

Gender Resource Center

Universal Periodic Review of Azerbaijan

44th session of the United Nations Human Rights Council Working Group on the Universal Periodic Review

Report submitted on 04 April 2023

Submitting NGOs:

- [Ayna Initiative Group](#)
- [Fem-utopia](#)
- [Femicide Azerbaijan Platform](#)
- [For Woman Initiative Group](#)
- [Gender Resource Center](#)
- [Nafas LGBTI Azerbaijan Alliance](#)

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About the coalition of NGOs:

This joint stakeholder submission to the Universal Periodic Review (UPR) is made by a coalition of independent civil society organisations that combat gender-based violence (GBV). Each organisation brought expertise, research and sources to put together this submission. The submission to the UPR is coordinated by the Ayna initiative group.

- Ayna initiative group was established in 2022 to provide legal, psychological and social support to women subjected to domestic violence (DV) and actively cooperates with lawyers and social workers.
Email: help.ayna@gmail.com
<https://www.instagram.com/ayna.help>
- Fem-utopia is an online platform created in May 2020. It aims to generate educational video essays in the Azerbaijani language with queer-feminist content and to convey feminist ideas to a broader audience.
Email: femutopia2020@gmail.com
<https://www.youtube.com/@fem-utopia4382>
- Femicide Azerbaijan Platform (Qadın Qətləri) was founded in 2021 to create an alternative data platform that can inform society about femicide cases and advocate for femicide to be recognised as a distinct form of hate crime. The platform generates an annual report that analyses femicide cases, identify risk factors, and devises strategies to

combat gender-based crimes.

Email: office@qadinqetlleri.com

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- For Woman (Qadın Üçün) initiative group was established in 2021 to provide legal and psychological support to women suffering from DV. So far, the group has supported about 500 women. At the same time, the initiative group carries out specific measures to draw attention to the gaps in the legislation in Azerbaijan to ensure a sensitive approach to society and the authorities to women's problems. Community building for women's empowerment is one of the priorities of the initiative group.

Email: forwoman.az2020@gmail.com

<https://www.instagram.com/qadinuchun>

- Gender Resource Center is a queer-feminist platform established in early 2020. The centre was established in Azerbaijan in response to the problem of lack of safe space and resources for people of different genders and sexual orientations. The centre, together with two social workers and two psychologists, implement a psychosocial support program to increase the accessibility of psychological, social, economic, legal and medical services for the LGBTQI+ and queer communities.

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- Nafas LGBTI Azerbaijan Alliance was founded in 2012. Nafas is committed to promoting the diversity and integration of marginalised communities into social and political life. The organisation strives to advance the discourse on human rights in line with the principles of justice and equality. The critical components of Nafas's work are to voice the needs of the LGBTI+ community through advocacy and awareness-raising work and carrying out community-building and empowerment activities.

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All contributors provided their experience, knowledge, and resources to prepare this report. Legal aid lawyers Rovshana Rahimova and Zibeyda Sadygova and gender experts Nargiz Mukhtarova and Aygul Jafarova contributed to the writing of this report.

Support

The organisations making this submission thank Mr Matthew Jones, International Advocacy Officer of Human Rights House Foundation, for his advice on preparing the report.

