

**AZƏRBAYCANDA ERMƏNİ İŞĞALINDAN AZAD EDİLMİŞ
ƏRAZİLƏRDƏ NARKOTİK MARŞRUTLARININ QAPANMASI VƏ
POSTMÜNAQİŞƏ DÖVRÜNÜN SAĞLAMLIQ-TƏHLÜKƏSİZLİK
BALANSI**

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Xülasə

Məqalədə Azərbaycanın beynəlxalq-hüquqi öhdəliklərə əsaslanaraq narkotik vasitələrin və psixotrop maddələrin qanunsuz dövriyyəsinə qarşı formalaşdırdığı dövlət siyasəti təhlil olunur. Uşaq Hüquqları Konvensiyasının 33-cü maddəsinin tələblərinə uyğun olaraq, uşaqların və gənclərin narkotiklərdən qorunması, dövlətin və cəmiyyətin üzərinə düşən vəzifələr və bu sahədə hüquqi mexanizmlərin işlənməsi məsələləri araşdırılır. Tədqiqatda həm SSRİ dövründəki təhrif olunmuş statistikanın mahiyyəti və işğaldan azad edilmiş ərazilərdə suveren nəzarətin bərpası nəticəsində narkotiklərin dövriyyəsinin faktiki olaraq dayandırılması elmi əsaslarla izah edilir. Məqalə Azərbaycanın post-okkupasiya dövründə hüquqi, inzibati və sosial tədbirlər vasitəsilə beynəlxalq konvensiyaların tələblərini milli səviyyədə reallaşdırmasını göstərir.

Açar sözlər: Azərbaycan, Uşaq Hüquqları Konvensiyası, narkotiklərin dövriyyəsi, post-okkupasiya, insan hüquqları, təhlükəsizlik siyasəti, okkupasiya, inzibati.

**ПЕРЕКРЫТИЕ КАНАЛОВ НАРКОТРАФИКА В АЗЕРБАЙДЖАНЕ НА
ОСВОБОЖДЁННЫХ ОТ АРМЯНСКОЙ ОККУПАЦИИ
ТЕРРИТОРИЯХ И БАЛАНС ОБЩЕСТВЕННОГО
ЗДРАВООХРАНЕНИЯ И БЕЗОПАСНОСТИ В ПОСТКОНФЛИКТНЫЙ
ПЕРИОД**

Резюме

В статье анализируется государственная политика Азербайджана в области борьбы с незаконным оборотом наркотических и психотропных веществ, основанная на международно-правовых обязательствах. Особое внимание уделено статье 33 Конвенции о правах ребёнка ООН, предусматривающей защиту детей от незаконного употребления и оборота наркотиков. Исследование раскрывает характер и цели искажённой статистики времён СССР, а также показывает, как восстановление суверенного контроля на освобождённых территориях позволило фактически прекратить наркооборот. В работе подчёркивается, что Азербайджан последовательно реализует требования международных конвенций посредством правовых, административных и социальных механизмов в постконфликтный период.

Ключевые слова: Азербайджан, Конвенция о правах ребёнка, незаконный оборот наркотиков, постконфликтное управление, права человека, государственная политика безопасности, административный, оккупация.

**CLOSING DRUG-TRAFFICKING ROUTES IN LIBERATED
TERRITORIES OF AZERBAIJAN AND THE PUBLIC HEALTH–
SECURITY BALANCE IN THE POST-CONFLICT PERIOD**

Abstract

The paper deals with state policy of Azerbaijan against the illicit trafficking of narcotic drugs and psychotropic substances, framed within international legal obligations. Particular emphasis is placed on Article 33 of the UN Convention on

the Rights of the Child, which obliges states to protect children from the use and exploitation of narcotics. The study analyzes the distorted statistics of the Soviet period and explains, from a political and institutional perspective, how the restoration of sovereign control over the liberated territories effectively ended drug trafficking routes. The paper demonstrates that Azerbaijan has successfully implemented the provisions of international conventions through legal, administrative, and social measures during the post-occupation period.

Keywords: Azerbaijan, Convention on the Rights of the Child, drug trafficking, post-occupation governance, human rights, security policy, administrative, occupation.

