



Violence against Women in Azerbaijan

*Alternative Country Report
to the United Nations
Committee on Economic,
Social and Cultural Rights*



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Economic, Social
and Cultural Rights**

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**Implementation of the International
Covenant on Economic, Social and
Cultural Rights by Azerbaijan**

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The Geneva-based World Organization Against Torture is the largest international coalition of non governmental organisations (NGOs) fighting against torture, summary executions, forced disappearances and all other forms of cruel, inhumane or degrading treatment.

In co-ordinating the SOS-Torture network, comprising over 280 national, regional and international organisations, in more than 90 countries, OMCT has, since its inception, set as its task the provision of support for the actions of organisations in the field, while avoiding substituting itself for them. The structure of the SOS-Torture network has allowed OMCT to reinforce local activity while favouring the access of national NGOs to international institutions.

Since 1996, OMCT has among its programmes the “Violence against Women Programme” which addresses the gender-related causes and consequences of torture and other forms of violence against women. Gender often has a determinative impact on the form of the torture and other forms of violence, its circumstances, its consequences, and the availability of and accessibility of reparation and redress. Torture and ill-treatment of women often has a sexual nature, including rape, sexual abuse and harassment, forced virginity testing, or forced abortion. Although men are also targeted with rape, the threat of rape and other forms of sexual violence, sexual forms of torture and ill-treatment are more consistently perpetrated against women. The approach of OMCT’s Violence against Women Programme is to both prevent and respond to acts of torture and other forms of violence against women through activities established to better integrate a gender perspective and women’s human rights within national, regional and international mechanisms for the promotion and protection of all human rights. The submission of an alternative country report on violence against women to the Committee on Economic, Social and Cultural Rights falls within the OMCT’s effort to integrate a gender perspective into the work of the human rights treaty monitoring bodies.

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I

Preliminary Observations

The submission of information, specifically relating to violence against women to the United Nations Committee on Economic, Social and Cultural Rights, forms part of the World Organisation Against Torture's (OMCT) Violence against Women Programme. The Programme on integrating a gender perspective into the work of the five "mainstream" United Nations human rights treaty monitoring bodies. OMCT's gender analyses and reporting entail an examination of the effects of gender on the form which the human rights violation takes, the circumstances in which the abuse occurs, the consequences of those abuses, and the availability and accessibility of remedies.

The Azerbaijan Federation of Human Rights Organisations (AFHRO)¹ and OMCT note with concern that Azerbaijan's Government second report E/1990/6/Add.37 (hereafter referred to as the government report), while being very comprehensive in a number of respects, does not address the issue of violence against women.² In fact, apart from its analysis of the implementation of articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in relation to the right to work and the right to just and favourable conditions of work, the report rarely refers to discrimination against women. The AFHRO and OMCT are particularly concerned that the report does not provide any information regarding the equality of men and women under article 3 of the Convention, nor does it discuss violence against women in its analyses of articles 10 and 11.

Given that the government report does not refer to violence against women in Azerbaijan and in line with the overall objectives of OMCT's programme on Violence against Women, this alternative report will focus on Azerbaijan's obligations in relation to the prevention and eradication of violence against women. After an initial introduction to the status of women in Azerbaijan, the report will examine violence against women in the family, in the community and at the hands of State agents. The report ends with a series of conclusions and recommendations for future action.

1 – Created during February 2002, the AFHRO is composed of the Institute of Peace and Democracy, Human Rights Center of Azerbaijan, Center of Development Programs "EL", the Committee of Protection of the Oil Workers Rights and the Society of Humanitarian Researches.

2 – UN Doc. E/1990/6/Add.37, 1 December 2003.

The Azerbaijan Republic acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 16 August 1996. Additionally, Azerbaijan acceded to the following international human rights treaties: the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of the Child (CRC).

In addition, the Azerbaijan Republic acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights on 27 November 2001 and to the Second Optional Protocol to the Covenant aiming at the abolition of the death penalty, on 22 January 1999.

Moreover, Azerbaijan ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 1 June 2001 and issued a declaration under article 22 of the Convention against Torture enabling individuals to submit complaints to the Committee.

Azerbaijan has ratified on 30 October 2003 the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000).

At the regional level, Azerbaijan is a participating state in the Organisation of Security and Cooperation in Europe (OSCE). It became a member of the Council of Europe on 25 January 2001. Azerbaijan has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 15 April 2002.

With regard to international law, article 148 of the Constitution of the Azerbaijan Republic states that “International Agreements wherein the Azerbaijan Republic is one of the parties constitute an integral part of the legislative system of the Azerbaijan Republic”. With regard to the value of international law, the Constitution states in article 151: “Whenever there is disagreement between normative legal acts in legislative system of Azerbaijan Republic (except the Constitution of the Azerbaijan Republic and acts accepted by way of referendum) and international agreements wherein the Azerbaijan Republic is one of the parties, provisions of international agreements shall dominate.”

I.1 Background information on Azerbaijan

The Azerbaijan Republic emerged from the former Soviet Union as a sovereign state in September 1989. After the official declaration of independence on 18 October 1991, the Azerbaijan Republic became a member of the United Nations on 2 March 1992.

The internal political system of Azerbaijan is composed of a legislative branch, an executive branch and a judicial branch. The current parliament of Azerbaijan, the National Assembly, was elected in 2000, and it consists of 125 deputies.³ The government of Azerbaijan, the Cabinet of Ministers, is composed of the Prime Minister, 7 deputies to the Prime Minister, 30 Ministers and the Chairmen of the State Committees. The fundamental legislation of Azerbaijan is the Constitution, adopted on 12 November 1995, which possesses the highest juridical force (Art. 147 of the Constitution). Heydar Aliyev was the former Soviet leader of Azerbaijan from 1969-1982 and was president from June 1993 until 15 October 2003. The sudden deterioration of his health in April 2003, combined with the flawed presidential election of 15 October 2003, caused serious political destabilization in the country. The election was officially won by Heydar Aliyev's son, Ilham Aliyev, and was accompanied by numerous irregularities that provoked massive demonstrations in Baku on 16 October 2003. Consequently, hundreds of members of the opposition parties (ADP, Musavat, Umid, AXCP) were arrested at the end of 2003, and at least 40 of them are still being detained under criminal charges related to this event. The election and the events surrounding it infringed upon basic human rights and civil liberties. Opposition parties and the independent media have been under pressure since 1993.⁴

I.2 The Nagorno-Karabakh Conflict

The Azerbaijan Republic, where particular economic sectors predominate, belongs to the list of countries that possess a transitional economy. The current political, social and economic situations resulted from the armed conflict with the adjacent Republic of Armenia which began in February 1988, resulting from both countries claiming the territory of Nagorno-Karabakh (4,400 km²). The active warfare was interrupted on 12 May

3 – 124 places were elected, and the other one was reserved.

4 – International Helsinki Federation of Human Rights, Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004, available at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860

1994 by a cease-fire agreement. The unresolved conflict with Armenia over the Nagorno-Karabakh region, as well as the existence of a large number of refugees and internally displaced persons (IDPs) in Azerbaijan, aggravated the economic, social and political situation in Azerbaijan.

The conflict resulted in the immigration of approximately 185,000 men and more than 300,000 women from Armenia. According to the data of International Organization for Migration (IOM), more than 575,000 Azerbaijanis are forcibly displaced inside the Azerbaijan Republic from Highland-Karabakh and the surrounding regions. In the Azerbaijan Republic it has been counted that 329,920 women were internally displaced.

The war aggravated social and economic problems; by draining the population's working age. As a result of the war and emigration, the increase of the Azerbaijan Republic's population which has always been considered as having one of the more rapidly growing populations in the former USSR, slowed down in recent years. The observed reduction in also occurs due to the sharp reduction in the birth rate and, at the same time, an increase in the mortality rate caused by the worsening of the social and economic conditions.


 III

General Observations on the Status of Women

The basic principle of the rights and freedom of men and citizens is written into Article 24 of the Constitution of the Azerbaijan Republic. According to article 25 of the Constitution, “(1) Everyone is equal before the law and the courts. (2) Men and women have equal rights and freedoms. (3) The State guarantees the equality of everyone’s rights and freedoms irrespective of race, nationality, religion, language, sex, origin, property or official status, or membership of political parties, trade unions or other public organisations. Limitations of human and civil rights and freedoms on the grounds of racial, ethnic, religious or linguistic affiliation, sex, convictions and political or social affiliation are prohibited.”

In January 1998, the UN Committee on the Elimination of Discrimination against Women expressed its concern about the fact that “although the Constitution proclaims that men and women have equal rights and freedoms, there is no definition of discrimination in the Constitution or in the laws and no mechanisms to strengthen the prosecution of discriminatory practices against women”.⁵ AFHRO and OMCT note with concern that although the new Criminal Code, which came into force in September 2000, provides in article 154 for punishment for violations of the rights to equality, including gender equality, the term “discrimination against women” has remained absent. Since the adoption of the new Criminal Code in 2000, article 154 has never been used.

The Committee on the Elimination of All Forms of Discrimination against Women also noted that it “is concerned that, although Azerbaijan is a secular State in which the provisions of the Convention should be relatively easy to implement, there is, insofar, insufficient governmental commitment to eliminating deeply rooted patriarchal attitudes and avoiding the danger of the insurgence of fundamentalist tendencies, which impedes the full implementation of the Convention, in particular the measures outlined in subparagraph (a) of article 5”. Article 5 subparagraph (a) reads: “States Parties shall take all appropriate measures: to modify the social and cultural patterns of conduct of men and women with a view to achieving elimination of prejudices and customary and all other practices which are

5 – U.N. Doc. A/53/38, paras 37-79, Concluding Observations of the Committee on the Elimination of Discrimination against Women: Azerbaijan, 14/05/98.

based on the idea of the inferiority or the superiority of either of the sexes or on the stereotyped roles for men and women.”

