

Reforms of Juvenile Justice in the Republic of Azerbaijan

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Abstract. The article covers the study of juvenile justice reforms in the Republic of Azerbaijan by international commitments. The report aims to substantiate the development of legislative proposals and recommendations on implementing international standards. The scientific and practical importance of the research consists of the potential to leverage results in improving the legislative activity and including separate definitions of scientific archival. As a result of the reforms, many international juvenile justice standards have been implemented in the national legislation. But even though Azerbaijani legislation meets international standards, some provisions require further detailed regulation. Such provisions include questioning minors, conditions of questioning, observation of confidentiality at all stages of the administration of justice, and application of the diversion. The author proposes the inclusion of provisions on release from criminal liability minors and delays from serving punishment to juveniles in connection with the application of diversion in criminal procedure legislation of the Republic of Azerbaijan, ensuring appropriate conditions for the interrogation of minors, confidentiality in the criminal justice phases, including the announcement and the execution of judgement periods. The author tends to favour the extensive use of delay in serving punishment to juveniles and considers that the minor's best interests are also required to continue his studies, professional training activities, etc. The requirements of the Code of Criminal Procedure of the Republic of Azerbaijan (from now on the CCP) on explanation of rights and responsibilities to party and other participants in criminal proceedings, as appropriate to their level of intelligence, life experience, education and other circumstances, recognition of the right to re-explanation, apply to the questioning of a minor. Considering the special training of personnel working with minors, the requirements are essential in administering justice.

Keywords: juvenile justice; confidentiality; privacy; diversion; delay from serving punishment; release from criminal liability.

INTRODUCTION

Azerbaijan acceded to the international fundamental conventions on children's rights and adapted its domestic legislation to international standards. Convention on the Rights of the Child (from now on referred to as the Convention) and the Optional Protocol on the involvement of children in armed conflict, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the United Nations standard minimum rules for the administration of juvenile justice (the Beijing Rules) ratified by Azerbaijan. The

Law on the Rights of the Child was adopted on 19 May 1998, the preamble of which states that "This Law determines the rights and freedoms of children in the Azerbaijan Republic, the basic principles of state policy concerning children, tasks of state bodies, other legal entities and physical persons in the field of protection of children according to the Constitution of the Azerbaijan Republic, the Convention on the Rights of the Child and other rules of international law".

Legislation of Azerbaijan regulates the administration of justice more specifically. In addition to the general provisions, a separate chapter L of

the CCP is devoted to the proceeding concerning minors. The CCP regulates such matters as rules governing proceedings concerning minors, circumstances to be established during proceedings concerning minors, obligation to conduct an investigation, conduct of the investigation concerning a minor, detention of minors, application of the restrictive measure of arrest to a minor, court examination of the criminal case concerning an offence committed by a minor, take measures of the child protection, assist children for the secure their rights and interests; providing information, appropriate for their age and maturity level and in plain language; safeguarding of the contact presence with the defendant or the accused and child at any stage of the criminal process, except in cases where such contacts are necessary in the child's or criminal procedure interests; to obtain evidence from the child by the employee specially trained for this purpose of the body that carries out criminal procedure; to ensure the child's testimony using of information and communications technology without their participation in the courtroom and etc. Such issues that should be improved include questioning children, establishing the conditions for the questioning, and ensuring Confidentiality, Diversion and Delay from serving punishment. International standards on these juvenile justice issues are usually defined in general order, and details are left to national legislation. Therefore, federal legislation should lead to more detailed regulation.

METHODS AND MATERIALS

The author used such general scientific and particular scientific methods as analysis and synthesis, formal-legal, comparative-legal, statistical, legal analysis, comparative law, and method of legal forecasting. The process of legal analysis was used in the research, with the help of which the works of scientists and provisions of national legislation and international acts on juvenile justice were analyzed. The formal-legal method was used to study the element's definition of juvenile justice. The comparative law method helped to compare the legislative regulation of the Juvenile justice institution in other states or international documents. The statistical method helped *explain* the ineffectiveness of special courts for minor cases. The legal forecasting method was used to propose amendments to national legislation to improve juvenile justice's legislative and administrative practice and to make scientifically

grounded forecasts about the future development of juvenile justice.

