



**United Nations Country Team in Azerbaijan Report prepared  
in accordance with paragraph 15(B) of resolution 5/1 of the Human Rights Council  
For the Fourth Universal Periodic Review of Azerbaijan**

## **1. Introduction**

This report is a joint undertaking of the United Nations Country Team (UNCT) in the Republic of Azerbaijan for the period of 2018 to 2022. The report does not aim at being exhaustive but rather will highlight the main issues, which are addressed by the UNCT work in the country through Agencies' mandates. UNFPA, UNDP and UNCHR have contributed towards preparation of this report.

## **2. Background and Framework**

Azerbaijan has prioritized all 17 SDGs and 88 associated targets and 119 indicators, including 6 out of 12 global targets and 9 out of 23 global indicators under SDG16. The indicators and targets were chosen to reflect national development priorities, and the country also adopted eleven strategies entitled "Strategic Roadmap" in 2016 for social and economic development in key sectors with short-term (by 2020), medium-term (by 2025) and long-term outlooks (beyond 2025). In March 2021, UN and the Government of Azerbaijan signed a new UNSDCF for the period of 2021 - 2025, identifying four major priority areas for partnership, including inclusive growth that reduces vulnerability and builds resilience, stronger institutions for better public and social services delivery, protecting the environment and addressing climate change, and achieving a gender-equitable society that empowers women and girls. Across these priority areas, Leaving No One Behind and the Human Rights-Based Approach remain a centerpiece, and the framework directly targets and operationalizes LNOB and HRBA by identifying who and why individuals and groups are discriminated against, based on geospatial disadvantage, socioeconomic status, governance outreach, and vulnerability to shocks.

The Government of Azerbaijan has continued implementing series of major legal and policy measures to ensure improved protection and promotion of human rights of the population and particularly most vulnerable groups. It has made several structural reforms to improve the quality of its institutions, in particular through the adoption of innovative technology solutions in the delivery of public services and the administration of part of the justice system. This has led to relative improvement in transparency and accountability of some institutions, and it tackled corruption to an extent. The turn to innovation and e-government has also partly supported the economy during the COVID-19 crisis.

### 3. Human Rights on the Ground

#### 3.1 Business and Human Rights

***Achievements:*** The National Action Programme on raising the efficiency of human rights protection in the Republic of Azerbaijan<sup>1</sup>, approved by the President in 2011, covers the issues mainly reflected in the recommendations addressed to Azerbaijan in the course of consideration of its first UN Human Rights Council Universal Periodic Review report. The Action Programme envisages such issues as improvement of the normative-legal basis, improvement of activities of the state agencies, increasing transparency, training, research, and awareness-raising measures on human rights, as well as cooperation with different international organizations in the field of human rights.

In light of this, representatives of the Ombudsperson's Office, Ministries of Economic Development, Taxes, Ecology, and Natural Resources, the State Labour Inspectorate, the Confederation of Trade Unions, the State Committee on Family, Women and Child Affairs, the Entrepreneurship Development Fund, the National NGO Forum, and other CSOs established the Business and Human Rights Working Group in 2013.<sup>2</sup> There have been 19 roundtables of working group<sup>3</sup> on the rights of vulnerable groups of people, gender equality, protection of entrepreneurs' rights, food security, construction safety, ecological problems, consumer rights protection, and other relevant topics to ensure respect for human rights during the implementation of entrepreneurship, to eliminate violations, to identify new directions in the development of this activity, and to strengthen government oversight and accountability in the mentioned areas. The opinions and recommendations expressed were sent to the relevant institutions.