II.1 Background

During the Soviet period, women were legally granted full equality. Their active participation in the sphere of production was full. A quota system was introduced in order to ensure women’s participation at all levels of government and in all other spheres of social activity. However, in spite of the elaboration of the *de jure* principles of equality and the enactment of special measures including quotas for the advantage of women, in reality, men continued to hold key positions at all levels of decision-making: 30-40% of women were represented in fairly important bodies, but not at the senior decision-making levels.⁶ Moreover, because of family and cultural traditions, women continued to be responsible for the housework in addition to their work in the sphere of production, resulting in a double burden for women.

During the post Soviet period in Azerbaijan, which was characterised by an economic and social crisis and a military conflict with Armenia, the situation of women changed radically. The war and the economic crisis resulted in a poverty rate of 80%⁷, and have had a particularly serious impact on women who have lost their husbands and professions. Refugee and internally displaced women, having lost homes and jobs, have been disproportionately affected by the armed conflict and by the economic situation. Furthermore, the relations within the family and the extra-marital relations changed in view of the drained male population.

Women in Azerbaijan, are hindered by the gap between their legal situation and their real situation.

6 – R. Ibrahimbekova, *Social Cohesion and Women’s Issues*, Materials for the Report on Human Development-1997, published on the UNDP in Azerbaijan Website, available at www.undp.uz./GID/eng/AZERBAIJAN/GENERAL/RESEARCH/REPORT.html.

7 – Officially, the rate of poverty considered equal 40% taking for border of poverty monthly income \$15 per capita. However, the trade unions, opposition and media proposed another methodic based at the meal costs (\$25-\$30) or living minimum (\$70-\$80). From this perspective, poverty rate is 80%.

II.2 Institutional Framework

As an example of institutional framework, the “State Committee on Women’s Issues”, was established in January 1998. There are gender focal points within different ministries and departments. Furthermore, in 1998, the President of Azerbaijan issued a special decree on “Measures to Reinforce Women’s Role in Azerbaijan” and a National Plan of Action on Women’s Policy (2000-2005), which were elaborated by the State Committee for Women’s Issues and approved by the Cabinet of Ministries in March 2000.

Also in March 2000, the President of the Republic of Azerbaijan signed the Decree “On Implementation of the National Gender Policy in the Republic of Azerbaijan.” This act envisages the enhancement of equal representation of women and men in all state structures of the Republic; provides the refugee and internally displaced women with working places by elaboration of the relevant state programme; and reviews of the legislation taking into account the gender aspects. This Decree also entails that for each year a report on the fulfillment of the decree should be presented to the president. However, both the AFHRO and OMCT regret that no information or reports were published regarding the actions taken for the years 2003 and 2004.

There is also an UNDP gender project in place, and a Gender Resource Centre which was established under the auspices of this project. This Centre provides legal and psychological consultations, including a hotline. The State Committee on Gender Issues and the Gender Resource Centre received 6.629 complaints from 1998-2004 including.⁸

II.3 Women in the Family

The Constitution of Azerbaijan provides for equal rights for men and women to enter into marriage and to establish a family. Article 17 (1) of the Constitution states: “Family as a basic element of society is under special protection of the State.” According to article 34 of the Constitution, “(1) Everyone has the right to marry on reaching the age specified by legislation. (2) Marriages shall be concluded voluntary. Nobody should be forced into marriages. (3) Family and marriage are protected by the State.

8 – International Helsinki Federation for Human Rights, Women 2000, An Investigation into the Status of Women Rights in Central and South Eastern Europe and the Newly Independent States, 2000, p. 50 and Newspaper *Zerkalo*, 24.04.04.

Maternity, paternity and childhood are protected by the law. The State provides support to large families. (4) Rights of wife and husband are equal. Care and education of children constitute both right and responsibility of parents.”

In reality though, decisions such as the choice of the family name and the place of residence are generally patriarchal. Moreover, the AFHRO and OMCT note with concern that the legislation relating to the legal age for marriage is discriminatory. According to article 10 of the Family Code, the legal marriage age for women is 17, while for men it is 18.

In case of divorce, women and men have equal rights, also regarding the responsibility for safeguarding their children.

The AFHRO and OMCT also note that there is no legislation regarding the rights of unmarried couples. This includes questions concerning the partition of property. Bigamy and polygamy were punishable in Azerbaijan under the old Criminal Code; however, these articles have since been removed. The cases of polygamy (usually bigamy) are wide-spread among Azeri male migrants who often have one family in Azerbaijan and one somewhere in the Community of Independent States (CIS). Sometimes, such marriages in Azerbaijan are registered by the mosques, and that creates the problems in the cases of broken marriages.

II.4 Representation of Women in Politics and the Judiciary

According to article 54 of the Constitution: “(1) Citizens of the Azerbaijan Republic have the rights to take part in political life of society and state without restrictions.” Article 56 of the Constitution states that “Citizens of the Azerbaijan Republic have the right to elect and to be elected to state bodies and to take part in referendums. (2) Those recognised incapable by a law court have no right to take part in elections and referendums. (3) Participation in elections of military personnel, judges, states employees, religious officials, persons imprisoned by decision of law courts, other persons specified in the present Constitution and laws might be restricted by law.”

8 – International Helsinki Federation for Human Rights, Women 2000, An Investigation into the Status of Women Rights in Central and South Eastern Europe and the Newly Independent States, 2000, p. 50 and Newspaper Zerkalo, 24.04.04.

Despite the fact that men and women have been granted equal electoral rights, women's participation in politics is very low. Of the 124 members of the Azerbaijan Parliament (Mili Madjlis) only 14 of those are women, (11.3% in comparison with 40% in the Soviet period) and in the juridical authorities –only 18% of the offices are held by women, including two high courts headed by women: Court of Appeal by Mrs. Gulzar Rzayeva and Supreme Court by Mrs. Sudaba Hasanova. There is only one woman out of thirty-eight Ministers and leaders of the State committees and in the executive branch women as whole make up 9% of the branch, in which a majority of them take positions in the secretariat and the divisions of the humanitarian policies.⁹ In June 2002, former Chairwoman of the non-governmental Center Women and Development, Elmira Suleymanova, was appointed the first Ombudsperson.

Among approximately the 50 political parties, only one party is headed by a woman. In the other parties, during the period of elections women rank lower than the fifth position within the party.

One of the major reasons, why women are deprived of these political positions is the absence of financial resources. This factor prevents women from actively participating in politics, and this is also why the advancement of women's political roles and social life is hindered. Moreover, the low representation of women in politics in Azerbaijan is reportedly also caused by a lack of awareness of gender bias and deeply-rooted patriarchal ideas regarding women in the political sphere. Women's low representation at the decision-making level in the political field has serious consequences for the advancement of women and the full enjoyment of their fundamental human rights as women. The full enjoyment of their fundamental human rights as women's needs will only be fulfilled if women are able to express themselves and ensure that their interests are taken into account when policies and laws are being developed.

II.5 Women and education

According to article 42 of the Constitution of Azerbaijan, women and men have equal rights to education. Article 3 of the Law of Education reconfirms this right.

9 – State Committee on Statistics of Azerbaijan Republic, Women and men in Azerbaijan, Baku, «Sada», 2004.

Azerbaijan's adult literacy rate is at 97.0%.¹⁰ Most people complete, on average, ten years of schooling.¹¹ The general index of education of women is 98.2%. The country's education index is high, but there are some disturbing trends which affect women disproportionately.

The statistics demonstrate the decreasing education level of women. In 1998, 55.4% of girls completed secondary school, but in 2000 only 49.1% completed secondary school. In 1995, 50.8% of girls were pupils, whereas in 2000 this figure decreased to 48.5%. Among the students of the state universities in 1995 were 44.8% girls, and in 2000 only 42.2% were girls. Among the Candidates of Science (Ph.Ds.) 30.8% were women (2.572 of 8.356), but among the Doctors of Science, only 11.2% (152 of 1.510) were women.

During the transition period and during the conflict with Armenia, hundreds of schools were destroyed, which has led to a fall in the level of access to education, particularly women's access to education and employment.¹²

Since the beginning of 1996, the cost of textbooks, meals and other services have been paid by parents. Parents with low incomes inevitably cannot afford to buy uniforms for their children or even to pay for school transport. It has been reported that the decline in the number of pupils attending middle and high schools in the cities coincides with the increased appearance of street boys cleaning cars and engaging in small trades, and girls staying at home in housekeeping.¹³ A disproportionate number of girls to boys are reportedly dropping out.¹⁴

According to another study, girls in Azerbaijan are subjected to greater limitations in their freedom of movement than boys. One of the consequences of this situation is that in rural areas girls attend school less frequently than boys, especially if the school is far from their homes. This phenomenon has also been observed in refugee camps.¹⁵

10 – United Nations Development Indicators 2002, available at: http://hdr.undp.org/statistics/data/cty/cty_f_AZE.html

11 – United Nations Development Programme, *Azerbaijan Human Development Report 2000*, p. 19.

12 – *Ibid.*

13 – International Helsinki Federation for Human Rights, *Women 2000, An Investigation into the Status of Women Rights in Central and South Eastern Europe and the Newly Independent States, 2000*, p. 51.

14 – See United Nations Development Programme, *Azerbaijan Human Development Report 2000*, p. 19.

15 – G. Najafova, *Needs Assessment on Women's Issues*, Materials for the Report on Human Development- 1997, published on the UNDP in Azerbaijan website available at www.undp.uz/GID/eng/AZERBAIJAN/GENERAL/RESEARCH/REPORT.html, p. 2.