RESULTS AND DISCUSSION

Right to be Heard. Article 12 of the Convention establishes the child's right to be heard. A child capable of forming his views was free to express those views freely on all matters concerning him. A child's views should be given attention according to age and maturity.

According to § 2) iv) of Article 40 of the Convention, States Parties shall, in particular, ensure that they not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality; Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality.

A child should not be forced to testify against himself or to confess his guilt.

"Coercion" refers to both the use of physical force and the child's false testimony out of fear, not understanding the questioning and its consequences. According to Article 20.1 of the CCP, nobody may be forced to testify against himself or his close relatives or be prosecuted.

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. According to Article 37 (a) of the Convention, using torture or other cruel, inhuman or degrading treatment or punishment for taking evidence or confession of guilt constitutes a severe violation of children's rights. Under Article 15 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, any such evidence or confession may not be used as evidence. Article 15.2.1 of the CCP prohibits the use of torture and physical and psychological force, including the use of medication, withdrawal of food, hypnosis, deprivation of medical aid and the use of other cruel, inhuman or degrading treatment and punishment, as a guarantee of the right to inviolability of the person is prohibited. Article 125.2.2 of the CCP determines that information, documents and other items shall not be accepted as evidence in a criminal case if they are obtained through the use of

violence, threats, deceit, torture or other cruel, inhuman or degrading acts.

The court evaluates the voluntariness and reliability of the evidence or confession given by the child. It considers such factors as the age and maturity of the child, duration of interrogation or detention, availability of legal or other independent assistance, presence of a parent, guardian, etc.

Item 1 of Article 12 of the Convention provides for the right of the child to express their views freely. First of all, it should be ensured that children receive all the necessary information. This information must be provided by the persons responsible for hearing the child and his parents and guardians. This information includes the questions asked of the child, actions taken, decisions to be made, and their consequences. According to Article 120.2.1 of the CCP, the prosecuting authority shall explain to every party to the criminal proceedings his rights and duties and make it possible for him to fulfil them (giving him the checklist of his rights and responsibilities as provided for in this Code shall not absolve the prosecuting authority from giving appropriate explanations at the person's request).

There are situations when the child does not know how to form his thoughts freely, which should be considered when evaluating his testimony. Free expression of the child's thoughts means the prohibition of manipulation by the child, not subjecting the child to pressure and pressure. Therefore, to help the child to express himself freely, it is necessary to create special conditions where the child will feel safe. The main thing is to develop respect for the child's personality. The creation of situations may be related to the testimony place the testimony, the format, the specifics of communication, etc.

During the investigation, the relationship between the minor and the investigator shall be based on consideration of the facts of the criminal case to the requisite extent, a respectful approach to the minor, concern for his welfare and protection of the minor from harm (Article 432.3 of the CCP). The parties to the criminal proceedings and other participants in the criminal proceedings shall have their rights and duties explained according to their level of intelligence, life experience, education and other circumstances. The prosecuting authority shall again explain their rights and responsibilities whenever any participant requests (Article 120.6 if the

CCP). Minors remanded in custody shall be held separately from other persons. They shall receive the required services, defence and additional personal assistance according to age, sex and personality (Article 434.3 of the CCP).

In evaluating a child's testimony, attention should be paid to the ability to express oneself and its development, which depends not only on his age but also on his upbringing, social environment, etc. They affect its level of maturity. Maturity in the context of Article 12 of the Convention, in turn, means the ability to express views freely and independently. Therefore, a child has the right to participate directly, through a representative, in all stages of criminal justice. Issues affecting the child, such as taking a child under guardianship, difficulties in accessing medical and other services, separation and divorce of parents, etc., must be considered when creating special conditions.

