



**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 Third Universal Periodic Review of Azerbaijan**

5 October 2017

1. Introduction

This report is a compilation of inputs from UNICEF, UNFPA, IOM and FAO in the Republic of Azerbaijan for the period of 2013 to 2017. The report is not exhaustive but rather highlights the key achievements addressing rights issues, main issues and challenges, which the UN Country Team is engaged through Agencies' mandates and offers concrete recommendations to the government to take into considerations in addressing the challenges identified.

2. Background and Framework

The Government of Azerbaijan implemented series of major legal and policy measures to ensure improved protection and promotion of human rights of the population and particularly most vulnerable groups. The efforts were undertaken to ensure that good data is available to guide informed policy making, financial resources are secured and the skillful delivery is in place to provide further guarantees for improved protection policies to boost socio-economic development. The Government successfully submitted its Voluntary National Review report at the High-level Political Forum on Sustainable Development Goals in New York in July 2017. With the UN support government efforts to nationalize SDGs targets and indicators are underway. Nevertheless, there are outstanding challenges including inter alia certain forms of inequalities, gender-related violence and harmful practices that require prompt action.

3. Human Rights on the Ground

3.1 Rights of the Child

Achievements:

- Government efforts to review national legislation on Infant and Young Child Feeding, which has identified areas where additional steps are required to bring compliance with the International Code of Marketing Breastmilk Substitutes, in particular the need to standardize composition of formula milk.
- The issuance of a Government decree introducing regular school readiness classes for all 5 year-old children, fully funded by the State. This represents a significant step forward in increasing educational attainment potential for children, and creates an entry point for further investment in early childhood development.

- The establishment of a National Centralised Child Databank that is now generating data-driven evidence on the situation of children in 37 categories. This will increase the availability of core data to support more effective policy-making and resource allocations by government.
- The establishment of the independent National Preventive Group within the Office of Ombudsperson's office that is routinely monitoring reported or potential child rights violations in public services. However, key staff assigned to the NPG continue to manage other work areas, which risks placing constraints on their effectiveness.
- Increased recognition of the importance of investment in young people, representing one-third of the population, has been demonstrated through the establishment of a National Youth Policy and associated Strategy.
- The establishment of two specialized teams to support children in contact with the law in Baku, along with one child-friendly courtroom within the Grave Crimes Court.
- There has been significant investment in strengthening national capacity at multiple levels, to bring about changes in approach towards children in conflict with the law amongst officials. For example, 200 judges, prosecutors, police, bailiff officers and other local officials were supported with guidance and training on international standards and instruments for juvenile justice in 2016.
- Amendments to the Law on Mass Media (2016) which ensures confidentiality for not only child offenders (perpetrators) but also victims and witnesses of crimes. The issuance of a Presidential Decree in 2017 "**On improvement of operation of penitentiary, humanization of penal policies and extension of application of alternative sanctions and non-custodial procedural measures of restraint**" that instituted more emphasis on non-custodial responses to a number of juvenile crimes and reductions in sanctions for others.

Main Issues/Gaps:

- The economic downturn has led to increased vulnerability amongst families, but the scope and depth of deprivation and its related social impacts has not been fully assessed. Economic and other stresses on families could be potential triggers of violations of child rights (for example drop-out from education, reduced demand for healthcare support, violence and exploitation).
- Targeted social assistance has been a core element of the social protection framework in Azerbaijan, and is considered one of the most successful areas of government support to poverty and vulnerability reduction. However, a one dimensional approach – primarily focused on cash assistance – and challenges in effective targeting of assistance risk weakening an essential public service.
- In the area of youth and adolescent development, services are too often silo-ed within individual government agencies, requiring a more comprehensive and aligned approach to enable young people to access a basket of services (e.g. health, education, training, civic engagement opportunities etc.) through a more streamlined service delivery mechanism. Specific engagement and opportunities for girls and young women remain under-served.

- Official statistics put the number of registered children with disabilities in Azerbaijan at 67,081 (2016), of which an estimated 23,000 are of primary school age. The vast majority of children with disabilities however receive no education in mainstream schools.
- Misunderstanding and misconceptions around disability result in the marginalization of children with disabilities within their family, community, and wider society. Current preoccupation with medical responses to disabilities tend to lead to further social exclusion (for example through a focus on providing home-based or specialist school learning for children with disabilities) which limits children's development and keeps children excluded from the community, peers and society. Quality of services, where provided, is often sub-optimal.
- Existing criminal justice process does not, at present, comply fully with international standards set out in the CRC and the UN Minimum Standards and Norms of Juvenile Justice and the European Convention of Human Rights all of which have been ratified by Azerbaijan.