II.6 Women's Socio-economic Status

The transformation of Azerbaijan to a market economy was accompanied by an increase in the unemployment of women. Furthermore, women's employment suffered particularly due to the Karabakh conflict, resulting in an even greater unemployment rate. Having survived the conflict, women are victimized by the insufficient flexibility and the complete absence of the special lawful, economic and social mechanisms of protection. Officially unemployed women composed 53% of the total number of the registered figure. Among the refugees and the forced migrant women the level of unemployment reaches 56%. The highest number of unemployment is among the young women, who have worked for 1-5 years, and the elderly women, who have worked for more than 20 years. The unemployment rate among women with a 1-2 years of work experience is 61%, 3-5 years –47%, and more than 20 years– 37-38%.¹⁶

Apart from the high unemployment rate, women suffered from unequal opportunities with men in the workplace, and as to the society as a whole, which the economic instability during the transitional period even further aggravated. The general scene of gender distribution in the economic sectors witnesses the uneven participation of women and men in various forms of employment. In construction, women's participation is the least at 13.5%, in transportation 14.6%, in administration sectors women compose 33% and 34.1% in the production process, in education, cultural and art activities it is 67.9%, in public health services–70.2%. Women compose the majority, also, in such sectors as information technology and social protection.

From 1998 to 2001, the wages of working women were 70% of what men receive.¹⁷ Even in those sectors, where women compose the majority, their average monthly salaries and bonus are lower than those of men.

Representation of women is far from equal and uniform. Women consist of the majority in some sectors; however, even in those sectors the pyramidal distribution remains as even in those spheres men are concentrated in the management position.

16 – State Committee on Statistics of Azerbaijan Republic, Women and Men in Azerbaijan, Baku, «Sada», 2004.

17 – UNDP, Azerbaijan Human Development Report 2002.

As a result, women compose a visible majority of the poverty stricken in the population, approximately 70-80%. Azerbaijan has fallen victim to the larger global phenomenon of the feminization of poverty. The most severe conditions are those of the elderly people, who are without family and in need of health care. Even if they receive pensions, it is unlikely that the pensions would be enough to maintain the minimum living standard.

Thus, the socio-economic position of women has a clear tendency of worsening, together with the general deterioration of the economic situation in the country. Women belong to an economically vulnerable group, lagging behind men in the levels of employment and the amount of wages. One essential factor, which complicates this process, is the absence of the state's consideration of gender issues and of a clear state leads economic strategy.

II.7 The Legal Status of Women and the Practice

According to the legislation of Azerbaijan, women, coupled with the general deterioration of the economic situation in the country possess a wide spectrum of rights. The legislation provides for the protection of the rights of women. However, there is a large disparity between the proclaimed rights of women and freedoms of women and the practices of each in reality. One of the most prevailing factors, which impede the realization of the rights of women, is the traditions that follow the rigid gender stereotypes. For instance, a man may prefer to murder his wife rather than endure a “shameful” divorce. Likewise, a women may opt to commit suicide or murder her husband to avoid the “disgrace” of divorce.

Law-enforcement agencies are inclined to deviate from a strict implementation of the laws for the ?? of “decency” and the need for “embellishing” the statistics of crimes. The corruption of the government officials also plays a large role, and, consequently, women in unfavorable situations prove to be even more helpless. Corruption comes into play when investigatory and judicial organs help thos who are willing to pay larger sums of money for “justice”. In this sense, the problem of the protection of women rights is a part of a wider problem, a problem which stems from the lawlessness of the country, generated by the corruption and the lack of surveillance of the governmental apparatus.

II.8 Refugee women

As a result of the military conflict with Armenia, which commenced in 1988, hundreds of thousands of people were forced to flee. Currently, there are 570, 000 internally displaced persons (IDPs) and 225, 000 refugees within Azerbaijan.¹⁸ Though a cease-fire was declared in 1994, the future of these people are still uncertain. The majority of the IDPs have been living in miserable conditions for almost ten years. Around half of the internally displaced persons live in urban areas, most of them in Baku, and generally in dilapidated, overpopulated public buildings.

As of February 2002, over 50 ,000 IDPs have been living in camps, 33,000 in pre-fabricated housing, 34,000 in earthen dugouts, 10,000 in train cars and the rest in dormitories without communal facilities, in public buildings, in unfinished buildings or in other intolerable and inhumane conditions. Women count for 52.3% of the people living in such conditions and children account for 34.6%.¹⁹

The low level of living standards creates fertile ground for the spread of diseases among the refugees and IDPs. Forty thousand women have already been afflicted by various illnesses (infectious diseases, gastro-enteritis, viruses, skin diseases, malaria, diphtheria, typhoid, depression, tuberculosis, anaemia, diabetes, etc). Poor living conditions have resulted in 6,000 women becoming infertile or having gynecological diseases, 4,000 suffering from anaemia, 7,000 having internal diseases and 3,500 suffering from stomatitis. There is a need for women's and children's health to be protected through periodical medical examinations and vaccinations to counter infectious diseases. Family planning and reproductive health services also need to be provided.²⁰

Among the refugee and IDP population, only 5.2% are able to buy the school supplies while 27.7% are entirely unable. Moreover 21.8% of

18 – According to data of the Norwegian Refugee Council, <http://www.nrc.no/NRC/eng/frames/programs.htm>.

19 – Council of Europe, Doc. 9348, Humanitarian situation of refugee women and children in Azerbaijan, 1 February 2002.

20 – *Ibid.*

refugee children do not attend school and 20.6% children did not complete their secondary school education.²¹

According to the new State Program on improvement of living conditions and increasing of employment of refugees and IDP adopted on 02 July 2004, all forced migrants will be resettled in settlements. There are some recommendations to the private sectors and schools to solve their employment and education problems, in particular to create 20,000 job positions.

Violence against Women in the Family



III.1 Domestic violence

Domestic violence against women is a taboo subject in Azerbaijan's patriarchal society. Domestic violence is one of the main obstacles to achieving gender equality in all spheres of life. Realizing this, the Committee on the Elimination of Discrimination against Women noted in January 1998, that it was "seriously concerned that insufficient efforts have been introduced to assess and combat violence against women, particularly in the light of the fact that socio-economic and physical hardships usually increase the incidence of violence, especially in the domestic sphere".²² The Human Rights Committee also noted with concern in November 2001 "that domestic violence is apparently not acknowledged to be a problem and that information on these matters is not systematically maintained, that women have a low level of awareness of their rights and the remedies available to them, and that complaints are not being adequately dealt with".²³

The AFHRO and OMCT fear that domestic violence is only receiving limited attention from the government. There is currently no specific

21 – UNDP. Azerbaijan Human Development Report 2002.

22 – U.N. Doc. A/53/38, paras 37-79, Concluding Observations of the Committee on the Elimination of Discrimination against Women: Azerbaijan, 14/05/98.

23 – U.N. Doc. CCPR/CO/73/AZE, para. 17, Concluding observation of the Human Rights Committee: Azerbaijan, 12/11/2001.

legislation in place to deal with domestic violence. Domestic violence can currently be dealt with under the general provisions on physical violence in the Criminal Code. Article 125 of this Code holds that threats, cruel treatment or systematic humiliation leading to suicide or to an attempted suicide of a materially, officially or in any other way dependant person is punishable by imprisonment from 3 to 7 years.

Articles 126, 127 and 128 of the Criminal Code deal with different degrees of deliberate infliction of bodily harm resulting in different degrees of health disorders and disabilities. Article 133 deals with the infliction of physical or psychological suffering by systematic beatings or by violent acts.

These provisions do not take into account the special relation and the interdependence between the victim and the perpetrators of domestic violence, and, thus, their special needs. Moreover, besides article 125, which deals with psychological violence related suicide or attempted suicide, psychological violence is not taken into consideration.

The Women's Rights Monitoring Group of the Human Rights Center of Azerbaijan carried out a research on domestic violence in six Azerbaijani regions. The results showed that 35.3% of women had been subjected to violence by their male relatives, 21.3% believed that men did not respect women's opinions, 20.2% of women complained of moral humiliation, and 19.8% of women were under the physical influence of men.²⁴ However, there are no reliable state statistics about the violence against women in general, and about domestic violence in particular. In Azerbaijan, it is not accepted "to seek solutions for family problems outside of the family or household". Moreover, women/girls are not accepted and not encouraged to refer themselves to the police in the case of abuse by her husband, brother or father. The complaint to the police will be badly perceived not only by her family, by relatives, and by public opinion, but also by the representatives of authority and by policemen to whom the woman would refer herself to.

It is reported that women are often deprived of the rights to independent decision-making, to equal participation within the family, and to proper education and employment opportunities, as compared to her male counterpart. It is also worth noting that the majority of abused women don't

24 – Information collected in International Helsinki Federation of Human Rights, Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2003, available at http://www.ihfr.org/documents/doc_summary.php?sec_id=3&d_id=1322.

consider the abuse, which they suffer within the home, as being morally humiliating. It is largely considered by society to be phenomenon which is a part of social life and is also known to be prevalent in Azerbaijan's society.

The problem of domestic violence is one of the most common and difficult problems in the Republic. Despite its prevalence within the society, the problem is silenced. Wives, who suffer violence from the side of husbands, may refer to the authorities, but the young girls, who suffer systematic violence from the side of fathers and brothers, almost never turn to the authorities.

The Women's Crisis Center was established in 2001 with the Institute of Peace and Democracy and represented the first, and, thus, the only women's organization in Azerbaijan. Until 2003 the Women's Crisis Center has helped 1,884 women/girls with their problems of domestic violence. In the first 9 months of 2004 the Women's Crisis Center received 1,507 cases.²⁵ Created in January 2004, the Family Crisis Center, accepted 42 victims of domestic violence²⁶ within the first nine months of its conception.