Abbreviations

DV - domestic violence

GBV - gender-based violence

PO - protection order

LGBTQ - lesbian, gay, bisexual, transgender, queer

Gender-based violence

I. Introduction

1. This joint submission focuses on specific areas of gender-based violence, including a lack of support services, mediation and reconciliation of DV survivors and perpetrators and a shortage of legal aid. Additionally, the submission sheds light on the ineffective nature of protection orders in addressing and preventing GBV. The safety of women rights defenders and cybercrimes against feminist activists are also included in the report.
2. The submission gathered information firsthand from supporting organisations of 500 survivors of gender-based violence, including DV, over two years, between 2021 and March 2023. Most DV survivors who sought assistance were women, comprising 90% of the total, with the remaining being individuals who identify themselves as LGBTQ+. The applicants primarily sought psychological, social, and legal support, with 25% receiving assistance with divorce proceedings from their abusive partners, custody of their children, and child support payment. Additionally, 10% of the victims sought support in obtaining protection orders, placement in shelters, and help from law enforcement agencies. Furthermore, the report includes insights from interviews conducted with five social workers, two legal aid lawyers specialising in GBV, and four feminist activists.
3. It is important to note that in this submission, the term “women” encompasses transgender and gender-diverse individuals as well.
4. The following UPR submission outlines 16 recommendations to improve women’s rights and combat gender-based violence in Azerbaijan. Four of these recommendations are particularly pressing and require immediate attention:
 - 4.1. To increase the number of shelters for GBV survivors to meet international standards and to ensure them to be inclusive for a vulnerable population, especially LGBTQ+, the elderly, persons with disabilities, and those with addiction (please refer to [paragraphs 11.1 and 11.2](#) of this submission);
 - 4.2. To ensure the availability of specialised rape crisis centres, 24/7 forensic testing, and rape kits for victims of sexual assault and rape (please refer to [paragraphs 15.1 and 15.2](#) of this submission);
 - 4.3. To eliminate mandatory mediation and reconciliation for DV cases, provide free legal aid and exempt victims from state fees, and criminalise breaches of protection orders (please refer to [paragraphs 19-28](#) and [34.7](#) of this submission);
 - 4.4. To investigate and hold accountable those responsible for cyber-attacks and online harassment against feminist activists (please refer to [paragraphs 38-39](#) of this submission).

II. Implementation of UPR recommendations

5. Azerbaijan accepted several UPR recommendations on combating gender-based violence, including domestic violence, during its Universal Periodic Review in May 2017. The recommendations included strengthening measures to combat DV (Rwanda)¹, establishing a legal framework to eliminate discrimination and violence against women

¹ A/HRC/39/14 - Para. 140.21

(Nepal)², improving national legislation and institutions (Belarus)³, implementing laws prohibiting gender discrimination (India)⁴, addressing patriarchal attitudes and gender stereotypes (Rwanda)⁵, adopting a national action plan to promote women’s rights (Namibia)⁶, providing training to law enforcement and other stakeholders on handling violence against women cases (Canada)⁷, adopting a national strategy for the prevention of GBV (Belgium)⁸, and carrying out policies aimed at ensuring the application of laws on the prevention of DV (Paraguay)⁹.

6. In response to the UPR recommendations, the Republic of Azerbaijan approved a National Action Plan in November 2020 to combat DV for 2020-2023¹⁰. This plan includes, among others, provisions for establishing support centres and shelters for victims of DV, as well as strengthening measures to ensure their safety. As part of this plan, a new “Social Rehabilitation for Victims of Domestic Violence” department was established in the Shelter and Social Rehabilitation Institution for Vulnerable Population Groups in the summer of 2021¹¹. The Shelter provides shelter, psychosocial support, and counselling services to up to thirty victims of DV, as well as those who are homeless, all of whom are housed together in the same facility.
7. There is a relative increase in the number of protection orders issued to DV survivors compared to previous years. It is also noteworthy that the number of long-term protection orders increased in 2022. However, the lack of data on the enforcement of protection orders in 2021 and 2022 makes it difficult to fully assess the impact of these measures on protecting victims of DV.

Statistical data on issuance of protection orders to victims of domestic violence	2019	2020	2021 (first nine months)	2022
Total number of issued protection orders:	40	32	73	158
- long-term protection order	2	0	4	12
- short-term protection order	38	32	69	146
Enforced protection orders	26	16	no data	no data

² A/HRC/39/14/Add.1 - Para. 29, 141.88

³ A/HRC/39/14 - Para. 140.19

⁴ A/HRC/39/14 - Para. 140.31

⁵ A/HRC/39/14 - Para. 140.112

⁶ *ibid* para 140.25

⁷ *ibid* 140.28

⁸ A/HRC/39/14/Add.1 - Para. 30, 141.89

⁹ A/HRC/39/14/Add.1 - Para. 31, 141.90

¹⁰ [On the approval of the National Action Plan for 2020-2023 on combating against domestic violence in the Republic of Azerbaijan \(e-ganun.az\), https://e-qanun.az/framework/46358](https://e-qanun.az/framework/46358)

¹¹ [Shelter and Social Rehabilitation Institution for persons from vulnerable population groups, https://sosial.gov.az/ehali5566](https://sosial.gov.az/ehali5566)

Table 1. Statistical data on issuance of protection orders to victims of domestic violence¹²

8. Despite efforts to combat GBV and DV, significant deficiencies still exist, and more actions are necessary. According to data from the State Statistics Committee, the statistics for Azerbaijan between 2018-2021 show that there is still room for improvement in addressing these issues.

