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**Report prepared human rights NGOs,
Social Charitable Center Women and
Modern World**



Join submission by: Social Charitable Center Women and Modern World

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Introduction

This report is submitted by The Social Charitable Center Women and Modern World (Baku, Azerbaijan), gender norms; child marriage and forced marriage, maternal rate mortality and children, women health and abort, violence against women, sexual violence and harassment; reproductive health and rights; rights of lesbian, gay, bisexual and transgender people; and HIV/AIDS. It includes recommendations to the Azeri State after each section.

1. Azerbaijan has ratified the International Covenant on Civil and Political Rights (1992) and its Optional Protocol (2001), International Covenant on Economic, Social and Cultural Rights (1992), the Convention on the Elimination of All Forms of Discrimination against Women (1995) and its Optional Protocol (2001) and the Convention on the Rights of the Child (1992). It is a member of Council of Europe since 2001.

Gender norms¹

2. Azerbaijan has strict gender and social norms focused on an heterosexual-centered and extended family. The family decision-making is focused on the elders of the family who make decisions for all other family members and keep the traditions. In Azerbaijan man is the head of family, he is responsible for physical load and financial support of a family. While woman is responsible for household and childcare. This is a classic model of a family. According to the statistics, in Azerbaijan on average family disruptions occur in 1 of 10 families. In 2011 78072 marriages and 7784 divorces were recorded. According to The State Statistical Committee of the Republic of Azerbaijan, between January and March

2012 marriage rate was 6.8 times higher than divorce rate. 15.7 thousand of marriages and

2.3 thousand of divorces were recorded by official state agencies at the beginning of the year. In comparison to the first quarter of 2010 the marriage rate increased from 6.7 to 2.2. and divorce rate increased from 0.9 to 1 per 1000 people. **In general , between January and March 2011 the number of marriages increased by 10.6 %, and the number of divorces increased by 21.1% compared to the same time last year.**

3. Women are expected to function primarily within a family and single women are perceived by a society as a failure once they have passed the marriageable age (21-23 years).

4. The 'family honor' concept prevails in Azeri families, limiting women's mobility, placing them in a vulnerable situation if they have sex before marriage or decide to live independently.

5. Families limit their daughters' access to education to protect 'family honor' through not allowing them to enter universities in other cities. Women who travel abroad alone or study abroad may lose the opportunity to get married because they are believed to have had sex outside of marriage when they were away from the family control.²

6. Recommendations:

¹ Written by Labrys and Sexual Rights Initiative

² Gender Assessment Report p. 7

Take proper and relevant care of families, especially young families by addressing their needs and deficits. Care provided should be in exact accordance with the Constitution of the Republic of Azerbaijan.

The religious institutions should advocate the sacredness of family, assist to actions against divorce, participate in spreading values, providing family durability.

Implement of a State Program on Promoting Economic Security among families, in order to prevent divorces in Azerbaijan.

Conduct nation-wide educational campaigns about gender roles and the value of women and girls, as a way to reduce sex-selective abortions (see below) and to protect women's rights to education, health and freedom of movement.

Sexual violence: harassment and rape including rape in marriage³

7. International organizations working in Azerbaijan have conducted large-scale surveys on the issue of violence. The surveys found that about 30% of women experienced sexual harassment at work⁴. Another survey revealed that the social belief is that women should quit their job if they experience sexual harassment from their employer or a co-worker⁵. Articles 2 and 3 of the existing law on 'Ensuring gender equality' (2006) define sexual harassment in details. Article 4 states that sexual harassment is prohibited. Articles 11 and

8. The problem of domestic violence against women and children has not yet been completely solved in Azerbaijan. In a country with domestic violence, closely related phenomena such as abortion and divorce. Women were killed in 2016 in Azerbaijan.

In 2015, the Bank for Information on Domestic Violence made 346 facts, in the first half of 2016 - 184 facts received by the bank information on domestic violence, showed that at the end of January 2017, among those subjected to domestic violence in Azerbaijan, 85.5 percent were women, 14.5 were men. In total, 530 facts about domestic violence were reported to the bank and it was found out that 9.2 men subjected to domestic violence were minors, 3.2 - elderly people, 2.1 - men aged 25-45 noted that men are more often subjected to psychological violence.

