

Universal Periodic Review of Azerbaijan

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Working Group on the Universal Periodic Review

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Submitting NGOs:

- Election Monitoring and Democracy Studies Centre
- Human Rights Club
- Legal Education Society
- Human Rights House Foundation

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About the coalition of NGOs:

The submitting coalition is formed by Azerbaijani NGOs who have cooperated for many years together, including within the framework of the Human Rights House Azerbaijan, until authorities ordered for all activities of the Human Rights House to cease in Azerbaijan. The organisations are independent human rights non-governmental organisations. Each organisation brought expertise, research and sources to put together this report depending on the field of work of the organisation. Some NGOs who contributed to this report have decided not to sign, due to fear of reprisals following the submission of the report. This submission to the UPR is coordinated by the Human Rights House Foundation.

Freedom of association and assembly, and the right to be a human rights defender

1. During its Universal Periodic Review in April 2013, the Republic of Azerbaijan accepted a number of general and specific UPR recommendations on establishing an enabling environment for freedom of association, more specifically:
 - Removing all legislative and practical obstacles for the registration¹, funding and work of NGOs in Azerbaijan;²
 - Inviting the Special Rapporteur on the rights to freedom of peaceful assembly and of association to visit the country;³
 - Revising the Law on Non-Governmental Organizations to comply fully with international human rights law;⁴
 - Reviewing legal and administrative requirements for the registration of NGOs, which would simplify the process and encourage the independence of civil society representatives;⁵
 - Eliminating the practice of unlawful postponement and of refusal to register NGOs, including international NGOs and those critical of the Government and defending human rights;⁶
 - Harmonizing national legislation governing registration and funding of NGOs with the recommendations made by the European Commission for Democracy through Law, better known as the Venice Commission, with a view to ensuring a free and open space for its civil society;⁷
 - Protecting and guaranteeing for NGOs and other civil society actors to be able to conduct their activities without fear of being endangered or harassed.⁸
2. Since 2009, the crackdown on civil society has intensified, marked by legislative changes limiting the autonomy of NGOs and giving overreaching authority to the government to control NGOs. The authorities have used the legislation to close human rights and media organisations, prosecute their leaders or employees, such as Radio Free Europe / Radio Liberty and Meydan TV, or order them to cease all activities, as the authorities did with the Human Rights House Azerbaijan in March 2011.
3. Since its last UPR in 2013 – and despite all the above-mentioned recommendations being accepted, Azerbaijan has built a track record on unprecedented crackdown on NGOs, in the forms of adoption of repressive amendments to the NGO legislation⁹ and trumped up charges¹⁰ against civil society leaders, human rights NGOs, and representative and branch

¹ A/HRC/24/13/Add.1 - Para. 1, 19-24

² A/HRC/24/13/Add.1 - Para. 1, 7

³ A/HRC/24/13/Add.1 - Para. 1, 6

⁴ A/HRC/24/13/Add.1 - Para. 1, 7

⁵ A/HRC/24/13/Add.1 - Para. 1, 19-24

⁶ A/HRC/24/13/Add.1 - Para. 1, 19-24

⁷ A/HRC/24/13/Add.1 - Para. 1, 7

⁸ A/HRC/24/13/Add.1 - Para. 1, 19-24

⁹ On February 3, 2014, November 16, 2014, and November 20, 2014, changes were made to the Law on Grants, the Law on State Registration of Legal Entities and the State Registry and the Code of Administrative Offences, which have the potential to significantly impair the work of both Azerbaijani and foreign organizations. They introduced many obligations for organizations, including new registration requirements, and rules regarding receiving and using grants and reporting to the government. In addition, the new changes established harsh penalties for those who violate both new and previously existing obligations under the law.

¹⁰ On 22 April 2014, a criminal case Nr. 142006023 has been initiated by the General Prosecutor Zakir Garalov on the basis of the information received from the Ministry of Justice (MoJ) on alleged irregularities in the activities of a number of domestic and

offices of international NGOs in Azerbaijan which lead to arrest of human rights defenders, NGO leaders and activists. In addition, many NGO leaders were forced to leave the country and some are still encountering special search and interrogations while crossing the Azerbaijani border.

