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***“Women and Modern World”  
SOCIAL AND CHARITABLE CENTRE  
«QADIN VƏ MÜASIR DÜNYA» SOSIAL XEYRIYYƏ MƏRKƏZİ» IB***

**Joint submission by Center Women and Modern Women and the Sexual Rights Initiative**

The Social Charitable **Center Women and Modern World (CWMW)**, is an NGO based in Azerbaijan that implements projects and programs in the South Caucasus world, in cooperation with different international NGOs. Women’s NGOs of Azerbaijan were established on July 2nd, 1999(number 1150) and were registered by the Ministry of Justice of the Azerbaijan Republic. Since 2008 The Social Charitable Center Women and Modern World (CWMW), has had consultative status with the Economic & Social Council (ECOSOC) of the UN. The aim of the NGO is to unite women’s organizations in Azerbaijan in common cooperation to NGOs promote women’s rights and equality between men and women and ensure full access for all women to their human rights.

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**Sexual Rights Initiative**

The Sexual Rights Initiative is a coalition of national and regional organizations based in Canada, Poland, India, Argentina, and Southern Africa that work together to advance human rights related to sexuality at the United Nations

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## Introduction

1. This submission reflects on the progress that Azerbaijan has made since its last review to meet its obligations to respect, protect and fulfil human rights. Azerbaijan received and supported recommendations during the last cycle of the UPR on gender equality, violence and discrimination against women, as well as women's sexual and reproductive health and rights (SRHR) issues. These include bodily autonomy, reproductive health and family planning, sexual orientation and gender identity, maternal and infant morbidity and mortality, and child marriage. These sets of rights are cornerstones of democratic societies.
2. This submission by The Social Charitable Center Women and Modern World (CWMW) analyses the extent to which the recommendations Azerbaijan received and supported were implemented between UPR cycles three and four.
3. Azerbaijan is a state party to the International Covenant on Civil and Political Rights and its Optional Protocol, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol and the Convention on the Rights of the Child. It has been a member of the Council of Europe since 2001.
4. Under Constitution of Azerbaijan (1995)<sup>i</sup>, the State makes a commitment to guarantee a democratic system within the framework of the Constitution, to build a constitutional and secular state that guarantees the supremacy of law as an expression of the will of the people, to provide a proper standard of living for all in conformity with a just economic and social order, to maintain a commitment to universal human values, and to live in friendship, peace, and safety with all the nations of the world and cooperate with them for this purpose.
5. Within the chapter on the protection of human rights and freedoms, everyone has the right to inviolable and inalienable rights and freedoms<sup>ii</sup>, including the right to dignity<sup>iii</sup>, the right to freely marry on attaining the age prescribed by law<sup>iv</sup>, and the right to education including free and obligatory secondary education.<sup>v</sup> International agreements, to which Azerbaijan is a party, constitute an integral part of the national legislative system according to Article 148 of the Constitution.
6. Article 25 reaffirms the principle of equality and inadmissibility of discrimination of any kind. Additionally, Article 154 of the Criminal Code sanctions violations of the principle of equality of citizens when their rights and legal interests are harmed, including acts of discrimination on the basis of gender.
7. This submission demonstrates that Azerbaijan still has work to do to upend patriarchal norms in the country, in order to achieve gender equality, end gender-based violence, meet the sexual and reproductive health and rights of women,

and to end discrimination on the basis of sexual orientation and gender identity.

