

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	233
Land:	Aserbajdsjan
Kilde:	UNHCR
Titel:	Universal Periodic Review: 3rd cycle, 30th session
Udgivet:	Maj 2018
Optaget på baggrundsmaterialet:	3. september 2018

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 30th Session

REPUBLIC OF AZERBAIJAN

I. BACKGROUND INFORMATION

Azerbaijan is a State party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter referred to jointly as the *1951 Convention*). Azerbaijan also acceded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) and to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*). The country is also a State party to key international and European instruments on human rights.

A main focus of the Government of Azerbaijan is the issue of internal displacement resulting from the unresolved conflict over the Nagorno-Karabakh region. The conflict, dating back 25 years, produced over 600,000 internally displaced persons (IDPs) and some 250,000 ethnic Azeri refugees from Armenia, who were recognized as *prima facie* refugees in 1992 and naturalized in 1999. IDPs live in all 76 administrative districts of Azerbaijan, with the majority settled in the capital Baku and its surroundings. While many IDPs initially lived largely in IDP camps in the south, the Government has completed the construction of new settlements in different regions of the country. As a result, the last tented camp was demolished in 2007.

At the end of 2016, there were 1,193 refugees and 201 asylum-seekers in Azerbaijan. The largest groups of refugees are Afghans (562) and Chechens from the Russian Federation (501). Others are Iranians (61), Pakistanis (22), Syrians (15), Iraqis (13), Ukrainians (9), Palestinians (4), Yemenis (4) and Ivoirians (2). Azerbaijan's national asylum procedure is implemented by State Migration Service (SMS). Only some 130 individuals have been granted refugee status by the Government since the procedure became operational in 2004. Most refugees in the country were recognized by UNHCR pursuant to its Mandate.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 109.157: "Pursue its substantial efforts to alleviate the suffering and to improve the living conditions of IDPs and refugees (Turkey)"

The Government has continued to dedicate substantial resources and attention to improving the situation of IDPs, despite economic difficulties in recent years. The Government reported that 7,000 IDPs benefited from relocation to new accommodation in 2016, bringing the total percentage of IDPs who benefited from relocation to around 40 per cent. Also, the Government announced that 4,000 vulnerable IDP families will be relocated to housing settlements during the course of 2017. In early 2017, the Government introduced changes to the IDP assistance policy aimed at making it more needs-based as opposed to status-based, and from in-kind to

cash-based assistance. However, at the moment of writing, the implementation of the new policy remains incomplete.

Linked to 2nd cycle UPR recommendation no. 109.156: “Consider setting up a mechanism to protect unaccompanied minor refugees (State of Palestine)”.

Presidential Decree No. 1257, of 23 February 2017, introduced welcome changes to the refugee status determination (RSD) procedure by establishing a protection mechanism for unaccompanied children seeking asylum. The Decree tasked the Custody and Guardianship authorities with protecting the rights and interest of the child in the asylum process. UNHCR remains committed to supporting the Government in its efforts to implement the new procedures in practice and continue developing protection mechanisms for refugee children.

Linked to 2nd cycle UPR recommendation no. 109.59: “Adopt all types of measures to ensure universal birth registration for all children, regardless of the circumstances in which they were born or the civil or immigration status of their parents, while also facilitating the registration of children of underage mothers or mothers living in rural areas (Myanmar)”.

The Government of Azerbaijan has made substantive efforts to provide access to birth registration in rural and remote areas, including through outreach activities implemented by the State Agency for Public Service and Social Innovations. In June 2017 the Government also updated the *Decree of the Cabinet of Ministers No. 145 of 2003* to remove legislative provisions preventing access to birth registration for children born to foreigners and stateless persons. The provisions requiring parents to produce their residence registration in order to obtain a birth certificate for their child was abolished.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Respect for the principle of non-refoulement

UNHCR registered several cases of *refoulement* from Azerbaijan in 2017. These involved asylum-seekers who were returned to their countries of origin either without being given an opportunity to submit a formal application for refugee status or before a final decision was taken on their application. Two of the cases involved extradition requests from countries of origin.

Persons applying for refugee status in Azerbaijan are entitled to be issued a document certifying their status and protecting them from deportation. In practice, however, there can be long delays in registering asylum applications by the State Migration Service, sometimes exceeding a month. No documents are issued to applicants during the waiting period. Similarly, when documents are issued they are not extended to allow time for appeals of negative decisions. This practice makes it necessary for UNHCR to issue documents (UNHCR Protection Letters) to all asylum-seekers who approach the office in Azerbaijan, which are valid for the duration of the Government’s consideration of their asylum application, including judicial appeals.

In this regard, the Committee against Torture in its Concluding Observations, (27 January 2017, CAT/C/AZE/CO/4) recommended that the Government “*should take all measures necessary to ensure that individuals who may face a risk of torture in their countries of origin are not returned, extradited or deported to those countries. The State party should ensure that persons whose applications for asylum have been rejected can lodge an effective appeal with suspensive effect*”.