4. Currently, the legal environment for NGOs has reached a severely repressive stage with harsh limitations established for NGOs in terms of access to funding, especially foreign funding, including lack of free and full ability to operate without any fear and prosecution, paralyzed projects through the blocking of grant money in local bank accounts, and a politicized NGO registration practice over a decade, including registration of representatives and branches of international organizations.
5. The legal amendments on increasing of fines for organizing or participating in unauthorized protests came into force in 2013 and the maximum periods of administrative detention prolonged for certain assembly-related offenses. Among the amendments adopted in the September 2016 referendum, was a provision that the right to free assembly is contingent on not violating “public order and morals.”
6. Since the beginning of 2016, despite the conditional release of human rights defenders by court decisions and a pardon decree signed in March 2016, including human rights defenders, the current legal and political environment does not provide civil society with the ability to work freely and securely.
7. Releases of prominent civil society leaders that were imprisoned during the summer of 2014:
 - On 9 December 2015, human rights defender Leyla Yunus was released on probation. Her husband Arif Yunus was released a month earlier, on 12 November 2015. They were not able to leave the country until 19 April 2016, when they were allowed to travel to the Netherlands to receive medical care for their deteriorating health;¹¹
 - On 17 March 2016, the Baku Court of Appeals converted the six-year prison sentence of journalist Rauf Mirkadirov to a five-year suspended sentence, thus effectively releasing him from custody;
 - Those released as part of the presidential pardon of 17 March 2016 include Rasul Jafarov, Head of the Human Rights Club, an organisation established in 2010 to protect human rights and freedoms in Azerbaijan, and Anar Mammadli, Chairman of the Election Monitoring and Democracy Studies Centre (EMDS), an organisation that has been carrying out independent election monitoring in Azerbaijan since 2001;¹²
 - On 28 March 2016, Intigam Aliyev was released following the Azerbaijan supreme court’s decision to convert his seven-and-a-half-year prison sentence to a suspended term for the rest of the sentence. Intigam Aliyev is a prominent

foreign NGOs. This led to the ‘criminalization’ of their human rights activities, seizure of their bank accounts, interrogations of NGO leaders and staff, imposition of travel bans or escape from the country to seek for refuge abroad. See in this regard *inter alia*:

- Shrinking space for civil society in Azerbaijan, June 2016, available at <https://www.irfs.org/wp-content/uploads/2016/07/Shrinking-Space-for-Civil-Society-in-Azerbaijan.pdf>;
- Freedom Now and Human Rights House Network, *Breaking point in Azerbaijan*, Washington, DC and Geneva, May 2015, available at <http://humanrightshouse.org/Articles/20947.html>.

¹¹ HRHF, “Leyla Yunus released on probation in Azerbaijan,” 9 December 2015, available at <http://humanrightshouse.org/Articles/21344.html>.

¹² HRHF, “Released: Anar Mammadli and Rasul Jafarov,” 16 March 2016, available at <http://humanrightshouse.org/Articles/21541.html>.

human rights lawyer and a mentor for other lawyers and activists. Following his release, Intigam Aliyev¹³ remains under a travel ban.

8. Unfortunately, the situation has not improved since 2013; on the contrary, new obstacles have emerged concerning the protection of political freedoms. Since the end of 2013, CSOs were *de-facto* banned from conducting seminars, round tables and forums in Baku and regions of Azerbaijan. The owner of private places (hotels, press rooms) and the manager of public buildings illegally demand confirmation of official permission from the local and central executive bodies for hosting events of CSOs and political parties.
9. Following an official visit to Azerbaijan in September 2016, the United Nations Special Rapporteur on the situation of human rights defenders assessed that civil society has been “paralysed” by the government and has faced “the worst situation” since the country’s independence in 1991. He called upon Azerbaijan to “rethink [its] punitive approach to civil society.”¹⁴
10. In May 2017, the Commissioner for Human Rights of the Council of Europe renewed his concern about the situation in Azerbaijan. He wrote: “since 2015, I have intervened before the European Court of Human Rights in seven cases, which are in my view emblematic of the human rights problems of the country: limitations to freedom of expression, shrinking space for NGOs, and official harassment of human rights defenders and their lawyers. While the applicants of the cases I intervened in are no longer in prison, we should not forget all the others who are still detained on charges which defy credibility, often after having expressed critical views against the authorities.”¹⁵
11. The harassment and use of disciplinary sanctions against independent lawyers in Azerbaijan is a cause for serious concern. Threats of disbarment or temporary suspension are used to discourage lawyers from taking on politically sensitive cases and from making appeals, which is a necessary precondition to initiating an application for redress with the European Court of Human Rights (ECtHR). Pressure on lawyers from the Presidium of the Azerbaijan Bar Association appears in the form of a verbal warning against taking on a particular client or case. Authorities then threaten disciplinary action against a lawyer, which could result in temporary or permanent suspension from the Bar. Once a lawyer is disbarred they can no longer serve as defence counsel in a criminal case at any level of review. The threat of disbarment hangs over the heads of any lawyer and threatens their very livelihood and that of their families. This form of harassment has been very successful at reducing the number of lawyers in the country who are willing to risk their careers and their own security.¹⁶
12. The participants of protest actions and public rallies organized by the National Council of Democratic Forces, which were sanctioned by the Baku city executive administration, were reportedly detained after and ahead of these events by the police departments. At the same

