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Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on Economic, Social and Cultural Rights encouraged Azerbaijan to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.² The Committee on the Rights of the Child recommended that Azerbaijan ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.³

3. The Committee on the Elimination of Racial Discrimination recommended that Azerbaijan consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance,⁴ and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO).⁵

4. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Azerbaijan make the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁶

5. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Azerbaijan ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Domestic Workers Convention, 2011 (No. 189), as well as to consider ratifying the ILO Violence and Harassment Convention, 2019 (No. 190).⁷

6. The Committee on Economic, Social and Cultural Rights recommended that Azerbaijan consider ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.⁸



7. Azerbaijan made financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁹

III. National human rights framework

1. Constitutional and legislative framework

8. The Committee on Economic, Social and Cultural Rights expressed concern that, while the constitutional and legislative framework of the country contained anti-discrimination provisions, there was no comprehensive anti-discrimination legislation and policy framework.¹⁰

9. The Committee on the Elimination of Discrimination against Women expressed concern that neither the Constitution nor the Law on Gender Equality covered both direct and indirect discrimination against women in the private and public spheres. It also expressed concern that the Convention had not been directly applied or invoked in court proceedings, despite the existing constitutional provisions (arts. 148 (II) and 151) providing for the precedence of international treaties over national legislation.¹¹

10. The Committee on the Elimination of Racial Discrimination expressed concern that the amendment of the Constitution in 2016 did not include a revision of article 25 (4), which was interpreted by Azerbaijan as prohibiting the granting of advantages or privileges on such grounds as race, ethnicity or origin.¹²

11. The Committee on Economic, Social and Cultural Rights was particularly concerned about the prevalence of corruption in the judiciary, law enforcement, public services, land administration, tax administration, public procurement and the extractive sector, which had had a grave impact on the enjoyment of economic, social and cultural rights.¹³

2. Institutional infrastructure and policy measures

12. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discriminations expressed concern that the Office of the Human Rights Commissioner of Azerbaijan had been downgraded to B status by the Global Alliance of National Human Rights Institutions in May 2018, due to the lack of institutional independence, in particular for not considering serious allegations of human rights violations committed by Azerbaijan and for the lack of a transparent, participatory and merit-based process for the selection and appointment of the Commissioner. It was recommended that Azerbaijan adopt legislative and operational measures to strengthen the institutional independence of the Office of the Commissioner and ensure that it was able to carry out its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by introducing and implementing a transparent, participatory and merit-based process for the selection of the Human Rights Commissioner.¹⁴

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

13. The Committee on the Elimination of Discrimination against Women expressed concerns about the persistence of patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, considering women primarily as mothers and caregivers, which impeded progress in advancing gender equality, the absence of a comprehensive strategy to address discriminatory gender stereotypes, the absence of capacity-building for media professionals and public officials on the use of gender-sensitive language and the persistence of discriminatory gender

stereotypes and stereotypical portrayals of women in educational materials, advertisements and the media.¹⁵

2. Right to life, liberty and security of person and freedom from torture

14. In its Views in *Mursalov et al. v. Azerbaijan*, the Human Rights Committee, noting the authors' allegation that Jehovah's Witnesses faced a pattern of harassment by the authorities of Azerbaijan, and that, in the authors' specific case, the officers did not inform the authors of the charges against them at the time of their arrest and apprehension, considered that the actions of the police lacked appropriateness, predictability and regard for due process guarantees. Furthermore, it considered that the authors' arrest and detention constituted punishment for the legitimate exercise of their right to manifest their religious beliefs. It therefore concluded that the authors were arbitrarily arrested and detained, in violation of their rights under article 9 (1) of the International Covenant on Civil and Political Rights.¹⁶

15. The Committee against Torture requested that Azerbaijan comment on reports that torture continued to be routinely practised to seek confessions from detainees and to coerce them into signing police "records" for administrative offences, for example, in Ganja Pretrial Detention Facility No. 2, and on the measures taken to prevent that practice and to investigate ex officio these allegations, as well as to indicate whether any measures had been taken to promote modern approaches to crime solving and evidence-based investigation, with a view to removing the need to secure confessions from suspects to obtain convictions.¹⁷

3. International humanitarian law

16. The Committee on Economic, Social and Cultural Rights recalled that, in situations of armed hostilities, the applicability of international humanitarian law did not preclude the application of international human rights law, which operated independently.¹⁸ It recommended, inter alia, that Azerbaijan provide systematic training on State obligations under human rights and humanitarian law to its military forces to ensure, in the context of military operations, that the principles of distinction and proportionality were observed and that attacks against civilians and civilian objects were prohibited.¹⁹