Recommendations:

UNHCR recommends that the Government of Azerbaijan:

- (a) Strengthen legislative guarantees for *non-refoulement* to ensure that they fully extend to all individuals seeking asylum, including those in detention and/or in extradition procedures; and,
- (b) Ensure that asylum-seekers are issued documentation confirming their status and covering the full period of consideration of their application from the time they expressed their wish to seek asylum until the final decision is taken on their claim, including through judicial appeal.

Issue 2: Denial of access to asylum procedures

The Government of Azerbaijan has not allowed asylum-seekers originating from the Chechen Republic of the Russian Federation to access its asylum procedures. As far as UNHCR is aware, the Government has not provided any formal justification for this practice. As of the beginning of 2017, 501 refugees from the Chechen Republic of the Russian Federation were registered with UNHCR in Azerbaijan. The Government tolerates their presence in the country, but without a legal status they are unable to access formal employment and have only limited access to the national healthcare system and social services, leaving many of them in destitute conditions.

Recommendations:

UNHCR recommends that the Government of Azerbaijan:

- (a) Ensure national legislation is fully implemented and asylum-seekers from all countries and territories have equal access to the national asylum procedure.

Issue 3: Adoption of protection mechanisms for persons fleeing situations of armed conflict, generalized violence or severe disturbances of public order

Although the Government of Azerbaijan has put into place a procedure for RSD in accordance with the definition of the *1951 Convention*, there are no administrative procedures or legislation for providing protection for individuals fleeing situations of armed conflict, generalized violence or severe disturbances of public order. Establishing such formal protection mechanisms is essential to ensure effective international protection of individuals who may not fall under the scope of the *1951 Convention* refugee definition but whose expulsion could result in violation of their right to life, freedom from torture and security of person. As of the beginning of 2017, UNHCR determined that 769 persons in Azerbaijan were in need of international protection pursuant to an expanded refugee definition or as *prima facie* refugees. While the Government has tolerated their presence in the country, without a legal status they are unable to access basic social services and achieve an adequate level of integration.

In this regard, the Committee on the Rights of the Child in its Concluding Observations, (12 March 2012, CRC/C/AZE/CO/3-4) recommended that the Government provide “*protection for children, including those of Chechen origin, not formally recognized as refugees and unable to return to their country of origin due to, inter alia, severe disturbances of the public order or armed conflict*”.

Recommendations:

UNHCR recommends that the Government of Azerbaijan:

- (a) Amend legislation to ensure that persons fleeing situations of armed conflict, generalized violence or severe disturbances of public order can access the national asylum procedure and be granted a legal status.

**UNHCR
October 2017**

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

AZERBAIJAN

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Azerbaijan.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ¹	Recommending State/s	Position ²
Refugees, asylum-seekers and internally displaced persons		
109.156. Consider setting up a mechanism to protect unaccompanied minor refugees	State of Palestine	Supported
109.157. Pursue its substantial efforts to alleviate the suffering and to improve the living conditions of IDPs and refugees	Turkey	Supported
109.158. Continue to address issues pertaining to IDPs, in line with the relevant state programmes	Sri Lanka	Supported
Trafficking in persons		
109.84. Further step up efforts with a view to preventing and eliminating trafficking in persons, including considering the possibility of inviting the Special Rapporteur on trafficking in persons, especially women and children	Belarus	Supported
109.85. Enforce the legislation on trafficking; implement the action plan to combat human trafficking; investigate, prosecute and punish traffickers	Republic of Moldova	Supported
109.86. Provide all the support to the Inter-Agency Council to enable it to implement the National Directive Mechanism Rules regarding victims of human trafficking (United Arab Emirates);	United Arab Emirates	Supported
109.87. Continue its efforts to combat human trafficking and provide assistance to victims, especially women and children	Singapore	Supported
Discrimination against women		
109.56. Take all possible measures to eliminate stereotypes and practices which contribute to discrimination against women (Democratic People's Republic of Korea);	Democratic People's Republic of Korea	Supported
109.59. Further enhance the measures to combat discrimination against women and children in vulnerable situations	Myanmar	Supported

¹ All recommendations made to Azerbaijan during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Azerbaijan" (5 July 2013), A/HRC/24/13, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AZIndex.aspx>.

² Azerbaijan's views and replies can be found in: *Addendum* (19 September 2013), A/HRC/24/13/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AZIndex.aspx>.

