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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-fourth session**  
6–17 November 2023

## **Summary of stakeholders' submissions on Azerbaijan\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 46 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations and cooperation with human rights mechanisms**

2. Human Rights Foundation (HRF) noted that Azerbaijan had yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance<sup>3</sup> and the Rome Statute of the International Criminal Court.<sup>4</sup>

3. JS2 recommended that Azerbaijan sign and ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) and allocate adequate resources for its implementation.<sup>5</sup>

4. International Campaign to Abolish Nuclear Weapons urged Azerbaijan to ratify the Treaty on the Prohibition of Nuclear Weapons, as a matter of international urgency.<sup>6</sup>

5. JS1 recommended that Azerbaijan issue a standing invitation to special procedures mandate holders and invite the Special Rapporteurs on freedom of opinion and expression, freedom of peaceful assembly and association, and the right to privacy to visit the country.<sup>7</sup>

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\* The present document is being issued without formal editing.



## **B. National human rights framework**

### **1. Constitutional and legislative framework**

6. Public Association for Assistance to Free Economy (PAAFE) recommended that Azerbaijan enact amendment to Law on Access to Information and Commercial Secret and ensure transparency of founders and beneficiary ownership of legal entities, including open registry of real estate, vehicles, and other assets, for the public.<sup>8</sup>

### **2. Institutional infrastructure and policy measures**

7. The European Commission against Racism and Intolerance (CoE-ECRI) noted that concerns related to the institutional independence of the Commissioner for Human Rights (Ombudsman) remained. It encouraged Azerbaijan, inter alia, to: ensure a transparent selection and appointment procedure of the Ombudsman; and establish a separate unit or department within the structure of the Ombudsman's Office dedicated to deal with non-discrimination and equality related work and complaints.<sup>9</sup>

8. PAAFE recommended that Azerbaijan adopt an Anticorruption Action Plan, which should consider assessing the situation, specific, measurable actions, budget and timeline at the Parliament level with the participation of civil society organizations and develop the assessment of reporting systems for implementation.<sup>10</sup>

## **C. Promotion and protection of human rights**

### **1. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### *Equality and non-discrimination*

9. JS15 and JS16 recommended that Azerbaijan adopt a comprehensive legal framework against discrimination based on sexual orientation and gender identity.<sup>11</sup>

#### *Right to life, liberty and security of person, and freedom from torture*

10. Iranian Elite Research Center (IERC) recommended that Azerbaijan: guarantee the respect of freedom of persons against arbitrary arrest and detention in the territory and under its jurisdiction; and take effective measures to release people who had been arbitrarily detained.<sup>12</sup>

11. Human Rights Watch (HRW) stated that despite government pledges to investigate torture allegations and ensure accountability, torture and ill-treatment remained widespread and authorities routinely dismissed complaints providing impunity for those responsible.<sup>13</sup> Norwegian Helsinki Committee (NHC) also highlighted that impunity for torture and ill-treatment in detention continued to be persisted.<sup>14</sup> HRW also noted that ill-treatment was rampant in police custody, allegedly to coerce confessions, while the authorities denied detainees access to family, lawyers of their choosing, and independent medical care.<sup>15</sup>

12. HRW recommended that Azerbaijan: thoroughly and impartially investigate all allegations of torture and ill-treatment and hold perpetrators accountable and make a statement at the highest-level condemning torture and ill-treatment; ensure that judges take seriously all complaints regarding ill-treatment in custody and refer cases to the prosecutor's office for prompt, thorough, and independent inquiry; and request a visit by the UN Subcommittee on Prevention of Torture under the Optional Protocol to the Convention against Torture to examine the situation.<sup>16</sup> Human Rights Foundation (HRF) made a similar recommendation.<sup>17</sup>

#### *International humanitarian law*

13. Center for Truth and Justice (CFTJ) stated that in the conduct of hostilities during the 2020 Nagorno-Karabakh conflict, Azerbaijan engaged in grave violations of international human rights and humanitarian law, including torture and other ill treatment of detainees,

summary executions of both detainees and civilians, targeting of civilians, and targeting civilian areas.<sup>18</sup>

14. Armenian Cause Foundation (ACF) alleged that Azerbaijani armed forces used cluster munitions in Nagorno-Karabakh on several occasions. It also alleged that Azerbaijan might have used cluster munitions. It recommended that Azerbaijan prosecute and punish all those who were involved in committing war crimes during the 2020 Nagorno-Karabakh conflict, including both low-level perpetrators and their commanders.<sup>19</sup>

15. Armenian National Committee of America (ANCA) stated that not only did Azerbaijan fail to return Armenian detainees, they also tortured and mistreated protected persons, and desecrated the dead bodies of soldiers.<sup>20</sup> It recommended that Azerbaijan: immediately identify, protect, and release dozens of Armenian individuals who remained in Azerbaijani custody to their families and homes; investigate the credible allegations regarding the unlawful detention of Armenian civilians, their inhuman and degrading treatment, and the possible extrajudicial execution of detainees, with a view to holding all perpetrators to account and make the results of the investigations available to the public; and initiate capacity building and training programmes to eliminate torture and mistreatment of detainees in the Azerbaijani army.<sup>21</sup> ACF and JS6 made similar recommendations.<sup>22</sup>