4. Administration of justice, including impunity, and the rule of law

17. The Committee on Economic, Social and Cultural Rights recommended that Azerbaijan take appropriate measures to guarantee the independence and the impartiality of the judiciary and strengthen the capacity of the Anti-Corruption Department under Office of the General Prosecutor and law enforcement agencies to combat corruption in all sectors, including through the provision of in-service training and adequate resources, and ensure that all acts of corruption were investigated in an independent and impartial manner and that those responsible were brought to justice and, if found guilty, appropriately punished.²⁰

18. The Committee on the Elimination of Racial Discrimination recommended, inter alia, that Azerbaijan adopt measures, with a clear time frame, to assess the effectiveness of remedies available to victims of racial discrimination, including by conducting surveys and collecting information on inter-ethnic relations and racial discrimination, including stereotypes, and in doing so ensure effective and meaningful consultation with and the participation of civil society organizations and persons belonging to ethnic minority groups, strengthen the legal assistance system and accelerate the finalization and adoption of the draft law on free legal aid.²¹

5. Fundamental freedoms and the right to participate in public and political life

19. In its Views in *Aliyev et al. v. Azerbaijan*, the Human Rights Committee noted that the police officers had threatened to imprison Jehovah's Witnesses, insulted some of them and criticized their religion, but did not inform them of any potential disturbance or harm caused by their religious service or the religious literature that they were using. The Committee considered that the actions of the police had lacked appropriateness, predictability and regard for due process guarantees and that the authors' arrest and detention had

constituted punishment for the legitimate exercise of their right to manifest their religious beliefs.²²

20. The Committee on Economic, Social and Cultural Rights expressed concern that excessive restrictions in relation to the registration of and access to grants by non-governmental organizations, both in law and in practice, had hindered the operations by such organizations for the protection and promotion of all human rights. It recommended that Azerbaijan repeal any legal provisions that unduly restricted the activities of non-governmental organizations, including in relation to their registration and access to grants.²³

21. The Committee on the Elimination of Racial Discrimination expressed concerns that the national legislative framework, including the Criminal Code, the Non-Governmental Organizations Law and the Law on Information, Informatization and Protection of Information, did not contain provisions that expressly criminalized racist hate speech and hate and did not include all grounds of discrimination, at the low level of reporting of racist hate speech and hate crimes and the lack of detailed information, including statistics, on investigations and prosecutions carried out and sanctions imposed against those responsible and at the lack of information on measures taken to monitor the spread of hate speech on the Internet and social media.²⁴

22. The Committee on the Elimination of Racial Discrimination was concerned about reports that human rights defenders, members of civil society organizations and journalists had increasingly become targets of intimidation, surveillance, harassment, threats and reprisals, as a consequence of their work to promote and protect the rights of persons belonging to groups vulnerable to racial discrimination.²⁵

6. Right to privacy

23. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Azerbaijan ensure that the rights to privacy, personal information and data protection of migrant workers and members of their families were protected, including by establishing appropriate reporting firewalls and access limitations, and that personal information be erased once the purpose of the data collection had been achieved, so that personal data were not used for migration control or for discrimination in public and private services.²⁶

7. Prohibition of all forms of slavery, including trafficking in persons

24. The Committee on the Elimination of Discrimination against Women expressed concerns about the challenges in the implementation of the national action plan on combating trafficking in persons, 2020–2024, the lack of independent monitoring of anti-trafficking efforts at the national level, the lack of a solid national referral mechanism, the reliance on non-governmental organizations for shelter services, the lack of measures to reduce the demand for commercial sex, the lack of data on trafficking in women and girls from, within and to Azerbaijan and the absence of exit programmes for women who wished to leave prostitution.²⁷

8. Right to work and to just and favourable conditions of work

25. The Committee on Economic, Social and Cultural Rights was concerned about the pervasive labour rights violations, especially of migrant workers, in the agriculture, construction and oil and gas sectors, including non-payment or underpayment of salaries, salary discrimination and workplace deaths and injuries. Despite the reports of labour rights violations in many sectors of the economy, the labour inspections had been suspended following the Law of 20 October 2015 on the suspension of inspection in the field of entrepreneurship.²⁸

26. The Committee on Economic, Social and Cultural Rights expressed concern about the high number of workers employed in the informal sector of the economy, especially in agriculture, construction and domestic work, and that those workers were not sufficiently protected by labour and social protection laws, including in relation to a minimum wage, occupational health and safety protections and protection from economic exploitation.²⁹

27. The Committee on Economic, Social and Cultural Rights expressed concern that, despite the protection of trade union rights in law, workers, especially those working in transnational corporations operating in the oil and gas sectors, had abstained from engaging in trade union activities out of fear of reprisals. It was also concerned about the excessive restrictions on the right to strike by workers in the air and railway sectors.³⁰