109.63. Promote gender equality and combat discrimination against women	Iraq	Supported
Violence against women		
109.60. Intensify efforts aimed at promoting and protecting the rights of women, combating domestic violence and promoting gender equality	Nigeria	Supported
109.80. Comprehensively implement the laws and consider formulating a national action plan to further ensure women's rights, including on combating violence against women	Indonesia	Supported
109.83. Take further measures to develop an effective implementation and monitoring mechanism for the law on domestic violence, especially to grant access to justice for women victims of violence and guarantee their protection	Italy	Supported
Rights of Child		
109.50. Adopt all types of measures to ensure universal birth registration for all children, regardless of the circumstances in which they were born or the civil or immigration status of their parents, while also facilitating the registration of children of underage mothers or mothers living in rural areas	Uruguay	Supported

II. Treaty Bodies

Committee on the Rights of the Child

Concluding Observations, (12 March 2012), [CRC/C/AZE/CO/3-4](#)

Best interests of the child

32. While noting that the State party's legislation does make reference to the best interests of the child, the Committee is concerned by the inadequate application of the principle of best interests within the State party. In the context of judicial proceedings, the Committee is concerned at the lack of capacity among law professionals in understanding and representing the child's perspective and best interests.

33. The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. The legal reasoning of all judicial and administrative judgements and decisions should, where relevant, also be based on this principle.

Right to life, survival and development

34. The Committee is deeply concerned at the high rate of infant mortality in the State party, which is the fifth highest in Europe. Furthermore, the Committee is concerned that the State party's definition of a live birth is not consistent with the internationally recognized World Health Organization definition.

35. The Committee urges the State party to expeditiously strengthen its efforts to reduce infant mortality. The State party, in doing so, is urged to adopt a definition of live birth which corresponds to the World Health Organization definition.

Birth registration

38. The Committee is concerned about the significant proportion of births that remain unregistered, both among newborn infants as well as persons currently under the age of 18.

The Committee is particularly concerned about the situation of children born to parents in situations of socio-economic marginalization and/or living in remote regions, as well as to mothers who have been subject to underage marriage and are consequently often not officially registered as married. Furthermore, it is concerned at the prevalence of corruption in the birth registration process and the resulting inadequacy and inconsistency in the provision of registration services in the State party, particularly in its rural and outlying territories.

39. The Committee recommends that the State party undertake all necessary measures to ensure the availability of universal birth registration for all children regardless of the circumstance of birth, and/or the marital and/or migration status of the child's parent(s). It also recommends that the State party consider taking specific measures to facilitate birth registration for children of underage mothers and/or mothers in rural areas. Furthermore, the Committee also recommends that the State party take specific measures, including legislative measures, to combat corruption among authorities responsible for the provision of birth certificates.

Violence against children, including abuse and neglect

47. The Committee notes as positive the recently enacted legislation on domestic violence, No. 1058-IIIQ of June 2010. However, it remains concerned that, with regard to child abuse, the legislation:

- (a) Does not adequately address the socio-cultural root causes of domestic violence and violence against children, including in alternative care, or the raising of awareness on prevention among the general public;
- (b) Lacks measures for knowledge- and capacity-building on dealing with child abuse for professionals working with and/or for children;
- (c) Does not provide for the creation and operation of information systems required for effective referral and monitoring mechanisms.

48. The Committee urges the State party to take all necessary legal and practical measures to strengthen and expand its protection of children from violence, in particular by:

- (a) **Undertaking public campaigns, including via the press, other media and the Internet, to raise awareness of domestic violence and violence against children in alternative care and the corresponding channels for reporting such abuse, as well as to promote socio-cultural attitudes for its prevention;**
- (b) **Providing mandatory training on dealing with child abuse for all professionals working with or for children;**
- (c) **Establishing monitoring and referral mechanisms for cases of child abuse, including by creating and operating information systems required for such mechanisms.**

49. With reference to the United Nations study on violence against children (A/61/299) and the Committee's general comment no. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee further encourages the State party:

- (a) **To prioritize the elimination of all forms of violence against children, including by ensuring the implementation of the recommendations of the United Nations study on violence against children, paying particular attention to gender;**
- (b) **To provide information concerning the implementation by the State party of the recommendations of the study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on Violence against children, in particular:**
 - (i) **The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;**

- (ii) **The introduction of an explicit national legal ban on all forms of violence against children in all settings;**
- (iii) **The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.**

Family environment

50. While welcoming the State party's establishment of Family Assistance Centres under the State Committee on Family, Women and Children's Issues, the Committee remains concerned at the inadequacy of local services with regard to supporting families and helping parents avoid the need to have their children cared for outside the family environment.

51. The Committee urges the State party to make all necessary efforts to further improve the quality and availability of local family-support services, particularly for families in vulnerable and/or economically disadvantaged situations.