III.2 Marital Rape

There is no specific article on marital rape or rape of a partner in the Criminal Code. Social attitudes toward rape within marriage indicate that many people do not consider it a crime. It is unofficially considered as the "internal affairs" of each family. The mentality of Azerbaijanis does not encourage complaints about marital rape, such complaints are often considered to shame the family. From 2003 to 2004 there was only one complaint of marital rape in the Women's Crisis Center.²⁶ Similarly, there was also only one complaint to the Family Crisis Center about marital rape during 2004.

25 – Information from the Women's Crisis Center for 2003-2004.

26 – Information from the Family Crisis Center.

27 – Information from the Women's Crisis Center in 2003-2004.


 IV

Violence against Women in the Community

IV.1 Rape

According to article 149 (1) of the Criminal Code, rape, sexual intercourse by using force or by threats involving the use of force towards the victim or third persons or by using the helpless state of a victim, is punishable by imprisonment for a period of 4 to 8 years. According to article 149 (2), if the rape was committed by a group of persons; if it has led to a venereal disease; if the victim was under the age of 18 and this was clear for the rapist; or if the victim was threatened to be killed or to be caused grievous bodily harm or the rape was committed with special cruelty; if the rape was committed repeatedly, the rape is punishable by imprisonment for a period from 5 to 10 years. According to article 149 (3) a rape, which has resulted in death of a victim, or has infected the victim with HIV, or has been committed against a person under the age of 14, is punishable by imprisonment for a period of 8 to 15 years. According to article 152 of the Criminal Code, the age of sexual consent is 16.

Although rape is severely punished in Azerbaijan, only a small fraction of offences against women are reported and prosecuted.

It suffices to note that, according to the data of Governmental Committees based on the information of the Ministry of Internal Affairs, 49 cases of rape and attempts of rape were registered in 2003.²⁸ In the first 7 months of 2004, 15 cases of rape and attempts of rape were registered.²⁹ It is also worth noting that in 2003 the Women's Crisis Center received 57 victims of rape, and in 9 months of 2004 only 24 victims of rape.³⁰ The Family Crisis Center during January 2004 didn't receive a single complaint concerning rape.³¹

The above information demonstrates that in Azerbaijan the victims of rape, in the overwhelming majority of the cases, prefer not to publicize it. On the national level, the negative attitude of the society regarding victims of rape forces them to conceal not only from the representatives of the authorities,

28 – The Bulletin of the Information Agency of Turan of 21 January 2004.

29 – The Bulletin of the Information Agency of Turan of 17 August of 2004.

30 – The Women's Crisis Center document for the years 2003-2004.

31 – Information from the Family Crisis Center.

their neighbors, but in a number of cases from the members of their family. In the Women's Crisis Center there were women, who were forced to hide the fact of rape from the husband and parents. Within the family, the husband considers the wife "soiled" by rape and often threatens to divorce her. Unmarried women are considered dishonored by rape, which in the culture is often even worse than being "soiled". Therefore, in Azerbaijan suicides are frequent among the victims of rape. Moreover, the fact that there is no program of protection and rehabilitation for rape victims and that there are no specialised departments that deal with sex crimes, and that there is no program of training available for police officers in handling rape cases in a sensitive manner, does not improve the situation or assist in reducing the level of impunity enjoyed by the perpetrators of rape. Alarmingly, women may possibly even face further violence when they seek assistance from the police.

The kidnapping of brides, which is still in practice in the rural regions of Azerbaijan, are also often accompanied by rape. Although kidnapping is punishable, by the Article 144 of the Criminal Code of Azerbaijan Republic, the underage victims of kidnappings are to be the most severely punished. The disturbance of the sexual inviolability of woman is also punished according to the Articles 149-153 of the Criminal Code of Azerbaijan Republic. However, the cases of recently kidnapping of brides increased in frequency as the result of the difficult social and economic situations of an overwhelming majority of the population when the family of the bride does not have the possibility to present the dowry, or the family of the groom cannot purchase gifts out of respect and cannot organize the wedding.

IV.2 Prostitution

Women's unemployment clearly provoked prostitution and involvement in the sex industry.³² Prostitution is considered to be woman's personal matter in Azerbaijan. Women engaged in prostitution are not liable for criminal charges. However, the involvement of women in the exploitation of prostitution is punishable. Article 171 of the penal code criminalizes forcing a person under-age, meaning under the age of 18 years old, into prostitution or other immoral actions. In addition to Article 171, Article

32 – International Helsinki Federation of Human Rights, Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2003, available at http://www.ihfhr.org/documents/doc_summary.php?sec_id=3&d_id=1322.

243 of the Penal code criminalizes forcing a person into prostitution by using violence or threats of violence, blackmail, destruction or damage of property or by fraud if such an action is committed with mercenary motives. Enforced prostitution is punished by a fine or corrective labor of 160-200 hours or by imprisonment for a period of up to 3 years.

IV.3 Trafficking

Trafficking in persons, especially women, is a serious problem in the Azerbaijan Republic, which is at the same time a country of origin, transit and destination of trafficking victims. Since the fall of the Soviet Union, women in the former Soviet countries have been particularly vulnerable to trafficking for a combination of reasons, including poverty, discrimination and violence, which violates their economic, social and cultural rights.

Already in 2001, the Human Rights Committee rose in its Concluding observations the concern about the lack of information of the extent of the problem of trafficking in women and called for the state parties to take resolute measures to combat the practice.³³

Unfortunately, it is extremely hard to track down the actual number of trafficking victims and activities because of the covert operations, and no complete picture of trafficking in Azerbaijan has been drawn. Studies in this direction have been conducted for more than a year exclusively by the efforts of international and non-government organizations. In 2003, a special report about trafficking in Azerbaijan was prepared by the International Organization for Migration (IOM). In 2004 the Women's Crisis Center and a number of other NGOs carried out a series of special studies on this problem. According to the studies, which were carried out by the Women's Crisis Center during January-March 2004, in Baku city, Gyandzha, Shamkir and Mingechaur, trafficking most frequently concerns women and children. Among those interrogated 110 victims of trafficking were revealed, 73 were - woman from 18 to 53 years old, 7 were children from 12 to 13 years old, 20 were adolescents from 14 to 17 years old, and 10 men from 30 to 40 years old.

The representatives of the authority for a long time denied the presence of this problem. NGOs, on the other hand, by means of the media (sometimes checked by the authorities), have been able to place this problem under

33 – U.N. Doc CCPR/CO/73/AZE, para. 15, Concluding observations of the Human Rights Committee: Azerbaijan, 12/11/2001.

public consideration. From September 2003 through September 2004, the newspapers of the Republic printed about 200 pieces of information, most of which were analytical essays or interviews on the problem of trafficking.

According to the deputy commander of border forces, Azerbaijan is also a country of transition. They export women from Russia and the countries of Central Asia through Azerbaijan to the countries of the Near East.³⁴ Women of the sex industry are exported from the airport of Baku to Turkey, Dubai, Pakistan, and Greece. The studies of the NGO “Clean World” indicated that in the autumn-winter season 500-600 women are exported monthly to Turkey alone, in the spring-summer season 2,000 were exported. This is the approximate number of women that leave for Turkey by airway. They, at the same time, are exported by bus through the Nakhichevan Autonomous Republic to Turkey. The victims of trafficking most frequently are women who have been subjected to rape, which include the “dishonored” girls, the victims of sexual solicitations in the workplace, single-mothers, and single-women who provide for their whole family, including often times their parents and children.

The Organization for Security and Co-operation in Europe (OSCE) and the International Organization for Migration (IOM) undertook the roles as mediators in the dialogue between the representatives of the authorities and the social organizations combating the problem of trafficking. On 6 May 2004 the President I. Aliyev issued a Decree of the Republic outlining the fight against trafficking in persons. After the issue of this edict the National Plan of Actions on Combating Trafficking was prepared by the government together with the OSCE and the IOM. This plan intends to combine the efforts of public bodies, international, non-governmental and public organizations, and has also created a special division under the Ministry of Internal Affairs for the task of organizing the fight against trafficking.

It should be noted that the Criminal Code does not consider trafficking in women to be a separate offence with specific criminal liability. However, article 173 of the Code does specifically criminalize the trafficking in persons under the age of 16. According to article 112 of Criminal Code, deprivation of liberty contrary to norms of international law is punished by imprisonment for a period of 5 to 8 years. The articles on forced prostitution that have been mentioned above do however cover several

34 – An interview with the manager of border forces by the Women’s Crisis Center in February 2004.

components of the crime of trafficking and indirectly provide for measures of punishment. However, legislation on enforced prostitution does not cover acts of trafficking for purposes other than forced prostitution: i.e. forced marriage, forced labour and domestic servitude. Revisions of the Criminal Code are being planned to introduce special articles about the differentiation of different types of trafficking in persons. It is expected that the Parliament of the Republic will implement these changes in 2004.³⁵

Other than the women's NGOs who help in the rehabilitation of victims, there are no support mechanisms to help trafficked women return to their place of origin.

Throughout August and September 2004 several round tables were convened under the initiation of OSCE in Baku, in which the NGOs, the representatives of the law-enforcement agencies and the international organizations took part. During these round tables the directions of fighting against trafficking were determined, including the preventive measures, and it was also explained which resources could be provided by the different organizations.

35 – Elizaveta Kasumova, “Milli Medzhlis will examine the bill of the fight with any forms of human trafficking. Trafficking- the misfortune of new century.” In the newspaper *Azerbaijan News*, September 2004.