INTRODUCTION. The independent Republic of Azerbaijan, as a civilized state committed to the principles of international law and respecting universal human values, has identified the fight against illicit trafficking in narcotic drugs, psychotropic substances and precursors as a priority direction at the intersection of state security, public health and human rights. The formation of this policy is based on two complementary pillars: 1) transposition of obligations arising from international conventions into national law, 2) institutional and operational design taking into account the national security and reintegration agenda.

The restoration of sovereign control after the liberation of Karabakh and adjacent regions from occupation has resulted in the closing of shadow routes that have existed for years, creating a real-legal basis for stopping drug trafficking.

Immediately after independence, Azerbaijan integrated into the global drug control regime by joining the fundamental conventions adopted under the UN umbrella, thereby ensuring:

- Categorization and scheduling of substances,
- Control over the circulation of precursors,
- Trans-border fight and legal assistance,
- Adaptation to mechanisms for the prevention of money laundering and “illegal proceeds”.

It was this stage that accelerated the legal and policy convergence of Azerbaijan and enabled the harmonization of national legislation with international standards.

Main part. Today, it is difficult to find a country in the world where illegal drug trafficking and the consequences it causes are not observed. Drug crime, besides severely damaging the moral values of humanity, poses a serious threat to people’s health and life. Many states realizing the scale of this threat that the drug problem would become increasingly global, since the beginning of the 20th century in order to jointly combat it have tried to create various regional alliances. However, these efforts were not enough to completely prevent the problem. Over time, the scale of drug addiction has expanded even more, and as a result, this issue has risen to the level of a common problem of the entire international community, not just individual countries. The assessment of the problem as a global threat has also mobilized the United Nations, and this issue has become one of the priority areas of the organization. As a result, the UN adopted the “Convention on Narcotic Drugs” in 1961, the “Convention on Psychotropic Substances” in 1971, and the “Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances” in 1988 [3, 52]. The provisions of these documents should be reflected in the national legislation of civilized states, and their main goal should be to strengthen the fight against drugs at the legal and institutional level. Within the framework of the new legislative base, joint, systematic and purposeful action against drug crime should become one of the main tasks of state bodies. The essence of the decisions taken should be the protection of human health and ensuring the moral and ethical security of society as a strategic priority.

The establishment of the State Commission for Combating Drug Addiction and Illicit Trafficking of Narcotics by the decree of the National Leader Heydar Aliyev in 1996 played the role of a strategic mechanism uniting various segments of the executive branch under a single coordination. The state program, approved by the decree dated June 15, 2000, accelerated the transition from the normative-legal framework to the level of practical activity, rationalized the allocation of resources

according to priorities (prevention, treatment-rehabilitation, law enforcement measures, information-education). The Law “On Narcological Service and Control” adopted in 2001 raised the public health-based approach of the state to legal status and standardized the organization of narcological service, control mechanisms, patient rights, and measures aimed at reducing medical and social consequences.

Along with determining the measures implemented in the field of narcological services and control with the “Program for Combating Illicit Trafficking of Narcotics, Psychotropic Substances and Precursors and the Spread of Drug Addiction” signed by the President of the Republic on June 15, 2000, a lot of work is currently being done in the field of regulating narcological control, which is a set of medical, administrative, social and preventive measures implemented to ensure narcological health and human rights.

The address of the President of Azerbaijan Ilham Aliyev to the participants of the 5th Meeting of the Member States of the “Memorandum of Understanding on Regional Cooperation in Drug Control” states: “The occupying regimes, by grossly violating the principles and norms of international law, democratic values and human rights, are creating a real threat not only to their own population, but also to international peace and security. The terrorist regime established in the Nagorno-Karabakh region of our country as a result of the occupation of Azerbaijani lands by Armenia is a clear proof of this” [2].

Azerbaijan has consistently transposed international obligations into national law and built an institutional architecture on this basis [5, 19]. Since the 1990s, relevant laws, state programs and coordination mechanisms (including the commission responsible for combating drug addiction and illicit trafficking) have been formed, and medical-preventive, law enforcement and educational components have been implemented within a single system. This sequence is the domestic expression of the signature-ratification-implementation chain: a) adoption of normative rules, b) cross-sectoral coordination, and c) implementation based on indicators.