Number of victims	2018 ¹³	2019 ¹⁴	2020 ¹⁵	2021 ¹⁶
number of murdered women	no data	60	78	66
number of women murdered by DV	42 (75%)	38 (84,1%)	41 (69,5%)	47 (72,3%)
number of women victims of DV	915 (74,9%)	1038 (76,4%)	987 (75,9%)	1205 (78,5%)

Table 2. Number of female victims¹⁷

9. Data in table 2 shows a worrying trend of violence against women, particularly in cases of DV. While the overall trend may not show a significant increase, the number of murdered women is concerning. Although the percentage of women who are victims of DV has remained relatively stable over the years, the number of women affected is still distressing. It should be noted that data collection on DV is not disaggregated by gender identity, thus making it challenging to collect data on gender-based DV faced by LBT+ women and girls in particular. Known cases include physical abuse and domestic confinement, conversion therapy, compulsory marriage with corrective purpose and so-called honour crimes. The data highlights the need for continued efforts to address violence against women, particularly in DV cases. Based on our observations, 80% of the women who sought assistance preferred to escape violence without seeking help from government agencies. Many violence cases are not reported, and due to the significant delay in reporting, the actual number of GBV and DV cases is much higher than the statistics suggest.

II. Concerns on lack of support services for GBV survivors

10. There are currently several shelters operating in Azerbaijan that accept GBV survivors. One of them is a state-based shelter established to accommodate victims of DV. In

¹² The data for 2019-2021 is provided by The State Committee on Women's Issues of the Republic of Azerbaijan to legal aid lawyer Rovshana Rahimova to answer her request. The data for 2022 is taken from [State Committee on Family, Women and Children's Problems - the presentation of the report on "Protection warrants in cases of violence against women and domestic violence: international standards and the national experience of Azerbaijan" was held \(scfwca.gov.az\)](https://www.scfwca.gov.az/post/3378/qadinlara-qarsi-zorakiliq-ve-meiset-zorakiligi-isleri-uzre-muhaf), <http://www.scfwca.gov.az/post/3378/qadinlara-qarsi-zorakiliq-ve-meiset-zorakiligi-isleri-uzre-muhaf>,

¹³ https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2019.zip

¹⁴ https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2020.zip

¹⁵ https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2021.zip

¹⁶ https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2022.zip

¹⁷ [Gender Indicators | The State Statistical Committee of the Republic of Azerbaijan, https://www.stat.gov.az/source/gender/?lang=en](https://www.stat.gov.az/source/gender/?lang=en)

addition, there are two NGO-based shelters for victims of human trafficking and one children's shelter, which houses victims of GBV and DV when necessary.

11. 10% of GBV and DV survivors who applied for our assistance were urgently required to be placed in a shelter. Half of them were placed in a shelter, underwent rehabilitation and received some support, while the rest faced the following difficulties:

11.1. *Limited availability of shelters and lack of space in shelters, including beds and wardrobe space:*

Currently, the total number of places in shelters receiving victims of GBV across the country is 175, approximately, ten times less than international standards. Most shelters are located in Baku, the capital city, and the only one is in another big city, Ganja¹⁸. This means that the survivors have to travel 300 km from some areas of the country to get to the shelter. This makes it difficult for victims who live in rural areas or cannot travel to Baku or Ganja to access shelter services. In several cases, the victimised women told us they were reluctant to settle in a shelter in Baku and would like to be settled only if the shelter was in their region. For this reason, the limited availability of shelters leaves victims without a safe place to go.

11.2. *Gender segregation in shelters and breach of privacy:*

The shelters in Azerbaijan are gender-segregated, designed to provide services exclusively to women and children, which makes it difficult for LBT+ who do not identify as female or do not feel comfortable in gender-segregated spaces to access shelter services. According to a social worker (march 2023), one transgender woman and another lesbian complained that they could not stay in the shelter due to discrimination and had to leave the shelter. Many LBT+ women and girls, who fortunately escaped their violent family or relatives, face critical challenges, such as struggling to find accommodation and seek safety and protection from police, fearing reprisals and potential privacy violations. In several cases known to Nafas LGBTI+ Azerbaijan Alliance, family members or relatives could find them through police assistance, as the police's reconciling attempts are always the case for victims of DV in general. In 2020, Nafas addressed a list of questions to the State Committee for Family, Women and Children Affairs about carried awareness-raising programs, availability of safe shelters and rehabilitation remedies, particularly for LBT+ women and girls. However, the inquiry has been left without any response so far.