9. Right to social security

28. The Committee on Economic, Social and Cultural Rights expressed concern that the levels of social benefits were still inadequate, especially those provided for unemployment, disability or old age. It was also concerned about the shortcomings in the coordination of different social protection measures, which had resulted in inadequate access to social security for some beneficiaries. It recommended that Azerbaijan continue its efforts to adjust the levels of social protection measures and establish a sustainable system of indexation, if necessary, carry out recalculations of social allowances and allocate the necessary human, technical and financial resources and training to strengthen the administrative capacity of the social services, with a view to ensuring coordination of the social protection measures and ensuring adequate, targeted and individualized support for beneficiaries.³¹

10. Right to an adequate standard of living

29. While noting the increasing percentage of children at risk of poverty, which had been further heightened in the context of the coronavirus disease (COVID-19) pandemic, in particular in rural areas, the Committee on the Rights of the Child recommended that Azerbaijan establish a multidimensional measure on child poverty to inform its social protection system and ensure that it adequately protected children in vulnerable situations and their families, allocate adequate funding to social assistance schemes for all families with children, including internally displaced families, and increase financial resources to provide safe drinking water and sanitation in urban and rural areas.³²

30. The Committee on Economic, Social and Cultural Rights expressed concern about the shortage of affordable housing, which was exacerbated by the rapid urbanization, especially in and around Baku, and that a substantial number of marginalized and disadvantaged households continued living in inadequate and informal dwellings that reportedly lacked documentation and were constructed on unsuitable and often unstable land. It recommended that Azerbaijan adopt and implement a rights-based housing strategy in order to address the shortage of affordable housing and achieve long-term housing solutions, improve the quality of housing and provide affordable housing units and social housing units, especially for disadvantaged and marginalized individuals and groups.³³

31. The Special Rapporteur on the right to food recommended that Azerbaijan adopt a comprehensive legal framework on the right to adequate food that integrated all relevant sectors, such as the environment, trade, nutrition and health, the empowerment of women and the protection of smallholder farmers, provide a monitoring mechanism, promotes food sovereignty for all, integrate a human rights-based approach to the legal and policy framework that would ensure that priority would be given to the needs of the most vulnerable and disadvantaged and allocate adequate resources for the implementation and enforcement of the existing legal framework.³⁴

11. Right to health

32. The Committee on Economic, Social and Cultural Rights expressed concern that, despite its investments to build and improve health-care infrastructure in rural and remote areas, the availability, accessibility and quality of health care remained limited, especially in rural and remote areas. It also remained concerned about the widespread practice of informal payments from patients being accepted by health-care practitioners.³⁵

33. The Committee on Economic, Social and Cultural Rights was concerned about the inadequate access to sexual and reproductive health care and education, including by adolescents, persons living in rural areas, persons living on low incomes and persons with disabilities, and about the limited availability and accessibility of modern contraceptives.³⁶

34. The United Nations country team recommended that Azerbaijan adopt the draft law on reproductive health and family planning, without any further delay, promptly endorse the national strategy on reproductive health and family planning, take measures to address key barriers impeding access for women to reproductive health-care services, include a full range of modern contraceptives, including emergency contraception, in the essential medicines list, implement measures to increase contraceptive prevalence rates and accessibility and affordability of modern contraceptives among poorer population groups and promote family planning and reproductive health education through, inter alia, age-appropriate sex education in schools.³⁷

12. Right to education

35. The Committee on Economic, Social and Cultural Rights expressed concerns about the pervasive difficulties faced by disadvantaged and marginalized children, the regional disparities in access to quality primary and secondary education and the financial and material barriers to access to vocational training and tertiary education. It recommended that Azerbaijan increase its resource allocation to education in order to ensure universal and equal access to quality and inclusive primary and secondary education throughout the country, including by reducing social exclusion among internally displaced children and children living in rural areas and economic exclusion among children from poor households, and by overcoming barriers for children with disabilities, and continue taking measures to remove the financial and material barriers to ensure non-discriminatory access to vocational training and tertiary education.³⁸

36. The Committee on the Elimination of Racial Discrimination expressed concern about reports that in school textbooks prejudice and incited racial hatred, in particular against ethnic Armenians, was promoted and that ethnic minorities were marginalized in history education in the country. It was also concerned about the lack of detailed information on measures taken by Azerbaijan to combat prejudice and intolerance and to incorporate human rights principles into school curricula and university programmes.³⁹

13. Cultural rights

37. While noting the measures taken by Azerbaijan to facilitate the teaching of some minority languages, including Georgian and Russian, the Committee on Economic, Social and Cultural Rights expressed concern about the lack of comprehensive measures and mechanisms that enabled the different minorities composing its population to promote and express their cultural identities and fully exercise their cultural rights and to learn and use their language and that promoted respect and intercultural understanding among different groups in the society overall.⁴⁰