¹³ “Intigam Aliyev released,” 29 March 2016, available at <http://humanrightshouse.org/Articles/21553.html>.

¹⁴ HRHF, “Azerbaijan: ‘Rethink punitive approach to civil society,’” 22 September 2016, available at <http://humanrightshouse.org/Articles/21894.html>.

¹⁵ Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, “Azerbaijan should release all persons detained because of their views expressed or legitimate civic activity,” 17 May 2017, available at: <http://www.coe.int/en/web/commissioner/-/azerbaijan-should-release-all-persons-detained-because-of-their-views-expressed-or-legitimate-civic-activity>.

¹⁶ Further information on specific cases and harassment of lawyers in Azerbaijan: “Human Rights Lawyers at Risk Making the Case for Protection of Legal Professionals in Azerbaijan, Belarus, Moldova, Russia, and Ukraine,” Oslo & Geneva, September 2015, available at <http://humanrightshouse.org/Articles/21175.html>.

time, there were observed filming and checking of participants by the plain clothed police at the entrance of the stadium where public rallies that were held resulted in prosecution of political activists later. For example, ahead of the public rally organized by the National Council of Democratic Forces on 22 September 2017, 65 people were summoned to police departments.

Recommendations

13. The restrictive legislation has been found to be in violation of Azerbaijan's obligations under European law by the Venice Commission¹⁷ and of international human rights law by the Human Rights Committee.¹⁸ At least 6 decisions of European Court of Human Rights where Court found violations of freedom of association and freedom of assembly recommended to Azerbaijan to amend NGO legislation¹⁹. In view of such a situation, Azerbaijan should:
- Drop all restrictive provisions affecting the right to associate, including regulations in respect to registration of grant contracts, procedures for obtaining permission for right to give a grants by international donor organizations, in particular by reviewing the Law on Non-Governmental Organizations, Law on Freedom of Assembly, Law on Grants, the Law on State Registration of Legal Entities and the State Registry, the law amendments adopted on 17 December 2013 by Parliament, the Code of Administrative Offences;
 - Repeal high and non-adequate penalties against non-governmental organizations adopted in the Administrative Penalty Code since 2012;
 - Repeal legal requirements for international donors to obtain a permission in order to be able to give a grant to local NGOs in Azerbaijan;
 - Put an end to the government supported smear campaigns against human rights defenders and lawyers, prevent the arbitrary detention of human rights defenders and lawyers, and fully implement European Court of Human Rights judgements concerning the situation of human rights defenders and lawyers;
 - Halt on-going criminal investigation sand tax penalties toward NGOs, their leaders and their lawyers;
 - Ensure, both in the law and in practice, the independence of professional associations of lawyers, by refraining from interference with such associations in the protection of their members from undue interference with their ability to provide legal assistance;
 - Ensure and protect the right to freedom assembly, without discrimination towards the participants on the basis of the cause they defend, in Baku and outside of the capital, in open and close spaces.

¹⁷ See many opinions of the European Commission for Democracy through Law (Venice Commission) on legislation and governmental decrees affecting civil society at

<http://www.venice.coe.int/webforms/documents/?country=41&year=all>.

¹⁸ "The United Nations provide a roadmap of reform to Azerbaijan," 7 November 2016,

<http://humanrightshouse.org/Articles/21998.html>.

