

Alternative Report

Submitted by:

Unrepresented Nations and Peoples Organization

To the Committee on the Elimination of Discrimination Against Women (CEDAW)

In consideration of the Fifth Periodic Report of the Republic of Azerbaijan during the 60th Session
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SECTION A: Introduction to the Report

This Alternative Report was compiled and submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 60th Session of the Committee on the Elimination of Discrimination Against Women (CEDAW) (henceforth, “the Committee”). UNPO is an international organization devoted to the promotion of democracy, non-violence, human rights, tolerance and environmental protection among indigenous peoples, oppressed communities and minority groups worldwide.

This report discusses the Covenant on the Elimination of All Forms of Discrimination (henceforth, CEDAW or “the Convention”) and the application of its articles with respect to the Republic of Azerbaijan. In accordance with UNPO’s goals, the organization raises the voices of the unrepresented and marginalized communities worldwide; this Alternative Report aims to evaluate compliance with and implementation of the provisions of the Convention by the Azerbaijani Government with regard to the particular cases of the Lezghin and Talysh communities.

The Alternative Report highlights marginalization and discrimination faced by Lezghin women. The violation of human rights and fundamental freedoms is of serious concern: freedom of religion and expression are suppressed; women and girls face disadvantages in terms of education and marriage.

This report also focuses on discrimination and marginalization faced by Talysh women. Talysh women are victims of Azerbaijan’s assimilation policy. Their freedom of religion and belief are disrespected. Moreover, the Government does not provide the sufficient institutional capacity needed to protect the Talysh language through education.

In the Report of the United Nations High Commissioner for Human Rights of March 2014, it is stated that “[t]he Committee is concerned about minorities in Azerbaijan, and noted that the Lezghin and the Talysh population continue to be the victims of widespread discrimination, in particular in employment, housing, health and education.”¹ This timely observation supports the findings of this Alternative Report.

Following an introduction to the Lezghin and Talysh communities, giving special attention to the situation of women from these minorities, this report will sequentially discuss the articles of the Convention considered to have been violated by the Azerbaijani Government, providing recommendations on how to rectify and/or prevent further breaches. The final section of the report summarizes these recommendations in order to inform the discussions between the Committee and the delegation of the Republic of Azerbaijan at the 60th Session.

Brussels, January 2015

SECTION B: Introduction to the Lezghin and Talysh

The Lezghins

During the fourth century BC, the Lezghins used to be part of the Eastern Caucasus state of Caucasian Albania. Due to foreign invasions of the Ottoman and the Russian Empires, the Lezghins lost their statehood

¹ Report of the United Nations High Commissioner for Human Rights, http://eaford.org/wp-content/uploads/2014/04/A-HRC-25-30_en.pdf (consulted 16 December 2014).

and political independence on several occasions. Since 1860, the minority group has been territorially divided, but after the collapse of the Soviet Republic in 1991, only a single border between the Republic of Dagestan and the Republic of Azerbaijan separates the Lezghins.

Today, about 1.5 million Lezghins live in the South Caucasus region. The minority group is the second biggest group residing in the Northeast of Azerbaijan (about 650,000 – 800,000 persons) and 474,000 Lezghins currently live in Southern Dagestan. A small number of Lezghins also live in Georgia. The majority of them are Sunnis; however about 6,000 to 7,000 are Christians.

The Lezghins in Azerbaijan are requesting greater cultural and language rights and the cessation of an ongoing assimilation process. The establishment of their own TV programmes, radio channels, cinema movies, newspapers and books in the Lezghin language is a minimum demand for the group. Their language, history and culture is currently not taught at lower and higher level educational institutions and the expression of Lezghin culture through the singing of songs or dancing is usually avoided because of a constant fear of persecution and enforced disappearance.

The Talysh

In the seventeenth century, the Talysh established a *Khanate* of which the Northern was ceded to Imperial Russia and the Southern part was claimed by Iran. In June 1993, the Talysh-Mugansk Autonomous Republic was proclaimed. This led to the issuing of death sentences for Talysh leaders and the retrenchment of unilateral power for the Azerbaijani Government in August 1993.