Violence against Women Committed by State Agents

V

V.1 Torture and ill-treatment

Article 46 of the Constitution states: “(1) Everyone has the right to defend his/her honour and dignity. (2) Dignity of a person is protected by the State. (3) No one shall be subjected to torture and torment, treatment or punishment, humiliating the dignity of human beings. Medical, scientific and other experiments must not be carried out on any person without his/her consent.”

Article 31 of the Constitution states: “(1) Everyone has the right to live in safety. (2) Except cases envisaged by law, it is prohibited to infringe on anybody’s life, physical and spiritual health, property, living premises, to commit acts of violence.” Article 61 of the Constitution states “(3) Every citizen has the right for the lawyers’ advice from the moment of detention, arrest or accusation with crime by competent bodies.” Article 68 of the Constitution deals with the right for compensation of losses. It reads: “(2) Everyone has the right for compensation by the state of losses borne as a result of illegal actions or non-action of state bodies and their officials.”

The definition of torture first appeared in Azerbaijani law on 1 September 2000 with the promulgation of the new Criminal Code. Article 113, on the use of torture, mentions the “inflicting of physical pain or mental suffering on persons held in custody or subjected to other forms of deprivation of liberty.” The crime is punished under the same article by the deprivation of liberty for a period of 7 to 12 years.

Moreover, article 133, on torture, refers to the “causing of physical or mental suffering through systematic beating or any other use of violence, unless this should have the consequences stipulated in articles 126 and 127 of the present Code”, i.e., the deliberate causing of serious or moderately serious injury to health. Another form of torture, as described in article 133.3, is the performance of such acts “by, or at the bidding of, officials taking advantage of their official position with a view to extorting information from persons or forcing them to make confessions, or with the aim of punishing them for actions which they have committed or are suspected of having committed”.

The notion of torture also appears in the section on military offences, in article 331.3, on the insulting, beating or torturing of military servicemen, which talks of: “The beating or torturing of subordinates by their superiors during or in connection with the performance of duties related to their military service”.

Accordingly, in Azerbaijani law, the definition of torture differs markedly from the definition provided in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, in the following respects:

1. In criminal law, no punishment is provided for torture committed “with the knowledge or tacit approval of an official” (officials are only punished for direct involvement in acts of torture or in their instigation); **2.** If serious or moderately serious injury to health is caused as a result of the torture, it falls under other articles of the Criminal Code, which do not mention torture; **3.** No penalty is provided for torture if it is a punishment for the actions of a third person or a means of intimidating a third person; **4.** Torture is not mentioned in the context of discrimination of any kind (for example, on the grounds of ethnic background, sexual orientation, etc.).

As a result, a number of situations which fall under the definition of torture in the Convention against Torture, incur no criminal liability.

While article 15 of the Code of Criminal Procedure does not define torture, it does enumerate specific situations of torture. This is the only article in Azerbaijani law which mentions the prohibition of “cruel, inhuman or degrading treatment and punishment”, without any specific explanation of how such treatment and punishment differ from torture.³⁶

Torture is one of the most used methods of investigation in Azerbaijan. Female family members are used to apply pressure on those who are under the investigation, and in the majority of cases in the cases of political prisoners. The person under investigation, who in spite of harsh tortures and beatings, does not give the necessary information for the investigation testimonies is threatened by rape of the mother, wife, sister, and daughter. Female relatives can be brought to the police station, in many cases to the

36 – Compliance of the Republic of Azerbaijan with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment. An alternative NGO report to the UN Committee Against Torture, (30 th Session, 28 April – 16 may 2003), Prepared by the Azerbaijan Human Rights Centre together with the International League for Human Rights and the World Organization Against Torture, 2003, pp.4-5.

General Board for the Struggle Against Organized Crime of the Ministry of Internal Affairs (MIA) of Azerbaijan Republic where the people under investigation are most frequently tortured. In such cases the people under investigation immediately give the investigators the sought information which the investigators seek.

Since May 7 2004 in the Serious Crimes Court, has been considering the case of 7 leaders of the opposition parties of Azerbaijan, who were accused of inciting the mass disorders that took place on 15-16 October 2003 after the elections of the president. On 8 September 2004 the accused chairman of the “Umid” (Hope) party, deputy of the parliament Iqbal Agazade, told in detail, after the tortures during his investigation in October 2003 at the General Board for the Struggle Against Organized Crime of the MIA of Azerbaijan Republic, how he was blackmailed by the possible arrest and possible violence against some of his female family members. The blackmail that Mr. Agazade was threatened ??? caused him to testify against himself stating that he and his colleagues had organized the mass disorder that followed the election. During the trial, Mr. Agazade rejected the testimonies that he had given during the investigation under threat.³⁷ The General Secretary of the Democratic Party of Azerbaijan (ADP) Sardar Jalaloglu stated at the trial that police threatened his family members. The witness Qasimova Nahayat, told that she was brutally beaten on 16 October 2003 during the dispersal by the police of the unsanctioned rally and received serious injuries. In hospital, she was visited by investigators who demanded her to testimony against the opposition leaders. Her treatment was interrupted when she refused to testify. She was taken to the police station where she was threatened with criminal charges. She agreed to testify under pressure from the authorities. When N. Qasimova appeared at the trial she withdrew the testimonies given under pressure.

Female members of the opposition political parties are exposed to constant beatings by the police on the charge of so-called unsanctioned pickets, rallies, and demonstrations. The police officers kick them, strike them with batons and tear off their clothes. In reaction to the assault of women by the police, one of the writers declared that Azeri woman should not behave in a way that the police should need to beat them.

37 – See also newspaper «Zerkalo» dated 9 September 2004.

V.2 Women in custody

In Prison No 4, the only specific women's prison in Azerbaijan located in the Khatai district of the city of Baku, 261 women were imprisoned as of September 2004. Forty-five per cent of the women were sentenced for theft; 25% had been sentenced for alcohol storage and sales; 15% had been sentenced for murder; and 15% for other crimes.

Among the prisoners, the following diseases were noted: venereal (10 women), drug addiction (7), alcoholism (1), neuroses (15), tuberculosis (6), mental (6), and 40% of the women complained of gynecologic problems. However, according to the information collected from the Monitoring Project "Prisoners Right for Health", carried out by the "EI" Center, women are deprived of health as the prison offers no special medical facilities for gynecological diseases. A gynecologist works in the prison on a part-time basis, but since 2004 he is generally absent. The remaining medical personnel of the prison consist of one therapist, one medical assistant and one doctor working on a part-time basis. There is no psychologist.

This is an improvement in comparison to the 2000 statistics, when the women's prison only had one medical attendant on its staff.³⁸

Prison No. 4's building is old and very damp. The poor sanitary condition provokes tuberculosis among the prisoners and, therefore, should be reconstructed, despite minor reparations carried out by the prisoners themselves every three years.

In 2003 to the Women's Crisis center turned 17 women on the problems of violence in the period of detention by the police and sentence to prison, while in 9 months of 2004 turned 8 women.

38 – Final Report of the Monitoring Project *Prisoners Right for Health*, by Dr. Elmira Alakbarova of the "EI" Center, when monitoring in May-June 2001, in co-operation with the Human Rights Center of Azerbaijan, four Azerbaijani prisons including Prison No 4 for women.

V.3 Women Human Rights Defenders

Women human rights activists have also been subjected to harassment in Azerbaijan. Pressure on the activists of women human rights activists and human rights NGOs is imposed in several directions:

1. Despite the current legislation, the Ministry of Justice rejects a majority of human rights NGOs from official registration, or the issue of licenses to these NGOs for official operation.
2. The media, both electronic and printed, controlled by the authorities constantly discredits the activities of women human rights defenders. The media depicts them as the enemies of the society, whose activities are directed against the interests of the nation. It is necessary to consider that in Azerbaijan independent television is generally absent, and all electronic media is under the control of the authorities, and consequently forms public opinion.
3. The authorities scarcely use direct violence following threats to use violence, but the authorities widely use law enforcement agencies against the women activists of human rights.

In April 2003, the authorities inspired the attacks on the offices of the Human Rights Center of Azerbaijan and Institute of Peace and Democracy, during the attack in April 2003, the father of Zahila Tahirova, the Deputy Director of Human Rights Center, was beaten. In May 2004, after the demonstration, the television depicted scenes of last year's attacks and the repetition of the threats of violence against Eldar Zeynalov and Zahila Tahirova. An example of law enforcement being used against women human rights activists is the case of Zahila Tahirova, who was twice accused of criminal activities of slander and insult of honor and merit according to the Criminal Code, the most previous of which occurred in April 2004.

VI

The Status of Women's Reproductive and Sexual Rights

The AFHRO and OMCT recall that the Committee on Economic Social and Cultural Rights adopted General Comment 14 on the right to the highest attainable standard of health at its 22nd Session, in 2000.³⁹ With regard to gender, “the Committee recommends that States integrate a gender perspective in their health-related policies, planning programmes and research in order to promote better health for both women and men.” With regard to women and the right to health, the Committee notes in paragraph 21 that “to eliminate discrimination against women, there is a need to develop and implement a comprehensive national strategy for promoting women’s right to health throughout their life span.” The same paragraph states: “A major goal should be reducing women’s health risks, particularly lowering rates of maternal mortality and protecting women from domestic violence.” Moreover, the Committee stresses that “it is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights.”

The level of maternal mortality during labor remains high. According to the data on January 2004, maternal mortality rates are to 19.4 live births to every 100,000 children born.⁴⁰ One of the basic reasons for maternal mortality is the extra-genital diseases and hemorrhages. Meanwhile, as investigations showed, women pay little attention to the preventive maintenance of such illnesses and, usually, they only turned to the doctors under extreme conditions. Only 12% of the investigated women turned to gynecologist recently in connection with the already appeared disease. The high mortality rate of women corresponds also to ecologically unfavorable regions of Azerbaijan. There is an explicit connection between poor health, reduced life-expectancies and population residing in the zones of ecological risk. Another reason, which negatively influences the health of women, is the absence of hygienic, therapeutic and prophylactic training and education, and also the lack of nourishment tightly related with the limited family budget.