¹⁹ European Court of Human Rights - case of Ramazanova and Others v. Azerbaijan (2007)

European Court of Human Rights - case of Isamayilov v. Azerbaijan (2008)

European Court of Human Rights - case of Aliyev and Others v. Azerbaijan (2009)

European Court of Human Rights - case of Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan (8 October 2009)

European Court of Human Rights - case of Islam-Ittihad Association and Others v. Azerbaijan (2014)

European Court of Human Rights - case of Emin Huseynov v. Azerbaijan (2015)

Media freedoms

14. Independent media operates under the threat of arbitrary measures by the authorities. Despite protection under national and international law that guarantees the right to freedom of expression, Azerbaijan has continued to face challenges in ensuring an enabling environment for the media and journalists. Independent media outlets have been frequently targeted.
15. In January 2017, the Parliamentary Assembly of the Council of Europe (PACE) voiced “its concern with regard to retaliation against independent media and advocates of freedom of expression in Azerbaijan”, in particular with regard to “the arbitrary application of criminal legislation to limit freedom of expression”. The Assembly called on the Azerbaijani authorities to cease harassment against the Institute for Reporters’ Freedom and Safety and its Chairman Mehman Huseynov, and to guarantee conditions for Meydan TV and RFE/RL to freely carry out their work in the country. While welcoming the release of investigative journalist Khadija Ismayil, the Assembly expressed “concern with regard to the legal proceedings, travel bans and restrictions on freedom of movement imposed on her and on other journalists in Azerbaijan that are designed to prevent them from carrying out their independent work”.²⁰
16. In recent months, the authorities have been repeatedly targeting some of the few remaining independent voices:
 - On 25 May 2016, the Supreme Court of Azerbaijan upheld Khadija Ismayil’s appeal and released her on probation. Khadija Ismayil is an award-winning investigative journalist²¹. She was arrested on 5 December 2014 and sentenced to 7.5 years in prison²². Following her release, Khadija Ismayilova²³ remains under a travel ban;
 - Azerbaijani journalist Afgan Mukhtarli suddenly went missing in Tbilisi, Georgia, on the night of 29 May 2017, leaving his relatives and colleagues without news until the next day, when he was able to contact his lawyer from the State Border Service Investigation Unit in Azerbaijan²⁴.
 - In July 2017, the authorities in Azerbaijan sentenced the financial director of opposition Azadliq newspaper, Faig Amirli, to three years three months in prison on charges of inciting religious hatred and tax evasion²⁵.
 - After enduring years of pressure and harassment, a criminal case was opened against Turan New Agency on 7 August 2017. On 16 August, the authorities raided Turan’s

²⁰ PACE Resolution 2141 (2017), on attacks against journalists and media freedom in Europe, available at: <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnVveG1sL1hSZWYvWDJlURXLWV4dHIuYXNwP2ZpbGVpZD0yMzQwMCZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGlicGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVC1YUWwUERGlnhzbA==&xslparams=ZmlsZWlkPTlZNDAAw>.

²¹ HRHF, “Khadija Ismayil awarded on World Press Freedom Day,” 2 May 2016, available at <http://humanrightshouse.org/Articles/21589.html>.

²² HRHF, “We condemn the sentencing of journalist Khadija Ismayilova,” 1 September 2016, available at <http://humanrightshouse.org/Articles/21130.html>.

²³ “Khadija Ismayilova released on probation,” 25 May 2016, available at <http://humanrightshouse.org/Articles/21641.html>.

²⁴ HRHF, “Azerbaijan’s repression spreads to Georgia,” 31 Mat 2017, available at <http://humanrightshouse.org/Articles/22500.html>.

²⁵ HRHF, “Persecution of journalists continues in Azerbaijan,” 27 July 2017, available at <http://humanrightshouse.org/Articles/22633.html>

offices, a day before Turan was set to hand over documents as part of the probe²⁶. On 25 August, Mehman Aliyev, the director of Turan was sentenced to three months of pre-trial detention, facing charges for illegal entrepreneurship, tax evasion, and abuse of power.²⁷

- The authorities in Azerbaijan also consistently targeted the Institute for Reporters' Freedom and Safety (IRFS) for several years:
 - As reported by the United Nations Special Rapporteur on human rights defenders,²⁸ Mehman Huseynov was first arrested in 2012, and since then has been regularly interrogated by authorities, who have confiscated his official documents and imposed a travel ban on him.²⁹ On 10 September 2016, he was taken to a police station and interrogated and threatened with torture;
 - On 3 March 2017, Mehman Huseynov was convicted and sentenced to two years' imprisonment on charges of defamation. His conviction stems from a private case brought by the Chief of the Police Department of the Nasimi District, Baku, related to Mehman Huseynov's public reporting about his treatment when detained overnight by police in January 2017;³⁰
 - In November 2016, Mehman Huseynov was elected as IRFS's new chairman. The previous chairman of IRFS, journalist Rasim Aliyev, died after being violently attacked in August 2015 in Baku;³¹
 - Prior to Rasim Aliyev, Mehman Huseynov's brother Emin Huseynov was Chairperson of IRFS. He was forced into hiding and to leave Azerbaijan.³² As well as the harassment of its leaders, the IRFS has also suffered from the administrative blocking of the organisation from being able to operate in the country. Furthermore, Emin Huseynov was himself also tortured when arrested in June 2008, as found by the European Court of Human Rights.³³