Freedom to choose whether to make a statement, alone or with legal representatives, belongs to the child. But this right of the child is considered as far as possible. In case of disagreement with the child, the child should be made aware of the consequences of their choice. The child must receive complete information on conditions and participants during the interrogation. Article 432.4 of the CCP provides for the right to receive information about the charge brought and the right to refuse to make a statement concerning the minor at all stages of the investigation. The range of information that the child should receive as an accused person is given in Article 91.5.29 of the CCP, and the range of information that must be provided before the interrogation is given in Article 228.3 of the CCP.

The statement's condition is essential to ensure the child's safety and heightened sense of personality. In addition to confidentiality, the child also has the right to accept his silence, i.e. the child has the right to waive the right of silence at any time.

The child's capacity for expressing their views must be justified, which is conducted to clarify the child's attention to extraneous questions relating to information, reading, etc. All questions relating to the conditions and circumstances of the interrogation of minors must be considered by the criminal justice bodies. In the event of a violation, these are grounds for appeal.

The child should be immediately and directly informed that they understand the charges against children and decisions that can be made in the juvenile justice process. The conditions of the proceedings should facilitate the child's voluntary participation in the proceedings and the free expression of his opinions. Article 123-2 of the CCP determines that presentation of information given to children in a manner appropriate to their age and level of mental development and in a language they understand; a statement from a child taken in designated places or special conditions; taking a child's statement is carried out by officers of the body conducting criminal proceedings who have received special training for this purpose; where possible, the same person shall re-interview the child; the child's testimony should be obtained in as few cases as possible; where possible, all statements from the child are recorded by video recording.

CCP determines that a statement from a child is taken in designated places or particular conditions. However, normative and normative character documents have not explained special conditions.

The Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice (2010) develops a number of recommendations for the communicating with children: avoid direct contact – to stroke a head, to keep hand on shoulder and etc., which can be considered as pressure, under certain conditions, and also as harassment; a child-friendly environment for children (colorful of the interview room, ventilation, natural light, the presence of windows, presence of plants, the presence of pictures on the walls, having a toilet for the child's genuine needs, having heating and cooling equipment); unplacing the child and the interrogator at the table in the same plane for the avoiding of the psychological impact on the child and prevent a scared, – the fact that the interviewing table is relatively high or his being on his feet above the seated is regarded as positions of power and psychological pressure; not sit face to face; presence of a lawyer or parent between the child and the interrogator.

According to article 434.3 CCP, minors remanded in custody shall be held separately from other persons. They shall receive the required services, defence and additional personal assistance according to age, sex and personality. These conditions are related to the application of the restric-

tive measure of arrest to a minor. These conditions should also apply to the interrogation and trial of children. Article 226.3-1 should be added to CPC: "The minors shall be provided with the required services, defence and other personal assistance according to age, sex and personality".

International child rights standards are generally familiar and then specified in soft-law instruments. Due to the direct force international standards, implementing it by interrogation authorities does not create difficulties. For the correct application of rules of those mentioned above recommendatory international documents by the investigative and judicial bodies, it would be appropriate to adopt the guidance and resolution of the Plenary Supreme Court at the national level.

Confidentiality. One of the main objectives of confidentiality is the protection of minors from social stigmatization. Disclosure of the names of young offenders may haunt him for the rest of his life and have negative consequences. International standards and public policy on minors consider the correction of children possible and essential. Children avoid socialization because of their age, worldview, and sense of personal prestige, and in many cases, they are unwilling to admit their mistakes. In such cases, the Confidentiality of the proceedings and the Confidentiality of the documents also affect their ability to assess the situation correctly and assist in administering justice.

Preventing criminal stigmatization of child offenders is ensured by confidentiality and privacy, containing the obtaining information identifying the child about the committed act and using it against the interests of children. In recent years, the immediacy of information dissemination on Internet networks has increased the importance of data privacy. In recent years, the immediacy of information dissemination in Internet networks has increased the extent of data privacy.

The convention does not contain a specific provision regarding confidentiality.