Additionally, the legally non-binding "Azerbaijan Corporate Governance Standards"<sup>4</sup> and the "Corporate Ethics Code"<sup>5</sup> drafted by the Ministry of Economic Development as a continuation of government support for developing entrepreneurship on the issues refers to corporate social responsibility. The application of corporate governance standards fostered to identify and eliminate of obstacles to corporate governance in Azerbaijani companies in accordance with the Corporate Governance Principles of the Organization for Economic Cooperation and Development. Standards of corporate governance support the application of best practices on

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<sup>1</sup> Order of the President of the Republic of Azerbaijan on Approval of the National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, Official web-site of President of Azerbaijan Republic

<sup>2</sup> Ombudsman Aparatında Biznes və insan hüquqları üzrə işçi qrup yaradılıb (trend.az)

<sup>3</sup> Staff member of the Ombudsperson Office participated in the 8th UN Forum on Business and Human Rights

<sup>4</sup> Azerbaijan Corporate Governance Standards, ECGI

<sup>5</sup> <https://economy.gov.az/storage/files/files/1447/XnZOJckTo9DpuR7gSdDyDbgUuwLzORTSZWYpKUD.pdf>

issues that are not legally regulated by the legislature.

Furthermore, the long-term and short-term objectives of the companies, the crucial global values, relationships with partners, the code of conduct within the company, etc., were reflected as recommendations on Corporate Ethics Code based on lessons learned from leading international corporations.

The government keeps a Business and Human Rights (BHR) on its agenda<sup>6</sup> and encourage dialogue among the stakeholders through supporting related advocacy initiatives.<sup>7</sup>

Meanwhile, CSOs are actively engaged to the subject matter, such as Oil Workers' Rights Protection Organization (OWRPO) was a recipient of the 2022 Human Rights and Business Award, for addressing the human rights impacts of business, during the annual UN Forum on BHR.<sup>8</sup>

**Main Issues/Gaps:** Azerbaijan's transition to a market economy is still facing political, economic, and security challenges. This is holding back investors and the development of a dynamic, private sector-led economy that can provide decent work for its people and increase socio-economic welfare. The identified key constraints that need to be removed to achieve fast and lasting growth include policies that distribute economic growth dividends fairly across society by creating access to opportunities for all.

The socio-economic impact of the COVID-19 pandemic has also deepened the challenges faced by Small and Medium Enterprises (SMEs).<sup>9</sup> Necessary measures to contain the virus through quarantines, travel restrictions, and lockdowns of cities have resulted in a significant reduction in demand and supply.

Women in Azerbaijan are particularly vulnerable as they mainly work in or run micro and small businesses<sup>10</sup> in industries most affected by COVID-19, such as the beauty, hospitality, tourism, and leisure industries. Additionally, women and young people are more likely to be engaged in an informal economy that offers no social protection to buffer the socio-economic impact of crisis and shocks.

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<sup>6</sup> <https://ombudsman.az/az/view/news/3476/biznes-ve-insan-huquqlari-sahesinde-ombudsmanlarin-ve-milli-insan-huquqlari-tesisatlarinin-rolu-movzusunda-baki-beynelxalq-konfransi-basha-chatib>

<sup>7</sup> <https://meclis.gov.az/documents/hesabat/05.03.2019.pdf>

<sup>8</sup> *Neftçilərin Hüquqlarını Müdafiə Təşkilatı İctimai Birliyi İnsan Hüquqları və Biznes sahəsində Mükafatın 2022-ci il üzrə laureatı elan edilib*, Business & Human Rights Resource Centre (business-humanrights.org)

<sup>9</sup> *Azerbaijan Socio-economic Assessment for COVID-19*, IRP (preventionweb.net)

<sup>10</sup> *Women in the private sector in Azerbaijan: opportunities and challenges*, United Nations in Azerbaijan

The lack of a well-organized legal and normative framework in the concerned area is a main challenge for implementing UNGPs. In order to achieve the BHR set of goals, adopting a National Action Plan (NAP) on BHR is a must. Through the enforcement of BHR, it is possible to achieve legal and functional reforms, eliminate the existing gaps, and execute a new mechanism within a specific time frame.

To ensure smooth integration of the Guiding Principles into domestic laws, the Ombudsperson, within its mandate, should support the State via regularly conducted analyses of the relevant national legislation and preparing proposals for amendments to eliminate existing gaps. Moreover, the Ombudsperson should monitor the implementation of applicable legislative acts in practice as needed.