Analyzing data on drug crime and addiction requires not only a comparison of numbers, but also taking into account the quality of the source, the measurement methodology, and the political context. The quotes you cited show figures for 1986-1989: tens of millions of addiction cases worldwide, growth dynamics in Western Europe, and only 51.000 drug addicts “registered” in the USSR. This sharp discrepancy reveals a problem that has long been noted in post-Soviet scientific literature – the practice of systematic under-reporting and concealment. It was in such circumstances that, against the backdrop of the culmination of the Karabakh claims in 1988-1989, attempts to “inflate the figures for Azerbaijan” (for example, claims of “official 1.500, unofficial 150.000 drug addicts”) were used as a tool for political and psychological pressure. An elementary mathematical-logical check reveals the absurdity of such accusations: if “only 51.000” were officially recognized in the USSR, then putting forward an unofficial figure of “150.000” in Azerbaijan alone is statistically impossible; this should be considered a propaganda construct. It appears a methodological conclusion: dated figures cannot be included in policy analysis without being calibrated according to source reliability and measurement criteria.

The dynamics of mass adoption of the “Convention on the Rights of the Child (CRC)” confirms its acceptance as a universal norm [4, 121]. The key point here is the direct connection of Article 33 with the policy of reducing the demand for drug dependence: states must create a complex of legislative, administrative and social measures to protect children from the illicit use of drugs. Thus, for Azerbaijan, the fight against drugs is not only a strict law enforcement framework, but also a set of legal and ethical obligations in terms of the healthy development of children and youth. This legitimizes preventive curricula in educational institutions, awareness-raising in the family-school-community triangle, media literacy and risk reduction approaches.

The lack of sovereign control in conditions of armed occupation creates a fertile environment for the shadow economy and trans-border illicit trafficking. With

the restoration of Azerbaijan’s sovereignty (post-occupation phase), the following chain of influence has been triggered:

1. Restoration of border and customs control - cutting off unofficial transit lines;
2. Law enforcement coordination - neutralization of logistics points;
3. Precursor control and traceability – destroy of the illegal production chain;
4. Community-based prevention and rehabilitation - social impact aimed at reducing demand.

The results achieved in the post-occupation phase should be read on two levels:

- a) Security – reduction of trans-border crime, restoration of the rule of law in the region;
- b) Public health – reduction of addiction risks, strengthening of a safe environment for children and youth.

This synergy requires the transformation of the principle of the CRC “best interests of the child” into measurable indicators in local policy design (eg., coverage of preventive programs in schools, access to rehabilitation services, effectiveness of risk-profile-based checks at border and customs).

The methodological weakness of the “highest drug addiction rates” claims made against Azerbaijan since the late 1980s is clearly summarized in three points:

1. Inconsistent base: It is statistically contradictory to put forward a figure of hundreds of thousands for Azerbaijan with an obviously under-reported base figure of “51.000” for the USSR;
2. Selective quoting: Figures showing the dynamics of growth in the Western space are transferred to the USSR/Azerbaijani context without comment;
3. Political context: The transformation of “digital politics” into a tool of information warfare in 1988–1989, when the Karabakh claims intensified.

Therefore, dated figures should be included in scientific analysis only after source-criticism (comparison of sources, methodological notes, collection mechanism, and political context).

Drug trafficking in the liberated territories has been virtually stopped, and unofficial routes that existed in the region for years have been closed. This result is a practical confirmation of the synchronization of national legal and institutional mechanisms with international obligations (in particular, Article 33 of the UNCRC and the requirements of the 1988 Convention).

One of the points drawing attention from the perspective of the research is that the UN Convention on the Rights of the Child (CRC) is a universal legal framework consisting of 54 articles, based on a system of human values, focusing on the dignity, well-being and developmental potential of the child. The normative architecture of the Convention is not only a set of abstract principles, but also a practical mechanism that imposes specific obligations on states in the legal, administrative and social spheres. In this regard, the application of the main provisions of the Convention in the context of narcotic drugs and psychotropic substances requires a human rights-centered policy design aimed at preventing both demand and supply. Article 1 of the CRC clearly defines the concept of “child” from a legal perspective: every human being below the age of 18 years is considered a child (if national legislation does not provide for earlier mature age).

This definition serves as a starting point for the interpretation of all other articles and clarifies the boundaries of the target group in state policies. Article 2 states that discrimination is excluded: all children have the same rights, regardless of origin, language, religion, sex, political opinion, social status or other characteristics. This norm is also of fundamental importance in drug risk management: prevention, treatment and social support mechanisms must be accessible to every child, and additional guarantees must be provided to vulnerable groups.