*Administration of justice, including impunity, and the rule of law*

16. Law Society of Azerbaijan stated that in-depth political and legal reforms were necessary to ensure the independence of the judiciary by creating a system providing adequate safeguards for judicial independence. Genuine reforms necessarily required direct and open consultations with civil society, including close cooperation with international standard-setting and authoritative bodies.<sup>23</sup>

17. Institute for the Protection of Women's Rights (IPWR) recommended that Azerbaijan: effectively address the lack of independence in the judiciary that enabled and condoned arbitrary arrests and prosecutions; end the politically motivated prosecution of members of civil society and all arbitrary restrictions on their work; and stop reprisals for legitimate human rights work.<sup>24</sup>

18. The Council of Europe Commissioner for Human Rights (CoE-CHR) observed that Azerbaijan suffered from an acute shortage of lawyers, in particular in the regions outside the capital. The recent reform of November 2017, which excluded lawyers from civil and administrative proceedings before courts unless they were members of the Azerbaijani Bar Association, left many people without access to legal assistance and representation. She also expressed concern about the quality of the legal assistance provided, which could be of a formalistic nature, and by the fact that access to a lawyer could be delayed.<sup>25</sup>

19. The CoE-CHR expressed concern about the use of disciplinary measures on improper grounds, such as expressing critical views, as well as by the lack of clear criteria for the imposition of disciplinary sanctions, in particular disbarment.<sup>26</sup> Lawyers for Lawyers recommended that Azerbaijan: take immediate action to ensure sufficient safeguards are in place, both in law and in practice, to guarantee that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; and guarantee that lawyers are not subject to disbarment or other disciplinary measures on improper grounds, and guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activities.<sup>27</sup> Human Rights Club (HRCL) also recommended that Azerbaijan review the legislation and rules regulating the activity of lawyers bringing it in line with international standards, securing the independence and objectivity of members of the legal profession, and the ability of citizens to receive the adequate legal counsel of their own choice.<sup>28</sup>

20. Law Society of England and Wales also recommended that Azerbaijan ensure that legislation and regulation is amended so that: admission to the legal profession follows due process with objective and transparent criteria; decisions on admission are reasoned and made available to applicants; the qualification commission consists mainly of lawyers, representing different practice areas, including human rights law; and any disciplinary proceeding follows due process and is decided by an independent and impartial body with possibility of appeal.<sup>29</sup>

*Fundamental freedoms and the right to participate in public and political life*

21. European Association of Jehovah's Witnesses (EAJW) stated that on several occasions, the police had interfered with Jehovah's Witnesses while they were peacefully sharing their religious beliefs with others. Typically, police officers took them to the police station and threatened them.<sup>30</sup>

22. European Centre for Law and Justice (ECLJ) recommended that Azerbaijan reform its laws and regulations in order not to restrict the free exercise of religion. Azerbaijan's laws restricting the ability of its citizens to openly practice their faith without needing government approval placed barriers to their freedom to adopt a religion of their choosing, practice their faith, and manifest that belief in public with others.<sup>31</sup> Jubilee Campaign also recommended that Azerbaijan repeal the amendments made to the 1992 Law on Freedom of Religious Belief, which unjustly expanded state control over religious affairs and encroached upon citizens' right to freedom of thought, conscience, and religion by increasing obstacles to registration of religious associations and public manifestation of faith.<sup>32</sup>

23. EAJW stressed that Azerbaijan in fact had no provision for alternative civilian service. Jehovah's Witnesses continued to face criminal prosecution as conscientious objectors, despite their requesting the option to undertake a genuine civilian alternative.<sup>33</sup> Conscience and Peace Tax International recommended that Azerbaijan, without further delay, bring in legislation implementing the constitutional provision for alternative service for conscientious objectors, ensuring that such service is entirely civilian in nature and control and is neither discriminatory nor punitive in comparison to military service.<sup>34</sup>

24. HRW stated that despite pledges to the contrary, legislative amendments and laws adopted since the previous universal periodic review had further restricted freedom of expression in Azerbaijan. The Government continued its antagonism toward independent and opposition media and all mainstream media remained under tight government control. It also highlighted that in February 2022, President Ilham Aliyev signed a law on media that limited media independence, including by barring non-residents from owning media and requiring journalists to have higher education, a formal contract, and three years' experience to obtain accreditation, and that many journalists and editors resorted to self-censorship to avoid criminal prosecution or other repercussions.<sup>35</sup>

25. The CoE-CHR also observed that journalists and social media activists who had expressed dissent or criticism of the authorities were continuously detained or imprisoned in Azerbaijan on a variety of charges, such as disobeying the police, hooliganism, extortion, tax evasion, incitement to ethnic and religious hatred or treason, as well as drug possession or illegal possession of weapons.<sup>36</sup>

26. JS11 recommended that Azerbaijan stop support for smear campaigns against journalists, as well as attacks, threats and harassment of journalists and social media users, and prevent the arbitrary detention of journalists.<sup>37</sup> IERC and Institute for Reporters' Freedom and Safety recommended that Azerbaijan initiate thorough, prompt and independent investigations into all instances of violence and threats of violence against journalists, political activists and human rights defenders, and bring those responsible to justice.<sup>38</sup>