Recommendations:

- Continued and increased investment in robust data management systems is needed to improve availability of credible, disaggregated data. This in turn will improve targeting or resources and identification of emerging needs, especially in relation to vulnerable and at-risk families and children.
- Encourage a shift in the State social protection approach from a core cash-assistance modality to a more integrated approach that combines financial assistance to vulnerable populations with social welfare programmes and social worker interventions aimed to prevention as well as response.
- Reshape social work to create a new generation of social workers that allow for differentiation between statutory social work roles and preventative social work. This should include a focus on institutional redesign of social work, with a 'ladder' of professionalism from community volunteer, to para-social worker, to professional social workers and senior/social workers.
- Increased social inclusion of children with disabilities, most notably in mainstream education, is urgently required. While the Government has committed to expanding availability of inclusive education, actual implementation of new teaching methodologies in mainstream schools has been limited to a small pilot programme. Expansion of this programme should be an urgent priority, not only to increase access to education but to promote the broader inclusion of children with disabilities in their communities.
- Promote more integrated youth and adolescent services, involving multiple agencies, with an investment in youth workers – especially at outreach level within communities – to improve availability of, and access to, complementary services. Outreach initiatives will also address the social barriers to access experienced by girls and young women in some communities.
- Invest in the area of the Juvenile justice, particularly:
 - Improvement of legislation and procedures in line with international standards and norms on juvenile justice;
 - Continuous capacity building and establishment of specialized units or designated justice for children's judges, prosecutors, psychologists/social workers and probation officers;
 - Improvement of data collection, collation and information management for the juvenile justice system;

- Expansion and institutionalisation of preventive and non-custodial measures (probation and mediation services, preventive social work with children and families) to address the offending behaviour of children. This links with the need for a comprehensive social welfare reform that focuses on prevention of vulnerability.

3.2 Reproductive Health, Gender-Based Violence and Gender Equality

Achievements:

Significant efforts have been made to advance gender equality in Azerbaijan. The most recent overview of the demographic situation in the country has highlighted several important areas of progress that include longer life expectancy for both men and women and higher literacy rates among women. The findings also indicate that the women are now more likely to marry at an older age as compared to the early 20th century, have less children, have nearly equal chances of residing in either rural or urban areas, are more engaged in income generating activities outside of household.¹

The Law on Prevention of Domestic Violence (2010) has paved the way for series of measures aimed at preventing and addressing GBV. This represents a major step forward for fulfilling the state obligations reflected in CEDAW and other human rights treaties. This includes the efforts to develop an inter-agency coordination mechanism for GBV prevention and response, development of National Action Plan, development of national inter-agency GBV database to safely collect, store and generate reports based on the information gathered from all public institutions, establishment of Accreditation Commission for non-governmental support centers for victims of DV, extensive awareness campaigns to increase the knowledge of the population on available GBV protection measures. These measures respond to the UPR Working Group's recommendation on protection for women victims of violence.

To improve women's access to reproductive health, the Ministry of Health (MoH) established women's centres and women's cabinets at all hospitals in the regions.² Within the context of the National Strategy on Reproductive Health (2008-2015) the MoH took some steps to make available scientifically accurate information on a full range of contraceptive methods. A list of contraceptive measures is available to women in healthcare consultations. The MoH adopted a Strategic Plan (2014-20) to enhance inter alia access of the population to modern methods of contraception and prevent the use of abortions for the purposes of family planning.³ Currently, the new National Strategy on Reproductive Health (2017-2025) is pending approval. The national development strategy, 'Azerbaijan: Look into the Future 2020', envisions the full coverage of the population with the mandatory health insurance by 2020.⁴

Main Issues/Gaps:

While the national legislation is providing the guarantees of formal gender equality, the prevalence of discriminatory attitudes and customary practices is seriously impeding the advancement of women by leading to revival of harmful traditional practices. An ongoing problem of gender stereotyping underlies a high rate of gender biased sex-selection abortions,

¹ UNFPA/UNDP (2015) *Population Situation Analysis: Beyond the Demographic Transition in Azerbaijan* Baku, Azerbaijan

² 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

³ Ibid

⁴ "Azerbaijan: Look into the Future 2020" *Concept of Development* Available at: http://www.president.az/files/future_en.pdf (last accessed on 28.09.17)

resulting in a highly skewed sex ratio at birth. Nurturing and caring for children as well as parenting are not perceived as social functions requiring shared responsibility of both partners.