Children with disabilities

56. The Committee welcomes the provisions in the State party's Master Plan for the Transformation of State Children's Institutions, according to which some schools that are currently special education institutions are to be developed into inclusive education schools, and other pilot inclusive education schools will be established. The Committee also notes the income supplement provided to families with children with disabilities. However, the Committee is seriously concerned at:

- (a) The prevailing discrimination and stigmatization to which children with disabilities are subject;
- (b) The absence of a clear definition of disability in the State party, including with regard to learning, cognitive and mental disabilities, which is hindering the accurate identification of persons with disabilities and accompanying measures for addressing their needs;
- (c) Current legislation allowing parents the option of relinquishing a newborn infant or child to State care on the sole basis of him or her having a disability, without taking into account the best interests of the child;
- (d) The absence of a social model approach to persons with disabilities that is in accordance with the State party's obligations under the Convention on the Rights of Persons with Disabilities;
- (e) The inadequacy of services provided to children with disabilities, and the continued widespread limitations on the availability of inclusive education for children with disabilities, which results in such children frequently being precluded from attending school, hinders progress in social attitudes towards persons with disabilities and exacerbates the stigmatization that they frequently face.

57. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party:

- (a) **To undertake awareness-raising campaigns on eliminating discrimination against children with disabilities, and consider enacting legislation explicitly prohibiting such discrimination;**
- (b) **To establish a clear legislative definition of disability, including for learning, cognitive and mental disabilities, with the aim of accurately identifying children with disabilities to effectively address their needs in a non-discriminatory manner;**
- (c) **To prohibit the relinquishment of newborn infants and/or children to State care on the sole basis that they have a disability, to complement this prohibition with the strengthening of support measures for parents to care for their children with disabilities, and, where such placement in care is considered, to ensure that it is done with full regard to the principle of the best interests of the child;**

- (d) **To adopt a social model approach that is in accordance with the Convention on the Rights of Persons with Disabilities, addressing attitudinal and environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis, and train all professionals working with or for children with disabilities accordingly;**
- (e) **To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;**
- (f) **To ensure that children with disabilities are able to exercise their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible.**

Asylum-seeking and refugee children

66. The Committee notes with appreciation the significant measures taken by the State party to improve the situation of internally displaced persons in its territory. However, the Committee is deeply concerned about the situation of asylum-seeking children. In this context, the Committee is concerned that:

- (a) There is no mechanism to provide specific measures of protection and assistance to unaccompanied and separated children seeking asylum, and that there is no application of a consistent and child-sensitive interpretation of the refugee definition;
- (b) The current refugee legislation does not explicitly provide for complementary forms of protection for persons, including children of Chechen origin, who are not formally recognized as refugees and who are unable to return to their country of origin due to unsafe conditions;
- (c) The State party does not assume responsibility for the legal protection and welfare of asylum-seekers in its territory as envisaged in the 1999 Law on the status of refugees and internally displaced persons. Specifically, asylum-seekers and their children in its territory do not have adequate and reliable access to public health, education, social services or an adequate standard of living, due to existing legislative gaps and delays in implementation;
- (d) The State party does not provide for the birth registration of infants in an asylum-seeking situation at birth, putting them at risk of statelessness;
- (e) The State party's new draft migration code lacks provisions on complementary forms of protection and humanitarian status, which would constitute a significant obstacle to children in such situations with regard to accessing necessary social services.

67. **The Committee urges the State party to take urgent and necessary measures to adequately address the situation of asylum-seeking children and, in doing so, take every necessary measure:**

- (a) **To ensure that due consideration is given to asylum claims submitted by children, including under a refugee status determination procedure which takes into account the specific needs and rights of children and pays particular attention to unaccompanied and separated children seeking asylum, and ensure that such procedures are child-friendly and in compliance with international refugee and human rights law;**
- (b) **To provide protection for children, including those of Chechen origin, not formally recognized as refugees and unable to return to their country of origin due to, inter alia, severe disturbances of the public order or armed conflict;**
- (c) **To fully implement the 1999 Law on the status of refugees and internally displaced persons and other related legislation and ensure adequate and**

- sufficient access to food, shelter, health care and education for children in an asylum-seeking situation;
- (d) To provide for all children born on the territory of Azerbaijan, regardless of status, to be registered at birth and receive all necessary documentation;
 - (e) To consider seeking legal expertise and comments in the drafting process, including from the Office of the United Nations High Commissioner for Refugees (UNHCR), in order to assist the Government in seeking permanent solutions for refugee-related issues.

68. In considering the above recommendations, the Committee draws the State party's attention to the Guidelines on International Protection: child asylum claims under articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees issued by UNHCR in December 2009.

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding Observations, (27 May 2013), [CMW/C/AZE/CO/2](#)

Non-discrimination

20. The Committee is concerned that despite various legislative and other measures taken by the State party to improve the situation, migrant workers and members of their families in the State party continue to suffer from various forms of discrimination and from stigmatization in the media and in society at large.

21. **The Committee reiterates its previous recommendation (CMW/C/AZE/CO/1, para. 25), encouraging the State party to:**

- (a) **Intensify its efforts to ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction effectively enjoy the rights provided for in the Convention without any discrimination, in conformity with article 7;**
- (b) **Intensify its efforts by promoting information campaigns for public officials working in the area of migration – especially at the local level – and the general public on the elimination of discrimination against migrants.**

28. The Committee notes the provisions of Cabinet of Ministers Decision No. 130 of 1 July 2010 on the approval of rules for the deportation from the Republic of Azerbaijan of foreigners and stateless persons without immigration status, which stipulate that migrants are given notification of the decision of expulsion and provision of interpretation in case the migrant worker does not understand Azeri language. The Committee is, however, concerned that the legislation does not provide for the requirement of presenting the notification in writing in a language that the migrant understands. The Committee is further concerned at the increased number of deportation cases, as well as at the lack of data on appeals lodged against such decisions, and on the outcomes of such appeals.