The Ombudsperson, as the national non-judicial grievance mechanism, can also play an essential role in access to an effective remedy. It can take preventive and punitive measures and redress mechanisms for business-related human rights abuses. In this context, the Ombudsperson may implement an independent investigation mechanism as the non-judicial protection remedy within its mandate to report the identified gaps in the field of human rights and propose to the government and responsible business entities the necessary recommendations on how to overcome such challenges.

Currently, the main question is related to the limited mandate of the Ombudsperson in Azerbaijan, especially the power associated with investigating complaints on business entities which legal reforms must resolve.

### **Recommendations:**

To foster economic development and the private sector's role in supporting sustainable development in Azerbaijan, there is a need to step up the implementation of UNGPs. Respective recommendations are as follows:

- Comply with domestic and international human rights obligations in business and human rights;
- Avoid causing harm to rights-holders through the activities of state-owned companies;
- Develop codes of conduct and corporate governance for state-owned companies that refer to international standards on BHR, most notably to the UNGPs, and include the processes of human rights due diligence in the business operations and global supply chains of state-owned corporations;
- Introduce mandatory due diligence legislation into the national legal framework and establish access to remedy procedures;

- Engage in the dialogue with state and public bodies that manage capital investments of the Republic of Azerbaijan capital investments in state-owned companies to develop codes of conduct that refer to the UNGPs;
- Develop baseline assessment on business and human rights in Azerbaijan outlining work done so far and identifying and addressing challenges;
- Develop and adopt NAP on BHR that would springboard standards development and their internalization;
- Extend the competencies and jurisdiction of the Ombudsperson, also to the private sector;
- Ensure financial stability, independence, impartiality, and fairness of the Ombudsperson;
- Develop remedial mechanisms based on mediation and alternative dispute resolution in BHR as an alternative to bringing cases to courts.

### **3.2 Reproductive Health, Gender-Based Violence and Gender Equality**

***Achievements:*** The Government of Azerbaijan implemented series of major policy measures to ensure improved protection and promotion of women’s human rights and gender equality. The efforts were undertaken to ensure that quality sex-disaggregated data was available to guide informed policy making, financial resources are secured and the skilful delivery is in place to provide further guarantees for improved protection policies to boost socio-economic development. Two major policy documents for preventing and addressing domestic violence (2020-2023) and the phenomenon of gender-biased sex selection (2020-2025) were endorsed and are being currently implemented. The study on economic costs of violence against women was also held and its findings are being currently used for the purposes of improved national referral mechanism on gender-based violence prevention and response. Alongside these, series of major efforts to address discriminatory social norms and harmful traditional practices were also undertaken (eight Papa Schools to promote gender equitable childcare and household chores, several festivals, advocacy for paid paternal leave, etc.)

***Main Issues/Gaps:*** The evidence-based data shows that gender inequalities constitute major root causes behind several harmful traditional practices currently taking place in Azerbaijan. Though the National Action Plan for Preventing Prenatal Sex Selection was endorsed in 2020, the phenomenon of son preference that stems from perception of sons as assets and major financial providers of parents in old age continues to be a major driving force behind heavily distorted sex ratio in Azerbaijan (116 boys/100 girls vs a biological norm of 105-106 boys/100

girls).<sup>11</sup>

Throughout their lifetime, women and girls also face different forms of gender-based violence that are directly linked to gender inequality in powers and resources and result from subordinated position of women in a family and in society. Approximately one in three men (32.5%) report perpetrating and a similar proportion of women (32.1%) report experiencing physical violence in their lifetime in Azerbaijan.<sup>12</sup> The available evidence suggests that women and girls are not only exposed to high risks of violence, but they also have fewer options and less resources to escape abusive relationships and seek justice.<sup>13</sup> Despite the fact that the Law on Prevention of Domestic Violence was adopted back in 2010 and the National Action Plan for Addressing Domestic Violence was finally endorsed in 2020, progress developing the national referral mechanism for preventing and addressing gender-based violence has been slow. Moreover, Azerbaijan is yet to sign/ratify the Council of Europe's Istanbul Convention on preventing and combating violence against women and domestic violence.

