiration of a period of three months from the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### **Article 47. Territorial application**

1. Each State or the European Union may, when signing this Convention or when depositing an instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Each Party may subsequently, by declaration in the name of the Secretary General of the Council of Europe, extend the scope of this Convention to any other territory for the international relations of which it is responsible or on whose behalf it is authorized to undertake obligations, specified in that declaration. The Convention shall enter into force in respect of such territory on the first day of the month following the expiration of a period of three months from the date of receipt of such declaration by the Secretary General of the Council of Europe.

3. Any declaration made in accordance with the two preceding paragraphs may be withdrawn by a notification addressed to the Secretary General of the Council of Europe in respect of any territory specified in that declaration. Withdrawal shall take effect on the first day of the following month after the expiration of a period of three months from the date of receipt of the relevant declaration by the Secretary General of the Council of Europe.

#### **Article 48. Terms and conditions**

No reservation may be made to any provision of this Convention except as expressly provided. Any reservation can be withdrawn at any time.

#### **Article 49. Denunciation**

1. Any Party may denounce this Convention at any time by sending a notification to the Secretary General of the Council of Europe.

2. Such denunciation shall take effect on the first day of the following month three months after the date of receipt of the notification by the Secretary General of the Council of Europe.

3. The Secretary General of the Council of Europe to the member states of the Council of Europe, each state that has signed this Convention or acceded to it, the European Union, each state invited to sign this Convention in accordance with Article 45, as well as this in accordance with Article 46 Notifies each State invited to accede to the Convention that:

- a) any signature;
- b) depositing any documents of ratification, acceptance, approval or accession;
- (c) the date of entry into force of this Convention in accordance with Articles 45 and 46;
- d) any amendment adopted pursuant to Article 44 and its effective date;
- e) any reservation made pursuant to Article 48;
- f) any denunciation made under Article 49;
- g) any action, notification or information relating to this Convention.

In witness whereof, the undersigned duly authorized

who have signed this Convention.

Signed at Lanzarote on October 25, 2007, in English and French, both texts being fully authentic, in a single copy, both texts being equally authentic, which copy shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall send certified copies of the Convention to each member state of the Council of Europe, to the non-member states of the Council of

of the Republic of Azerbaijan on the Council of Europe Convention "On the Protection of Children from Sexual Exploitation and Sexual Violence".

STATEMENT

1. The Republic of Azerbaijan declares that the provisions of the Convention will not be applied by the Republic of Azerbaijan in relation to the Republic of Armenia.

2. The Republic of Azerbaijan declares that it does not guarantee the implementation of the provisions of the Convention in the territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and seven adjacent districts) until those territories are freed from occupation and the consequences of the occupation are completely eliminated (the occupied territories of the Republic of Azerbaijan a schematic map of the territories is attached).

3. The Republic of Azerbaijan declares that it reserves the right to change or cancel the provisions of paragraphs 1 and 2 of this declaration at any time, and the other Parties will be informed in writing about any such changes or cancellations.