Article 3 of the Convention establishes the principle of the “best interests” of the child. This principle must be a paramount consideration in all decisions concerning the child – whether in the family, school, health, social protection and judicial spheres. Article 7 guarantees every child the right to a name and a

nationality; this is a basic condition for legal recognition, access to services and registration in the social protection system. Article 32 requires the protection of children from hard, hazardous and exploitative work; in the context of drugs, this directly intersects with the fight against the exploitation of children in the production, transportation and sale of drugs. Article 33 obliges States parties to take legislative, administrative, social and educational measures to protect children from illicit narcotic drugs and psychotropic substances. This article is, in fact, a functional complement to the right of children to healthy development (article 24) and to the right to protection from harm (article 19): not only punishment, but also a chain of education, risk reduction, early detection and rehabilitation is required. The human values of the Convention are that the child is not only an object of protection, but also a bearer of rights and a subject whose voice should be heard in matters affecting his or her life. Article 12 stipulates that the child’s views should be taken into account in a manner appropriate to his or her age and maturity. Therefore, the approach of “adults should take decisions concerning children without listening to their views” is not in line with the spirit of the Convention; what right is that adults should make decisions guided by the best interests of the child, but in this case the child’s views should also be taken into account as a procedural guarantee.

This mechanism should be applied as a normative-procedural basis, especially when assessing the risks of addiction, referring to treatment and disciplinary measures within the school. Misinterpretations of children’s behavior – supposedly “creating a status of immunity by reference to the Convention” and legitimizing alcohol or drug use under this guise – contradict legal reality. The CRC in no way covers up a child’s offense under the guise of “immunity”; on the contrary, Article 33 and related norms require that the obligation to protect the child from harmful substances be shared by the state, family and society. Here, the triangle of responsibility is formed as follows: the state – ensures the availability of preventive and therapeutic services; school and community – establishes awareness and early warning mechanisms; family – reduces risks through supervision, support and

appropriate behavioral models. If the parent himself suffers from addiction, in accordance with Article 9, the separation of the child from the parent is possible only by decision of the competent authority, within the framework of the best interests of the child and the principles of necessity and proportionality; automatic and individualized exclusions are not compatible with the Convention. The protection of children’s privacy (Article 16) is also of particular importance. A “search” of a child, inspection of their belongings or monitoring of their electronic communications in a school or family environment may only be carried out on the basis of national law, in compliance with the law, for a legitimate aim, in a manner that is necessary and proportionate, and where possible with the child’s knowledge and participation. The right to privacy is not absolute, but interference is exceptional and must always be measured against the best interests of the child. This approach ensures both legal legitimacy and psychosocial confidence/trust. The Convention’s approach to sanctions and accountability is rehabilitation-oriented, not punitive.

Articles 37 and 40 provide important guarantees for the juvenile justice system: deprivation of liberty should be a measure of last resort and for the shortest possible period of time; every child has the right to be treated with respect for his or her dignity and with procedural guarantees appropriate to his or her age; the accused child should benefit from the right to a defence and the principles of a fair trial should be ensured. These rules also concern the drug-related offences: not only punitive measures, but also measures such as medical and psychological assessment, referral to treatment, community-based alternatives and continued education should be given priority. Although the use of alcohol by children is not specifically mentioned in the Convention, the right to the “highest possible standard of health” in article 24 and the obligation to protect against harmful substances in article 33 provide States with a wide range of policy tools for prevention, information and regulation. This includes systematizing healthy lifestyle topics in school curricula, educational programs for parents, increasing media literacy, expanding support services at the community level, and, where necessary, introducing specific prohibitions and restrictions.

Consequently, the human value of the CRC is that it transforms the child from an object of passive protection into an active subject of law; at the same time, it provides the state and society with a concrete framework for action. In the context of narcotic drugs and psychotropic substances, this framework focuses on three strategic objectives: early identification of risks and demand reduction; rehabilitation-oriented interventions with respect for the confidentiality and dignity of the child; legal and procedural guarantees and fair, measured responses. It is this integrated approach - the synchronization of legal obligations, social policy and educational components - that transforms the humanistic principle of the Convention into practical effect and serves to create a safer, more just social environment for children.