### **The Role of Civil Society and NGOs:**

8. During the third cycle review, Azerbaijan received a number of recommendations with regards to the operating environment for civil society organisations and NGOs, and the freedom of association, including:
  - 141.35 Amend the Code of Administrative Offences, the Law on Grants and the Law on NGOs to eliminate requirements for re-registration and to simplify regulations on access to funding (Sweden) (Noted);
  - 141.61 Remove legislative and practical obstacles to the registration, funding and operation of NGOs (Australia)(Noted);
  - 141.64 Remove legislative and practical obstacles to the functioning of civil society (Croatia)(Noted);
  - 141.66 Amend laws restricting the activities of civil society, including the Code of Administrative Offences and the law on grants and amend the law on NGOs in order to simplify NGO registration and their access to funding (Czechia)(Noted)
9. Since the last review, Azerbaijan has made some progress in recognizing the pivotal role of civil society structures and accepting them as partners- albeit not always as equal ones. The Government began to understand the need for the development and strengthening of NGOs, and started to involve them in discussions about reforms of legislation, public structures, and the practice of the law. However, it is important to note that the Government does not seem consider local NGOs to be as professional, strong and influential as international agencies working in Azerbaijan.
10. Currently, local NGOs in Azerbaijan are facing challenges, and many are in a difficult financial situation due to legal restrictions on accessing funding. For this reason, offices are closed, workers are left without salaries, and workers sometimes work on a voluntary basis. One such NGO experiencing serious financial difficulties is the Center for Women and the Modern World, which has always been active in the implementation of various projects in the advancement of women's rights.
11. The process has become complicated for international donor organisations that previously directly supported projects in Azerbaijan to continue to do so. To allocate a grant to an Azerbaijani NGO, a foreign donor must register in the country and obtain a funding permit. It is only possible to carry out projects with a foreign grant with service contracts in place. There is no other possibility.
12. NGOs in the country are particularly reliant, therefore, on funding from the State. However, the process to access such funding can sometimes be opaque and can be frustrating, and applications sometimes go without a response altogether. At times, it appears that meaningful civil society engagement within the country and in international human rights fora is deprioritised. Recently, the Center for Women and the Modern World struggled to access support from the State Support Agency for Non-Governmental Organisations of Azerbaijan to participate in the 67th session of the Commission on the Status of Women, despite preparing to participate since November 2022, and after having made the necessary applications in due time. They did not receive a response to their request.

## Gender equality and son preference in Azerbaijan

13. During the last review, Azerbaijan received and accepted thirteen recommendations on gender equality, including:

- 140.112 Enhance efforts to address patriarchal attitudes and gender stereotypes through strengthened implementation of relevant laws and policies (Rwanda);
- 140.118 Continue and intensify efforts to promote gender equality and reduce violence against women through systematic and coherent measures (Malaysia);
- 140.119 Take additional measures to promote and protect women's rights, combat domestic violence and promote gender equality, including legal reforms on gender violence and the development of a national action plan (Brazil);
- 141.91 Redouble its efforts to ensure access to inclusive and quality education for girls and women in rural areas (Honduras);
- It also received a recommendation on gender-biased sex selective elimination, which it accepted<sup>vi</sup>.

14. Azerbaijan's constitution includes provisions that guarantee gender equality, and non discrimination<sup>vii</sup>. Additionally, its parliament adopted the law "On the guarantees of Gender (men and women) Equality" in 2006 which seeks to prevent gender-based discrimination and address its negative consequences. This law acknowledges that there are entrenched current and historical forms of discrimination against women in Azerbaijan that impede their enjoyment of their human rights. Accordingly, Article 3.2 provides for the adoption of special measures whenever necessary to accelerate equality for women. The law defines gender-based discrimination as any distinction, exclusion or restriction exercised on the basis of gender, including sexual harassment. However, the law does not contain a definition of discrimination in line with Article 1 of the Convention on Elimination of all Forms of Discrimination Against Women, and thus does not encompass both direct and indirect discrimination<sup>viii</sup>.

15. Despite these positive legal provisions, there is still considerable de-facto gender inequality in many spheres of social, economic and political life. Rigid ideas about gender and gender roles, and deeply rooted gender stereotypes and misconceptions, fuel gender inequality in the country. Women in Azerbaijan face a range of difficulties in access to quality education, healthcare services and employment.

16. In order to combat gender inequality in Azerbaijan, there is a need to confront the preference for boys, and challenge the ideologies underpinning the preference. The culture of son preference in Azerbaijan has notable negative consequences and manifestations, such as gender inequality, gender-biased sex elimination, under-investment in girls' education, child marriage, and femicide.