29. **The Committee recommends that the State party uphold all the procedural safeguards contained in article 22 of the Convention and provide migrant workers with adequate time to lodge appeals against expulsion decisions.**

34. The Committee regrets the lack of information available on the exercise of their voting rights by Azerbaijani nationals working abroad.

35. **The Committee recommends that the State party increase its efforts to facilitate the exercise of voting rights of Azerbaijani nationals working abroad, particularly in light of the next presidential elections to be held in October 2013.**

36. The Committee is concerned that the national legislation does not protect against expulsion in cases when migrant workers contract a virus or illness on the list of particularly dangerous infectious diseases, established by the relevant authorities, after his/her arrival in the State party or after having been residing for several years in the State party.

37. The Committee recommends that the State party take necessary measures to ensure that migrant workers affected with dangerous infectious diseases are not expelled for this reason and that they enjoy equality of treatment with nationals of the State in relation to social and health services.

38. The Committee is concerned at the absence of provisions in Law N41-IQ (1996) on the Legal status of aliens and stateless persons on family reunification, in particular, provisions concerning family members eligible for family reunification, clear procedures, timeframes and competent authorities for family reunification applications, as well as grounds for the refusal of a family reunification application.

39. The Committee recommends that the State party establish clear provisions on family reunification in its legislation, in order to ensure protection of the unity of migrant workers' families, in conformity with article 44 of the Convention.

Committee on Economic, Social and Cultural Rights

Concluding Observations, (5 June 2013), [E/C.12/AZE/CO/3](#)

9. While appreciating the State party's efforts to improve the situation of the large number of refugees, internally displaced persons (IDPs), asylum seekers and stateless persons, the Committee is concerned that many of them are still living in sub-standard conditions and that they are not fully enjoying their economic, social and cultural rights, in particular access to health care, adequate housing and legal employment. (art. 2)

The Committee recommends that the State party further strengthen its efforts to ensure that all the economic social and cultural rights of refugees, IDPs, and asylum seekers, including public health care, adequate housing and legal employment, are guaranteed.

The Committee also recommends that the State party implement a status determination procedure to identify stateless persons in the country and to grant them a legal status which would improve their enjoyment of economic social and cultural rights. Furthermore, the Committee recommends that the State party ensure the right of refugees and asylum seekers to register their marriages by lifting the administrative requirements or by granting a special measure to facilitate their right to marry.

17. The Committee remains concerned about the inequalities in the enjoyment of the right to health in rural and urban areas and the absence of guaranteed medical coverage for all. The Committee is also concerned about the reports received on corruption in the health sector system and the practice of payments of non-official fees. The Committee notes with concern the limited access to sexual and reproductive health services, in particular in rural and remote areas and the lack of monitoring in the provision of mental health services (art. 12).

The Committee calls on the State party to intensify its efforts to guarantee health services to all. The Committee recommends that the State party take measures to guarantee access to sexual and reproductive health services, in particular in rural and remote areas, including to refugees, asylum seekers, IDPs and stateless persons. The Committee recommends that the State party take necessary measures to fight against corruption in the health sector so that non-official fees are not collected from patients.

The Committee also recommends that the State party monitor mental health centres and services to ensure compliance with the established international standards.

18. While recognizing the Law on Domestic Violence of 2010, the Committee remains concerned about the persistence of domestic violence and expresses its concerns about inadequate application of the law, including the failure of law enforcement officials to intervene in violence against refugee women and girls (arts. 2 and 10).

The Committee recommends that the State party carry out focused awareness-raising campaigns to sensitize the population on the severe effects of domestic violence, and ensure the systematic training of local authorities, law enforcement and police officials, social workers and medical personnel on how to detect and adequately advise women victims of domestic violence, including refugee women and girls.

23. The Committee is concerned that, while the State party succeeded to drastically lower the level of poverty from almost 50 per cent in 2002 to 7.6 per cent in 2012, a considerable part of the population still live below the poverty line, especially the most disadvantaged and marginalized groups. The Committee is also concerned that the level of poverty is especially acute in rural areas (arts.10 and 11).