Article 65 of General Comment No. 10 (2007), Children's Rights in Juvenile Justice, determines that to protect the privacy of the child, most state parties have as a rule- sometimes with the possibility of exceptions- that the court or other hearings of a child accused of an infringement of the penal law should take place behind closed doors. This rule allows for the presence of experts or

other professionals with special permission of the court. Public hearings in juvenile justice should only be possible in well-defined cases and at the court's written decision. Such a decision should be open for appeal by the child.

According to Article 8.1 of the Beijing Rules and Article 123-2.3 of the CCP, ensuring privacy after expression by children's willingness or considering their interests provides the child's testimony using information and communication technologies without participation in the courtroom.

Privacy also applies to documents related to minors. A protection of the confidentiality of conviction, which is used to exchange information between law enforcement agencies; such privacy must also be respected in executing a court decision. There are no provisions on the confidentiality of minors in managing court decisions. This causes problems in running sentences concerning juveniles, especially those not involving imprisonment.

Considering that one of the primary responsibilities of juvenile justice is the rehabilitation of the child, confidentiality is not limited to the administration of justice. It also applies to all stages of communication of the child in conflict with the law with law enforcement and other agencies and serves to the protection of the rights of the child.

According to article 222.7 of the CPC, the disclosure of information on the identity of children was only allowed with the consent of them or their legal representatives.

In all cases, court decisions made during the proceedings shall be made public (article 27.3 of the CCP). This requirement also applies to the public announcement of court decisions related to minors. According to rules 81 and 8.2 of the Beijing Rules, no information indicating the identity of a juvenile offender may be printed. CCP uses terms such as procedural decisions, judgment, the court's final decision, and other court decisions. The court's ruling and the court's final decision also belong to procedural choices. If the court is closed, announcing confident choices is fine during the court hearing. However, confidentiality extends to the announcement of the final judgment. The public pronouncement of court decisions must welcome using pseudonyms or code-names.

According to Article 21 of the Beijing Rules, records of juvenile offenders shall be kept strictly

confidential and closed to third parties. Records of young offenders shall not be used in adult proceedings in subsequent cases involving the same offender. The concepts of deletion of data, seal of documents, and confidentiality are used to ensure the confidentiality of the proceedings for juvenile affairs.

A seal of documents (make recordings inaccessible to the public) и deletion of data (erasure or destruction of records, as if they had never existed before), as well as confidentiality are the confidentiality requirements of the confidentiality of juvenile records.

Information on minors is not limited to court orders, including fingerprints, photographs, and juvenile information in the criminal case materials.

Summarizing the discussion above, we can conclude that the Legislation of the Republic of Azerbaijan on children in conflict with the law, child witnesses and victims implies the confidentiality of justice. However, to more reliably ensure this confidentiality, the use of pseudonyms in cases related to child witnesses, secrecy in the announcement of court decisions, execution of court decisions, confidentiality of court documents about minors, including complete deletion when the child reaches the age of 18, should be included in the legislation.

In the legislation of Azerbaijan, confidentiality issues regarding children in conflict with the law are regulated in detail before and during the trial. However, although confidentiality is observed in practice during the execution of court decisions and the announcement of court decisions, it is not regulated in the legislation. Confidentiality also applies to the work of police bodies. There are juvenile affairs officers in the police in Azerbaijan who are engaged in the prevention of delinquency among juveniles according to the law "On the prevention of homelessness and minors' violations". In practice, almost all police stations have special children's rooms, the entrance of which is separate from the main door and equipped according to the world view of children.

Diversions. Article 40 (3) (b) of the Convention determines to promote, whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. The term "diversion"

was first used in the Beijing Rules (article 11.3. Any diversion involving referral to appropriate community or other services shall require the consent of the juvenile or her or his parents or guardian, provided that such decision to refer a case shall be subject to review by a competent authority upon application). In addition, one of the eight general principles is "viable alternatives to juvenile justice processing in the form of community-based diversion" (article 11.4).