17. Son preference in Azerbaijan is rooted in deeply held local traditions and economic realities, with sons being seen as more valuable than daughters. Sons are seen as assets because they carry the family surname, can lead in various religious rituals, and because, it is assumed, they will care for their parents as they age, and generally contribute to the economic well-being of their extended family. This position is based on traditional dependency on sons for family “continuity”, acceptance of sons as the major bread winners of the family as well as the major supporters of elderly parents, and a view of girls as transitory members of the family. The combination of pronatalism, patriarchy, and patrilocalism manifests in the desire for male offspring and the cultural, economic, and social justifications and systems for, and supporting, that preference.
18. If sons are considered “assets” then daughters are sometimes considered liabilities- a burden for whom parents may have to pay a dowry. In some families, it is believed that a female child is just an extra mouth to feed. For them, the phrase “you will have a daughter” is a cause for grief. Due to gender stereotyping and socialisation, girls are reduced to their reproductive functions and characterised as future wives and mothers; they are seen as “birds of passage” who will one day leave the family and join another, with limited ability or opportunity to provide support for their parents. Despite the existing legal provisions on equal rights, the access women have to economic, cultural, information and social resources is significantly restricted compared to that of men. A complex interplay of different factors including interlinkages between gender and societal norms and institutions continues to confine women to the household, where they are valued primarily for their reproductive function.
19. The consequences of son preference and this entrenchment of gender stereotypes are broad: they affect inheritance and land rights (which largely pass through male lines), marriage/early marriage and career opportunities – for example there is greater male participation in the workforce in general, but women also have restricted access to professions, and the feminisation of certain professions, which is linked to lower wages.
20. Overall, Azerbaijan has high literacy rates for both men and women. However, as the cost of education grows, families are more likely to invest in the education of boys, rather than to invest resources in the education of female family members. A decline in the number of girl students after compulsory education – i.e. 9th grade (out of a total of 11 grades) is attributed to several causes: girls get married, girls are not allowed to attend classes, and some girls attend institutions for specialised secondary education. Additionally, girls in Azerbaijan are subjected to more limitations on their freedom of movement compared to boys. One of the consequences of this situation is that in rural areas, girls attend school less frequently than boys, especially if the school is far from their home. The attendance of girls at senior secondary levels is decreasing and gender segregation of courses at the vocational and tertiary educational level is further reinforced.
21. Son preference has led to a demographic shift since the early 90s, where the sex ratio at birth was mostly within the biological norm. Some have termed the current

ratio “the most skewed in the world”<sup>ix</sup>. Azerbaijan is one of the leading countries in the world in terms of the number of gender-biased sex selective eliminations. The practice mainly stems from patriarchal notions that have been translated into son preference, given declining fertility rates as well as widespread availability and use of ultrasound devices enabling determination of foetal sex. According to 2021 statistics, there are 115 boys for every 100 newborn girls in Azerbaijan. According to the State Statistical Committee, for 11 months of 2020, 116,454 newborns were registered in the regional departments of registration of the Ministry of Justice. Of these newborns, 53.3% were boys and 46.7% were girls. This is down from 117 for every 100 in 2010. With third births in Azerbaijan, the sex ratio is 156 males for every 100 females, according to 2011 data, and no newer data is publicly available.