17. All these cases are emblematic of the way authorities, in a systematic way, aim at silencing independent media, just as they target human rights defenders and other dissenting voices.

²⁶ HRHF, "Azerbaijan: Crushing all independent media," 17 August 2017, available at <http://humanrightshouse.org/Articles/22661.html>

²⁷ HRHF, "Director of news agency detained," 25 August 2017, available at <http://humanrightshouse.org/Articles/22704.html>.

²⁸ Report to the United Nations Human Rights Council of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan, 20 February 2017 (UN Doc: A/HRC/34/52/Add.3), para. 47, available at <http://humanrightshouse.org/noop/file.php?id=22285&d=1>.

²⁹ "Prize-winning photojournalist denied permission to leave Azerbaijan," 18 June 2013, available at <http://humanrightshouse.org/Articles/19350.html>.

³⁰ On 9 January 2017, Mehman Huseynov was forcibly dragged into an unmarked vehicle and taken to an unknown destination by unidentified assailants in civilian clothes. He appeared in court the next day. He was tried in a closed hearing and found guilty by the Nasimi District Court, Baku, of committing an administrative offence under Article 535 part 1 of the Administrative Code of the Republic of Azerbaijan (disobeying a lawful order by police officers). He appeared in court the next day. He was tried in a closed hearing and found guilty by the Nasimi District Court, Baku, of committing an administrative offence under Article 535 part 1 of the Administrative Code of the Republic of Azerbaijan (disobeying a lawful order by police officers). Following his detention incommunicado overnight at the 22nd Nasimi District Police Station, signs of torture and ill treatment were visible on him, including blood on his shirt and marks on his legs. He reported that in the unmarked vehicle, in which he was transported, his mouth was sealed with tape, a bag was put over his head, he was beaten, and an electroshock weapon was used against him.

³¹ "Journalist Rasim Aliyev murdered as human rights crackdown continues in aftermath of European Games," 11 August 2015, available at <http://humanrightshouse.org/Articles/21105.html>.

³² "Emin Huseynov is free and safe," 13 June 2015, available at <http://humanrightshouse.org/Articles/21025.html>.

³³ "Emin Huseynov about torture," 13 November 2015, available at <https://www.youtube.com/watch?v=CH3bWbvz3ZU>.

Recommendations

18. In light of the multiple and repetitive attacks on independent media and journalists, Azerbaijan should:
- Put an end to the government supported smear campaigns against journalists, and prevent the arbitrary detention of journalists;
 - Halt on-going criminal investigations and tax penalties toward media organisations and journalists, including the Turan News Agency;
 - Ensure and protect media freedoms, without discrimination towards the journalists on the basis of their reporting or their opinions.

Right to participate to public life

19. During the April 2013 UPR review, Azerbaijan has accepted general and specific recommendations in order to:
- Ensure the participation of the various political movements in the electoral process and put in place plural and autonomous observation mechanisms that are integrated by citizens;
 - Carry out free and fair elections consistent with the expectations of the international election monitoring community;
 - Create public policies for equality of opportunities and affirmative action to combat the low participation of women in public life, especially in decision-making bodies, including Parliament, the Government, the diplomatic service, regional and local municipalities and the upper level of the judiciary;
 - Continue its efforts to enhance its domestic framework on the protection of the rights of women and further encourage women to participate actively in the economy and public life.
20. The United Nations Human Rights Committee's concluding observations on the fourth periodic report of Azerbaijan (16 November 2016) noted systematic problems in respect to the right to participation in political and public life in the field of elections. As with many international organizations, the Committee was also concerned that existing systematic problems were reflected in the 2013 presidential elections, including through permission to campaign for 22 days only and very limited opportunities for assemblies, intimidation of opposition candidates and, prior to the November 2015 legislative elections, violations in the process of registration of opposition candidates and detention and conviction of some opposition leaders. Over a decade, the Government of Azerbaijan has been called upon by international organizations, including the European Court of Human Rights, to bring its electoral regulations and practices into compliance with international standards, and to refrain from using criminal law provisions in an attempt to exclude opposition candidates from electoral processes.
21. An emblematic case of the repression against those who wish to participate in the political life of the country is the detention of Ilgar Mammadov, one of the leaders of the Republican Alternative Movement (REAL). Despite the judgment of the European Court of Human Rights in 2014, and the repeated calls from the Committee of Ministers of the Council of Europe,³⁴ Ilgar Mammadov remains in detention.