9. regulate employment situations when sexual harassment takes place and ban persecution of the person who reported sexual harassment by the employer. Article 12 states that the 'labor contract of the victim of sexual harassment is discontinued as of the day when the victim exposes it'⁶. The body responsible for dealing with sexual harassment is of a monitoring nature and reports to the government annually. However, the existence of this legislation does not ensure protection from sexual harassment because its implementation is not adequate and unclear and the public opinion is largely unaware of its existence.

10. As a rule, women and children become victims of domestic violence. One of the problems with combating violence is that, in most cases, victims do not seek help from state bodies. many women are subjected to violence by their husbands. "The murderers of the majority of dead women are their spouses. In Azerbaijan, the majority of cases of domestic violence are associated with deliberate infliction of slight harm to human health (beating). "

11. In Azerbaijan, according to unofficial statistics, about 80% of women become victims of domestic violence, but the overwhelming majority of such cases remain hidden. Women do not risk complaining about their husbands. Last year, as a result of domestic violence, 29 women were killed.

As of the end of January 2017, 85.5 percent of the victims of domestic violence in Azerbaijan were women, 14.5 were men.

12. In 2015, the Bank for Information on Domestic Violence made 346 facts, in the first half of 2016 - 184 facts. 530 facts that came to the bank about domestic violence and it was found out that 9.2 victims of domestic violence were minors, 3.2 - elderly people, 2.1 - men aged 25-45

In total, from 2007 to 2015, 525 children were rehabilitated in the center. Of these, 110 girls and 415 boys. As methods of working with children, group classes, sports exercises, as well as work and art therapy are used here.

13. According to official statistics, out of a total of 25 to 26 thousand crimes in Azerbaijan, juveniles each year account for about 500-600 crimes per year, that is, about 5%. Mostly these are thefts or crimes related to the sale of narcotic drugs. Of course, among them there are people who are punished for crimes of a sexual nature and murder.

14. Sexual harassment also exists within families. Survey results indicate that 55% of the interviewed women had experienced sexual harassment. In 15% of the cases the perpetrator was a step-father and in 9% a father-in-law. The same survey indicated that 10% of the interviewed women had been sexually abused with approximately 85% of abused women reporting marital rape⁷.

15. In case of rape the family usually tries to cover up that it happened and, if a victim is single, may offer her the possibility to marry the perpetrator. Reporting a rape is also a long and humiliating endeavor in a society which blames the woman for being sexually abused.

³ Written by Labrys and Sexual Rights Initiative

⁴ Survey of Azerbaijan Sociological Association (2001) quoted in Gender Assessment report p.8

⁵ Human Development Report p. 71

⁶ Text of the Law in Russian available at http://www.gender-az.org/index.shtml?id_doc=1128

⁷ Survey of Azerbaijan Sociological Association (2001) quoted in Gender Assessment Report p. 810. High levels of corruption among law enforcement agencies makes it very difficult to punish the perpetrators.

16. Recommendations:

Conduct research to assess the situation of sexual harassment in Azeri society and plan accordingly. Take measures to implement the existing legislation provisions.

Conduct public awareness campaigns to address the issue of sexual harassment and the existing legal framework.

Include marital rape in the current legislation and raise public awareness about the issue of consent in sexual relations.

Implement the appropriate mechanisms for women to be able to report rape cases, including training and sensitivity among law-enforcement personnel, women police stations, strong measures against corruption.

III. Marriage, Child marriage and forced marriage

17. One of the main reasons of family disruption along with socio-economic status, is the rapid transformation of modern families to global ideas, abandoning the national values. Another reasons are early marriages in some rural areas, as the result of influence of existing subcultures, and low awareness.