22. If such an increase in the number of men and boys continues, or further deterioration is observed, the country will soon face the negative impacts including, for example, a wider gender gap in education, reduction in the proportion of women in the labour market and less gender diversity (masculinisation) in all spheres of public life. Masculinisation will impede the realisation of women’s rights. Additionally, the shortage of women is also likely to increase the pressure placed on women to perform the traditional reproductive duties, which will conflict with their prospects for individual development and their productive roles in society.
23. Gender-biased sex selective elimination is recurrent in Azerbaijan, and the Government is trying to find ways to address it. Thus, in the draft joint “National Plan of Action for the Prevention of Gender-Based Sexual Selection in Azerbaijan and Taking Appropriate Response Measures”, prepared by the United Nations Population Fund, the State Committee for Family, Women, and Children, and the Ministry of Labor and Social Protection of the Population of Azerbaijan, it is proposed to create and implement programs providing assistance to families with daughters. This assistance should target girls directly as well as their families.
24. It is clear that the aim of these policy interventions is to counter gender-biased sex selective elimination, but the approach needs to extend beyond economic incentivisation, and tackle the root causes of gender inequality and preference in the country. Further, any policy approaches must not jeopardise women’s fundamental rights to exercise their bodily autonomy through accessing safe abortion services through Azerbaijan’s progressive laws, in cases of unwanted and unplanned pregnancies. Abortion provisions in Azerbaijan are still among the most liberal in the world, and they must be retained. They allow women to obtain an abortion upon request up to the twelfth week of pregnancy and up to 22 weeks in case of any social circumstances. Abortion on medical grounds is legal without any restrictions as to the term. Son preference and gender-biased sex selective elimination are feminist issues because reproductive choices are linked with women’s agency in their household, their family, and society.
25. Instead strategies aimed at ensuring gender equality and promoting the status of women should be developed. Further, a comprehensive approach to women’s sexual and reproductive rights, and rights throughout their life cycle, should be adopted and should include access to comprehensive sexuality education and

information, counselling, and access to modern contraception.

## **Sexual and reproductive health and rights**

26. Azerbaijan received and accepted a number of relevant recommendations on sexual and reproductive rights during their last review including

- 140.99 Reinforce the implementation of the action programme on the protection of mother and child health to ensure a reduction of the high prevalence of maternal and infant deaths (Angola);
- 140.103 Continue to implement the programme of action on the protection of women's and children's health and ensure that all programmes related to maternal and child health are extended to rural areas (Kyrgyzstan);
- 140.104 Promptly adopt the bill on reproductive health and family planning (Uruguay);
- 140.105 Ensure women's decision-making powers concerning their health status and the use of abortion for family planning (Iceland);

27. Under Article 16 of the Law of the Republic of Azerbaijan on Protection of Health of the Population, every citizen has the right to receive free health advice and check-ups, and to access family planning services at a hospital. Research conducted in Azerbaijan over the last few years highlights correlations between women's health issues, poverty and inadequate state expenditures on health.

28. The structure of the Azerbaijani family and the dependent status of women can be considered as important obstacles for accessing healthcare services. For example, many married women either make decisions about their health care jointly with their husband/partner or indicate that their husband/partner or someone else is the primary decision maker about their healthcare. Key barriers to women's access to healthcare include cost (including formal and informal payments), distance, a lack of transport, a lack of female providers, women not wanting to go alone, and women needing to seek permission by male or senior female family members as a traditional social norm.

29. Despite accepting a recommendation on the same during the last review, the Law on Reproductive Health has yet to be adopted. However, it remains relevant today. For the last 10 years in Azerbaijan, despite the ongoing discussion on the adoption of the law "On Reproductive Health and Family Planning", no consensus has been reached in the Parliament of Azerbaijan. During the discussion of the draft in Parliament, the deputies were divided into two fronts. There are those who oppose the adoption of the law on the basis that the provisions on artificial insemination, surrogacy, and donation of sperm and eggs germ cells as provided for in the draft are contradictory to the "mentality" of Azeri people. Supporters of the adoption of this law believe that the measures introduced will lead to progressive outcomes, and that the law will set clear standards to be followed. The Law draft has been faced with strong resistance and has been revised, taking into consideration rebuttals, and re-submitted to the Milli Mejlis.