38. The United Nations Educational, Scientific and Cultural Organization encouraged Azerbaijan to promote access to and participation in cultural heritage and creative expression and to create an environment conducive to implementing the right to take part in cultural life by giving due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups, such as minorities, Indigenous Peoples, migrants, refugees, young people and persons with disabilities.⁴¹

14. Development, the environment, and business and human rights

39. While recalling the importance of Sustainable Development Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals, the Committee on the Elimination of Discrimination against Women urged Azerbaijan to recognize women as the driving force of the sustainable development of the country and to adopt relevant policies and strategies to that effect.⁴²

40. While noting with concern the high levels of land degradation, drought, water scarcity and soil, water and air pollution in Azerbaijan, the Committee on the Rights of the Child recalled target 3.9 of the Sustainable Development Goals and recommended that Azerbaijan conduct an assessment of the effects on children's health of polluted air, water and soil and electromagnetic pollution and, on that basis, design a well-resourced strategy to remedy the

situation, strengthen the monitoring of children's environmental health and modernize the school curriculum and teaching aids on environmental education.⁴³

41. The Committee on Economic, Social and Cultural Rights was concerned about the absence of legal obligations for business entities under the jurisdiction of Azerbaijan to exercise human rights due diligence, noting with concern the reportedly insufficient human rights impact assessment of business activities conducted by the State Oil Company of Azerbaijan Republic, as well as transnational oil and gas corporations operating in the country. It was particularly concerned that the inhabitants of villages near oil and gas exploration sites had been negatively affected by increasing levels of soil, air and water pollution that severely affected their enjoyment of economic, social and cultural rights.⁴⁴

B. Rights of specific persons or groups

1. Women

42. The Committee on the Elimination of Discrimination against Women expressed concern that the status of the State Committee on Family, Women's and Children's Affairs had not been elevated to that of a line ministry, which reduced its capacity to ensure that gender equality policies were effectively implemented and that gender was mainstreamed across all government departments.⁴⁵ It also expressed concern that relevant national action plans, benchmarks and timelines had not yet been finalized or adequately resourced, in particular the draft national action plan on gender equality.⁴⁶

43. The Committee on the Elimination of Discrimination against Women remained concerned that older women, women and girls with disabilities, women and girls belonging to ethnic minority groups, internally displaced women and girls and refugee, asylum-seeking and migrant women and girls continued to face intersecting and aggravated forms of discrimination.⁴⁷

44. The Committee on Economic, Social and Cultural Rights remained concerned at the high incidence of gender-based violence against women, the very low rate of reporting, in particular of domestic violence, and about the limited availability of shelters and support services for victims.⁴⁸

45. The Committee on the Elimination of Discrimination against Women noted with appreciation the notable increase in women who had been elected during the municipal elections held in December 2019 (38.8 per cent). It remained concerned however that women were still underrepresented in decision-making positions, including in the National Assembly, academia, the judiciary, the public service and the foreign service. It was also concerned at the lack of targeted measures, including temporary special measures, in line with its general recommendation No. 23 (1997) on women in political and public life, to increase women's representation in public life.⁴⁹

46. The Committee on the Elimination of Discrimination against Women also noted the efforts of Azerbaijan to support the social and economic development of rural women, including through the creation of the Association of Rural Women of Azerbaijan, covering 16 regions of the country, in 2019. However, it remained concerned about the limited access for rural women and girls to basic services, land, education and employment opportunities and health care. It was also concerned about the lack of a gender perspective in agricultural policies and the underrepresentation of rural women in decision-making and in leadership positions.⁵⁰

2. Children

47. The Committee on the Rights of the Child remained concerned that traditional and cultural social norms had resulted in discrimination against certain groups of children and in particular that girls were affected by sex and gender stereotypes that had resulted in son preference, violence and the concentration of girls in traditionally female-dominated sectors, children with disabilities were predominantly seen as a vulnerable group that might lead to their social isolation and children in care and children in disadvantaged families might experience stigma and unequal access to health care and education.⁵¹

48. The Committee on the Rights of the Child urged Azerbaijan, inter alia, to enact legislation to explicitly prohibit the corporal punishment of children in all settings, in particular the home, schools, day care and alternative care settings, establish mechanisms, procedures and guidelines, including a multi-agency and child-friendly infrastructure, to ensure and promote mandatory reporting and multi-agency intervention in all cases of violence against children and train teachers, health professionals and social workers to identify different forms of violence and refer victims accordingly.⁵²

49. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child expressed concerns about the high level of child marriage, despite the fact that the minimum age of marriage was set at 18 years of age for women and men, the fact that women who underwent a wedding only by ceremony under religious law (*kabin*), without civil marriage registration, did not benefit from the protection of the Family Code and were not protected in the case of dissolution of those unions and that the widespread practice of solely religious marriage contracts resulted in a significant number of children born outside civil marriage in unregistered religious unions and were not entitled to alimony (child support) upon the dissolution of the union of their parents.⁵³

50. While noting the measures taken to decrease child labour, and recalling target 8.7 of the Sustainable Development Goals, the Committee on the Rights of the Child recommended that Azerbaijan resume labour inspections and strengthen the monitoring of the informal sector of the economy, preventive work with families and the capacity-building of employers, farmers, local authorities and other relevant stakeholders to eliminate the worst forms of child labour.⁵⁴

51. The Committee on the Rights of the Child recommended, inter alia, that Azerbaijan establish a comprehensive child justice system, designate specialized judges, prosecutors and psychologists for children and ensure that they received specialized training, apply a child-centred approach, instead of a crime-centred one, in determining the minimum age of criminal responsibility and set the age of 16 as an age below which children could not be held responsible in criminal law, without exception.⁵⁵

52. The Special Rapporteur on the right to food was concerned at the lack of an effective system for collecting disaggregated data on infant and child mortality, child malnutrition, children with disabilities and child labour, sexual abuse and exploitation, which constituted a severe obstacle to ensuring the development of targeted policies and social protection programmes aimed at supporting children.⁵⁶

3. Persons with disabilities

53. The Committee on the Rights of the Child was concerned about the lack of a human-rights based approach to disability, with the term “children with limited health abilities” being used in legislation, reflecting the medical approach, the lack of data synchronization between the relevant ministries, the inadequate support to parents of children with disabilities and persisting stigma, which contributed to the overrepresentation of children with disabilities in residential institutions, the lack of access to quality health care, including specialized professionals, in particular outside the capital, the overrepresentation of children with disabilities in specialized education and the lack of inclusive education options, in particular at the preschool level.⁵⁷

4. Minorities

54. The Committee on the Elimination of Racial Discrimination recommended that Azerbaijan adopt measures to ensure fair and equitable representation of ethnic minorities, including women, in the public sector, elected bodies and decision-making and high-ranking positions, including through special measures and by identifying and removing barriers that members of ethnic minorities faced in that respect.⁵⁸ It also recommended that Azerbaijan adopt measures to ensure that history was taught in such a way as to prevent a dominant historical narrative and ethnic hierarchizing, while ensuring the effective and meaningful participation of ethnic minorities.⁵⁹

55. The Committee on the Elimination of Racial Discrimination expressed concern about the lack of detailed information and official statistics on the situations of Roma and Dom

communities in Azerbaijan, in particular on their social and economic situation. It was also concerned about the stigmatization, harassment and discrimination against Roma and Dom communities, which were reportedly affected by extreme poverty, high levels of unemployment and low levels of education among children and whose members, in particular Roma women, faced obstacles in obtaining identity documents and in access to health care and medical services.⁶⁰

5. Lesbian, gay, bisexual, transgender and intersex persons

56. The Committee on Economic, Social and Cultural Rights noted that the prevalence of widespread discrimination in practice, stigmatization and negative stereotypes hindered access for lesbian, gay, bisexual, transgender and intersex persons to economic, social and cultural rights and that the absence of the legal recognition of the gender identity of transgender persons was a barrier to their effective access to work, education and health services.⁶¹ It recommended that Azerbaijan, *inter alia*: adopt a comprehensive anti-discrimination legislation and policy framework aimed at ensuring equality and addressing direct, indirect, multiple and intersecting forms of discrimination on any grounds, including gender identity, sexual orientation and residence or documentation status, and put in place an efficient procedure for legal gender recognition, irrespective of whether or not the person had undergone gender reassignment surgery, to facilitate the equal enjoyment of rights under the International Covenant on Economic, Social and Cultural Rights by transgender persons.⁶²

6. Migrants, refugees and asylum-seekers

57. The Committee on the Elimination of Racial Discrimination expressed concern about reports that migrant workers faced harsh working conditions, abuse and exploitation, were subjected to discrimination, including with regard to remuneration, and were vulnerable to trafficking. It was also concerned about the barriers faced by migrant workers, in particular undocumented migrants, in gaining access to justice and remedies.⁶³

58. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Azerbaijan ensure that migrant workers and members of their families, including those in an irregular situation, had opportunities in practice equal to those of nationals of Azerbaijan to file complaints and obtain effective redress in the courts and before the Commissioner for Human Rights (ombudsperson) in cases where their rights under the Convention had been violated, including by removing obstacles to access to justice, including portable justice, for migrants in an irregular situation, irrespective of where they or the members of their families were, and ensure that legal assistance was based on non-discrimination and was easily accessible and free of charge in practice.⁶⁴

59. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was also highly concerned about the practice of the administrative detention of migrant children and their families and of other vulnerable groups of migrants, including asylum-seekers, the administrative detention of irregular migrants awaiting deportation and the limited number of court decisions overturning administrative detention orders.⁶⁵

60. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that, as of the end of 2022, the overall number of refugees, asylum-seekers and persons in refugee-like situations enrolled for assistance purposes with UNHCR in Azerbaijan was 1,880 individuals, of whom 76 were refugees recognized by the Government of Azerbaijan (less than 5 per cent) and 1,592 were persons recognized as refugees by UNHCR under its statute (mandate refugees). Afghan nationals represented the majority of persons enrolled for assistance purposes, amounting to almost 70 per cent of the total number, followed by nationals of the Russian Federation, Pakistan and the Islamic Republic of Iran.⁶⁶ It recommended that Azerbaijan amend the Migration Code to ensure that there was a possibility to grant legal residency status to mandate refugees and to enable them to fully exercise their basic rights.⁶⁷

61. The Committee on the Elimination of Racial Discrimination expressed concern that the requirement to possess identity documents remained an obstacle for stateless women, asylum-seekers and undocumented migrants in registering their children and obtaining a birth

certificate for them. It was also concerned about reports that refugees, asylum-seekers and stateless persons still faced obstacles to access to education and health services.⁶⁸

7. Internally displaced persons

62. The Committee on Economic, Social and Cultural Rights expressed concern that, despite efforts to improve their living conditions, a large number of internally displaced persons continued to live in poverty and their access to adequate housing, legal employment, education and health care was limited.⁶⁹ It recommended that Azerbaijan strengthen its efforts to ensure non-discriminatory access to adequate housing, employment, education and health care by disadvantaged and marginalized individuals and groups, including internally displaced persons.⁷⁰ The Special Rapporteur on the right to food recommended that Azerbaijan develop a comprehensive strategy regarding internally displaced persons that included the possibility of development. She emphasized in that regard that the desire for a political resolution to the occupation of land and the need for voluntary return as the preferred solution must be respected.⁷¹

8. Stateless persons

63. UNHCR noted that, despite recent positive developments, without a simplified or accelerated route to naturalization for stateless people and people at risk of statelessness, those persons would continue to experience challenges in establishing or confirming their legal status.⁷² The Committee on the Elimination of Racial Discrimination recommended that Azerbaijan strengthen its efforts to resolve the remaining statelessness cases, including by developing and adopting a legislative framework for a statelessness determination procedure to enable all stateless persons, without discrimination, to have their status ascertained and to obtain identity documents.⁷³

C. Specific regions or territories

64. The United Nations High Commissioner for Human Rights expressed alarm at the indiscriminate attacks in populated areas in and around the Nagorno-Karabakh conflict zone, in contravention of international humanitarian law, and warned that they might amount to war crimes.⁷⁴

65. In the light of the hostilities that had erupted in and around Nagorno-Karabakh on 27 September 2020, which ended on 9 November 2020, and following the trilateral statement declaring a “complete ceasefire”, the Committee on the Elimination of Racial Discrimination expressed deep concerns about the allegations of severe and grave human rights violations committed during the 2020 hostilities and beyond by Azerbaijani military forces against prisoners of war and other protected persons of Armenian ethnic or national origin, including extrajudicial killings, torture and other ill-treatment and arbitrary detention, as well as the destruction of houses, schools and other civilian facilities, the reports of the destruction of and damage to Armenian cultural heritage, including churches and other places of worship, monuments, landmarks, cemeteries and artefacts, and the lack of information on investigations carried out into such allegations, the incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin and the lack of an independent and comprehensive mechanism to investigate such reports of violations and to provide victims with redress and support.⁷⁵

66. A group of special procedure mandate holders expressed alarm at the ongoing blockade of the Lachin corridor by Azerbaijan and its impact on the population facing acute shortages of food staples, medication and hygiene products. It affected the functioning of medical and educational institutions and placed the lives of the residents, especially children, persons with disabilities, older persons, pregnant women and the sick, at significant risk. They urged Azerbaijan to immediately restore the free and secure movement of persons, vehicles and cargo moving along the Lachin corridor in both directions, in accordance with the ceasefire agreement of November 2020.⁷⁶