The UN Vienna Guidelines for Action on Children in the Criminal Justice System (1997) provide comprehensive measures to ensure that the juvenile justice system operates by international standards. One of these measures is the replacement of criminal liability with alternative disciplinary measures. "To prevent further overreliance on criminal justice measures to deal with children's behaviour, efforts should be made to establish and apply programmes aimed at strengthening social assistance, which would allow for the Diversion of children from the justice system, as appropriate, as well as improving the application of non-custodial measures and reintegration programmes. It is necessary to foster close cooperation between the child justice sectors, different services in charge of law enforcement, social welfare and education sectors" (guide 42).

The Committee on the Rights of the Child in General Comment No. 24 (2019) considers children's rights in the juvenile justice system, including the waiver of judicial review. "The Committee recommends that children who turn 18 before completing a diversion programme or non-custodial or custodial measure be permitted to complete the programme, measure or sentence, and not be sent to centres for adults" (clause 35).

European documents also contain provisions on criminal prosecution discounting. A discounting (Diversion) is not mentioned in the Recommendation of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures [8].

The Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010) determine that "Alternatives to judicial proceedings such as mediation, diversion (of judicial mechanisms) and alternative dispute resolution should be encouraged whenever these may best serve the child's best interests" (clause 24). "Guidelines ...recall that ... attention has been focused on settling conflicts outside courts,

among other things by family mediation, diversion and restorative justice" (clause 81).

A diversion has to be applied with conditions of the full expectation of human rights and legal guarantees of a minor in conflict with the law, his/her own or legalization's informed consent, etc. A diversion refers to removing a minor from criminal proceedings and releasing them from criminal liability. "... Diversion is categorized into pre-arrest Diversion and post-arrest Diversion. Pre-arrest Diversion may be considered "true" Diversion, as it prevents the youth from being formally processed by the juvenile and/or criminal justice systems" [2, p. 5].

Article 39 of the CCP implies circumstances when a criminal prosecution may not start or shall be discontinued (and the criminal case may not be begun or proceedings in the criminal case shall be discontinued): if no criminal act has been committed; if the act does not have an illegal content; if the time-limit for prosecution has expired (excluding the circumstances in which the time-limit for prosecution is suspended), etc. The legislation did not include cases involving minors in circumstances of discounting criminal proceedings.

Diversion can be defined in different ways. However, the term always refers to measures to deal with children in conflict with the law without resorting to formal legal proceedings or judicial investigation. Diversion refers to the Diversion or removal of juvenile offenders from the juvenile justice system. Diversion has been defined as "an attempt to divert, or channel out, youthful offenders from the juvenile justice system" [3, s. 430].

Article 88.1 of the Criminal Code of the Republic of Azerbaijan (from now on, CC) can be considered a diversion in a certain sense. According to the requirement of the article, the minor, who for the first time has committed a crime that does not represent a significant public danger or a less severe crime, can be released from criminal liability if it is recognized that his correction can be achieved by application of forced measures of educational influence. However, this situation only partially meets the requirements of Diversion. The inclusion of Diversion is the obligation of the Republic of Azerbaijan according to the Constitution.

Administration of justice in cases of minors by special courts. Special Courts apply special procedural rules of justice, ensure the informality

and confidentiality of the court hearings, and provide a full investigation of the circumstances of the case, the circumstances of the offence, etc. International legal acts contain special provisions on the implementation of proceedings in matters of minors by the competent authority (court, tribunal, board, council, etc.), specially instructed and trained persons (clauses 12.1, 14.1, 22 of The Beijing Rules, clause 9 "I" of the Riyadh Guidelines). Special professional competence involves obtaining special education in juvenile justice and readiness to work in this area, i.e. in the administration of justice.