The Committee strongly urges the State party to intensify its efforts to combat poverty, especially among the most disadvantaged and marginalized members of the population, including persons with disabilities, IDPs, refugees, asylum seekers, stateless persons, and migrant workers and to reduce disparities between the capital and the rural areas, and provide information on the progress made in its next report, including sex-disaggregated data per year for the groups listed above. In that respect, the Committee draws the State party's attention to its statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

Committee on the Elimination of Discrimination against Women

Concluding Observations, (12 March 2015), [CEDAW/C/AZE/CO/5](#)

Internally displaced women and girls

12. The Committee notes the State programmes implemented over the past years aimed at supporting internally displaced persons, the majority of whom are women and girls. It remains concerned, however, about their living conditions and high unemployment rate, as well as their lack of income-generating opportunities. It is concerned that internally displaced women and girls face a high risk of domestic violence, early and forced marriage, labour exploitation and trafficking, poverty and discrimination in access to education, health care and participation in political and public life. The Committee is also concerned at the limited involvement and consultation of internally displaced women in the planning and implementation of policies and programmes aimed at addressing their needs.

13. The Committee recommends that the State party:

- (a) Ensure the security of internally displaced women and girls and adopt measures for their protection, in particular in cases of violence, place more emphasis on the prevention of violence against internally displaced women and girls and prosecute perpetrators;**
- (b) Allocate adequate resources to meet the needs of internally displaced women, concerning in particular their access to adequate income-generating and education opportunities for themselves and their children;**

- (c) **Ensure that internally displaced women and girls have adequate access to health-care services, education and freedom of movement.**

Temporary special measures

18. The Committee is concerned that, despite the provision in article 3.2.6 of the law on guarantees of gender equality, temporary special measures have been underutilized by the State party to accelerate de facto equality and to address the underrepresentation of women in public and political life as well as the situation of disadvantaged and marginalized women who are subjected to intersecting forms of discrimination, such as rural women, women with disabilities, internally displaced women, refugees and older women.

19. The Committee recommends that the State party adopt temporary special measures, including quotas, in accordance with article 4 (1) of the Convention and in line with the Committee's general recommendation No. 25 on the subject, as part of a necessary strategy to accelerate the achievement of substantive equality between women and men. It also recommends that the State party adopt temporary special measures targeting disadvantaged and marginalized groups of women, including rural women, women with disabilities, internally displaced women, refugees and older women, evaluate the impact of such measures and make its findings, including gender-relevant statistics, available to the public.

Education

28. The Committee welcomes the high literacy rates among women and men, as well as the official enrolment rate of girls in secondary education, but remains concerned at:

- (a) The low secondary school attendance rate among girls in rural areas and in settlements for refugees and internally displaced persons, as well as the actual dropout rate of girls at the secondary level of education, owing in part to child marriage;
- (b) The lower admission rate of women compared with men to undergraduate study programmes;
- (c) Stereotypical choices of educational fields, which translate into the concentration of women in traditionally female-dominated professions in areas such as health care and the service industry;
- (d) The continued existence of gender stereotypes in educational materials;
- (e) The absence of women's rights and gender equality as mandatory subjects in school curricula and in professional training for teachers.

29. The Committee recommends that the State party:

- (a) **Take all measures necessary to reduce the school dropout rate among girls, including by preventing child marriage;**
- (b) **Take the actions, including the use of temporary special measures, in accordance with article 4 of the Convention and the Committee's general recommendation No. 25 on the subject, necessary to increase the participation of women and girls in institutions of higher education, for example through the provision of scholarships;**
- (c) **Step up career guidance activities to encourage girls and young women to choose non-traditional fields of study and career paths;**
- (d) **Revise schoolbooks and other teaching materials and remove, as a matter of priority, any discriminatory gender stereotypes;**
- (e) **Introduce mandatory education on women's rights and gender equality into school curricula and into professional training for teachers at all levels of education.**

Committee against Torture

Non-refoulement

34. The Committee is concerned at reports of individuals falling outside the scope of asylum applications proceedings who do not enjoy the protection of the law. It is concerned about cases of extraordinary rendition based on bilateral extradition agreements, such as the rendition of Chechens to the Russian Federation, where they may face a real risk of torture. The Committee notes the State party's assertion that it has never participated in the secret rendition programme of the Central Intelligence Agency, but remains concerned at reports that it had allegedly permitted the use of its airports and airspace for the purpose of extraordinary rendition. The Committee regrets the lack of information on: (a) cases where individuals have claimed that their extradition should be refused, in accordance with article 3.2.2 of the Extradition of Offenders Act, because there were sufficient grounds to believe that the individual concerned would be subjected to torture, cruel, inhuman or degrading treatment or punishment; and (b) the outcome of such cases (art. 3).

35. The State party should take all measures necessary to ensure that individuals who may face a risk of torture in their countries of origin are not returned, extradited or deported to those countries. The State party should ensure that persons whose applications for asylum have been rejected can lodge an effective appeal with suspensive effect. The State party should compile and provide the Committee with detailed statistical data, disaggregated by country of origin, on the number of persons who have requested asylum or refugee status, and the outcomes of those applications, as well as the number of expulsions, deportations or extraditions that have taken place and the countries to which individuals were returned.