11.3. *Delayed admission and bureaucratic obstacles related to the registration and admission process in a state-funded shelter:*

The social worker (March 2023) noted that “individuals who do not wish to report abuse to the police may be denied admission to state-funded shelters. They are often required to provide documentation, including a police certificate and medical certificates confirming that they do not have infectious diseases or drug addiction. For example, one woman who fled her home to seek refuge in a Baku shelter was told she needed to provide a police certificate from her home region, which was 400 km away. As a result, she was required to return to her home region to obtain the necessary documentation, although there was still a high risk of being injured

¹⁸ Mukhtarova Nargiz (2022), Azərbaycanca məişət zorakılığı zərərçəkənləri üçün sığınacaqlar [Shelters for victims of domestic violence in Azerbaijan], available at <https://agora-az.org/az%C9%99rbaycanda-m%C9%99is%C9%99t-zorakiligi-z%C9%99r%C9%99rc%C9%99k%C9%99nl%C9%99ri-ucun-siginacaqlar-v%C9%99-onlarin-minimum-standartlari/>, accessed 26.03.23

by her violent husband who could see her there”.

11.4. *Short-term stay limits:*

According to article 19.3 of the Law on Prevention of Domestic Violence, the victims are allowed to stay in shelters for 2-3 months¹⁹. Staying for a limited period makes it difficult for victims to find alternative housing and support before they are ready to leave the shelter.

Recommendations:

12. To increase the number of shelters for GBV survivors to meet international standards and to ensure equal distribution across all regions of the country and increase resources and support for shelters by providing adequate funding, staffing, and training;
13. To ensure that shelters for GBV are inclusive for LGBTQI+, the elderly, persons with disabilities, and those with addiction, and to provide services to all victims of GBV, regardless of their gender identity or sexual orientation;
14. To provide immediate admission to victims of GBV in shelters or to offer emergency housing options to victims while they await admission to a shelter and ensure that the privacy and confidentiality of the shelter residents are maintained;

Specialised support services to victims of sexual assault

15. Survivors of rape and sexual assault face numerous barriers to accessing justice:

15.1. *Non-availability of specialised rape crisis centres:*

Some shelters and help centres provide support services to survivors of GBV, including rape crisis support. However, it is important to note that survivors of rape and sexual assault require specialised support and care²⁰, which are unavailable in Azerbaijan.

15.2. *Delays in testing evidence:*

Forensic testing centres are not available on 7/24, and there are no rape kits²¹ available for victims of sexual assault and rape, which makes it difficult or sometimes impossible to collect evidence to identify and prosecute perpetrators of sexual violence.

15.3. *Barring a support person from being present during the criminal justice process:*

Sexual assault is a traumatic experience that can have long-lasting psychological and emotional effects on the victim. A support person present during the criminal justice process can provide emotional support, help the victims understand their rights, and ensure their needs are considered. However, in 90% of cases, support persons were not allowed to participate in the criminal justice process, which made the victims feel isolated and unsupported and hindered their ability to participate fully in the process.

15.4. *Lack of a gender-sensitive approach:*

In practice, law enforcement bodies in Azerbaijan lack a gender-sensitive approach when dealing with victims of sexual assault. Some victims have

¹⁹ [1058-IIIQ - Məişət zorakılığının qarşısının alınması haqqında \(e-qanun.az\), https://e-qanun.az/framework/20131](https://e-qanun.az/framework/20131)

²⁰ for e.g. access to healthcare for physical exams, testing and treatment for sexually transmitted infections, and access to emergency contraception; access to counselling and mental health support to address trauma and emotional distress; access to legal support etc.

²¹ Rape kits are used to collect physical evidence from a victim's body after a sexual assault.

reported secondary victimisation by the criminal justice system, with law enforcement officials failing to take their complaints seriously or blaming them for the assault. In one case, the victim of rape was called to a law enforcement agency and questioned over and over more than 30 times.