39 – UN Doc. HRI/GEN/I/Rev.5, General Comment No. 14 of the UN Committee on Economic, Social and Cultural Rights.

40 – State Committee on Statistics of Azerbaijan Republic, Women and men in Azerbaijan, Baku, «Sada», 2004.

An increase in abortions is an additional factor. Sixty-three per cent of women at the age from 15 to 44 years old have had an abortion in Azerbaijan. Official statistics show the number of 25.013 abortions to every 100 live-born children. This, it does not reflect reality, since many women, without desiring publicity, abort illegally. The increase in the level of abortions noted in recent years testifies the unwillingness of the larger part of women at the present moment to have children or about the tendency to put off the timing of giving birth. A large quantity of abortions evidences a lack of contraceptive means. Statistics in 2002 show that the contraceptive rate in Azerbaijan was 55%.⁴¹ “According to the investigation of population, 87.9% of women from the age of 15 to 44 years old have heard about the fact that there are some methods of contraception, 64% - learned about this from the doctor, 73% want to know about this more and in more detail. But 67% desire to hear this information concretely from the doctor- gynecologist”.⁴² Azerbaijani law does not deem abortion a crime, but a doctor can be punished criminally order for the facilitation of an illegal abortion.⁴³

41 – UNDP, Human Development Report 2004: Cultural Liberty in todays diverse World, p.157 available at http://hdr.undp.org/reports/global/2004/pdf/hdr04_complete.pdf

42 – M. Faradzullayeva, “What is ‘Reproductive health’”, newspaper *Mirror* from 18 July 2003.

43 – Art. 141 of the Criminal Code. The Criminal Code punishes “illegal abortions, namely abortions performed by a physician outside hospitals or other medical establishments or by an individual without higher medical information”.

VI

Conclusions and Recommendations

The human rights situation in Azerbaijan has seen some improvements during the process of Azerbaijan's accession to the Council of Europe. The Government has promulgated several new legal codes, replacing codes from the Soviet Era. The new codes included: a new criminal code, a code of criminal procedure, a family code, a civil code, a code of civil procedure, and a code on administrative violation. Nevertheless, many problems persist. Violence and discrimination against women remain a serious problem, many political prisoners are still being held in prisons, torture and ill-treatment continue and go unpunished, the judiciary is not independent and the executive branch is corrupt and inefficient.

The AFHRO and OMCT welcome the fact that Azerbaijan has enacted laws and established several mechanisms with the purpose to guarantee equal rights between women and men, as the "State Committee on women's Issues" in 1998. However, the situation becomes complicated by the fact that women ??? participate in the political life including the formation of the legal basis for women rights and its practical application.

The generalized inequality between men and women in Azerbaijan has created a situation in which women are particularly vulnerable to violence. Violence against women constitutes a serious obstacle to the achievement of women's equality. Laws dealing with violence against women appears to be very weak, or sometimes even absent in the legislation. There are no specific laws concerning domestic violence, marital rape and rape of a partner.

The AFHRO and OMCT note with concern that women seldom report violence to the authorities due to fear and shame as violence against women remains a taboo subject in Azerbaijan. As a result, violence against women often goes unpunished. The lack of effective legislation, insufficient public awareness of the right to be free from violence, lack of specialised police departments, the lack of trust in the police, arising from insensitive attitudes, the use of ill-treatment, the lack of the scientifically grounded and materially ensured programs on the provision of the gender equality and widespread corruption does not help to improve the situation.

The AFHRO and OMCT would, therefore, recommend to set efforts for building a legal state, a democratic and civil society in Azerbaijan and to establish conditions for the active participation of women in public/political life of the republic. In this sense, the AFHRO and OMCT would recommend the government to set up an independent court system in which participation in the process of women be provided. The AFHRO and OMCT would also urge the government to pass anti-corruption legislation and to work out mechanisms for its practical application.

Regarding the conflict around Nagorny Karabakh, the AFHRO and OMCT would also urge the government to set efforts for peaceful resolution of the conflict and to create conditions for an active participation of women NGOs in the process, to return refugees and IDPs to the places of their previous residence and to particularly pay attention to the specific needs of internally displaced women.

The AFHRO and OMCT recommend that the government establish programs in order to improve the economic situation of women and the implementation of public education programs to eliminate traditional stereotypes of the roles of men and women in the society and to eradicate practices which discriminate against women. The AFHRO and OMCT, also recommends the government to work out and accept programs of support and protection of women entrepreneurs and to pay particular attention to discrimination against women regarding access to employment.

The AFHRO and OMCT would recommend that effective measures be taken with respect to the enactment of legislation on domestic violence. Domestic violence seems not only to be very prevalent in Azerbaijan; it also appears to be generally accepted. Moreover, the AFHRO and OMCT are concerned that the law in Azerbaijan provides no measures to protect women from violence and to shelter victims of domestic violence.

The AFHRO and OMCT would urge the government of Azerbaijan to develop a comprehensive policy for the prevention and elimination of domestic violence, including introducing domestic violence legislation containing protective legislation such a protection orders, training for law enforcement officials at all levels in dealing with complaints of domestic violence, and public education campaign aimed at changing patriarchal attitudes and customs preventing the enhancement of the status of women. The government should enact legislation which recognizes marital rape and rape of a partner as criminal offences.

The AFHRO and OMCT would recommend programs to raise awareness and gender-sensitive training for police and judiciary officials with regard to violence against women, specifically training addressing cases of domestic violence. The government should also institute awareness raising campaigns to take this violence out of the private sphere and place it in the public eye. The AFHRO and OMCT would urge the government to organize special training course for the Police Academy of the MIA and for policemen to be trained on how to treat victims of violence.

The problem of the sexual harassment causes deep concern in Azerbaijan. It is necessary to adopt a special law about sexual harassment and carry out broad propaganda of that law. The AFHRO and OMCT would therefore urge the government to adopt a strong law forbidding sexual harassment and establishing a cause of action for such acts which is imperatively needed.

The AFHRO and OMCT would like to express its concerns about the issue of trafficking in women and girls which was become one of the largest problems of Azerbaijan, and is largely related to poverty and lack of employment. The AFHRO and OMCT note with concern, that the Criminal Code does not consider trafficking in women a separate offence with specific criminal liability. Therefore, the preparation and adoption of a new legislation criminalizing trafficking in persons is recommended. The AFHRO and OMCT recommend that the government increase efforts to arrest, prosecute and punish perpetrators of trafficking. Special emphasis should be provided to the protection of the victim.

The AFHRO and OMCT would also recommend to the government to provide assistance on the state level to create women rehabilitation centers and shelters both in the capital and provinces where women – victims of the violence in the family and society as well as trafficking could receive free support, rehabilitate and live for a certain period of time. The government should also implement programs of social rehabilitation for women from marginalized groups (prisoners, victims of domestic violence, trafficking, street teenagers and refugees).

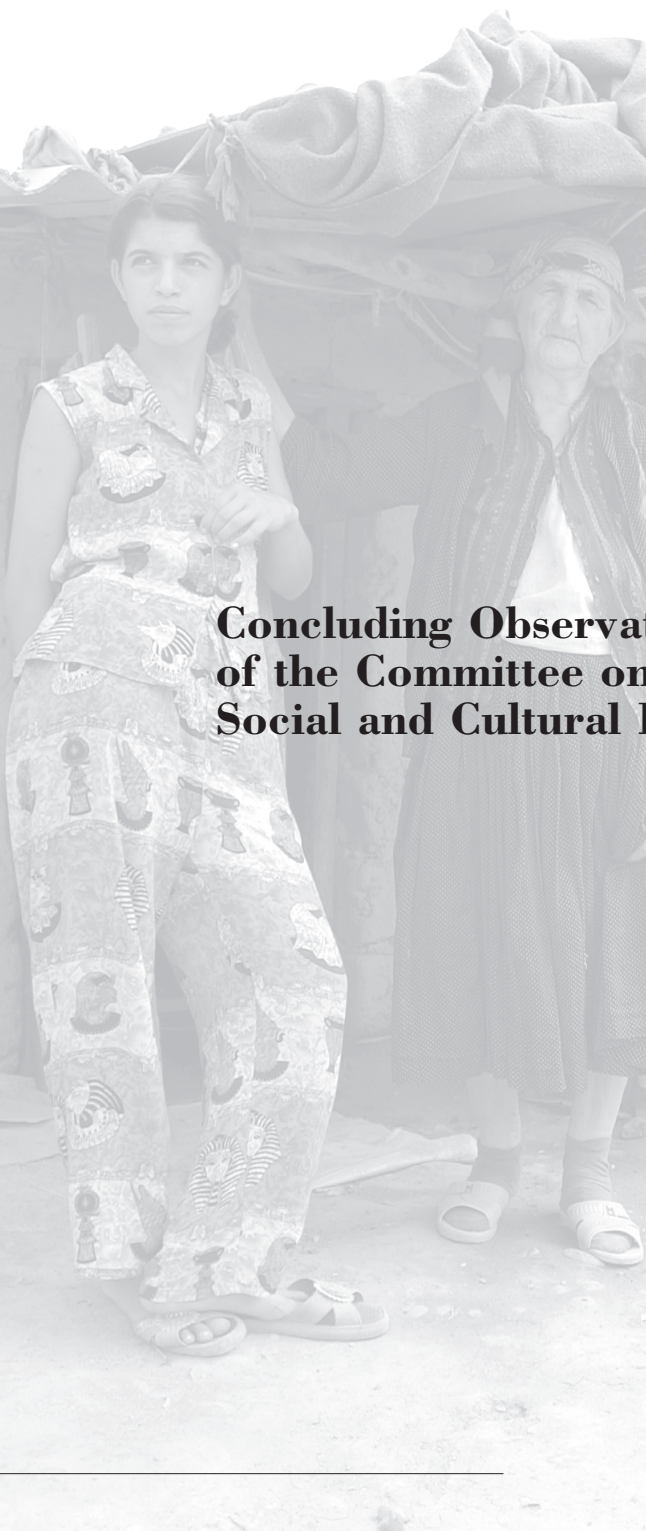
The AFHRO and OMCT welcome the fact that torture has been criminalized in Azerbaijan. However, it is very concerned that torture and ill-treatment is still widespread. The police reportedly abuse prisoners during their arrest, interrogation and pre-trial detention. The AFHRO and OMCT are particularly concerned about the fact that there is widespread impunity for torture and ill-treatment in Azerbaijan. The AFHRO and

OMCT would, therefore, recommend the rapid implementation of human rights training programmes for police, prison officers, judges, prosecutors and medical doctors to ensure that each group is aware of its role and obligation.