³⁴ Interim Resolution CM/ResDH(2015)43, 12.03.2015; Interim Resolution CM/ResDH(2015)156, 24.09.2015; CM/ResDH(2016)144, 08.06.2016.

22. The wave of arrests during the electoral period leading to the 26 September 2016 constitutional referendum further illustrates the continued crackdown against dissenting voices by the authorities in Azerbaijan.
23. During the weeks that preceded the referendum, intimidation and arrests of those raising their voice to criticise the process became routine. The authorities targeted journalists, bloggers, human rights defenders and political opponents in an attempt to stop the spreading of information about the referendum and their participation in protest rallies. The authorities tried to prevent protest actions from taking place and on some occasions attacked and detained demonstrators and journalists.
24. As reported by the United Nations Working Group on Arbitrary Detention, arrested student activists Bayram Mammadov and Giyas Ibrahim both reported having being subjected to violent interrogation techniques at a police station before being sentenced to four-months pre-trial detention for drug-related charges. The Working Group observed what seemed to be “physical sequels” of the treatment they were subjected to.³⁵ The pair is accused of having tagged a statue of late President Heydar Aliyev with the phrase “Happy Slave Day.”
25. Furthermore, the referendum on making amendments to the Constitution of the Republic of Azerbaijan was seen worrying and unbalanced by many international organizations. The amendments, in experts’ views, are not positive, and would constitute being “incompatible with democratic standards”³⁶. As it also noted in the Venice Commission’s preliminary opinion, the Azerbaijani institutional structure grants particularly strong powers to the President of the Republic and the executive and further strengthening of presidential power also weakened already limited competence of Parliament (Milli Mejlis) under the Constitution.
26. Despite many statements by government to ensure equal participation of all groups of population, including women, people with disabilities, minorities in political and public life, Azerbaijan needs to redouble its efforts to eliminate the gender role stereotypes and prejudices not only through awareness-raising campaigns but also through adoption of proper mechanisms such as temporary quota schemes and rules in certain sectors.
27. Regarding women’s participation in Parliament, 19 out of 125 members are women. Currently, women are represented in the various regions of the country as deputy heads of regional executive bodies, heads of medical, educational, cultural departments, directors of schools, representatives of executive bodies etc. In general, in recent years improvements were observed in the participation of women in managerial positions. Despite these facts, women remain significantly underrepresented in national and local legislative bodies, in the Government and in the civil service, particularly in senior and decision-making positions.

³⁵ Statement of the United Nations Working Group on Arbitrary Detention, 25 May 2016, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20021&LangID=E>.

³⁶ Written in the first paragraph of the Comments on the Preliminary Opinion of the Venice Commission (CDL-REF(2016)057-e).

Recommendations

28. Given the lack of ability of people in Azerbaijan to participate to public life, Azerbaijan should:
- Bring its electoral regulations and practices into compliance with international standards, including implementing general measures of legislative development relating to the European Court of Human Rights' decisions in the field of right to elections;
 - Promote and provide an enabling environment for equal participation in political and public life without fear and intimidation in respect to its critics by ensuring fully transparent elections and a genuine pluralistic political debate and by refraining from using criminal law provisions in an attempt to exclude opposition candidates from electoral processes;
 - Take all measures necessary to prevent gender stereotypes and promote the participation of women in high level decision making processes, including local and national legislative bodies.