18. In the area of sexual and reproductive rights related to marriage the two main issues are forced marriages within extended families (sometimes at an early age, before the official ages of 17 for women and 18 for men) and religious marriages. The supporters of the rise of marriage age believe that such regulation would lead to decrease the number of early marriages.

19. The issue of marriage within the same extended family has been raised by the government since 1959⁹ and yet as many as 37% families as of 2006 continue to arrange marriages between cousins¹⁰ (kindred marriages). Religious marriages which are socially accepted and practiced only recently started to require official registration by the state.

20. Child marriage and forced marriage in Azerbaijan leave some young women with an impossible choice: family or freedom. In spite of pressure from family, the police, and schools, some unwilling brides-to-be still decide to run away.

21. Penalties for forced marriage. Child marriage is an acute problem in Azerbaijan. While there are no official statistics on the number of such marriages, according to the State Statistics Committee, from 2008–2014, an average of 3,500 babies were born each year to girls aged 15–. Over the past few years 2014–2015, the at least 30 such marriages .In 2016 in Azerbaijan more than 26 thousand children were born to mothers who are not officially married. One of the reasons for so many illegitimate children is early marriage. 12. Girls are given in marriage even before the age of marriage, and children are registered as extramarital. For example, in 2015, women who are not officially married, from 15 to 19 years, gave birth to 6,370 children. At 15, marriage is not officially registered.

22. According to the law, anyone forces someone under the age of 18 into marriage faces up to four years imprisonment or a fine of ₼3,000–₼4,000 (\$1,700–\$2,300).

23. Girls also frequently leave school at just 13–14 year olds, but schools usually keep silent about it. According to statistics, the number of girls from the regions applying to go on to higher education is low. In larger towns, girls don't usually have problems obtaining a higher education; however there are widespread stereotypes about such diplomas obtained by girls being more of a 'dowry' [a university diploma can be seen as making a woman more 'marriageable'].

24. Laments that many people in Azerbaijan have never heard of feminism, or if they have, do not understand what it is.

25. Child marriage and forced marriage in Azerbaijan leave some young women with an impossible choice: family or freedom. In spite of pressure from family, the police, and schools, some unwilling brides-to-be still decide to run away.

26. Religious marriages performed before that date leave women without any legal claims in case of divorce, death of the spouse or child support. Traditionally there is also a custom of *sighed* which is a temporary marriage blessed by the religious authorities which can happen parallel to the officially registered marriage with a different woman .

Women are expected to function primarily within a family and single women are perceived by a society as a failure once they have passed the marriageable age (21-23 years).

The 'family honor' concept prevails in Azeri families, limiting women's mobility, placing them in a vulnerable situation if they have sex before marriage or decide to live independently.

27. Families limit their daughters' access to education to protect 'family honor' through not allowing them to enter universities in other cities. Women who travel abroad alone or study abroad may lose the opportunity to get married because they are believed to have had sex outside of marriage when they were away from the family control.²

33. *Recommendations:*

Work with religious authorities to establish a procedure of registration of religious marriages, that will also allow retrospective registration of marriages.

Continue and improve the current efforts to eliminate kindred marriages, particularly those involving minors.

Ensure that girls have completed secondary education before getting married.

Reproductive health and rights¹³

28. According to the Constitution of Azerbaijan Republic (Article 41), every citizen has the right to protect her/his health and receive medical aid. Besides, every woman has the right to protect her health in connection with childbirth. Article 17 of "The Law about Protection of Health of the Population" states that during the pregnancy, before and after childbirth

every pregnant woman should be provided with free of charge medical services in the establishments of the state health system. Under this Law hospital and treatment establishments were created, including children and women treatment centers to provide medical aid free-of-charge to every citizen.

29. Unfortunately, selective abortions, that is, abortions committed because the sex of the child is female, are a serious problem in Azerbaijan.

These include sex-selective abortions and forced marriage, including child marriage.

The State Committee of statistics of abortions plunges into silent horror. Last year 34 569 abortions were made in Azerbaijan. And this is a 9-million population.