Regarding the prisons conditions of women, the AFHRO and OMCT express their concern as to the sanitary condition of the women's prison building and the medical treatment provided which seems to be inadequate, especially regarding gynecological and psychological care.

The AFHRO and OMCT are gravely concerned by reports concerning high rate of maternity mortality and reports of widespread use of abortion in Azerbaijan. The AFHRO and OMCT would recommend the elaboration of adequate family-planning programmes in order to avoid the use of abortions as a means of family planning.

Finally, the AFHRO and OMCT would insist on the need to fully implement all provisions of the Convention on the Elimination of Discrimination against Women, the Declaration on the Elimination of Violence against Women as well as the Beijing Platform of Action, in Azerbaijan as these are the most relevant international instruments concerned with all forms of violence against women.



**Concluding Observations
of the Committee on Economic,
Social and Cultural Rights**

1. Introduction by the State party

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Azerbaijan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.37) at its 41st, 42nd and 43rd meetings, held on 16 and 17 November 2004 (E/C.12/2004/SR.41-43), and adopted, at its 56th meeting held on 26 November 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in general conformity with the Committee's guidelines. The Committee notes with appreciation the comprehensive written replies to its List of Issues, though it regrets its late submission.

3. The Committee welcomes the constructive dialogue with the high-level delegation of the State party, which included deputy ministers and experts in the different areas covered by the Covenant.

B. Positive aspects

4. The Committee notes with appreciation the adoption of the State Program on Protection of Human Rights in June 1998 by the Decree of the President of the Republic of Azerbaijan.

5. The Committee welcomes the information provided by the State party that the Working Group established to prepare the second periodic report to this Committee, consisting of representatives of various ministries and state bodies, as well as experts from non-governmental organisations, will monitor the follow-up on the implementation of the Covenant in accordance with the suggestions and recommendations made by the Committee in the present concluding observations.

6. The Committee welcomes the efforts taken by the State party to combat economic crime and corruption in the State party, including the adoption of the "2004-2006 State Programme on Strengthening the Fight against

Corruption” and of the law “On Fight against Corruption” in January 2004, as well as the establishment of the Department of Fight against Corruption under the General Prosecutor.

7. The Committee welcomes the information provided by the State party on the reforms of the judiciary as part of the current overhaul of the state apparatus in Azerbaijan.

8. The Committee welcomes the adoption of the law on the rights of the child and the ratification of the ILO Convention No.182 on the worst forms of child labour.

9. The Committee commends the State party for the adoption of the law on the Protection of Samples of Folklore in May 2003, and of the Legal Protection of Expressions of the Azerbaijan Folklore, developed by the Agency of Copyright in cooperation with UNESCO and WIPO, in August 2003.

C. Factors and Difficulties impeding the Implementation of the Covenant

10. The Committee is aware that the State party is still confronted with the difficulties commonly encountered by countries in transition.

11. The Committee notes that the presence of a large number of refugees and internally displaced persons as a result of the conflict with Armenia continues to seriously hamper the State party’s ability to implement the economic, social and cultural rights contained in the Covenant.

D. Principal Subjects of Concern

12. The Committee notes with regret that no information was provided on specific decisions of domestic courts where reference has been made to the Covenant and its provisions.

13. The Committee is concerned about the lack of independence of the judiciary and the persistence and the extent of corruptions in the State party, and once again stresses the importance of an independent judiciary for the enjoyment of all human rights, including economic, social and cultural rights, and the availability of effective remedies in case of violation.

14. The Committee notes with regret that the statistical data provided by the State party does not always allow a clear evaluation of the implementation of the economic, social and cultural rights enshrined in the Covenant.

15. While noting that the constitutional guarantee to the enjoyment of all rights and freedoms is extended to all foreign citizens and stateless persons, the Committee is concerned about the persistent de facto discrimination against foreign citizens, ethnic minorities and stateless persons in the fields of housing, employment and education. The Committee is also concerned about the legal status of a significant number of long-term residents in the State party who remain stateless.

16. While welcoming the measures taken by the State party to promote equality between men and women, including the establishment of the State Committee on Women's Affairs and the adoption of the National Plan of Action on women's issues, the Committee is concerned about the persistent gender inequalities in Azerbaijan, particularly in the field of employment.

17. While acknowledging the efforts made by the State party to reduce unemployment, including the adoption in 2004 of the Programme for Social and Economic Development of Regions of Azerbaijan for 2004-2008, the Committee is concerned about the persistently high percentage of unemployment in the State party, in particular among women, youths, refugees and internally displaced persons.

18. The Committee is concerned about the lack of legislative provisions ensuring access of persons with disabilities to the labour market.

19. The Committee is concerned about the use of forced labour as a corrective measure or as a penal sentence against persons found guilty of a crime, as provided for in the Penal Code and the Labour Code currently in force in the State party.

20. While noting the efforts taken by the State party to increase the minimum wage, the Committee is concerned that the current minimum wage is still insufficient to provide a decent standard of living for workers and their families. The Committee is further concerned that in practice the minimum wage is not always enforced, given the large percentage of the population who work in the informal sector.

21. The Committee regrets the extensive limitations imposed on the right to strike by the Labour Code of the State party, exceeding by far the ILO

definition of essential services. The Committee also expresses concern about section 188-3 of the Criminal Code which places sanction, including penalties of imprisonment, on collective action by trade unions when such action disrupts public transport, and about section 6 (1) of Act No.792 on trade unions which prohibits all types of political activities by trade unions.

22. The Committee is concerned about the State party's plans to "increase the volume of social benefits by decreasing the number of beneficiaries in order to ensure the appropriate level of life".

23. The Committee expresses serious concern at the lack of legal or policy mechanisms in the State party which specifically address domestic violence, in particular, violence against women. The Committee regrets that insufficient information was provided by the State party in its second periodic report and during the dialogue in this regard.

24. While welcoming the adoption in May 2004 of the National Plan for fight against trafficking in human beings, and the establishment of the Department of Fight against Trafficking in Human Beings under the Ministry of Interior, the Committee remains concerned that trafficking in persons persists in Azerbaijan, and notes that the State party is a country of origin and destination as well as a transit point of trafficking in persons. The Committee is also concerned by the lack of reliable information, including statistics, on the extent of the problem. In this connection, the Committee notes with regret that there is no legislation in the State party that specifically criminalises trafficking in persons.

25. The Committee is seriously concerned about the reports of children who are illegally adopted from orphanages for the purpose of trafficking in organs.

26. In spite of the efforts made by the State party to improve the economic and social conditions of refugees and internally displaced persons, the Committee is concerned by the fact that they still do not enjoy an adequate standard of living.

27. The Committee is deeply concerned that despite the sizeable amount of foreign investment (14.5 billion dollars) and efforts taken by the State party to eliminate poverty, including the 2003-2005 State Programme on Poverty Reduction and Economic Development, high level of poverty persists in the country, estimated to affect approximately 50 per cent of the population according to the World Bank data of 2003.

28. The Committee is concerned about the illegal occupation by refugees and internally displaced persons of properties belonging to Armenians and other ethnic minorities. The Committee is also concerned about the lack of adequate social housing units, particularly in Baku. The Committee further notes with regret the lack of information about forced evictions and the number of homeless persons in the State party.

29. While welcoming the extensive efforts taken by the State party in the area of health including measures to address the significant regional and urban disparities in health care provisions, the Committee remains concerned that the annual per-capita spending on public health has been on the decline in recent years despite the rise in the GDP. The Committee is concerned about the high incidence of malnutrition, infant mortality, iron deficiency disorders and malaria especially among refugees and internally displaced persons. The Committee regrets that reliable statistical data in the field of health were not provided by the State party.

30. The Committee remains concerned about the low awareness of the general public in Azerbaijan on sexual and reproductive health issues, in particular with regard to the availability and use of contraceptives. The Committee is particularly concerned that a high proportion of women resort to abortion as the principal method of birth control, and about the high level of infant and maternal mortality rate. The Committee also regrets that no comprehensive sexual and reproductive health programme exists in the State party. The Committee is particularly concerned that the incidence of sexually transmitted diseases and HIV/AIDS is on the increase.

31. While welcoming the information provided by the State party's delegation that prison medical doctors are now under the supervision of the Ministry of Justice and that cases of human rights violation can be immediately brought to the attention of the Office of the Commissioner for Human Rights, the Committee is concerned about the overcrowding and the substandard conditions in prisons in Azerbaijan which have given rise to a disproportionately high rate of tuberculosis incidence and other health problems among prisoners.