The Law on Prevention of DV is yet to be enacted through creation of a national referral mechanism. The annual budget for combating violence is inadequate. The Law on Prevention of DV does not provide adequate framework when it comes to immediate protection of, and redress for victims. Given the lack of adequate policy measures and financial resources the vast majority of the centers that have received accreditation to assist the victims of DV are not capable of providing a full-fledged spectrum of protective and rehabilitative services to women victims of DV.

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.⁵ The Draft Law on Protection of Reproductive Health of the Population and Family Planning has not yet been adopted. 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 (1999) has not yet been enacted. There is no adequate screening programme for cervical cancer, neither is there an HPV vaccination programme.⁶

Recommendations:

- The efforts should be intensified to ensure complete elimination of stereotypical attitudes and behaviors through education and media as well as a range of systematic policy measures. Behavior change communication strategies should constitute an integral part of these policy measures.
- The National Action Plan on the Provisions of the Gender Equality should be endorsed.
- Given the gravity of the problem of the skewed sex ratio at birth, a multi-sectoral Plan of Action should be adopted.
- The revision of school textbooks and materials reinforcing gender stereotypes should be held.
- Specific statutory controls of content and activities of media regarding gender equality should be introduced.
- The awareness-raising and educational campaigns targeting the community leaders, parents, teachers, officials, young girls and boys should be recommended.
- The Government should amend the Law on DV to ensure that mediation and reconciliation do not prevail over protection of women's human rights.
- The Criminal and Criminal procedural Codes should be revised to criminalise DV.
- The coordination mechanism for combating DV should be established and National Action Plan for establishing effective referral mechanism for GBV prevention and response should be adopted.
- Adequate and regular funding for DV prevention should be provided.
- The state-funded network of support/referral centers for the victims of DV should be made available.

⁵ *Demographic and Health Survey* (2011)

⁶ 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

- Systematic data collection with the use of qualitative and quantitative techniques should be in place.
- A national 24/7 hotline should be launched.
- The national institutional capacities for assisting the DV victims should be improved including through the increased number of women police officers.
- The Council of Europe Convention on Preventing and Combating Violence Against Women and DV should be ratified.
- The draft Law on Reproductive Health and Family Planning should be endorsed.
- The legal requirement for third party authorization for adolescents should be repealed.
- 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.
- The adequate screening programme for cervical cancer and HPV vaccination programme should be introduced.
- Family planning and reproductive health education should be promoted through inter alia sex appropriate education at schools.

3.4 Rights of Migrants, Combat Trafficking

Achievements:

On 1 August, 2013, the Migration Code of Azerbaijan (MC) came into force replaced 4 Laws and compiled fundamental provisions of about 10 legislative acts and more than 20 decrees of the President of the Republic of Azerbaijan and decision of the Cabinet of Ministers. MC compiled all fundamental provisions for foreigners and stateless persons on entry to, stay, residence, employment in and exit from, as well as for the citizens on exit from and return to the country. The Code categorizes the rights, liberties, duties of incoming migrants, envisages provisions on their integration and sets respect to fundamental human and citizen rights and freedoms, rule of law, legal equality, impartiality, transparency and respect to family unification as principles in migration management policy of the country.

Since 2012 the State Migration Service (SMS) started to develop accommodation centers in two regions (Baku and Yevlakh). (both for asylum seekers and irregular migrants) In 2016 the Disciplinary rules for those Centers were approved. SMS developed electronic services portal integrated with other electronic service portals within Azerbaijan for rendering 11 types of services, as well as, the "Call Center" operating already in three languages (Azerbaijani, Russian and English).

In 2013 Azerbaijan signed an Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorization which entered into force in 2014, as well as the similar agreements with the Kingdom of Norway, Swiss Confederation and with Montenegro in 2014 ,2016 and 2017, respectively. Currently the State Migration Service negotiates with European countries on acceptance of Implementing Protocols.

In 2014 the Government of Azerbaijan (GA) adopted the third National Action Plan (NAP) on combating human trafficking. NAP designates the National Coordinator responsible for implementing and reporting on the NAP, as well as for establishing a cooperation among authorities to ensure a wider exchange of information. The current NAP covers 2014-2018 years

and encompasses extensive assistance and protection measures with a focus on combating child labour and strengthening the legislation.⁷

NAP for 2014-2018 introduced registration of the socially vulnerable families and persons deprived of permanent residence, with the aim of directing these individuals to relevant bodies for further provision them with socially beneficial jobs by encouraging entrepreneurs to employ them.

Main Issues/Gaps:

Despite the fact that MC determines indefinite permanent residence permission for foreigners and stateless persons, for the extension of period of permission certificate they are required to prove being fit for this status.

Reintegration mechanisms has not been put in place for readmitted nationals.