30. The new Reproductive Health Strategy includes provisions about reproductive health support in crisis situations, but the Strategy still has not been endorsed. The law can not only support the implementation and implementation of international obligations and standards in this area in Azerbaijan, but also play an important role in preventing sexual discrimination. The regular discussion of the draft law on "Reproductive Health" at the meetings of the Parliament once again demonstrates the importance of the issue.
31. Regard for reproductive health has been reflected through the adoption of the following policies: in the Protection of Mother and Child Health 2014-2020 and Azerbaijan Youth 2017-2021 State Programs, and the National Reproductive Health Strategy 2018-2025. However, the National Strategy is still awaiting approval by the Ministry of Health while the Action Plan added to the Strategy has been approved.
32. Reducing maternal and child mortality, increasing safe births, preventing infections during pregnancy, and providing quality medical care for newborns are among the areas that the Government attaches special importance to in the health system. Obstetric services are provided at 3 levels. At the primary level, a family doctor or feldsher (physician assistant) provides care in an ambulatory clinic. The second level is central district hospitals. The third level is Perinatal centres, the Scientific-Research Institute of Obstetrics and Gynecology, and the Research Institute of Pediatrics. Family planning centres have also been established in many districts, health workers have been trained, and the population's awareness and use of services in this area has increased.
33. These efforts have resulted in some positive developments in the country with regards to sexual and reproductive health. For example, maternal mortality fell from 35.5 per 100,000 live births in 2007 to 12.2 in 2018. Morbidity and mortality among newborns also significantly fell. In order to ensure the protection of the sexual and reproductive health of vulnerable populations in times of emergencies, and to ensure the accessibility of services, the Government introduced "A minimum Initial Service Package (MISP) for reproductive health (RS) in crisis situations."
34. There is also a need for investment in women's health more broadly, including through interventions on non-communicable diseases. Globally, cases of cancer of the female genital organs, breast, and fallopian tubes have tripled. In Azerbaijan, the number of cases of breast cancer also increased 3 times. Every 32 women out of 10,000 have fallopian tube cancer. All of these factors point to the relevance of reproductive health.

### **Gender-based violence against women**

35. Azerbaijan received and accepted numerous recommendations on addressing violence against women and gender-based violence including:

- 140.117 Continue taking measures to combat violence against women, including by conducting awareness-raising campaigns on the negative impact of gender-based stereotypes with a view to eliminating them (Republic of Moldova)
- 140.121 Strengthen measures to combat domestic violence and violence against women, including through the implementation of legislation to ensure justice for victims (Rwanda);

It also noted a number of recommendations on acceding to the Istanbul Convention including:

- 141.9 Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Côte d'Ivoire) (Cyprus) (Spain);
36. Violence against women is widespread in Azerbaijan. Society is dominated by patriarchy, gender stereotypes, and customs that harm women, including an "honour" culture. Domestic violence is normalised and unspoken of within society, facilitated by the precarity women experience due to being in unofficial (unregistered) marriages and "unregistered" children. The police and society consider violence against women a "family matter" and push for reconciliation, because "the family must be preserved at any cost". Patriarchal attitudes also dictate that girls should be "attached" as soon as possible, and push the idea that "having entered her husband's house in a white dress, she can only leave from there in a white shroud."
37. "Honour killing" is the term euphemistically applied to the murder of one family member by another, with women and girls often the victims, for allegedly "bringing dishonour on the family." Azerbaijan has its own definition for such murders - *namus-qeyrət üstündə*, which is roughly translated in the same way: "for honour". Supporters of "washing away shame with blood" use this expression seriously, while opponents use it with sarcasm, wanting to emphasise the savagery and hypocrisy of this phenomenon.
38. Mental and physical violence against women remains a threat to a healthy society, and is a problem that has continued to be prevalent in Azerbaijan. During its last review by the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) in June, 2022 the "Concluding Recommendations and Observations on Azerbaijan" were adopted. One of the recommendations in the document concerns accession to the Istanbul Convention. "If the Istanbul Convention is ratified by Azerbaijan, women will already be able to endure their problems and claim their rights in the international arena."
39. Azerbaijan has not acceded to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), but the main provisions of this international document are reflected in Azerbaijani legislation and are implemented by the state. The Azerbaijani government is in no hurry to ratify the Convention, although it claims that it is "very interested" in signing it.
40. Whilst it might appear as though Azerbaijan has adequate legal and policy measures in place to address gender-based violence, current legislation is flawed. For example, the Law on Prevention of Domestic Violence (2010) aims to establish and regulate measures aimed at prevention of violence, legal redress,

as well as elimination of reasons for domestic violence. However, this Act lacks a legal definition of domestic violence, and the Criminal Code (2000) also lacks provisions that specifically criminalise different forms of gender-based violence against women, including domestic violence. Further, the Law on Prevention of Domestic Violence mandates mandatory reconciliation and mediation procedures in cases of domestic violence and reliance under article 7.4 to “assist in the normalisation of relations between parties and the resumption of family affairs”, which leads to impunity for perpetrators.