In the Republic of Azerbaijan registered 36,494 crimes in 2022, only 433 of these crimes were committed by minors [1]. The mentioned statistics show that the level of criminality among minors in Azerbaijan is not that high. Therefore, the Republic of Azerbaijan refused to establish special courts for minors at this stage. Thus, even if these specialized courts are found in Azerbaijan on a regional basis, their creation should not be considered appropriate due to the low workload. The legislation of Azerbaijan envisages some specializations in the administration of justice in cases of minors. Article 432.1 of the CCP- The investigation concerning a juvenile shall be conducted, as far as possible, by special departments of the investigating authorities or persons with relevant work experience with minors. Article 123-2.1.5 of the CCP- Providing free legal assistance to a child victim of sexual exploitation or sexual violence or his/her legal representative if requested by a more experienced children's lawyer; the article 435.1 of the CCP- Criminal cases concerning offences committed by minors shall be examined by professional judges. In addition to the procedural requirements mentioned, the judges of the first-instance courts are also provided with special training In juvenile justice.

Delay from serving punishment. The Criminal Code provides for delay from serving punishment in three articles: article 79 (delay from serving punishment to pregnant women and women having juvenile children); article 80 (release from serving sentence in connection with expiration of time limits for decision on accusation); article 80-1 (release from serving punishment in connection with reconciliation with the victim and total compensation for the damage caused as a result of the crime or the income received as a result). Articles 80 and 80-1 of the CC retain the theoretical and practical possibility of applying to minors, but Ar-

article 79 of the Criminal Code does not apply to juveniles. According to article 79.1 of the CC, "To condemned pregnant women and women having children in the age up to eight years, except condemned who is imprisoned for the term from above five years for minor serious and serious crimes against the individual, a court can defer serving of punishment before achievement by the child of age 8". Then, the article 79.3 of the CC states that "After achievement by a child of age fourteen a court releases a condemned person from serving deserved part of punishment, or replaces deserved part of punishment with mitigate kind of punishment".

Article 89 of the CC provides for the release from punishment of minors. The minor condemned for the commitment of a crime which does not represent significant public danger or a less severe crime can be released from punishment with the application of forced measures of the educational influence provided by article 87.2 of the present Code. The court can release from punishment a minor condemned for committing a less serious crime if he recognizes that a purpose of punishment can be achieved only by his premise in the educational or medical-disciplinary establishment provided for such persons. Thus, the term of the minor's stay in the equipped establishments can not exceed the maximal term of the punishment provided by the present Code for a crime he committed.

Chapter 14 of the CC (Features of the criminal liability and punishment of minors) provides for an application of forced measures of educational influence (article 88); public works (article 85.1.2); release from punishment (article 89.2); conditional – prescheduled release of minors from serving punishment (article 90); replacement of the unserved part of the punishment of minors with a milder type of punishment (article 90-1); shortening of the terms of removing a previous conviction (article 92). The legislation prioritizes humanism and juvenile reformation in applying criminal penalties for minors. The judicial experience of Azerbaijan does not act from the position of accusing minors but from the position of reforming minors without isolating them from society. Approximately 26,000-36,000 crimes are registered per year in Azerbaijan, 400-500 of which are crimes committed by minors. The number of prisoners serving punishment in the educational establishment of the Ministry of Justice is ten times less; 30 convicts are serving punishment of sentence [20].

The features of the release from criminal liability and punishment of minors provided in Chapter 14 of the CC show the position of the Azerbaijani legislation to children; legislation acts from the general interests of society – the reformation of children without isolation from society and return to the community. But in all cases, it involves juveniles going through the juvenile justice system, that is, the criminal justice system. Therefore, it would not be correct to attribute the measures provided for in Chapter 14 of the CC to diversionary measures.