Recommendations:

16. To ensure the availability of specialised rape crisis centres, 24/7 forensic testing, and rape kits for victims of sexual assault and rape;
17. To allow support persons to be present during the criminal justice process when investigating cases of gender-based violence;
18. To ensure a gender-sensitive criminal justice system for victims of gender-based violence.

III. Concerns on mediation and reconciliation of victims and perpetrators and lack of legal aid

19. Mediation and reconciliation pose significant challenges for victims of DV in Azerbaijan. They lead to re-victimization and impunity for perpetrators²² and put victims at risk by forcing them to confront their abusers without adequate safety measures. In DV cases, where power dynamics are often skewed in favour of the abuser, mediation and reconciliation fail to hold perpetrators accountable. Additionally, victims are coerced or manipulated, making it difficult to make informed decisions about reconciliation. Cultural attitudes in Azerbaijan favour mediation and reconciliation over legal action, further complicating the situation for victims seeking justice.
20. Article 39 of the Code of Administrative Offences²³ stipulates that in cases of physical violence, domestic financial abuse, and psychological abuse, while the investigation is ongoing, the reconciliation between the victim and the perpetrator may serve as a basis for releasing the perpetrator from administrative responsibility. Similarly, Article 73 of the Criminal Code²⁴ provides that during the criminal investigation of minor or moderate physical harm, the reconciliation between the victim and the perpetrator may be considered as a basis for releasing the perpetrator from criminal responsibility.
21. Our experience indicates that the vast majority of victims of DV who have sought protection from the police or the local executive authority, or filed for divorce from their abusive partners in court, have been pressured to reconcile with their perpetrators. Law enforcement agencies have often prioritised reconciliation over investigating DV cases. Consequently, law enforcement agencies attempt to reduce their caseload and workload by relying on the abovementioned legislative provisions.
22. A significant portion of women (25%) who have experienced DV choose to divorce their abusive partners to escape the violence. However, the divorce process can present various challenges and obstacles, preventing some victims from completing the process and potentially forcing them to return to their abusers with their children.
23. Victims of DV face two specific obstacles when trying to obtain a divorce from their abusive partners and get child support:

²² CEDAW/C/AZE/CO/6, para. 23(c)

²³ [Code of Administrative Offences of Azerbaijan Republic \(e-qanun.az\), https://www.e-qanun.az/framework/46960](https://www.e-qanun.az/framework/46960)

²⁴ [Criminal Code of Azerbaijan republic \(e-qanun.az\), https://www.e-qanun.az/framework/46947](https://www.e-qanun.az/framework/46947)

- 23.1. The prolongation of court proceedings due to the application of mediation and reconciliation, which delays the process and potentially causes further harm to the victim.
- 23.2. The failure to exempt DV survivors from state fees and provide them with free legal aid, which makes it difficult for some survivors to navigate the legal system and obtain the necessary support to complete the divorce process.
24. Starting from 01 October 2021, all parties involved in family dispute cases are required to go through mandatory mediation before going to court²⁵. However, in most cases (98%), mediation fails, and the victim must apply to a court for a divorce. According to the Family Code, the court sets a three-month time limit for parties to reconcile²⁶, not considering the mediation process and the reason for the divorce being DV. These provisions aim to encourage reconciliation and preserve the family unit but create additional stress and uncertainty for DV victims who are forced to interact with their abuser during the reconciliation period. The mandatory mediation requirement is traumatic and intimidating for victims who must confront their abuser and potentially face further violence or intimidation.
25. Mediation services for family disputes typically cost 60 AZN²⁷, which many victims are unable to afford. Although court cases related to child support are exempt from fees, the mandatory mediation requirement places victims in a challenging financial position. Previously, victims could directly seek court intervention and obtain child support during separation, receiving it immediately. However, with the new requirement, the process takes several months, leaving women unable to provide for their children and sometimes forcing them to return to their abusers.
26. Court fees also make it difficult to obtain long-term protection orders for victims of DV. So, according to the legislation, 100 AZN must be paid for issuing a long-term protection order²⁸. As a rule, the victims cannot afford to pay that amount. Most victims are housewives with many children who are not allowed to work by their partners. In rare cases (1%), working women are among them as those with earnings. Therefore, paying the court fees is an additional financial burden for them.
27. Exempting the GBV survivors from state fees would make legal aid more accessible, increasing their chances of seeking justice and obtaining the protection they need. It may significantly impact on the lives of DV survivors by helping them overcome financial barriers and access the legal support they need to rebuild their lives.
28. Furthermore, DV victims face legal challenges in navigating divorce, child custody, and restraining orders without professional legal aid. While some state and individual initiatives offer DV survivors free legal assistance and advice, such services are far from universal. Although the Action Plan for Combating DV for 2020-2023 includes provisions for establishing a mechanism to provide free legal assistance to victims of DV, no such mechanisms are currently in place. The action plan expires in 2023, and there have been no discussions regarding a new plan either.