41. Azerbaijan has shortcomings with its application of protective orders against domestic violence, despite existing provisions of the Law on the Prevention of Domestic Violence that provide for them. Further, current legislation does not provide for expulsion orders, there is a general lack of victim support services, and there continue to be barriers to women’s and girls’ access to justice in cases of gender-based violence, including revictimization during criminal proceedings.
42. The biggest obstacle in the fight against violence against women is silence and complicity within broader society. Women in Azerbaijan, even if they file complaints, often withdraw them under pressure from their relatives, and even the police. Not every case reaches the media, and, unfortunately, not every case is displayed in the criminal chronicle of the Ministry of the Interior.
43. Even though we know that cases of gender-based violence are underreported, the numbers in Azerbaijan are concerning, as are the numbers of femicides in the country. According to official statistics, in 2018, 74.9 percent of the victims of domestic violence crimes in Azerbaijan were women. In 2018, 42 women were killed in domestic violence in Azerbaijan and 873 cases of domestic violence were recorded that did not lead to death. In 2019, this figure increased significantly: in the first half of the year alone, 678 acts of domestic violence were registered, 5.5% of which were murders and attempted murders. In 2020, 41 women died in Azerbaijan as a result of gender-based violence. On January 29, 2020, 16-year-old Fatima Gambarova was killed in the village of Khoshchobanly, Masalli region, two weeks after her wedding. The husband of the 16-year-old girl was arrested and confessed to the crime. In 2021, 46 women died from GBV and 51 women either died as a result of premeditated murder or suffered an attempted murder attempt, and at least 24 women were injured. Also in that year, 5593 crimes related to women were registered in the republic, including 2197 accompanied by violence.
44. In 2022, 71 women were killed— 34 women were killed by husbands, six by brothers, three by sons, four by fathers, three by former spouses, five by lovers, four by relatives, one by the groom, and 11 by an unknown person (persons). During the first 19 days of February 2023, 9 women were killed in Azerbaijan during domestic conflicts. The ages of those killed women ranged from 14 to 50 years. At the same time, in just one day: the 19th of February, 3 women were killed. Three crimes were committed in Baku, while the rest were committed in different regions of the republic. In February 2023 alone, 11 women were killed. Due to the pandemic, the number of cases of violence against women in Azerbaijan increased by 6.3%. These are only official figures, only cases about which information has reached the public. In fact, the true picture is even more depressing.

45. We welcome the Government's establishment of a national helpline for victims of domestic violence in 2020. However there is a need to invest in support services as there is a systemic lack of shelters and specialised support services for victims of VAW in Azerbaijan. Due to a persistent lack of services and shelters, victims must use their personal resources to cope with the effects of violence, including payments for medical tests and examinations, purchasing medication, legal advice, administrative services and fees, and psychological consultations for adults and children witnessing violence in the family.
46. There would be numerous benefits for women in the country if Azerbaijan acceded to the Istanbul treaty: for a start, countries that ratify the instrument commit to providing funding and human resources to implement relevant policies, as well as creating hotlines and shelters for victims. Additionally, as part of the accession process, a concrete action plan would be approved and Azerbaijan would have to introduce into the legislation such concepts as "psychological violence", "forced marriage" or "forced abortion".
47. Additionally Azerbaijan would be obligated to keep official statistics on gender crimes. Countries that ratify the instrument commit to providing funding and human resources to implement relevant policies, as well as creating hotlines and shelters for victims. In addition, the government of Azerbaijan would be regularly monitored on its implementation of the treaty through reporting to an independent expert group.