Alongside these, the outbreak of the COVID-19 pandemic has been a major push back for many gender equality gains in the country. The increasing number of infections and fatalities have forced the government of Azerbaijan to impose a series of restrictive measures, putting the country's existing medical, economic and social systems under strain. The reduction in household incomes caused by the outbreak of the COVID-19 pandemic and the negative impact of the related restrictive measures/lockdown on psychological health and well-being were likely to trigger an escalation of intra-family tensions and violence by 10%. The disproportionate burden of unpaid domestic work on women has significantly increased during the COVID-19 outbreak. The share of women spending more time on domestic chores outnumbered that of men (62.9 per cent versus 55.8 per cent). Women also constituted the majority of the 32.3 per cent of those whose mental and emotional health was adversely affected during the pandemic (37.5 per cent of women and 26.9 per cent of men).

The prevalence of modern contraceptive methods among currently married women constitutes 14% and the Government has not yet updated the essential medicines list to include a comprehensive range of modern contraceptive methods, including emergency contraception.<sup>14</sup> The Draft Law on Protection of Reproductive Health of the Population and Family Planning is still pending endorsement. Although public health facilities are legally required to provide free services, there is a practice of informal payments, which particularly affects poor people. The mandatory public health insurance programme provided for under the Law on Medical Insurance

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<sup>11</sup> SSC (2021)

<sup>12</sup> UNFPA/SCFWCA (2018) *Gender equality and gender relations in Azerbaijan: current trends and opportunities. Findings from the Men and Gender Equality Survey (IMAGES)*. Baku, Azerbaijan

<sup>13</sup> UNFPA/SCFWCA (2018) *The economic cost of violence against women in Azerbaijan*, unpublished draft

<sup>14</sup> *Demographic and Health Survey* (2011)

(1999) is being currently rolled out, but the process has been slow given series of delays regarding structural set-up and the related referral procedures. There is no adequate screening programme for cervical cancer, neither is there an HPV vaccination programme.<sup>15</sup>

**Recommendations:**

- The national legal framework should be revised to repeal discriminatory provisions that still allow for cases of direct and indirect discrimination against women and girls;
- The Government should reconsider its stance on the issue of temporary special measures and introduce those to accelerate de facto equal opportunities for women;
- The overarching costed national policy document on gender equality should be adopted with the milestones and targets on all areas of concern as indicated in the CEDAW and the Beijing Platform for Action;
- The system of data collection should be strengthened for the purposes of improved and systematic evidence and data to assess progress in achieving de-facto gender equality;
- The systematic efforts to transform harmful and inequitable gender norms, behaviors and practices should be undertaken and a solid system to monitor the effect of these measures should be developed and operationalized;
- The Council of Europe's Istanbul Convention on preventing and combating violence against women and domestic violence should be signed and ratified;
- The Criminal and Criminal Procedural Codes should be revised to criminalize domestic violence;
- Adequate and regular funding for domestic violence prevention should be provided;
- The state-funded network of support/referral centers for the victims of domestic violence should be made available; The shelters should be in sufficient numbers to provide appropriate temporary accommodation for all victims - available in every region;
- Development and implementation of emergency response and recovery plans, should be informed by gendered differentials taking into account the lessons learnt from COVID-19 pandemic. Special attention should be paid to ensuring women's leadership and equal participation in all related planning and decision-making processes;

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<sup>15</sup> UNFPA/OHCHR (2015) *Assessment of the implementation status of treaty body recommendations on sexual and reproductive health and rights in the Republic of Azerbaijan* Baku, Azerbaijan

- The draft Law on Reproductive Health and Family Planning should be endorsed without any further delay;
- The National Strategy on Reproductive Health and Family Planning should also be promptly endorsed;
- The measures should be taken to address key barriers impeding women's access to reproductive health care services;
- A full range of modern contraceptives including emergency contraception should be included into the essential medicines' list and the measures should be implemented to increase contraceptive prevalence rates as well as accessibility and affordability of modern contraceptives to poorer population groups;
- Family planning and reproductive health education should be promoted through inter alia age appropriate sex education at schools.