27. JS13 also recommended that Azerbaijan: support an independent and pluralistic media sector, with guarantees for the editorial independence of media actors; refrain from extra-legal pressure or unlawful interference with the independence of media outlets, including through the harassment of their staff; and cease the regulatory and judicial harassment of independent media outlets, their editorial staff and journalists, including by dropping criminal charges against Meydan TV and by restoring the license of independent media.<sup>39</sup>

28. HRW stated that defamation remained criminalized and 2022 saw an increase in prosecutions resulting in prison sentences or substantial fines.<sup>40</sup> The CoE-CHR noted similar concerns, reiterating her long-standing demand for decriminalization of defamation in Azerbaijan.<sup>41</sup>

29. HRW stated that since the previous universal periodic review, authorities had taken no steps to lift significant restrictions in law and practice on the right to peaceful assembly, which remained severely limited. While the Constitution stipulated that groups might peacefully assemble after notifying the relevant government body, authorities interpreted this

provision as a requirement for prior permission, routinely denying permits for protests against government policies, effectively imposing a blanket ban on protests in central Baku, breaking up peaceful protests, in some cases with unnecessary or excessive force, and arbitrarily arresting activists and passers-by.<sup>42</sup> NHC also stated that the Government limited freedom of assembly by dispersing peaceful protests in central Baku and detaining protesters who demanded freedom for political prisoners and ending the impunity for abuse and corruption.<sup>43</sup>

30. HRW recommended that Azerbaijan lift undue restrictions on freedom of assembly and ensure and guarantee in practice the right to peaceful protests, including by: ensuring that municipal authorities permit peaceful assemblies and ending the de facto blanket ban on protests in central Baku; ensuring prompt and effective investigations into alleged use of unnecessary or excessive use of force by police during demonstrations; repealing amendments to the Code of Administrative Offenses that established harsher penalties for participants and organizers of unsanctioned protests; and ensuring that everyone charged with administrative offenses for exercising their right to freedom of assembly enjoy full due process protections, including timely access to a lawyer of their choosing and adequate time for preparation of defence.<sup>44</sup>

31. HRW also stressed that civil society groups continued to operate under tight restrictions and many independent human rights organizations had been arbitrarily denied registration. Restrictive laws and regulations remained in place and impeded non-governmental organizations (NGOs) from operating freely, and made it extraordinarily difficult for those organizations to attract and use funding and remained independent of the Government.<sup>45</sup>

32. IPWR noted that since the previous cycle universal periodic review in 2018, Azerbaijan held two elections: Municipal Elections in December 2019; and early Parliamentary Elections on 9 February 2020, which were held under conditions where the right to participate in public affairs and other supporting rights were repeatedly restricted.<sup>46</sup> The Office of Democratic Institutions and Human Rights, Organization for Security and Co-operation in Europe (ODIHR-OSCE) recommended that Azerbaijan revise the electoral legal framework sufficiently in advance of the next elections, through a genuine participatory and consultative process, bring it in line with international standards and obligations, guarantee constitutionally protected rights and freedoms, eliminate gaps and ambiguities.<sup>47</sup> HRCL also recommended that Azerbaijan review the restrictive law on political parties and amend it in line with the international standards to provide for political pluralism in the country and the unhindered right of its citizens to participate in political activities.<sup>48</sup>

#### *Right to privacy*

33. JS1 stated that Azerbaijani authorities were using a highly intrusive and sophisticated hacking product such as *Pegasus* spyware with the aim of spying on journalists, human rights defenders, lawyers, and activists. There was no evidence that these intrusions were authorised by court orders, as explicitly required by the domestic law, and that there was no evidence that the targets had committed any criminal offences.<sup>49</sup> JS1 recommended that Azerbaijan: end the practice of illegal covert surveillance, particularly through the use of *Pegasus* hacking software, to target and harass journalists, civil society activists, lawyers, opposition figures, and human rights defenders; and ensure prompt, impartial, and independent investigation into the allegations of hacking through the use of *Pegasus* software, and hold individuals accountable for such illegal surveillance.<sup>50</sup>

#### *Prohibition of all forms of slavery, including trafficking in persons*

34. ECLJ stated that Azerbaijan operated as “a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. Women and children from Azerbaijan were subjected to sex trafficking within the country and in other countries.<sup>51</sup>

35. The Council of Europe Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) encouraged Azerbaijan to re-examine the possibility of establishing an independent National Rapporteur or designating another mechanism as an independent organizational entity with a view to ensuring an effective monitoring of the anti-trafficking

activities of state institutions and making recommendations to persons and institutions concerned.<sup>52</sup>

*Right to work and to just and favourable conditions of work*

36. HRCL stated that despite legal guarantees for trade union rights, including the freedoms to form, join independent trade unions to collectively bargain, trade unions were unable to effectively negotiate wage levels and working conditions as powerful state-owned corporations were run by government-appointed boards, who also determined salaries for government personnel. Trade unions themselves were also under total Government control.<sup>53</sup>

*Right to social security*

37. The European Committee of Social Rights (CoE-SR Committee) concluded in 2020 that access to social services by nationals of other States Parties was subject to an excessive length of residence requirement.<sup>54</sup>

38. JS12 recommended that Azerbaijan improve social protection of the population, especially low-income families and citizens belonging to other vulnerable groups, taking into account the increase in the amount of food, non-food products, utility services, as well as mandatory payments when determining the amount of the minimum pension and other social payments.<sup>55</sup>