According to statistics, in 2016 19 abortions were made by women aged 15-17 years, 1242 abortions by women aged 18-19, 7,773 women got rid of unwanted pregnancy at the age of 20-24 years and 11 289 abortions made women aged 25-29 years.

30. According to the results of the Committee's research on women, family and children, 40% of women make abortions of their own free will, 25% - because of poor financial situation, 23% - on social indicators and only 12% - on medical grounds.

31. According to the State Statistics Committee, in 2015 68.8 thousand couples were married in Azerbaijan, and 12.8 thousand were divorced. This is the highest rate for many years. Moreover, the number of marriages is reduced, and divorce, on the contrary, increases.

Without taking into account clandestine abortions, which are also enough in the country. Such abortions are most often found in rural areas, and they are done on any terms to hide their "shame."

32. However, women can not yet fully enjoy their rights to sexual and reproductive rights due to, among others, the following underlying factors:

¹² Human Development Report 2007 p. 61 ¹³

Written by Labrys, Sexual Rights Initiative and The Center

The military-political events that occurred around Qarabakh in 1988 resulted in a great number of loss and disability in men of reproductive age affecting the natural increase of population in Azerbaijan, and resulting in a increased pressure on women to produce male children.

The economical difficulties related to the transition period, and the large number of men who have gone abroad in search of employment, turned women into the majority of the workforce in Azerbaijan. These new responsibilities did not replace the traditional ones – keeping the family hearth and bringing up children – but were added to them.

Today an Azerbaijani woman keeps centuries-old traditions, while also fluently speaking foreign languages, using the most modern technology, and introducing her children to Western culture. So there is a tension in her social and cultural environment that results in psychological-emotional pressure, all of which affect her organism.

33. Even though work has been done in Azerbaijan in this field, a majority of the population does not yet have full enjoyment of their right to sexual health, nor enough awareness and knowledge of health issues in general and sexual issues in particular. A national strategy on reproductive health for 2008-2015 is currently being prepared in Azerbaijan. Five main priority directions are taken into account in this document: Maternal and infant health of mother and new born babies; Reproductive choices; Sexually transmitted infections (including HIVS/AIDS); Reproductive health of youth; Gender violence and sexual exploitation.

34. According to unofficial statistics, in some regions of Azerbaijan, women resort to abortions more than five times and one of the reasons for this is just the sex of the child. Such a barbaric attitude not only to the unborn child, but also to one's health (frequent abortions, as we know, lead to the development of severe health conditions for women, which can eventually have unfortunate consequences) say only one thing: people are not enlightened in matters of health, they are dominated by prejudices against women, whose role in society is still very low. Alas, but in Azerbaijan there is still no culture of sexual relations, and propaganda against selective abortions in general at zero.

Maternal and infant mortality¹⁴

35. The high incidence of maternal and infant death in Azerbaijan is connected primarily to three factors:

low degree of awareness and knowledge of reproductive health of women, even though the State is making efforts to change this situation;

low qualifications of doctors, even though State facilities provide free-of-charge care for pregnant women;

widespread poverty among the population, even though traditionally special attention is paid by families to the proper nourishment for pregnant women.

36. In 2006, the Ministry of Health estimated maternal mortality rates in 34,25/100.000. But data from the Institute of Gynecology subordinated to the Ministry of Health, The Republic Maternity Home and The Republic Hospital refutes those figures, providing a rate of 85/100.000 and the national average and 79,2/100.000 in Baku.

37. According to information, in 2016, for every 100,000 births, there were 14.4 maternal deaths (4.9 people in cities, 23.5 people in villages). In 2010, this indicator amounted to 15.7 people (19.6 - by cities, 11.9 - by villages).

38. Last year, the highest mortality rate among boys under the age of 1 year is registered in cities. In villages, the superiority is the mortality rate of girls under the age of 1 year.

39. In general, in 2016, for every 1,000 children under the age of 1 year, 9.5 deaths fell to girls, and 12.2 to boys. In cities, the statistics of deceased girls were 14.8, boys - 20.8, in villages, respectively, 4.5 girls and 4.3 boys.