Notes

- ¹ [A/HRC/39/14](#), [A/HRC/39/14/Add.1](#) and [A/HRC/39/2](#).
- ² [E/C.12/AZE/CO/4](#), para. 60.
- ³ [CRC/C/AZE/CO/5-6](#), para. 48.
- ⁴ [CEDAW/C/AZE/CO/6](#), para. 45. See also [CRC/C/AZE/CO/5-6](#), para. 49.
- ⁵ [CERD/C/AZE/CO/10-12](#), para. 36.
- ⁶ [CMW/C/AZE/CO/3](#), para. 13.
- ⁷ *Ibid.*, para. 14. See also [CEDAW/C/AZE/CO/6](#), para. 32 (g).
- ⁸ [E/C.12/AZE/CO/4](#), para. 34.
- ⁹ See Office of the United Nations High Commissioner for Human Rights (OHCHR), *United Nations Human Rights Report 2022*, *United Nations Human Rights Report 2021*, *United Nations Human Rights Report 2020* and *United Nations Human Rights Report 2018*.
- ¹⁰ [E/C.12/AZE/CO/4](#), para. 18 (a).
- ¹¹ [CEDAW/C/AZE/CO/6](#), para. 9. See also [E/C.12/AZE/CO/4](#), para. 4.
- ¹² [CERD/C/AZE/CO/10-12](#), para. 12.
- ¹³ [E/C.12/AZE/CO/4](#), para. 12.
- ¹⁴ [E/C.12/AZE/CO/4](#), paras. 8 and 9; [CERD/C/AZE/CO/10-12](#), paras. 14 and 15; and [CEDAW/C/AZE/CO/6](#), paras. 17 and 18. See also [CRC/C/AZE/CO/5-6](#), para. 11 (a) and (b); and [CMW/C/AZE/CO/3](#), paras. 21 and 22.
- ¹⁵ [CEDAW/C/AZE/CO/6](#), para. 21 (a)–(c). See also [E/C.12/AZE/CO/4](#), paras. 20 and 21.
- ¹⁶ *Mursalov et al. v. Azerbaijan*, [CCPR/C/136/D/3153/2018](#), para. 9.8.
- ¹⁷ [CAT/C/AZE/QPR/5](#), para. 6.
- ¹⁸ [E/C.12/AZE/CO/4](#), para. 6.
- ¹⁹ *Ibid.*, para. 7 (c).
- ²⁰ *Ibid.*, para. 13 (a) and (b).
- ²¹ [CERD/C/AZE/CO/10-12](#), para. 17 (a)–(f). See also [CEDAW/C/AZE/CO/6](#), para. 11.
- ²² *Aliyev et al. v. Azerbaijan*, [CCPR/C/131/D/2805/2016](#), para. 7.8.
- ²³ [E/C.12/AZE/CO/4](#), paras. 10 and 11.
- ²⁴ [CERD/C/AZE/CO/10-12](#), para. 18 (a)–(c). See also [E/C.12/AZE/CO/4](#), para. 11; and [A/HRC/43/44/Add.1](#), paras. 122–127.
- ²⁵ [CERD/C/AZE/CO/10-12](#), para. 22. See also Submission from United Nations Educational, Scientific and Cultural Organization (UNESCO) for the universal periodic review of Azerbaijan, para. 12.
- ²⁶ [CMW/C/AZE/CO/3](#), para. 20 (b).
- ²⁷ [CEDAW/C/AZE/CO/6](#), para. 25 (a)–(e). See also [CRC/C/AZE/CO/5-6](#), paras. 42 and 43; [CMW/C/AZE/CO/3](#), para. 59; and [CMW/C/AZE/CO/3](#), para. 60 (a).
- ²⁸ [E/C.12/AZE/CO/4](#), para. 28. See also [CEDAW/C/AZE/CO/6](#), para. 31 (a)–(g).
- ²⁹ [E/C.12/AZE/CO/4](#), para. 24.
- ³⁰ *Ibid.*, para. 30. See also [CMW/C/AZE/CO/3](#), para. 39.
- ³¹ [E/C.12/AZE/CO/4](#), paras. 32 and 33. See also [CEDAW/C/AZE/CO/6](#), paras. 31, 35 (c) and 36 (b).
- ³² [CRC/C/AZE/CO/5-6](#), para. 38.
- ³³ [E/C.12/AZE/CO/4](#), paras. 36 and 37.
- ³⁴ [A/HRC/43/44/Add.1](#), para. 131 (d) and (e).
- ³⁵ [E/C.12/AZE/CO/4](#), paras. 42 and 43.
- ³⁶ *Ibid.*, paras. 46 and 47. See also [CEDAW/C/AZE/CO/6](#), para. 33 (a)–(g); and [CRC/C/AZE/CO/5-6](#), para. 36.
- ³⁷ Submission by the United Nations country team for the universal periodic review of Azerbaijan, p. 8. See also [CRC/C/AZE/CO/5-6](#), para. 36 (d).
- ³⁸ [E/C.12/AZE/CO/4](#), paras. 52 and 53. See also [E/C.12/AZE/CO/4](#), paras. 54 and 55; and [CRC/C/AZE/CO/5-6](#), para. 39.
- ³⁹ [CERD/C/AZE/CO/10-12](#), para. 34 and 35.
- ⁴⁰ [E/C.12/AZE/CO/4](#), paras. 56 and 57.
- ⁴¹ UNESCO submission, para. 21.
- ⁴² [CEDAW/C/AZE/CO/6](#), para. 7.
- ⁴³ [CRC/C/AZE/CO/5-6](#), para. 37; and [A/HRC/43/44/Add.1](#), para. 131 (h)–(j).
- ⁴⁴ [E/C.12/AZE/CO/4](#), para. 14. See also [CRC/C/AZE/CO/5-6](#), para. 14; and United Nations country team submission, p. 4.
- ⁴⁵ [CEDAW/C/AZE/CO/6](#), para. 15 (a).
- ⁴⁶ *Ibid.*, para. 15 (b).
- ⁴⁷ *Ibid.*, para. 39.
- ⁴⁸ [E/C.12/AZE/CO/4](#), paras. 33 and 34. See also [CEDAW/C/AZE/CO/6](#), para. 23; and United Nations country team submission, pages 5–7.
- ⁴⁹ [CEDAW/C/AZE/CO/6](#), para. 27 and 29.