The Talysh community is predominantly located in the South of Azerbaijan, as well as the Northwest of Iran. According to an official census, approximately 540,000 Talysh are living in Azerbaijan and Iran; however, the minority group claims the number is far higher: around 1,000,000 persons.

The Talysh are fighting for the recognition and respect of their ethno-cultural identity and greater autonomy within the Republic of Azerbaijan.

Within this Alternative Report UNPO has decided to focus on the challenges faced by women from both the Lezghin and the Talysh communities in the Republic of Azerbaijan. A number of urgent actions are requested that should be undertaken by the Azerbaijani Government in compliance with their obligations under CEDAW.

SECTION C: Compliance with CEDAW

Article 2: Legislations to Prevent Discrimination against Women

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

The Azerbaijani Constitution, which came into force on 27 November 1995, embraces in Article 25 the Right to Equality.² In addition, this article underlines that derogations of the right to equality because of race, religion, social position, political party, nationality, social status and language origin are prohibited. Moreover, according to Article 148 of the Constitution, “International Treaties, of which the Azerbaijan Republic is a party, shall be inalienable compound part of the Legislative system of the Azerbaijan Republic”.

The definition of “gender-based discrimination” in the Azerbaijani law on Guarantees of Gender (Men and Women) Equality 2006 and the Convention are coherent and, therefore, the legislation follows international standards. Moreover, the Republic of Azerbaijan has been a party of the Framework Convention for the Protection of National Minorities since 2000.³

President Ilham Aliyev stated at the Council of Europe on 24 June 2014 that “[i]t is strange to hear Azerbaijan accused over gender inequality. Our country has great traditions, and when the first Democratic Republic of Azerbaijan was established in 1918, one of the first decrees gave women the right to vote. [...] Women in Azerbaijan today enjoy the same rights and privileges, and they participate actively in political life. [...] Azerbaijan already has a law on gender equality and a family code, and we are now reviewing the Istanbul Convention to which we do not have any objections.”⁴

Nevertheless, it has been observed that the country pursues an assimilation policy with the aim of creating an ethnically homogenous society emphasizing “Azerbaijanism”.⁵ This transformation has clear negative effects on the rights of women who are part of minority groups, including the Lezghins and the Talysh. Moreover, ‘national minorities’ have not been recognized within national legislation and a legal definition of the term is still absent. Furthermore, there is no national institution in place which focuses on issues related to national minorities.⁶

Recommendations:

- Abolish any deliberate or undeliberate actions that may lead to assimilation;
- Recognize and define ‘national minorities’ and their minority rights within national legislation;
- Establish national institutions which represent and safeguard the needs of minority groups in the country, including women. Such institutions should protect the language, culture, history and traditions of minority groups in Azerbaijan;
- Sign and ratify the Istanbul Convention (Convention on preventing and combating violence against women and domestic violence).

² Article 25 of the Azerbaijani Constitution: “Every Person shall be equal to the Law and Court. Men and Women shall have equal Rights and Freedoms. Every Person shall have equal Rights and Freedoms irrespective of race, nationality, religion, sex, origin, property status, social position, convictions, political party, trade union organization and social unity affiliation. Limitations or recognition of Rights and Freedoms because of race, nationality, social status, language origin, convictions and religion shall be prohibited.”

³ http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_MapMinorities_bil.pdf (consulted on 16 December 2014).

⁴ 2014 Ordinary Session of the Parliamentary Assembly of the Council of Europe, <http://assembly.coe.int/Main.asp?link=/Documents/Records/2014/E/1406241000E.htm> (consulted on 16 December 2014).

⁵ Popjanevski, *Minorities and the State in the South Caucasus: Assessing the Protection of National Minorities in Georgia and Azerbaijan*, Washington: Central Asia-Caucasus Institute, 2006.

⁶ Ulasiuk, Iryna, *National Minorities and Migration in Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia and Ukraine*, 2013, available at: http://cadmus.eui.eu/bitstream/handle/1814/29440/CARIM-East_RR-2013-33.pdf?sequence=1 (consulted on 16 December 2014).