*Right to health*

39. The CoE-SR Committee concluded in 2020 that: the measures taken by Azerbaijan to reduce infant and maternal mortality had been insufficient; and public healthcare expenditure was too low.<sup>56</sup>

40. JS16 noted that reducing maternal and child mortality, increasing safe births, preventing infections during pregnancy, and providing quality medical care for new-borns were among the priority areas of the Government.<sup>57</sup>

41. While noting that the Law on Reproductive Health had yet to be adopted, JS16 recommended that Azerbaijan introduce both in- and out-of-school comprehensive sexuality education programmes with scientifically-based information, which included information on contraception, how to use it and how to access it.<sup>58</sup>

*Right to education*

42. Broken Chalk recommended that Azerbaijan continue funding educational infrastructure and learning materials to ensure that infrastructural limitations do not hinder quality and access to education.<sup>59</sup>

43. Broken Chalk also highlighted that the effect of the COVID-19 pandemic on schools was financial in nature, as schools had to invest in the reconstruction of classrooms and pupil distribution. The pandemic meant fewer students could be taught to have a reasonable student-teacher ratio. The schools, therefore, would need to have allocated more teachers and infrastructure simultaneously, and schools did not have the necessary financial resources, which resulted in their shutting down.<sup>60</sup>

*Cultural rights*

44. ANCA recommended that Azerbaijan refrain from suppressing the Armenian language, destroying Armenian cultural heritage, or otherwise eliminating the existence of the historical Armenian cultural presence or inhibiting Armenians' access and enjoyment thereof.<sup>61</sup>

*Development, the environment, and business and human rights*

45. The CoE-SR Committee concluded that it had not been established that adequate measures were taken by Azerbaijan to overcome environmental pollution, and that legislation did not prohibit the sale and use of asbestos.<sup>62</sup>

## 2. Rights of specific persons or groups

### *Women*

46. The Office of the Commissioner for Human Rights (Ombudsman) of Azerbaijan (CHRA) recommended that the Government provide women with microcredits and other financial support incentives to reduce their economic dependence, organize their income-generating activities, expand business opportunities for women, and provide access to education and medical services.<sup>63</sup>

47. JS4 noted specific challenges related to gender-based violence in Azerbaijan, including a lack of support services, mediation and reconciliation of domestic violence survivors and perpetrators and a shortage of legal aid, as well as the ineffective nature of protection orders in addressing and preventing gender-based violence.<sup>64</sup> It recommended that Azerbaijan: increase the number of shelters for gender-based violence survivors to ensure them to be inclusive for a vulnerable population, especially LGBTQ+, older persons, persons with disabilities, and those with addiction;<sup>65</sup> and eliminate mandatory mediation and reconciliation for domestic violence cases, provide free legal aid and exempt victims from state fees, and criminalise breaches of protection orders.<sup>66</sup>

48. JS2 also recommended that Azerbaijan: build regional shelters for victims of domestic violence in all economic districts of Azerbaijan by providing different funding opportunities on the government level to local authorities and civil society organizations from those regions; and provide training for police officers on professional and non-abusive treatment of victims of domestic violence.<sup>67</sup>

49. While noting that feminist and gender activists had been subjected to cyber-attacks, JS4 recommended that Azerbaijan investigate and hold accountable those responsible for cyber-attacks and online harassment against feminist activists.<sup>68</sup>

50. JS2 recommended that Azerbaijan amend the Labour Code and repeal the List of jobs prohibited for women, promote and facilitate the entry of women into previously restricted or prohibited jobs by improving working conditions and adopting appropriate temporary special measures to encourage such recruitment guaranteeing real access to all professions for women.<sup>69</sup>

51. While noting women were underrepresented in the public and political life of Azerbaijan, JS2 recommended that Azerbaijan increase the number of female appointments to lead the executive powers, public administration institutions such as state agencies, state committees and ministries, in order to achieve improved political participation and better representation in decision-making positions.<sup>70</sup>

52. JS2 noted that women, particularly from rural and remote areas, had poor access to healthcare, including reproductive healthcare. The maternal mortality ratio was still high. There was low use of modern contraceptive methods. Comprehensive and age-appropriate education on sexual and reproductive health and rights is not provided in schools. Information on family planning methods was not consistently provided to women before or after they undergo an abortion. Although the numbers of people living with HIV/AIDS was relatively low, there was no universal access to medicines, including for the prevention of mother-to-child transmission of HIV.<sup>71</sup>

### *Children*

53. While welcoming the attention to prevention of child trafficking in the National Action Plan, CoE-GRETA urged Azerbaijan to take additional measures to: improve the protection of children in vulnerable situations, paying particular attention to children in street situations, children from rural areas at risk of child labour and children placed in or leaving child care institutions; strengthen the prevention of child, early and forced marriages; strengthen the role and capacity of the child protection systems to prevent trafficking in children and alert other relevant stakeholders to possible cases of trafficking; and ensure that all children are registered at birth.<sup>72</sup>

54. Global Partnership to End Violence Against Children stated that corporal punishment of children was still lawful, despite recommendations to prohibit it by the Committee on the