Committee on the Elimination of Racial Discrimination

Civil society organizations

9. Noting that the State party's report, as mentioned in its paragraph 7, was drafted in cooperation with civil society institutions and that over 40 non-governmental organizations "related to ethnic minorities" (see CERD/C/AZE/7-9, para. 163) are registered in the State party, the Committee regrets that no representative of those organizations took part in the dialogue with the Committee (art. 2).

10. The Committee recommends that the State party facilitate and encourage the critical monitoring of the implementation of the Convention by civil society organizations, especially those working on the protection and promotion of the rights of ethnic minorities, migrants, refugees and asylum seekers, and promote their active participation in the dialogue thereon.

Identity papers and statelessness

31. As the lack of identity papers limits access to services, rights and entitlements and renders those without such papers vulnerable to statelessness, the Committee is concerned at the requirement in the State party for parents to present residence registration papers before the issuance of a birth certificate for their child. The Committee is also concerned at the absence of procedures for statelessness determination and for the issuance of identity papers to stateless persons (arts. 1 and 5).

32. The Committee recommends that the State party make the legislative and regulatory amendments necessary to ensure that all children born in the State party are issued with a birth certificate, irrespective of the legal status of the parents or the ability to

present residence registration papers. Moreover, it recommends that the State party intensify efforts to identify stateless persons and adopt a legislative framework providing procedures for the registration, documentation and access to citizenship for stateless persons.

Human Rights Committee

Concluding Observations, (16 November 2016), [CCPR/C/AZE/CO/4](#)

Freedom of movement

30. The Committee remains concerned about reports that: (a) the residence registration system, including for internally displaced persons, remains a precondition for the full enjoyment of certain rights, such as those to employment, social security and education; (b) the choice of residence for resettled internally displaced persons is restricted in practice; and (c) journalists, opposition politicians, human rights defenders and lawyers are allegedly subjected to travel bans in retaliation for engaging in their professional activities (arts. 12, 14, 19 and 25).

31. The Committee reiterates its previous recommendation (see CCPR/C/AZE/CO/3, para. 18). The State party should bring its residence registration system into full compliance with the Covenant and respect in practice the freedom to choose one's residence. It should ensure that any travel ban is justified under article 12 (3) of the Covenant and lift bans not in compliance with that article, refrain from imposing travel bans arbitrarily against journalists, opposition politicians, human rights defenders and lawyers and guarantee full respect for their freedom to leave the country.

III. Special Procedures Mandate Holders

Special Rapporteur on the human rights of internally displaced persons

Addendum: Follow-up mission to Azerbaijan (8 April 2015) [A/HRC/29/34/Add.1](#)

VI. Conclusions and recommendations

70. The Special Rapporteur on the human rights of internally displaced persons welcomes the continuous progress made by the Government of Azerbaijan in the search for durable solutions for all IDPs in the country. In line with his predecessor's observations, he commends the Government for its dedication to the issue and for continuing to assume the primary responsibility for the protection and assistance of persons internally displaced by the armed conflict in and around the NagornoKarabakh region. That continues to be accompanied by the necessary budget allocations.

71. The Special Rapporteur considers that further joint efforts are still necessary to overcome the obstacles to durable solutions. In that spirit, the Special Rapporteur presents the following conclusions and recommendations.

72. One of the main obstacles in the search for durable solutions for IDPs in Azerbaijan remains the absence of a political settlement to the unresolved armed conflict in and around the Nagorno-Karabakh region, as has already been observed by the previous mandate holder in his reports. The Special Rapporteur calls on the parties concerned as well as the international community to work towards such a goal. Reaching a peaceful settlement to the unresolved conflict is critical to resolving the protracted situation of internal displacement, which has lasted more than 20 years in Azerbaijan.

73. The Special Rapporteur also calls upon all parties to approach durable solutions from a humanitarian and development perspective and to take all the necessary measures to ensure that all IDPs can exercise their right to make a free and informed decision as to whether to return voluntarily to their homes in safety and dignity, to integrate locally or to resettle elsewhere in the country.

74. The Special Rapporteur strongly recommends the participation of IDPs in all processes that affect them. In that regard, the Special Rapporteur strongly encourages the Government to work towards strengthening the climate of greater freedom, consultation and participation, which are all conducive to participation in public life, as well as determining processes for the achievement of durable solutions.

75. New opportunities currently exist for the adoption of an inclusive integrated approach for IDPs in Azerbaijan, in accordance with the international standards contained in the Guiding Principles on Internal Displacement. The new opportunities include the Great Return Programme, yet to be shared; the next State Programme for IDPs to begin in 2015 and the formulation by the Government of inclusive policies in the fields of housing, health, land, agriculture, education and employment-generating activities. The Special Rapporteur recommends that the Government share those draft documents and plans with interested stakeholders so as to gain support and enable systematic and coherent approaches to durable solutions for IDPs. The integration of the goals of the post-2015 agenda into durable solutions is an important aspect as well. As mentioned during his visit, the Special Rapporteur stands available to provide his expertise on the Great Return and the State Programmes at the Government's request.