Although our previous studies touched upon certain aspects of the problem, the issue of regulating the role and functions of law enforcement agencies, especially in the fight against drug crime, in accordance with the relevant UN conventions, has not been studied extensively enough. In this regard, the study of international experience is of great importance. Reviewing the practice of various states allows us to formulate a more effective approach in this direction. Eg., the Swedish experience shows that in cases of offenses committed by juveniles, state authorities pay special attention to both the protection of the rule of law and the realization of educational goals [6, 47]. Thus, after the juvenile offender is detained at the scene, he is interrogated at the police station. The police authorities have the authority to interrogate the detained person for 6 hours; if the matter is of a more serious nature, this period can be extended by an additional 6 hours. For juveniles under the age of 15, this period is limited to 3+3 hours. After this period, the prosecutor must make a decision on the expediency of taking the juvenile into custody in the future. If the prosecutor considers this measure necessary, an application is made to the court to prolongate the term of detention. The court must consider this application within 96 hours of the initial detention and make a decision in the presence of the detained

person. In most cases, after this stage, juveniles are released from custody and summoned for further questioning by the investigating authorities.

About two weeks after, they are summoned to the police station with their parents; if the parents do not come, the investigating authorities contact them by telephone and collect the necessary information. The interrogation process is audio-recorded, and the questions and answers are also recorded electronically. After the interrogation is completed, the protocol is printed, and the teenager reads and signs it.

A different approach is observed in the experience of New Zealand. Here, the main goal is to hold young people away from the criminal environment as much as possible and direct them to social rehabilitation [7, 90]. In the country, the police have specialized units for working with young people, and these units include women officers, as well as representatives of ethnic minorities. According to the 1989 legislation, police authorities must carry out planned activities aimed at making young people abstain from criminal behavior and ensuring their social adaptation, often using informal methods.

Thus, the examples of both Sweden and New Zealand show that the activities of law enforcement agencies should be not only punitive, but also preventive and socially rehabilitative in nature. This approach can be considered an effective model at the international level in preventing drug crime and juvenile delinquency.

Conclusion. The conducted research shows that the complete cessation of illegal drug trafficking in the territories liberated from occupation in Azerbaijan is one of the important results of the restoration of state sovereignty. For many years, unofficial drug routes passing through these territories posed a serious threat to the security, public health and social stability of the region. However, as a result of complex legal, administrative and social measures implemented in the post-conflict period, these routes were closed, state control was restored and a stable environment in the field of public health was formed. Fulfillment of Azerbaijan’s obligations arising from international conventions, strengthening border and customs control,

expanding narcological services and the implementation of preventive measures on an institutional basis have strengthened the security-health balance of the country. This process also contributes to the social reintegration of the liberated territories and a sustainable development strategy. Azerbaijan’s experience shows that when political will, legal mechanisms, and public solidarity come together in the fight against drugs, the idea of both national security and a healthy society gives real results.

REFERENCES:

1. Azərbaycan Respublikası Prezidentinin 26 avqust 1996-cı il tarixli “Narkomaniyaya və narkotik vasitələrin qanunsuz dövriyyəsinə qarşı tədbirlər haqqında” Fərmanı// Azərbaycan qəzeti, 27.08.1996.
2. Azərbaycan Prezidenti İlham Əliyevin “Narkotiklərə nəzarət üzrə regional əməkdaşlığa dair Anlaşma Memorandumu”nun üzv Tərəflərinin Beşinci görüşünün iştirakçılarna göndərdiyi müraciət. 3 dekabr 2003-cü il.
3. «Narkotik vasitələr, psixotrop maddələr və prekursorlar» (sənədlər toplusu). Bakı, 2003.
4. «Narkotik vasitələrin, psixotrop maddələrin və prekursorların qanunsuz dövriyyəsi haqqında» Qanun jurnalı. 18 iyun №11.12. Bakı, 1998.
5. «Narkotik vasitələrin, psixotrop maddələrin və prekursorların qanunsuz dövriyyəsi ilə mübarizə haqqında» Azərbaycan Respublikasının Qanunu, 18 iyun 1999-cu il.
6. Кирченко В.Н. Противодействие незаконному обороту наркотических средств и психотропных веществ. Санкт-Петербург, 2003.
7. Клименко Т.М. Уголовная ответственность за незаконный оборот наркотиков. Криминалистических и уголовно-правовой аспекты. Саратов, 1999.