40. Azerbaijan - Maternal mortality 25.0 (deaths per 100,000 live births) in 2015

The maternal mortality rate is the number of women who died during pregnancy or childbirth, per 1,000 live births. Data are calculated using a regression model that includes information on fertility, obstetricians and HIV prevalence:

41. Azerbaijan ranks first among European countries for its infant mortality rates. According to the World Health Organization and UNICEF, infant mortality rates (during the first year of life) in 2006 were 75 / 1000 in Azerbaijan - ten times higher than in other European countries. However, figures from the Ministry of Health are much lower: 15,76 as national average and 25,7 in Baku.

42. Resolution 211 (September 15, 2006) of the Cabinet of Ministers, set into motion the "Action Program on protection of mother and child health". The program involves a complex and multi-dimensional approach and plans actions on 20 directions, and has a budget of 21,324 million manats, to be implemented until 2010. Its main objectives are the following:

- strengthening of maternal and child health;

- protection of reproductive health of the population;

- creation of necessary conditions for childbirth of healthy and desirable babies.

- decrease of illness and death incidents amongst mother and babies.

43.. Some of the positive initiatives included in the Program are the following:

- analysis of the current systems in place for the protection of mother and child health;

- certification of establishments providing assistance in childbirth;

- creation of 7 prenatal centers;

- supply of equipment.

44. Within the framework of the Millennium Development Goals, Azerbaijan undertakes to decrease thrice the number of maternal deaths and twice that of infant deaths by the year

2015. In 2006, the Regional Bureau on Europe and Commonwealth of Independent States estimated that Azerbaijan would need approximately 20 years to reach such decrease in infant mortality, as current State action is not enough to produce positive changes in this situation.

¹⁴ The Main Law of Azerbaijan Republic (Constitution) - Baku, 2003; The Law on Health Protection of Azerbaijan Republic - Baku, 1998; Report on Women Conditions in Azerbaijan Republic - Baku, UNDP, 1999, L.A.Bayramova; Monitoring materials for improvement of the conditions in the field of mother and child health protection in Azerbaijan by "Himayadar" Humanitarian Prosperity Public Union.

45. Recommendations:

To fully implement the "Action Program on Protection of Mother and Child Health".

To take all necessary steps to tackle those factors that have already been identified as causes of maternal mortality, i.e. improving nourishment of pregnant women; increasing their awareness of the need for medical follow-up during the pregnancy; funding programs to improve the skills of medical personnel in this area.

To ensure that all programs for maternal and infant health reach the rural areas, where the situation is even more serious than in the cities.

To review the discrepancies about the data collected by different state bodies on maternal and child mortality, as well as the contradictions between the State figures and those provided by UN offices, with a view to portrait a most accurate picture of the situation and be able to plan accordingly.

Family planning

46. Family planning or regulation of childbirth in the family corresponds to the demographic image of the country. Taking into account the social-political situation of the republic, the Program of Family Planning has its specific directions. It propagandizes actively against early marriages, marriages among close relatives and other specific characteristics of demographic situation in the republic. Family planning centers researching gender problems are working in the country. A serious problem are the distorted sex-ratios observed broadly in regions of Azerbaijan.

47. There are not any legal obstacles for women to receive sexual health medical services, including family planning in the country. The above mentioned Law on Protection of Population Health mentions family planning as well as artificial ferment and implantation of embryo (article 29), disturbance of pregnancy in artificial way (article 30), and medical sterilization (article 31).