In some cases, Diversion is equated with release from punishment. However, equating these measures according to the basis and reasons for their application would not be correct. While on release from punishment, a person goes through multiple stages of the criminal justice system: a judicial investigation is underway, a decision is made, and a delay is made from serving the punishment stipulated in the sentence. On the other hand, the Diversion generally prevents the child from reaching the justice system, and the case shall be discontinued. The law does not provide for a delay in serving the punishment of the journals. This approach of the legislation can be explained by the mitigations in the application of criminal penalties; for example, the persons condemned to imprisonment but did not reach eighteen to the moment of removal by a court of a decision shall be located in educational establishments of general or strengthened regime (article 55.1 of the CC); imprisonment can be appointed to minor condemned for the term not over ten years. Minors condemned shall serve time in the following educational establishments (article 85.5 of the CC), release from punishment of minor (article 89.1 of the CC), etc. Article 104 of the CC of Ukraine provides for the discharge from punishment on probation, and discharge on probation may only be applied to minors sentenced to arrest or imprisonment; probation shall be fixed for a period of one to two years when discharging a minor on probation, a court may place this minor under the supervision of another person, upon consent or request of the latter to undertake such obligation.

The legislation should allow the delay from serving punishment to be applied to minors. Delay from serving punishment will enable parents to raise their children, children to grow up in the family, etc. The main goal of juvenile justice for minors is to take into account the interests of children to ensure their education and upbringing

and their healthy future. With these goals, applying the delay from serving punishment to children would also serve the interests of persons under 18 in several cases. So, if the sentenced persons are studying in higher and secondary specialized schools, naturally, their education is stopped. Also, practice shows that students punished for crimes are expelled from the educational institution. It would not be correct to claim that such expelling and uncontinuation of education in a juvenile establishment (penitentiary) (we are talking about specialized education, not general secondary education) serves the child's interests in all cases.

In many cases, court practice refers to the assignment of mitigated punishment. It is provided for the given crime, i.e., the court can appoint a mitigated kind of punishment, provided by this article (article 62 of the CC). Of course, the judge's discretion should be encouraged in all cases.

Article 89.2 of the CC provides *conditions* for the release from punishment of a minor condemned for commitment to a less severe crime. However, we do not see such conditions as delay in serving punishment. Therefore, it would be appropriate to include the delay from serving punishment under certain conditions to minors to the measures of correction of minors without isolation from society.

CONCLUSIONS

The Republic of Azerbaijan legislation analysis shows that international juvenile justice standards are reflected in criminal, criminal procedural and other legislative acts and generally correspond to these standards. The legislation of Azerbaijan differs in that it explicitly regulates the administration of justice in cases of minors, and the general provisions of the administration of justice also provide for special norms regarding minors. We believe that the requirement of the law on the receipt of the child's statements by the employees of the body carrying out the criminal process, who have undergone special training for this purpose, should also apply to other persons participating in the criminal process, such as a specialist, an expert, a translator.

The CCP provides free legal assistance to a child victim of sexual exploitation by a more experienced children's lawyer, and it would be more

correct to apply this requirement to all minors without exception.

A delay from serving punishment should be applied to minors, and it would serve the interests of children, considering the education, health and other conditions of minors.

The exercise of the judge's discretion on appointing a mitigated kind of punishment, provided by this article, should be encouraged in all cases.

The legislation addresses the confidentiality requirement of a minor in the pre-trial investigation and sentencing stages. In addition, the attribution of these requirements to the announcement of the final court decisions and the execution of court decisions are also supported.

It would be appropriate to allow only certified individuals to be tried, only certified employees who approve training. It would be fair to allow only accredited persons to participate in the training on the administration of juvenile justice.

Summarizing the above, we believe that the following article should be added to the CC regarding the removal of minors from the criminal justice system:

Article 79-1. Delay from serving punishment of the minors

To condemned minors, except those sentenced for a term above five years for minor serious and severe crimes against the individual, a court can defer serving of punishment before achievement by the child of age 18 under conditions of the education, etc.

Diversion to national legislation is the responsibility of the Republic of Azerbaijan. However, introducing Diversion to the bill also requires specific preliminary preparations. This includes preparing institutions and specialists to be applied to persons released from liability.

To more reliably ensure the confidentiality of children in conflict with the law and child witnesses, victims, using pseudonyms in cases related to child witnesses, attribution of the secrecy to the announcement of court decisions, execution of court decisions, court documents related to minors and including deletion of the information after reaching the age of 18 should also have to be included in the legislation.

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