Violence against women, women's rights, and sexual orientation

29. In what were very weak recommendations in regard to gender equality, women's rights, and sexual orientation during the April 2013 UPR, Azerbaijan inter alia accepted recommendations in regard to:
- Adoption of the necessary measures to ensure an adequate implementation of reforms in the area of gender violence;
 - Take further measures to develop an effective implementation and monitoring mechanism for the law on domestic violence, especially to grant access to justice for women victims of violence and guarantee their protection.
30. As of 30 September 2017 there is no National Action Plan on implementing the Law on Domestic Violence, adopted in August 2010, which would stipulate strategic measures;
31. At least 91 women were murdered in 2010, 120 women were murdered in 2011, 96 women were murdered in 2012, 101 women were murdered in 2013, 144 women were murdered in 2014, 99 women were murdered in 2015, and 110 women were murdered in 2016.
32. Of 110 women murdered in 2016, 48 were murdered by their husband, former husband or partner; 35 women were murdered by their father, brother, son or other close relative; 11 women were murdered by an acquaintance; four women were murdered under circumstances of robbery; while 12 women were murdered by an unknown person or by a person with unknown links to the victim. Thus, murders of women as a result of 'domestic violence' accounted for 75 percent of all murders of women in 2016. Furthermore, out of 97 attempts on women's lives made in 2016, 56 attempts were made by their husband, former husband or partner; 28 attempts were made by their father, brother, son or other close relative; seven attempts were made by their acquaintances; three attempts were made under circumstances of robbery; while three attempts were made by an unknown person or by a person with unknown links to the victim. Thus, attempts on women's lives as a result of 'domestic violence' accounted for 87 percent of all attempts on women's lives in 2016.³⁷

³⁷ Source: Study by Women's Association for Rational Development (WARD), "Violence Scale: Femicide in Azerbaijan," Baku (Azerbaijan), 2017.

33. The stability of these numbers illustrate the lack of action by the State to offer solutions for women victims of domestic violence and lack of prosecution of authors of domestic violence. The Committee on the Elimination of Discrimination against Women underlined the lack of implementation of existing legislation in this regard and the “limited number of support and referral centres for victims of domestic violence, which are mainly run by NGOs.”³⁸ The Committee underlined that those NGOs are affected by legislation limiting freedom of association and recommended to Azerbaijan to “Review the legislative amendments and ensure that they do not adversely affect the activities of non-governmental and civil society organizations, in particular women’s organisations, and ensure an enabling environment in which women’s organizations can be freely established and may freely operate and mobilise resources.”³⁹
34. Furthermore, as noted by the Committee, “patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society remain deeply rooted.”⁴⁰
35. As of 15 September 2017, reports indicate that several transsexual sex workers were arrested by the police and that gay and transsexual people have been arrested in their apartments. Such reports from various sources in Azerbaijan indicate that within the second half of September, up to 83 people were detained, according to the Ministry of Justice and the Prosecutor General, having in common their sexual orientation and gender identity. 56 of those people were arrested either on charges of hooliganism or resisting to law enforcement. 18 received administrative fines. 9 people received warnings. A spokesman for the Ministry of Interior indicated that “these raids are not against all sexual minorities. The arrested are people who demonstratively show a lack of respect for those around them, annoy citizens with their behaviour, and also those whom police or health authorities believe to be carriers of infectious diseases.”⁴¹

Recommendations

36. Azerbaijan has bluntly ignored recommendations to take measures to further gender equality, protect the rights of lesbian, gay, bisexual, and transgender people, and fight violence against women. Azerbaijan hence should:
- Make relevant amendments to the 2010 Law to adopt its clauses to international standards;
 - Prepare the National Action Plan for implementing the Law on Domestic Violence;
 - Guarantee the enforcement of protection orders against perpetrators of violence;
 - Notify women about any services and assistance available at the moment a case of violence against her is reported or she seeks help from local organisations specialising in the provision of social services. To achieve this, law enforcement agencies, executive authorities and social workers should be fully informed about the social services available for survivors and make sure that her needs are provided for;

³⁸ CEDAW/C/AZE/CO/5, para. 22.

³⁹ CEDAW/C/AZE/CO/5, para. 17.

⁴⁰ CEDAW/C/AZE/CO/5, para. 20.

⁴¹ Quoted in: “Outcry as Azerbaijan police launch crackdown on LGBT community”, *The Guardian*, 28 September 2017, available at <https://www.theguardian.com/world/2017/sep/28/azerbaijan-police-crackdown-lgbt-community>.

- Develop guidance for the police in handling complaints of domestic violence;
- Take a proactive position on the promotion of gender equality and demonstrate a zero tolerance policy towards sexist and denigrating attitudes toward women by State officials and members of Parliament;
- Put an end to the government supported smear campaigns against lesbian, gay, bisexual, and transgender persons and prevent their arbitrary detention.