- ⁵⁰ Ibid., para. 37.
- ⁵¹ [CRC/C/AZE/CO/5-6](#), para. 16.
- ⁵² Ibid., para. 25.
- ⁵³ [CEDAW/C/AZE/CO/6](#), para. 41 (a)–(c); and [CRC/C/AZE/CO/5-6](#), paras. 15 and 26.
- ⁵⁴ [CRC/C/AZE/CO/5-6](#), para. 41. See also [CMW/C/AZE/CO/3](#), para. 34.
- ⁵⁵ Ibid., para. 44.
- ⁵⁶ [A/HRC/43/44/Add.1](#), para. 107.
- ⁵⁷ [CRC/C/AZE/CO/5-6](#), paras. 33 and 34. See also UNESCO submission, para. 3.
- ⁵⁸ [CERD/C/AZE/CO/10-12](#), paras. 24 and 25.
- ⁵⁹ Ibid., para. 35.
- ⁶⁰ Ibid., paras. 28 and 29.
- ⁶¹ [E/C.12/AZE/CO/4](#), para. 18 (c) and (d).
- ⁶² Ibid., para. 19 (a), (c) and (d).
- ⁶³ [CERD/C/AZE/CO/10-12](#), paras. 32 and 33.
- ⁶⁴ [CMW/C/AZE/CO/3](#), para. 28 (a) and (b).
- ⁶⁵ Ibid., para. 35. See also [CMW/C/AZE/CO/3](#), para. 36 (a) and (b); and [CRC/C/AZE/CO/5-6](#), para. 40.
- ⁶⁶ Submission of Office of the United Nations High Commissioner for Refugees (UNHCR) for the universal periodic review of Azerbaijan, p. 1.
- ⁶⁷ Ibid., p. 3. See also UNHCR submission, p. 2; and [CRC/C/AZE/CO/5-6](#), para. 40 (d).
- ⁶⁸ [CERD/C/AZE/CO/10-12](#), paras. 30 and 31. See also [CRC/C/AZE/CO/5-6](#), para. 40.
- ⁶⁹ [E/C.12/AZE/CO/4](#), para. 18 (b).
- ⁷⁰ Ibid., para. 19 (b).
- ⁷¹ [A/HRC/43/44/Add.1](#), para. 131 (r). See also [CEDAW/C/AZE/CO/6](#), paras. 13 and 14 (c).
- ⁷² UNHCR submission, p. 3.
- ⁷³ [CERD/C/AZE/CO/10-12](#), para. 31. See also UNHCR submission, p. 3; and [CMW/C/AZE/CO/3](#), para. 46 (b).
- ⁷⁴ OHCHR, “Nagorno-Karabakh conflict: Bachelet warns of possible war crimes as attacks continue in populated areas”, press release, 2 November 2020.
- ⁷⁵ [CERD/C/AZE/CO/10-12](#), para. 4 (a)–(d). See also [E/C.12/AZE/CO/4](#), para. 7 (b) and (e); [CERD/C/AZE/CO/10-12](#), para. 5 (a)–(d); [CRC/C/AZE/CO/5-6](#), para. 47 (a); and OHCHR, “Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts”, press release, 11 November 2020.
- ⁷⁶ OHCHR, “UN Experts urge Azerbaijan to lift Lachin corridor blockade and end humanitarian crisis in Nagorno-Karabakh”, press release, 7 August 2023.