48. Pregnant women undergo ultra-sound examination before childbirth. If any defects are discovered during examination, the pregnancy can be terminated and all that is required is the woman's consent. According to the Article 30 of the above mentioned Law, every woman has the right to make independent decisions about motherhood. "Termination of pregnancy in artificial way" (abortion) during the first 12 weeks of pregnancy requires only the woman's consent. Under special social conditions abortions are allowed up to 22nd week. It should be done by specialist doctors in state and private medical establishments. The lists of medical facilities providing disturbance of pregnancy in artificial way are defined by the Cabinet of Ministers. It is forbidden to disturb the pregnancy in artificial way by doctors outside of hospitals and other medical establishments. According to the Article 141 of the Criminal Code, abortion by doctors outside medical establishments is punished with fine and reformatory work for 6 months. Abortion by persons without special high medical education is punished with fine or social work from one hundred and eighty hours to two hundred hours, and reformatory work for 1 year. Women with incomplete abortions receive medical attention in State faculties and are provided with advice on how to avoid undesirable pregnancy and given contraceptives, if they so desire.

49. According to the Article 31 of the Law on protection of Health of the Population, women can undergo medical sterilization, but only in accordance with medical instructions, as defined by the Cabinet of Ministers of Azerbaijan Republic. The procedure is carried out in state and private medical establishments. The couple's consent is required for the procedure. The persons accused for carrying out medical sterilization illegally bear responsibility according to the rules defined by legislation. Man sterilization is not carried out in the country.

55. A national strategy for the period 2008-2015 in the field of family planning is being prepared by the Ministry of Health of Azerbaijan Republic.

56. Gender-based restrictions represent one of the key issues in the field of sexual and reproductive rights for both women and men. The society values men over women because ethnicity and family name are passed through men. Many families decide to abort female fetuses. The estimates are that in the category 0-19 years old there are 110.000 fewer girls

50. Than boys. In the 0-4 age cohort there are 10% more boys than girls¹⁵. In 2006 there was a ratio of 3/1 among newborn boys and girls. Medical specialists report that 4 out of 10 women request abortion because the fetuses they are carrying are female¹⁶. Women who give birth to girls lose their social status and some men may choose to divorce their wife if she is not able to produce male offspring. As many as 23% of respondents interviewed for

51. 2005 Azeri shadow report on CEDAW implementation stated that they aborted their pregnancy because the fetus was female.. Most gender-selective abortions are registered as based on fetus' defects. About 10% of pregnancies are aborted in the third trimester of pregnancy as medical specialists report¹⁷.

36. Recommendations:

Extend the possibility to opt for surgical sterilization to men as well.

Implement strict measures to punish medical personnel involved in sex-selective abortions, while working on the social conditions that sustain this practice (see Recommendations in the first section)

Sexual orientation and gender identity-based discrimination

52. Sexual relations between men in Azerbaijan were decriminalized in January 2001 possibly due to its being a pre-requisite for membership in the Council of Europe¹⁸.

53. About 150 homosexuals and transgender people were detained in Baku during police raids in mid-September 2017. More than a third of them are arrested for up to 30 days, the rest are fined. Human rights defenders called these measures discrimination. Homosexuality in Azerbaijan is not prosecuted by law, DW points out. According to the media, the raids were conducted under the guise of medical checks on HIV and AIDS.

54. Transgender women who engage in sex work in the streets are the group which suffers the highest level of abuse from both law enforcement bodies and society. Gender reassignment surgeries and hormonal therapy are not available in Azerbaijan which considerably limits transgender women's access to employment. Organizations working on LGBT issues in

Azerbaijan report constant police abuse of transgender sex workers including arbitrary detention, blackmailing, physical and sexual violence. Sex work is not criminalized in Azerbaijan but police frequently conducts raids. In May 2007 28 transgender sex workers aged 18 to 37 were forcibly detained and taken to a police station where they were forcibly tested for STIs and HIV. During the raid they were severely beaten and there were two gun shots made into the air to scare them. The next day they were tried in court for 'not following police orders' and sentenced to three days of detention. Their parents were not allowed to be in the court during the trial and the NGO representatives had difficulty accessing the detention facility. Personal belongings taken during the raid were not returned to their owners. The case was reported to the Azerbaijani Ombudsman's office but no response was received or action taken.

55. Transgender women are forced to use self-harm as a means to avoid detention and sometimes agree to cooperate with the police by providing phone numbers and personal data of their clients. Police uses this information to blackmail the clients and in turn clients beat the sex workers angry that their 'secret' was discovered. NGOs report at least one case of murder of a transgender sex worker in retaliation.