### **Marriage, Child marriage, and forced marriage**

48. Azerbaijan received and accepted a number of recommendations on child marriage including:
- 141.93 Continue and strengthen ongoing efforts to eliminate child marriage and ensure that girls complete secondary education before getting married (Togo);
  - 141.94 Continue efforts to eliminate child marriage and to ensure that girls go through secondary education before marriage (Kyrgyzstan);
49. Early marriages are common in Azerbaijan, due to which girls drop out of school, especially in grades 9-11. Unregistered marriages, which are often religious marriages, remain a serious problem. It especially affects the children born of these marriages: they are considered "illegitimate" and are not registered. Despite the amendments to the Criminal Code, similar cases of girls aged 12-13 being married have been highlighted, of which the representative of Azerbaijan claimed the State was not aware.
50. Under article 10 of the Family Code, the legal age of marriage for girls in Azerbaijan is 18 years. Yet early marriages, especially in the rural areas, are quite common and often unregistered as, under Article 11 of the Family Code, for a marriage to be registered, both spouses must provide written consent, and evidence that they have attained the minimum legal age for marriage. In many regions child and early marriages have become the norm, and are not considered "early" among the local population. Since persons under the age of 18 cannot

enter into a legal marriage, a religious ceremony is held, or a wedding celebration is arranged for them according to customary norms. There is also a legal mechanism by which girls who are 17 can enter into a registered marriage, if permission is granted by the local executive power.

51. In 2021, 35,418 married men were between the ages of 15 and 29. The number of brides who got married in 2021 was 46,708. Of these, 137 were aged 15-17, 11,399 were aged 18-19, 22,642 were aged 20-24 and 12,530 were aged 25-29. Six women aged 15-19 married a second time.

52. Very often, the victims of early marriage are women, who are married off as minors. This is perhaps the most vulnerable group. These women, having been subjected to physical and moral pressure from their husbands for years, almost never find support from their loved ones. Further, they do not have sufficient knowledge about how to fend for themselves on their own, nor about what the State should do for them. This is the prevalent scenario – underage girls are married off but no one takes responsibility for their experiences and circumstances - neither the executive authorities, nor the parents, nor any other structures.

### **Sexual orientation and gender identity-based discrimination**

53. Azerbaijan received a number of recommendations on discrimination based on sexual orientation and gender identity including:

- 141.18 Adopt a comprehensive legal framework against discrimination based on sexual orientation and gender identity (Chile)(Noted);
- 141.19 Thoroughly review its applicable legislation, in line with its international obligations and commitments, in order to eliminate and combat discrimination based on any ground, including sexual orientation and gender identity (Honduras)(Noted);
- 141.20 Ensure that the existing anti-discrimination legal framework explicitly prohibits discrimination based on sexual orientation and gender identity (Iceland)(Noted);

54. Same-sex sexual activity is not criminalised in Azerbaijan. However, not much progress has been made in advancing the rights of LGBT people beyond this, since the last review. Despite receiving recommendations on the same during the last review, Azerbaijan still has not formulated a legal or policy anti-discrimination framework that includes sexual orientation and gender identity as part of the protected anti-discrimination grounds. Azerbaijan also doesn't have any specific institutions tasked with fighting discrimination on the grounds of sexuality or gender. The criminal law doesn't provide for any particular protections against violence either: current legislation in Azerbaijan does not provide for hate crimes based on gender identity or sexual orientation, for example.

55. Activists have spoken of numerous incidents of police brutality against individuals based on sexual orientation, where authorities did not investigate the cases or punish those responsible. LGBTI individuals generally refuse to file formal complaints of discrimination or mistreatment with law enforcement bodies due to fear of social stigma or retaliation<sup>x</sup>. There have also been reports of family-based

violence against LGBTI individuals, hate speech against LGBTI persons, including online harassment through social media. Activists reported police indifference to investigating crimes committed against members of the LGBTI community.

56. Whilst the general equality principle applies to employment issues, LGBT people in Azerbaijan face precarity in their work, and they are continuously at risk of losing their jobs if their sexual orientation or gender identity becomes known. One individual reported the military did not allow LGBTI individuals to serve and granted them deferment from conscription on the grounds of mental illness.