Rights of the Child, other human rights treaty bodies, and the 3rd cycle universal periodic review in 2018. It recommended that Azerbaijan intensify its efforts to enact the draft Law on Protection of Children against All Forms of Corporal Punishment to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, as a matter of urgency.<sup>73</sup>

#### *Persons with disabilities*

55. CHRA recommended that the Government improve the current legislation and consider the use of derogatory terms for persons with disabilities in the newly adopted legislative acts by replacing some derogatory expressions with new modern terms.<sup>74</sup>

56. Broken Chalk stated that children with disabilities were only taught in specialized schools and were not integrated into mainstream schools. It also highlighted that teaching professionals for people with disabilities were only available in technical institutions further hindering access to education for people with disabilities.<sup>75</sup> It recommended that Azerbaijan integrate special education into its mainstream education system to enable a smoother transition for people with disabilities in the labour market and all other aspects of the day-to-day life of abled people.<sup>76</sup>

#### *Minorities*

57. Anti-Discrimination Centre Memorial (ADC Memorial) stated that minorities in Azerbaijan did not have equal access to leadership positions or equal opportunities for representation of their interests in social and political life, which, in turn, led to open or hidden discrimination occurring on different forms for each specific ethnic group.<sup>77</sup>

58. While emphasizing that anti-Armenian hate was a formal State policy, taught in schools and regularly espoused at the highest levels of government, ANCA noted the fact that on 7 December 2021, in its provisional measures, the International Court of Justice ordered Azerbaijan to take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin.<sup>78</sup> ANCA recommended that Azerbaijan: refrain from engaging in, glorifying, rewarding or condoning acts of racism against Armenians; and punish all acts of racial discrimination, both public and private, against Armenians, including those taken by public officials.<sup>79</sup>

59. ADC Memorial also stated that structural discrimination was a typical problem for Roma-like communities in Azerbaijan. This included: problems with personal documents; low level of education; extreme poverty; unemployment; involvement in the informal economy; unregistered housing; and harmful traditional practices such as forced early marriages, exploitation of children and begging.<sup>80</sup> The CoE-ECRI also noted that there was no reliable data about the inclusion of Roma even though their situation remained characterized by high levels of social exclusion and stigmatisation.<sup>81</sup>

60. ADC Memorial recommended, inter alia, that Azerbaijan: guarantee linguistic rights of ethnic minorities; ensure that minority languages can be studied in schools; provide schools with instructional materials, including published outside of Azerbaijan; support publication of books, media, and other informational materials in the languages of ethnic minorities; ensure that teachers of ethnic minority languages receive a high professional level of training; guarantee the right of ethnic minorities to preserve and develop their cultures, avoid devaluing their contributions to the country's history and culture; treat the historical and cultural heritage sites of peoples populating Azerbaijan with care; as well as guarantee representation of ethnic minorities in government bodies and public administration.<sup>82</sup>

#### *Lesbian, gay, bisexual, transgender and intersex persons*

61. JS2 highlighted that no other form of legal recognition of same-sex couples such as civil union or registered partnership was provided by the legislation of Azerbaijan.<sup>83</sup>

62. JS15 stated that the LGBTIQ+ community frequently experienced ill-treatment, including torture and degrading treatment, and arbitrary detention by law enforcement

authorities, due to their sexual orientation and gender identity. These types of ill-treatment included beatings, insults, humiliation, shaving of hair, etc.<sup>84</sup>

63. JS2 expressed concern that hate speech towards the LGBTQ+ community had significantly increased.<sup>85</sup> JS2 recommended that Azerbaijan amend the Criminal Code to counter hate speech, including on social media, on the basis of sexual orientation, gender identity, gender expression and sex characteristics as grounds of deliberate humiliation of honour and dignity of a person.<sup>86</sup> JS14 also recommended that Azerbaijan develop a comprehensive strategy for preventing and combating hate speech towards LGBTQ+ individuals, including through the establishment of a monitoring mechanism, improvement of sanctioning mechanisms, and greater cooperation between law enforcement bodies to facilitate the prosecution of hate speech.<sup>87</sup>

64. JS2 noted that domestic violence experiences by lesbian, bisexual, transgender women in the country included physical abuse and domestic confinement, conversion therapy, compulsory marriage with corrective purpose, and honour crimes. Lesbian and bisexual women were confronted with intersecting forms of domestic violence, due to both their sexual orientation and gender.<sup>88</sup> JS14 recommended that Azerbaijan develop scientifically-based contemporary regulations for healthcare professionals to ensure that rights-based healthcare protocols prohibit public hospitals and private healthcare practitioners from conducting so-called conversion procedures on LGBTQ+ beneficiaries.<sup>89</sup>

65. JS2 also noted that LGBTQ+ community members, especially trans-women, faced discrimination in medical facilities, due to homophobia and transphobia. There were no or very little providers with knowledge in transgender healthcare, as it was not being taught in medical curricula. There were also no guidelines on rules of conduct for medical staff.<sup>90</sup>

66. JS2 stated that the absence of inclusive curriculum to promote equality, peace and non-violence in learning environments and tackle pervasive social and cultural patterns on sexuality and gender made lesbian, bisexual, transgender, inter-sex children vulnerable to intersecting forms of physical and emotional violence such as mobbing, bullying and harassment both within and outside of educational settings.<sup>91</sup>