The current legislation does not provide full protection from forced labour as the existing gaps allow forced labour to occur; for example the MC requires the labor migrants whose labor contract was timely or prematurely terminated to leave the country in certain (short) period which restricts their right to file a claim to the court since it requires the presence of the residence permit.⁸

With regards to the Government's policy on combatting human trafficking, the challenges exist in cooperation with civil society, identification process of victims/potential victims of trafficking and provision of assistance and protection to victims of trafficking. The identification process itself is more reactionary than proactive, especially concerning the identification of child victims of trafficking within the country; street children or children are not properly screened to find out whether they were forced to beg or to work.⁹

Currently, carrying out the labour inspections faces barriers related to the recent changes in regulations; the Government imposed a two-year moratorium on labour inspections and the requirement to obtain the permission for inspections from Ministry of Justice and the Ministry of Economy and Industry. Moreover, the labour inspectorates cannot be carried out at unregistered businesses. The existence of these requirements can lead to the situations when potential cases of trafficking are not recognized by law enforcement officials and labour inspectors.¹⁰

The recent changes made in 2014 to the Law on Grants, the Law on State Registration of Legal Entities and the State Registry, and the Code of Administrative Offences have created regulatory and bureaucratic difficulties for civil society organizations to obtain grants from foreign donors. Along with that, the NGOs also struggle to obtain funding from the State. Even though Ministry of Labour and Social Protection of Population (MLSP) periodically issues tenders for NGOs, these grants can be obtained only by accredited shelters. As there is no clear mechanism for shelters to become accredited they cannot benefit from grants issues by MLSP.

Civil society has a very limited possibility to provide direct legal assistance to the victims as the changes to the Law on Legal Assistance requires mandatory membership to the Bar Association for lawyers representing victims in the criminal case.¹¹

⁷ McAdam, M. (2016). Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan. IOM. p. 9.

⁸ Becker, H. (2016). Assessment of the Current Institutional and Operational Framework for Migration Management in Azerbaijan. IOM. p. 40.

⁹ McAdam, M. (2016). Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan. IOM. p. 14.

¹⁰ Ibid., p. 14.

¹¹ Ibid., p. 21.

Recommendation:

- Considering the cancellation of time limit determined for the permanent residence certificates or simplification of requirements for extension of the period of the certificate issued for foreigners and stateless persons;
- Working on any mechanism that could support the reintegration process of nationals returning the country after long years of migrant life.
- providing adequate security of residence to migrant workers who need to leave their employment due to exploitation by ensuring that they have adequate time to secure alternative employment without fear of losing their permission to reside in Azerbaijan;
- revising the legal definition of the vulnerable individuals indicated in the article 10 of the Law on Trafficking in Human Beings;
- developing customized tools and indicators for different forms of exploitation, with a particular focus on child trafficking and forced labour;
- reviewing and revising the mandate and powers of labour inspectors so that they may carry out unannounced visits to premises where victims of trafficking may be exploited;
- implementing a system of sustainable and transparent funding for NGOs that provide services to victims of trafficking;
- reviewing the requirement of membership to the Bar Association for lawyers representing victims in criminal cases, so that the civil society organizations become legible to provide necessary services to victims.

3.5 Rights to Development

Achievements:

Under the new economic development strategic roadmap, economic diversification and particularly agriculture and agri-business are given priority by the Republic of Azerbaijan. Furthermore, Presidential Decree on “Additional measures on development of agriculture” was issued envisaging development of comprehensive and detailed Action Plan for financial resources of agriculture.

As per the Road Map, the first strategic objective of the Government in Agriculture sector is attainment of food security. Azerbaijan does not experience food insecurity but malnutrition. Prevalence of stunting in children is 18 percent and prevalence of anaemia among women of productive age is 18 percent in 2016 (State of Food Security and Nutrition in the World (SOFI) 2017). The Government is currently in the process of establishing the Food Security Commission and risk based monitoring system including vulnerable groups.

Rural development and development of agribusiness are also taken as important priorities for job creation. There are considerations to improve upon employment opportunities for youth as well.

Main Issues/Gaps:

Nutrition aspect is undermined in the food security understanding governance. Secondly, agriculture sector lacks insurance system. Finally, unpaid family workers in agriculture prevails in Azerbaijan just like other developing countries.

Recommendation:

- The Government should take more efforts to rapidly establish the national mechanism to address food security.
- Malnutrition specifically micro-nutrient deficiency should be addressed. Food and nutrition security approach is vital.
- Additional financial resources and mechanisms for the development of agriculture is critical paying special attention for participation of women and women's income in the sector.