## Recommendations

We call on the government of Azerbaijan to:

1. Adopt the law “On Reproductive Health and Family Planning”.
2. Adopt a comprehensive legal framework against discrimination based on sexual orientation and gender identity
3. Ensure all girls, including those living in the rural areas, have access accessible, affordable, and good quality education until the end of secondary school
4. Introduce both in- and out-of-school comprehensive sexuality education programmes with scientifically-based information, which includes information on contraception, how to use it and how to access it.
5. Address the gaps in the Women and Health strategy by including measures on HIV prevention, and on non-communicable diseases, and by carrying out periodic studies on health problems among women.
6. Increase efforts to address violence against women by raising awareness among men and boys and introducing preventative programming in the country, including by challenging gender stereotypes and son preference.
7. Amend the Law on the Prevention of Domestic Violence to define domestic violence and take into account the special protection needs of disadvantaged and marginalised groups of women.
8. Repeal article 7.4 of the Law on the Prevention of Domestic Violence and remove the mandatory mediation and reconciliation requirement.
9. Ensure the timely and effective issuance, enforcement and monitoring of protection orders in cases of domestic violence, including, where appropriate, expulsion orders, and impose adequate deterrent penalties for non-compliance with such orders;
10. Strengthen victim support services and protection by ensuring adequate and accessible shelters, medical treatment, psychosocial counselling and economic support to victims in all parts of the country

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<sup>i</sup> *Constitution » AZERBAIJAN » Official web-site of President of Azerbaijan Republic.* (n.d.).  
<https://president.az/en/pages/view/azerbaijan/constitution#chapter>

<sup>ii</sup> Article 24 of the Constitution of Azerbaijan ; *Constitution » AZERBAIJAN » Official web-site of President of Azerbaijan Republic.* (n.d.).  
[https://president.az/en/pages/view/azerbaijan/constitution#chapter\\_3](https://president.az/en/pages/view/azerbaijan/constitution#chapter_3)

<sup>iii</sup> Article 24 of the Constitution of Azerbaijan ; *Constitution » AZERBAIJAN » Official web-site of President of Azerbaijan Republic.* (n.d.).  
[https://president.az/en/pages/view/azerbaijan/constitution#chapter\\_3](https://president.az/en/pages/view/azerbaijan/constitution#chapter_3)

<sup>iv</sup> Article 34 of the Constitution of Azerbaijan ; *Constitution » AZERBAIJAN » Official web-site of President of Azerbaijan Republic.* (n.d.).  
[https://president.az/en/pages/view/azerbaijan/constitution#chapter\\_3](https://president.az/en/pages/view/azerbaijan/constitution#chapter_3)

<sup>v</sup> Article 42 of the Constitution of Azerbaijan ; *Constitution » AZERBAIJAN » Official web-site of President of Azerbaijan Republic.* (n.d.).  
[https://president.az/en/pages/view/azerbaijan/constitution#chapter\\_3](https://president.az/en/pages/view/azerbaijan/constitution#chapter_3)

<sup>vi</sup> 140.113

<sup>vii</sup> Article 25 of the Constitution of Azerbaijan ; *Constitution » AZERBAIJAN » Official web-site of President of Azerbaijan Republic.* (n.d.).  
[https://president.az/en/pages/view/azerbaijan/constitution#chapter\\_3](https://president.az/en/pages/view/azerbaijan/constitution#chapter_3)

<sup>viii</sup> *Study on Homophobia, Transphobia and Discrimination on. Grounds of Sexual Orientation and Gender Identity Legal Report: Azerbaijan.* (n.d.). Council of Europe.  
[https://www.coe.int/t/Commissioner/Source/LGBT/AzerbaijanLegal\\_E.pdf](https://www.coe.int/t/Commissioner/Source/LGBT/AzerbaijanLegal_E.pdf)

<sup>ix</sup> (Tafuro, S., & Guilimoto, C. Z. (2020). *Skewed sex ratios at birth: A review of global trends. Early Human Development, 141, 104868.* <https://doi.org/10.1016/j.earlhumdev.2019.104868>, para. 17);

<sup>x</sup> *The unprotected: Police offer scant safety for Azerbaijan's LGBTQ+ community.* (2023, January 16). Global Voices. <https://globalvoices.org/2023/01/17/the-unprotected-police-offer-scant-safety-for-azerbaijans-lgbtq-community/>