#### *Migrants, refugees and asylum-seekers*

67. The CoE-ECRI stated that notwithstanding the steps taken by the authorities to strengthen the capacity in the area of integration of migrants and refugees, the current design of integration measures fell short of addressing the different needs of different target groups, including refugees, migrant workers and temporary residents.<sup>92</sup>

#### *Internally displaced persons*

68. Armenian National Committee of Canada (ANCC) stated that due to Azerbaijan's aggression and its indiscriminate and systematic attacks on civilian targets, a large proportion of the whole population of Nagorno-Karabakh were compelled to evacuate their homes and seek sanctuary in safer locations, during the 2020 Nagorno-Karabakh conflict. ANCC recommended that Azerbaijan allow the return of displaced Armenians to their homes securely and respectfully and provide reparations if they suffered any harm, loss, or injury that could not be fully compensated by restoring their homes, including offering financial compensation to the displaced Armenians until they can safely return to their homes.<sup>93</sup>

69. The CoE-CHR remained concerned that some internally displaced persons (IDPs) continued to live in dormitories and collective centres in dire or substandard conditions, that they had no possibility to acquire ownership rights over the apartments in which they had been resettled and that the allocation of housing did not necessarily take into consideration their specific needs. Several obstacles also hampered income-generation and self-reliance opportunities for IDPs, especially for persons living in the rural regions and urban areas outside Baku.<sup>94</sup>

### **3. Specific regions or territories**

70. ANCA noted that since 12 December 2022, the Lachin corridor had been blocked, disrupting access to essential goods and services for ethnic Armenian residents while

preventing them from leaving the region. Over a thousand people were stranded and unable to reach their homes, including children who were unable to return home from a school trip to Yerevan, which had resulted in humanitarian consequences and posed threats on the right to life a large number of civilians.<sup>95</sup>

71. JS3 also stated that the three-month blockade was steadily creating a humanitarian disaster. The large number of the conflict affected persons living in Nagorno-Karabakh faced food shortages and were rationing available food supplies. The healthcare system had also been severely affected, due to a lack of medicine. Gas supplies had also been intermittently cut by Azerbaijan. Combined with food shortages, this had resulted in the closure of schools, affecting thousands of children, which were having impacts on food, health, and education.<sup>96</sup>

72. JS5 recommended that Azerbaijan instantly open the Lachin corridor for the free and safe passage of people and vehicles, in compliance with ICJ's Provisional Measures order of 22 February 2023.<sup>97</sup> Armenian Legal Center for Justice and Human Rights (ALCJHR) recommended, inter alia, that Azerbaijan: carry out thorough, prompt, independent and impartial investigations into allegations of serious human rights violations committed during the recent conflict and its aftermath to hold perpetrators accountable and provide adequate and effective reparations to the victims.<sup>98</sup>

73. Armenian National Committee of Australia (ANC-AU) stated that Azerbaijan had been systematically destroying, erasing and falsifying Armenian cultural heritage in Nagorno-Karabakh, which had almost four thousand historical and cultural monuments, including 241 chapels, churches and monasteries.<sup>99</sup> It recommended that Azerbaijan: preserve and protect the cultural and archaeological heritage in its jurisdiction without altering their cultural and ethnic identity; compensate for the damages or alterations caused to Armenian cultural, historical, and religious properties; and permit UNESCO to conduct an independent mission to draw a preliminary inventory of significant cultural properties as a first step towards the effective safeguarding of the region's heritage.<sup>100</sup>

## Notes

<sup>1</sup> A/HRC/39/14 and A/HRC/39/14/Add.1, and A/HRC/39/2

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org) (one asterisk denotes a national human rights institution with A status).

### *Civil society*

#### *Individual submissions:*

ALCJHR	Armenian Legal Center for Justice and Human Rights, Washington D.C. (United States of America);
ANCA	Armenian National Committee of America, Washington D.C. (United States of America);
ANC-AU	Armenian National Committee of Australia, Willoughby, NSW (Australia);
ANCC	Armenian National Committee of Canada, Montreal (Canada);
ACF	Armenian Cause Foundation, Yerevan (Armenia);
Broken Chalk	Broken Chalk, Amsterdam (Kingdom of the Netherlands);
CFTJ	Center for Truth and Justice, Montrose (United States of America);
CNA	Armenian National Council of South America, Buenos Aires (Argentina);
EAJW	European Association of Jehovah's Witnesses, Selters (Germany);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
GPEVAC	Global Partnership to End Violence Against Children, New York (United States of America);
Forum18	Forum18, Oslo (Norway);
HRF	Human Rights Foundation, New York (United States of America);
HRCL	Human Rights Club, Baku (Azerbaijan);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva

	(Switzerland);
IPWR	Institute for the Protection of Women’s Rights, Tehran (Islamic Republic of Iran);
IERC	Iranian Elite Research Center, Tehran (Islamic Republic of Iran);
IFRS	Institute for Reporters’ Freedom and Safety, Geneva (Switzerland);
Jubilee Campaign	Jubilee Campaign, Fairfax (VA) (United States of America);
L4L	Lawyers for Lawyers, Amsterdam (Kingdom of the Netherlands);
LSA	Law Society of Azerbaijan, (Azerbaijan);
LSEW	Law Society of England and Wales, London (United Kingdom);
MAAT	Maat Foundation for Peace, Development and Human Rights, Cairo (Egypt);
NHC	Norwegian Helsinki Committee, Oslo (Norway);
PAAFE	Public Association for Assistance to Free Economy, (Azerbaijan);
PS	Perseus Strategies, Washington D.C. (United States of America).
<i>Joint submissions:</i>	
JS1	<b>Joint submission 1 submitted by:</b> Access Now, New York (United States of America); European Human Rights Advocacy Centre (EHRAC) at Middlesex University, London (United Kingdom);
JS2	<b>Joint submission 2 submitted by:</b> Anti-Discrimination Centre Memorial (ADC Memorial), Brussels (Belgium); Nafas LGBTI Azerbaijan Alliance, (Azerbaijan);
JS3	<b>Joint submission 3 submitted by:</b> Armenian Bar Association, Los Angeles, California (United States of America); Association française des avocats et juristes arméniens (AFAJA), Paris (France);
JS4	<b>Joint submission 4 submitted by:</b> AYNA Initiative Group, Baku (Azerbaijan); Fem-utopia, Baku (Azerbaijan); Femicide Azerbaijan Platform, Baku (Azerbaijan); For Woman Initiative Group, Baku (Azerbaijan); Gender Resource Center, Baku (Azerbaijan); Nafas LGBTI Azerbaijan Alliance, Baku (Azerbaijan);
JS5	<b>Joint submission 5 submitted by:</b> Civic Hub; Education for Future; Return to Karvachar; Return to Kashatagh; Yes; Return to Dizak; Vektor; Power of the Mind; Anel; Youth Public Research Center; Union of Youth for Justice; Askeran Development Center; Harmonia; Krunk;
JS6	<b>Joint submission 6 submitted by:</b> Protection of Rights without Borders NGO (PRWB), Yerevan (Armenia); Democracy Development Foundation (DDF), Yerevan (Armenia); Transparency International Anti-Corruption Center (TIAC), Yerevan (Armenia); Helsinki Citizens’ Assembly Vanadzor (HCAV), Vanadzor (Armenia); Women’s Resource Center Armenia (WRCA), Yerevan (Armenia); Journalists’ Club “Asparez” (JCA), Gyumri (Armenia);
JS7	<b>Joint submission 7 submitted by:</b> European Armenian Federation for Justice and Democracy (EFAJD), Brussels (Belgium);
JS8	<b>Joint submission 8 submitted by:</b> European Baptist Federation (EBF); Baptist World Alliance (BWA), Washington D.C. (United States of America);
JS9	<b>Joint submission 9 submitted by:</b> Freedom Now, Washington D.C. (United States of America); Independent Lawyers Network, (Azerbaijan); Election Monitoring and Democracy Studies Center (EDMS), (Azerbaijan);
JS10	<b>Joint submission 10 submitted by:</b> Human Rights Education

	and Research Public Association (HRER), Baku (Azerbaijan); Citizen's Labour Rights Protection League, Baku (Azerbaijan);
JS11	<b>Joint submission 11 submitted by:</b> Human Rights Foundation, New York (United States of America); Election Monitoring and Democracy Studies Center (EDMS), (Azerbaijan); Institute for Citizen's Rights (ICR), (Azerbaijan); Legal Education Society (Azerbaijan);
JS12	<b>Joint submission 12 submitted by:</b> Institute for Citizen's Rights (ICR), (Azerbaijan); Center for Support for Economic Initiatives (SEI), Baku (Azerbaijan); Public Association for Assistance to Free Economy (PAAFE), (Azerbaijan);
JS13	<b>Joint submission 13 submitted by:</b> Justice for Journalists Foundation, (United Kingdom); Media Rights Group, (Azerbaijan);
JS14	<b>Joint submission 14 submitted by:</b> Nafas LGBTI Azerbaijan Alliance, (Azerbaijan); Eurasian Coalition for Health, Rights, Gender and Sexual Diversity (ECOM), Tallinn (Estonia);
JS15	<b>Joint submission 15 submitted by:</b> Queerdian Public Union, (Azerbaijan); Gender Resource Center, (Azerbaijan); the "Q Collective" Initiative, (Azerbaijan);
JS16	<b>Joint submission 16 submitted by:</b> Center Women and Modern World (CWMW), Baku (Azerbaijan); Sexual Rights Initiative, Geneva (Switzerland).

*National human rights institution:*

CHRA	Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Baku (Azerbaijan).
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*Regional intergovernmental organizations:*

CoE	The Council of Europe, Strasbourg (France), Attachments;
ODIHR-OSCE	The Office of Democratic Institutions and Human Rights, Organization for Security and Co-operation in Europe, Vienna Austria.