Recommendations:

²⁵ [Law on Mediation \(e-qanun.az\), https://www.e-qanun.az/framework/41828](https://www.e-qanun.az/framework/41828)

²⁶ [Family Code of Azerbaijan Republic, https://www.e-qanun.az/framework/46946](https://www.e-qanun.az/framework/46946)

²⁷ [Mediation fees, http://mediasiya.gov.az/vetendas-muracieti/mediasiya-xercleri](http://mediasiya.gov.az/vetendas-muracieti/mediasiya-xercleri)

²⁸ [Law on State Fees, Article 8.2, https://e-qanun.az/framework/2860](https://e-qanun.az/framework/2860)

29. To eliminate mandatory mediation and reconciliation for DV cases, provide free legal aid and exempt victims from state fees.

IV. Concerns on lack of effectiveness of protection orders

30. Protection orders (POs), or restraining orders, require an abuser to stop certain violent behaviour and stay away from the victim. They are intended to provide immediate legal protection to victims of DV and prevent the abuser from causing further harm.
31. Committee on the Elimination of Discrimination against Women in its Concluding observations on the sixth periodic report of Azerbaijan adopted at its eighty-second session (13 June -1 July 2022) para.23, noted with concern: “(d) The limited and weak enforcement of protection orders, ...[and] the absence of expulsion orders...”²⁹.
32. The Law on Prevention of DV in Azerbaijan provides for the issuance of protection orders, but their implementation has several challenges:
- 32.1. *Non-availability of POs for other forms of GBV:*
POs are only available for cases of DV and not for other forms of GBV, such as stalking, etc.
- 32.2. *Short-term validity of POs:*
Even long-term protection orders are given for a maximum period of six months³⁰, which is short and insufficient to provide full protection to victims.
- 32.3. *No expulsion orders:*
Victims of DV are not legally able to force the perpetrator to leave their home, as expulsion orders are not available.
- 32.4. *Non-immediate issuance of protection orders:*
The issuance of protection orders is left to local executive authorities, who are not available 24/7. It can take months for the order to be issued because of the “investigation” provided by them. Also, there is no specialised department or personnel specifically dedicated to addressing GBV in the body responsible for issuing protection orders in Azerbaijan, which can contribute to the challenges in their implementation. According to a legal aid lawyer (2023), in her two cases, it took a year to get PO for a victim of DV.
- 32.5. *No reverse burden of proof:*
Victims applying for protection orders are required to provide proof, placing the burden of proof on the victim rather than the perpetrator. It is a significant challenge, as victims often lack legal education and resources to gather evidence.
- 32.6. *Lack of consideration for children's welfare in POs:*
POs do not adequately consider the welfare of children who witness DV. They apply only to the victims of DV.
- 32.7. *Lack of enforcement of POs:*
Enforcement of protection orders is also challenging, as enforcement officers are not available around the clock. Also, there are no special provisions criminalising breaches of protection orders, leading to a lack of trust and effectiveness of the orders among victims.

Recommendations:

²⁹ CEDAW/C/AZE/CO/6

³⁰ Article 12.2, [Law on Prevention of DV, https://e-qanun.az/framework/20131](https://e-qanun.az/framework/20131)

33. To establish specialised departments and personnel dedicated to addressing GBV, with adequate resources and training, and responsible for issuing protection orders and ensuring their effective implementation.
34. To ensure that protection orders can be issued and enforced at any time of the day or night, with the availability of enforcement officers around the clock.
35. To introduce a reverse burden of proof in GBV cases to make it easier for victims to obtain protection orders and improve their effectiveness.
36. To ensure that protection orders consider the welfare of children who witness DV and not just the victims of DV.
37. To introduce special provisions criminalising breaches of protection orders, to increase their effectiveness and instil confidence in victims that they will be taken seriously.