32. The Committee is concerned that according "Azerbaijan Figures 2004" published by the State Statistical Committee of the Republic of Azerbaijan, the illicit preparation, storage and selling of narcotics has been on the rise since 1995, and that 2049 cases were registered in 2003.

33. The Committee is concerned that pursuant to article 19 of the Legal Status of Aliens and Stateless Persons Act, the State party does not provide

free compulsory education to non-Azerbaijani children. The Committee also expresses concern that the education standards in the State party have experienced a fall over the last decade owing to a number of factors, including lack of state investment in education.

E. Suggestions and Recommendations

34. The Committee welcomes the adoption in December 2001 of the Constitutional provision establishing the Office of the Human Rights Commissioner of the Republic of Azerbaijan with the competence to receive complaints relating to violations of economic, social and cultural rights. In this connection, the Committee recommends the State party to consider establishing a National Commission for Human Rights on the basis of the Paris Principles (General Assembly resolution 48/134, annex).

35. The Committee requests the State party to annex a copy of the National Human Rights Plan of Action to its third periodic report, and to explain how the plan promotes and protects economic, social and cultural rights.

36. The Committee draws the attention of the State party to General Comment No.9 on the domestic application of the Covenant and invites the State party to include information concerning case law on the application of the Covenant in its next periodic report.

37. The Committee urges the State party to ensure that legal and judicial training takes full account of the justiciability of the rights contained in the Covenant and promotes the use of the Covenant as a source of law in domestic courts.

38. The Committee strongly urges the State party to continue to take all necessary measures to ensure the independence and integrity of the judiciary and to combat corruption.

39. The Committee would appreciate receiving further information on the impact of privatisation of state enterprises on the enjoyment of economic, social and cultural rights in the next periodic report.

40. The Committee encourages the State party to submit in its next periodic report annually collected comparative statistical data which are disaggregated by sex, age and urban/rural residence, paying particular attention to the disadvantaged and marginalised groups of society.

41. The Committee recommends the State party to take all measures to ensure that all persons under its jurisdiction enjoy economic, social and cultural rights enshrined in the Covenant without discrimination, and to facilitate regularisation of legal status of foreigners residing in Azerbaijan whenever possible. Furthermore, the Committee requests the State party to provide, in its next periodic report, detailed information, including disaggregated statistical data, on the enjoyment of economic, social and cultural rights by ethnic minorities, foreign citizens and stateless persons.

42. The Committee calls upon the State party to adopt all effective measures to ensure equality between men and women in all fields of life as provided for in articles 2.2 and 3 of the Covenant, and to provide information in the next periodic report on the progress made in the field of gender equality, including detailed information on the implementation of the National Plan of Action on women's issues.

43. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting on a priority basis the most affected groups. The Committee calls upon the State party to provide information in its next periodic report on progress made in the field of employment activation, including the practical effects of the Programme for Social and Economic Development of Regions of Azerbaijan for 2004-2008. The Committee recommends the State party to consider ratifying the ILO Convention No. 2 on unemployment.

44. The Committee recommends the State party to adopt relevant legislation and necessary administrative measures to ensure greater access to the labour market and an adequate working environment for persons with disabilities.

45. The Committee recommends the State party to abolish the use of forced labour either as a corrective measure or as a penal sentence against persons found guilty of a crime, and to amend or repeal the relevant provisions of the Penal Code and the Labour Code, in accordance with article 6 of the Covenant.

46. The Committee urges the State party to continue to take necessary measures to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is effectively enforced. The Committee further encourages the State party to establish an effective system of indexation and regular adjustment of the minimum wage to the cost of living.

47. The Committee recommends the State party to take appropriate measures to amend the Labour Code and liberalise the existing limitations on the right to strike. The Committee further recommends the State party to amend or repeal section 188-3 of the Criminal Code and section 6 (1) of the Act No.792 on trade unions, to ensure that the right to collective bargaining and the right to join trade unions are duly respected in accordance with article 8 of the Covenant.

48. The Committee recommends the State party to undertake measures to ensure that social security benefits are adequate. The Committee further recommends the State party to ensure that targeted social assistance depending on family income is guaranteed to all disadvantaged and marginalised persons including refugees and internally displaced persons, and that such assistance does not fall below the subsistence level. The Committee also encourages the State party to consider ratifying ILO Conventions No. 102 on minimum social security standards, No. 117 on social policy (basic aims and standards) and No. 118 on equality of treatment (social security).

49. The Committee requests that the State party provide in its next periodic report detailed information on the extent of domestic violence, in particular, violence against women, and the legislative measures and policies taken by the State party to address such phenomenon, including facilities and remedies provided for victims. The Committee urges that training is provided to law enforcement officials and judges regarding the serious and criminal nature of domestic violence, in particular, violence against women. The Committee further recommends that the State party allocate resources to ensure availability of crisis centres where victims of domestic violence are provided with safe lodging and necessary assistance.

50. The Committee urges the State party to adopt legislation specifically criminalising the trafficking of human beings and to allocate sufficient resources for an effective implementation of the National Plan for Fight against Trafficking in Human Beings, and to ensure that necessary protection and assistance are provided to victims of trafficking.

51. The Committee urges the State party to continue to ensure that perpetrators of illegal adoptions are duly prosecuted.

52. The Committee strongly recommends the State party to continue to take effective measures through, inter alia, allocation of increased resources, to ensure protection of fundamental economic, social and cultural rights of the refugees and internally displaced persons, in

particular with regard to adequate housing, food and water, health services and sanitation.

53. The Committee urges the State party to integrate economic, social and cultural rights in its poverty reduction policies and measures, and refers the State party to the Committee's statement on poverty adopted in May 2001. The Committee also recommends the State party to allocate increased portions of the oil revenues to the social sector, and to continue to seek international technical assistance, as provided for in article 23 of the Covenant. In this connection, the Committee calls upon the State party to ensure that its international human rights obligations are taken fully into account when it enters into technical cooperation and other arrangements with international organisations.

54. The Committee recommends the State party to take corrective measures to ensure that Armenians and other ethnic minorities whose properties are illegally occupied by refugees and internally displaced persons be provided with adequate compensation or offered alternative accommodation, in accordance with the guidelines adopted by the Committee and its General Comment No.7. The Committee also recommends that the State party to take necessary measures to guarantee the right to housing to all persons residing under its jurisdiction, and to address the problem of the lack of adequate social housing units in the most expedient manner possible, particularly in Baku. In this connection, the Committee wishes to draw the attention of the State party to its General Comment No. 4 on the right to adequate housing. The Committee further requests the State party to provide, in its third periodic report, detailed information on the number and nature of forced evictions and on the extent of homelessness in the State party.

55. The Committee urges the State party to continue its efforts to improve its health services, inter alia, through allocation of adequate and increased resources. The Committee requests the State party to include information in its next periodic report on how the recently adopted health laws and policies have been implemented and on the progress made. The Committee encourages the State party to submit in its next periodic report annually collected comparative statistical data, disaggregated by sex, age and urban/rural residence, paying particular attention to the marginalised and disadvantaged groups.

56. The Committee recommends that the State party conduct a study on the incidence of sexually transmissible diseases and HIV/AIDS in Azerbaijan, and to develop a comprehensive sexual and reproductive

health programme, including a public awareness raising campaign about safe contraceptive methods. The Committee also urges the State party to take measures to reduce the level of maternal and infant mortality rate, and to ensure that abortions are carried out under adequate medical and sanitary conditions. In accordance with its general comment No.14 (2000) on the right to the highest attainable standards of health, the Committee also recommends the State party to take urgent measures to combat the spread of HIV/AIDS.

57. The Committee recommends the State party to continue to take measures to improve the sanitary and hygiene conditions in prisons and to ensure that the right to mental and physical health of all prisoners in Azerbaijan are ensured, in accordance with article 12 of the Covenant.

58. The Committee urges the State party to take effective measures to decrease the availability of illicit drugs in the territory of the State party through, inter alia, combating the root causes, and to provide information on the measures taken in the next periodic report.

59. The Committee calls upon the State party to take effective measures to ensure that all children under its jurisdiction have access to free compulsory education as a right stipulated in the Covenant, and to significantly increase the public expenditure on education. The Committee further encourages the State party to consider amending in this regard the Legal Status of Aliens and Stateless Persons Act. The Committee would appreciate receiving further information in the State party's third periodic report.

60. The Committee requests the State party to include in its third periodic report on the implementation of the Covenant all available information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

61. The Committee requests the State party to widely disseminate the present concluding observations among all levels of society, and in particular, among State officials and the judiciary. It also encourages the State party to engage non-governmental organisations and other members of civil society in the process of discussions at the national level prior to the submission of the third periodic report.

62. The Committee requests the State party to submit its third periodic report before 30 June 2009.

This report forms part of OMCT's Violence against Women Programme, which focuses on integrating a gender perspective into the work of the United Nations human rights treaty monitoring bodies. The report reflects OMCT's predominant concerns relating to violence against women which should be taken into consideration by the treaty body in order to achieve gender equality. It analyses the economic, social and cultural status of women in Azerbaijan and examines, from a legal and factual point of view, violence against women by state actors, in the community and in the family. In doing so, it highlights the link between violence against women and unequal power relations between men and women. Strong income inequalities, marginalisation, and lack of development opportunities are interlinked with the practice of torture and other forms of violence.

This report was prepared in co-operation with the Azerbaijan Federation of Human Rights Organizations (AFHRO) under the coordination of the Institute of Peace and Democracy. The director of the Institute of Peace and Democracy, Dr. Leyla Yunus, came to present the report at the 33rd session of the Committee on Economic, Social and Cultural Rights, which took place from 8-26 November 2004 and during which the State report of Azerbaijan was examined.

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