- <sup>3</sup> HRF, para. 2. See also Jubilee Campaign, para. 4.
- <sup>4</sup> HRF, para. 2. See also CFTJ, para. 16.
- <sup>5</sup> JS2, para. 48.
- <sup>6</sup> ICAN, page 1.
- <sup>7</sup> JS1, para. 20(d).
- <sup>8</sup> PAAFE, para. 19.
- <sup>9</sup> CoE submission, page 4. See linked attachment on page 4.
- <sup>10</sup> PAAFE, para. 18.
- <sup>11</sup> JS15, para. 43; JS16, page 13.
- <sup>12</sup> IERC, page 4.
- <sup>13</sup> HRW, page 2.
- <sup>14</sup> NHC, page 1.
- <sup>15</sup> HRW, page 2.
- <sup>16</sup> HRW, page 4. See also MAAT, pages 6–7.
- <sup>17</sup> HRF, Recommendation c) on page 15.
- <sup>18</sup> CFTJ, para. 1.
- <sup>19</sup> ACF, paras. 31 and 34.
- <sup>20</sup> ANCA, para. 35. See also JS7, paras. 12–13.
- <sup>21</sup> ANCA, paras. 43 and 45–46.
- <sup>22</sup> ACF, paras. 11–16; JS6, page 11.
- <sup>23</sup> LSA, page 9.
- <sup>24</sup> IPWR, page 5.
- <sup>25</sup> CoE submission, page 2. See linked attachment on page 2. See also HRCL, para. 20; L4L, paras. 24–26.
- <sup>26</sup> CoE submission, page 2. See linked attachment on page 2. See also IERC, page 4.
- <sup>27</sup> L4L, Section G on page 7.
- <sup>28</sup> HRCL, Recommendation 9 on page 6.
- <sup>29</sup> LSEW, page 5.
- <sup>30</sup> EAJW, para. 9.
- <sup>31</sup> ECLJ, para. 26.

- 32 Jubilee Campaign, Recommendation 1 on page 7.
- 33 EAJW, para. 19. See also JS8, page 4; Forum18 submission.
- 34 CPTI, para. 37. See also JS8, page 5.
- 35 HRW, page 4. See also JS10, pages 1 and 7.
- 36 CoE submission, page 2. See linked attachment on p. 2. See also PS, paras. 6–9.
- 37 JS11, para. 41,
- 38 IERC, page 5; IRFS, Recommendation 9 on page 6.
- 39 JS13, page 8.
- 40 HRW, page 5.
- 41 CoE submission, page 2. See linked attachment on page 2.
- 42 HRW, page 6.
- 43 NHC, page 1.
- 44 HRW, page 7. See also JS11, paras. 19–23.
- 45 HRW, page 7. See also JS9, paras. 3–27; HRCL, para. 5.
- 46 IPWR, page 3.
- 47 ODIHR-OSCE, paras. 8–16.
- 48 HRCL, Recommendation 7 on page 6. See also JS11, paras. 63–67.
- 49 JS1, para. 16. See also IRFS, paras. 1–2.
- 50 JS1, para. 20(b)–(c).
- 51 ECLJ, paras. 21–25 and 27.
- 52 CoE submission, page 6. See linked attachment on page 6.
- 53 HRCL, para. 4.
- 54 CoE submission, page 8. See linked attachment on page 8.
- 55 JS12, para. 24(b).
- 56 CoE submission, page 8. See linked attachment on page 8.
- 57 JS16, page 8.
- 58 JS16, pages 8 and 13.
- 59 Broken Chalk, para. 29.
- 60 Broken Chalk, para. 21.
- 61 ANCA, para. 33.
- 62 CoE submission, page 8. See linked attachment on page 8.
- 63 CHRA, page 8.
- 64 JS4, para. 1.
- 65 JS4, para. 11.1–11.2.
- 66 JS4, paras. 19–28 and 34.7.
- 67 JS2, para. 48. See also MAAT, page 5.
- 68 JS4, paras. 38–39.
- 69 JS2, para. 48.
- 70 JS2, paras. 3–5 and 48.
- 71 JS2, para. 17.
- 72 CoE submission, page 6. See linked attachment on page 6.
- 73 GPEVAC, pages 1–2.
- 74 CHRA, page 10.
- 75 Broken Chalk, para. 17.
- 76 Broken Chalk, para. 28.
- 77 ADC Memorial, para. 8. See also ALCJHR, paras. 19–27.
- 78 ANCA, para. 14. See also CNA, pages 1–4.
- 79 ANCA, paras. 31–32. See also JS5, paras. 5–10.
- 80 ADC Memorial, para. 29.
- 81 CoE submission, page 4. See linked attachment on page 4.
- 82 ADC Memorial, para. 34.
- 83 JS2, para. 46.
- 84 JS15, para. 36.
- 85 JS2, para. 27.
- 86 JS2, para. 48. See also JS13, para. 2.
- 87 JS14, page 15.
- 88 JS2, para. 14.
- 89 JS14, page 15.
- 90 JS2, para. 43.
- 91 JS2, para. 35.
- 92 CoE submission, page 4. See linked attachment on page 4.
- 93 ANCC, page 4. See also ACF, paras. 22–24; CNA, pages 4–5.

- <sup>94</sup> CoE submission, page 2. See linked attachment on page 2.
- <sup>95</sup> ANCA, para. 8. See also CFTJ, paras. 2–5 and 9.
- <sup>96</sup> JS3, para. 4. See also JS7, paras. 9–10 and 14–16.
- <sup>97</sup> JS5, Recommendation 1 on page 12.
- <sup>98</sup> ALCJHR, paras. 37 and 39. See also JS5, Recommendation 6 on page 12.
- <sup>99</sup> ANC-AU, para. 1.
- <sup>100</sup> ANC-AU, para. 8. See also ANCC, page 3; JS5, Recommendation 7 on page 12; Jubilee Campaign, Recommendation 5 on page 7.
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