56. Most lesbian, gay, bisexual and (LGBT) people live with their families because of family pressure and the social norm that a child should live with their family until marriage. Very few LGBT people tell their families about their sexual orientation or gender identity fearing being disowned or forcibly married. Many migrate to the capital city to escape family pressure and control¹⁹. In those cases in which their sexual orientation or gender identity was disclosed by the police or in the course of an accidental situation, there were cases of violence, expulsion from home, or forced marriage.

57. Until now there is no place for LGBT people to gather except for the office of an NGO that focuses its work on LGBT issues. Society largely believes that LGBT people are sick and immoral. It would be unsafe to run an LGBT-friendly venue because the general public could become violent against the clients of the venue.

58. LGBT organizing is very limited. The only LGBT NGO in the country reports that they have to use HIV as a cover-up for their work with LGBT communities and are not able to register officially as an LGBT organization which limits the scope of their work significantly. The staff of the NGO cannot appear in public speaking about LGBT rights due to fear of violence and retaliation. The NGO outreach workers working on HIV prevention who go to parks and clubs where LGBT people gather are constantly harassed by the police. Police also monitors websites which LGBT people use for meeting each other. There were cases reported of police officers meeting with LGBT people through a personals website and then blackmailing or detaining them.

59.. According to the press service of the Ministry of Health of Azerbaijan, from June 1, 2015 to July 31, 2017, a certain part of the citizens identified various infectious diseases, but overall the health of most couples is satisfactory.

Among the citizens surveyed to date, 12,594 people carry thalassemia, 1456 have syphilis and 225 have AIDS.

60. Prostitution in Azerbaijan has not been legalized, although this issue has been repeatedly raised not only in the media, but also in the Milli Majlis

In the same year 2013, amendments to article 243 of the Criminal Code were made for discussions in the MM, according to which criminal liability will be increased for those who are forced to engage in prostitution: they will be fined for AZN 2,500 to 3,500 or imprisonment from 1 to 3 years. But still, even increasing the amount of fines for pimping is a pittance. What is 3500 manats for a person (although it is difficult to call a person a trader for a human body), for which the amount of 3500 manat is a 2-3-day "earnings".

61. Male prostitution - both heterosexual and homosexual - is not only outlawed, but also, as it were, does not exist at all. Because it can not be in our Muslim society. Often it ends badly for both prostitutes and their clients, and protection from the law in this case is difficult to obtain. The legalization of prostitution can solve this problem. If we talk about the moral side of the matter, then the legalization of prostitution here also has a positive aspect. Remember the recent story of a married woman who secretly from her husband served Arab tourists. To this they took it as a curiosity: the husband, they say, overlooked. The woman, as far as I understand, has not incurred any liability.

62. Authorities say that the inspections are conducted in response to mass complaints of residents who call for an end to the illegal occupation of prostitution in the Azerbaijani capital. Activists say they take everyone in a row, and some in the police were tortured with electric shock.

63. Recommendations

Enlightenment, prophylactic work will be of great benefit for the rape.

In this case, people will be aware of sexually transmitted diseases and their terrible consequences. Medical tests before marriage give results.

For today, the legislator restrains pity for those who fell into this profession because of need or life circumstances. The legalization of prostitution removes this barrier.

¹⁵ Azerbaijan National Statistics 2002 LINK quoted in Gender Assessment for USAID/Caucasus/Azerbaijan (2004) p. 14

¹⁶ Human Development Report. Gender Attitudes in Azerbaijan: Trends and Challenges (2007) p. 50

¹⁷ CEDAW Shadow Report (2005) p.17

¹⁸ Dennis Van Der Veur 'Forced Out', Report on Azerbaijan ILGA-Europe/COC-Netherlands fact-finding mission on LGBT situation in Azerbaijan ILGA-Europe, COC-Netherlands (2007)

64. Though homosexuality is not prohibited in Azerbaijan, it is not openly accepted by society.

65. Recommendations:

Conduct proper investigations on police blackmailing, harassment and violence against LGBT people, duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices

Develop legislation to address family violence and hate crimes against LGBT people

Develop a legal and medical system which would allow transgender people to change their bodies and legal papers in accordance with their gender identity.