V. Concerns on the safety of women rights defenders, including cyber crimes against feminist activists

38. Feminist and gender activists have been subjected to cyber attacks³¹ since forming the Feminist Movement in Azerbaijan in 2019. Instagram and Facebook pages promoting feminism and LGBTQ+ activism, such as FemKulis, Minority Azerbaijan, and Nafas LGBTI Azerbaijan Alliance were hacked and deleted. Personal correspondence, intimate photos, and audio recordings which allegedly belonged to feminist activists were disseminated through Facebook pages, and Telegram channels and the feminist activists were subjected to slut-shaming. At the same time, some of the correspondence was falsified. Examples of activists affected by this include Gulnara Mehdiyeva, Narmin Shahmarzade³², Sanay Yagmur³³, and Aytaj Bekmamedova.
39. All the official complaints about the abovementioned cases remained unresolved. Evidence was found that those who hacked Gulnara Mehdiyeva's accounts were related to the Ministry of Internal Affairs³⁴. Narmin Shahmarzadeh was officially informed by Gmail that the cyber attacks were carried out by the government (government-backed hacking). Also, the identity cards of the account holders were used to break into the accounts, and confirmation SMS messages sent to their mobile numbers were directed to other numbers. The interception of the codes sent to the mobile operator, as well as the interception of the identity card, indicate that ordinary people could not have carried out hacking.
40. Since 2019, International Women's Day in Baku has become the focal point where the LGBTI+ and feminist groups come together in solidarity to peacefully protest against GBV, including femicide, demanding from the government to ensure equal rights for all without discrimination on any grounds. However, each year the government fails to respect the right to assembly and freedom of expression, warning participants that they would be dispersed to prevent violations of public order and to protect the rights and freedoms of others.

³¹<https://www.amnesty.org/en/latest/press-release/2021/05/azerbaijan-stop-the-vicious-campaign-of-gendered-smears-and-reprisals-against-women-activists/>

³²<https://www.az-netwatch.org/news/legal-overview-legal-remedies-or-lack-thereof-in-cases-of-online-targeting/>

³³<https://www.az-netwatch.org/news/state-sponsored-harassment-and-targeting-in-azerbaijan-is-very-much-alive-and-kicking-a-year-in-review/>

³⁴<https://www.qurium.org/alerts/azerbaijan/sandman-attacks-again-targets-azeri-feminist-activist>

41. For instance, in 2020, police detained at least ten people during the rally. They were afterwards taken to the Gobustan region and released in the desert.³⁵ Notably, hate speech was rampant after that rally. Dozens of state-sponsored digital media platforms presented the rally as an ‘attack on national and religious values and the institution of the family’, saying it was ‘prostitution and LGBT rights in the name of feminism’, and naming the participants as ‘immoral AIDS viruses in the streets of Baku’.³⁶

Recommendations:

42. To investigate and hold accountable those responsible for the cyber attacks and online harassment targeting feminist activists, regardless of their affiliation with government agencies.
43. To protect the right to freedom of expression and assembly, including for feminist and LGBTQ+ activists and ensure that individuals can express their opinions and assemble peacefully without fear of persecution or violence.
44. To implement measures to combat hate speech and discrimination against feminist and LGBTQ+ individuals and take steps to combat hate speech and discrimination against individuals based on their gender, sexual orientation, or other characteristics.
45. To ensure the safety and protection of activists and demonstrators during protests, take appropriate measures to ensure the safety and protection of activists and demonstrators during protests, including protecting them from excessive use of force and police brutality.

³⁵ Caucasus Watch (2020), ‘8 March protests in the South Caucasus’ <https://caucasuswatch.de/news/2482.html>

³⁶ Publika Azerbaijan (2020), ‘Legitimation of LGBT under the umbrella of feminism... (Original: LGBT-nin legitimləşdirilməsi feminizm çətiri altında...)’ https://publika.az/news/nida_tehsil/307355.html