76. The Special Rapporteur commends the continuing commitment by State authorities to improving the living conditions of IDPs by ensuring access to housing for those who were displaced as a result of the armed conflict in and around the Nagorno-Karabakh region. In that regard, the Special Rapporteur commends the Government and, in particular, the Deputy Prime Minister and the State Committee for IDPs and Refugees for the efforts made to build new settlements for IDPs.

77. The Special Rapporteur insists, however, that access to housing can be made durable only through a needs-based approach and on the basis of consultation with those concerned. The Special Rapporteur therefore encourages the Government to share information relating to the enhancement of living conditions and other livelihood measures with IDPs, especially women, but also international partners and civil society. He advocates the importance of diversifying alternative housing strategies to include access to ownership of property or rental subsidies to facilitate the integration of IDPs where they are if they so wish.

78. The Special Rapporteur further considers that there is an urgent need to improve the living conditions and livelihood opportunities of IDPs who are still living in collective centres in dire conditions.

79. The Special Rapporteur is concerned that most IDPs still suffer from stigma and do not enjoy equal access to livelihood opportunities. The Special Rapporteur recommends that the Government perform a countrywide needs-based assessment to understand the causes for such inequalities and better respond to the needs of those concerned, including by carrying out a survey of intent on the part of IDPs. The Special Rapporteur recommends that the Government integrate IDPs into broader development plans and initiatives, rather than developing a comprehensive strategy on livelihoods for IDPs only, so as to increase their resilience and chances of integration in society, and decrease their dependency on government assistance in the longer run. Particular

attention should be paid to specific categories of IDPs in need such as the youth, women in general, and female-headed households in particular.

80. The Special Rapporteur reiterates his predecessor's recommendation that a study on the quality of education at schools for IDPs, access to education, the performance of students and their views on the schools would be useful in better understanding their needs and problems, with the ultimate aim of ensuring they become integrated members of society.

81. In the light of the efforts which still need to be made to ensure adequate access to health care for IDPs as well as for the overall population, the Special Rapporteur insists on the importance of carrying out a general assessment on access to health care in Azerbaijan to tailor the response to requirements. The Special Rapporteur also reiterates his predecessor's recommendation to implement the recommendations of the mental health assessment of the World Health Organization. He further recommends paying greater attention to access to reproductive health, which remains critical in Azerbaijan.

82. The Special Rapporteur notes that the registration system has remained unchanged since his predecessor's last visit. He reiterates the need to change the current legislation so as to enable IDPs to vote in their current places of residence.

83. The Special Rapporteur recommends that the Government ensure effective monitoring of the protection of the human rights of the IDPs who live near the Line of Contact. Furthermore, in line with principle 2 of the Guiding Principles on Internal Displacement, he recommends that all authorities ensure the full enjoyment of the human rights of those IDPs, including the rights relating to freedom of movement and access to livelihoods.

84. The Special Rapporteur emphasizes that all durable solutions should remain as options available to IDPs. Particular attention should be paid to IDPs with specific needs such as women, children, older persons and persons with disabilities, to ensure that they are able to fully enjoy their rights concerning their protection and the measures taken to assist them, including durable solutions.

Working Group on the issue of human rights and transnational corporations and other business enterprises

Addendum: Visit to Azerbaijan (3 June 2015) [A/HRC/29/28/Add.1](#)

7. An unresolved armed conflict in and around the Nagorno-Karabakh region of Azerbaijan has resulted in more than 600,000 internally displaced persons today and thousands more refugees. A ceasefire signed in 1994 remains fragile, with reports of sporadic violations. Some of the interlocutors with whom the Working Group met described the situation as a "frozen conflict"; when discussing business and human rights, interlocutors repeatedly raised the issue of internally displaced persons as one of the main human rights issues affecting the country.

22. In general, when the Working Group asked questions about the country's most salient business and human rights issues, the public authorities met during the mission typically mentioned two areas: (a) the situation facing internally displaced persons and refugees as a consequence of the armed conflict in and around the Nagorno-Karabakh region of Azerbaijan; and (b) the "right of entrepreneurs" to start and develop a business in the country.

23. The Working Group acknowledges that, in the national context, the abovementioned issues are highly important ones. At the same time, it is important to note that these issues are not central to the framework set out in the Guiding Principle focused on the obligation of the State and the responsibility of business enterprises to prevent and protect against business-related abuse of human rights.

24. Company programmes to assist internally displaced persons were mentioned as examples of corporate social responsibility, not of how companies implemented their responsibility to protect human rights throughout their operations.

94. The Working Group recommends that the Government:

[...]

(i) Require that those who may be affected by development activities receive timely and complete information about planned projects, such as for urban renewal, and that people are not evicted from their homes without prior consultation and consent, or agreed compensation with provision for human rights safeguards;

[...]