Take all necessary steps to ensure that organizations working on LGBT issues can legally register and operate, in accordance with the non-criminalized status of same-sex relationships in the country.

¹⁹ 'Forced Out' Report and communication with LGBT NGO in Azerbaijan

HIV/ AIDS

66. In Azerbaijan, Almammadova said that 4,815 HIV-infected people have been recorded from 1987 to late March 2016. 3,523 (73.2%) of them are male, 1,292 (26.8%) female, those at the AIDS stage number in 1,725 and the number of the people died of HIV infection is 744.

That 48.9% of the HIV patients have been infected via narcotic injection, 41.3% via heterosexual intercourse, and 1.8% via homosexual contact. 1.8% children have been infected from their mothers, 0.02% (1 person) via donor blood. The cause of infection is unclear of 7% patients.

That during the first quarter 2016, 31 people (25.6%) were infected with HIV through parenteral exposure, 71 people (58.7%) through heterosexual contact, 2 people (1.7%) through heterosexual contact and 17 (14.0%) – through unknown way.

Azerbaijan is among the countries with low HIV prevalence. "Currently, 3093 HIV-infected people are undergoing antiretroviral therapy in Azerbaijan," she added.

According to the amendment made to the Family Code of Azerbaijan on June 1, 2015, 117 435 people underwent pre-marital medical examinations to detect HIV. The examinations revealed that 75 of them are carriers of AIDS.

67. Officially there are 1010 registered HIV cases in Azerbaijan but NGOs report that there at least ten times more people living with HIV. In 2006 out of 263,443 people tested for HIV at least 33,000 have not gone through pre-test counseling²⁰. A service for prevention of AIDS has been created in the country, having organization-methodological, connective and control functions and headed by the Azerbaijan National AIDS Struggle Center. The structure of the center consists of 12 regional laboratories. A person responsible for AIDS prophylaxis has been appointed in every medical establishment of the country. At the state level, numerous legislative acts directed to prevention of AIDS have been adopted in the country.

68. Forced testing enforced by law enforcement bodies is common among the key affected populations such as sex workers, injection drug users and men who have sex with men.

69. It is necessary to note that in accordance with serious financial problems, the population does not have sufficient information about the HIV/AIDS problem. Due to high unemployment a lot of men migrate to Russia and Ukraine to find employment. In 2006 10-15% of people living with HIV were infected in Ukraine or Russia and 89% of new HIV cases were men²¹. NGOs report that HIV testing is not available in the rural areas where most of the migrants come from and they have to travel long distances to be tested.

70. Organizations working with people living with HIV reported that access to ARV therapy was limited and HIV patients had to pay for receiving treatment. The treatment free

of charge is guaranteed by 1996 law on 'Prevention of spread of the diseases caused by AIDS'.

71. NGOs working in the area of sexual and reproductive rights and HIV prevention often become subject of attacks from the religious and state authorities through media channels. They are blamed for propagandizing sex and prostitution. Information about sexuality for young people is restricted and many feel uncomfortable discussing sexuality matters which makes them vulnerable to HIV.

72. Recommendations:

*Take measures to stop forced testing of key populations affected by HIV/AIDS
Conduct public campaigns on raising awareness about HIV prevention and testing
targeting groups which are affected by HIV, specifically migrants, young people, sex
workers and injecting drug users.*

Ensure free treatment for people living with HIV

*Ensure that organizations working on HIV/AIDS and sexual/reproductive rights
more broadly can fully exercise their right to freedom of expression and information.*

²⁰ WHO data on HIV situation in Azerbaijan (2008) available at:
http://www.euro.who.int/aids/ctryinfo/overview/20060118_4

²¹ WHO Data on HIV situation in Azerbaijan (2008)