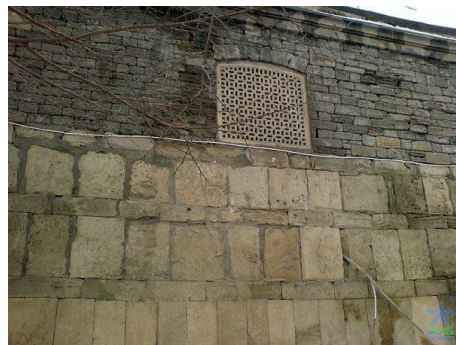
Article 3: Guarantee of Basic Human Rights and Fundamental Freedoms

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

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The majority of Azeris are Shia Muslims (65%) and only 35% are Sunni Muslims. Among Azerbaijan's minority groups, the Talysh, Kurds and Tats are Shia Muslims, but their religion varies in some aspects from the Azeri Shia.

Most Lezghins are Sunni Muslims, and they strive to protect their ethnic and religious characteristics while there have been reports of the Azeri Government attempting to assimilate Lezghins into the Azeri culture and religion. The ongoing crackdown on the freedom of religion⁷ is exemplified through active steps which have been undertaken to destroy the "Lezghin Mosque" in Baku which is on the list of UNESCO World Heritage Sites. In February 2010, the authorities removed the ancient inscription from the "Lezghin Mosque" and decided to close the mosque in July 2014 due to planned renovations without consulting the Lezghin community. It is still unclear if the mosque will be re-opened for prayers after completion of the work.



27 February 2010 the plaque Lezghi Mosque was removed without any notices.

Moreover, the FLNCA (Federal Lezghin National and Cultural Autonomy) reports that religious practices of Lezghin Sunni women have been disrupted by policemen in Kusary (the region is inhabited by a Lezghin majority). The policemen brought the women to the police station, stripped them of their Hijabs, threatened and beat them. The women were related to three young assassinated Sunni Muslims from the same region⁸. The police brought forward erroneous charges of having been involved in criminal activities against the young Sunni men; however, the main reason for their assassination is suspected to be their religious affiliation. Following this incident, other Sunni Muslims, including Lezghin women, have been afraid to attend the Kusary mosques services because they fear possible persecutions⁹.

In August 2008, praying outside mosques was banned. Nevertheless, Azerbaijani officials have never published the official document outlining these measures. The ban impedes Lezghin Sunni believers from praying outside, among other places, the "Lezghin Mosque", and police have actively prevented worshippers from entering and praying in front of mosques in Baku. In April 2012, it was confirmed that the ban was still in force.¹⁰

⁷ <http://www.panorama.am/en/society/2013/03/20/shtrasser/?sw>

⁸ FLNCA (Federal Lezghin National and Cultural Autonomy), Briefing, November 2014

⁹ <http://www.panorama.am/en/society/2013/03/20/shtrasser/?sw>

¹⁰ Corley, Felix and Kinahan, John, Forum 18 News Service, 2012, http://www.forum18.org/archive.php?article_id=1690 and http://www.forum18.org/archive.php?article_id=1984 (consulted on 17 December 2014).

Lezghin and Talysh women do not have the opportunity to follow religious traditions inside or outside mosques, which undermines their fundamental rights.

Moreover, the Government has imposed a censorship policy on imported and locally published religious literature.¹¹ The confiscation of Islamic literature, police raids of religious meetings without state permission and imposition of heavy fines for participants at these meetings are some documented measures.¹²

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This violation of religious freedom is in harsh contrast with the Constitution of Azerbaijan, Conventions signed by Azerbaijan and its membership at the Council of Europe. Moreover, neither Lezghin nor Talysh women are allowed to read unapproved religious literature that would provide guidance and Islamic rules for the daily community life, including property, income and marriage.

Recommendations:

- Officially recognize the obstacles Lezghin and Talysh women have to face in practicing their religion and take appropriate measures to overcome these;
- Guarantee the practice of religion without further restrictions or laws contravening international Conventions signed by Azerbaijan;
- Suspend the censorship on religious literature;
- Abolish the practice of discriminating women based on their appearance.

Article 10: Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women.

Article 42 (Right to Education) and Article 45 (Right to Use Native Language) of the Constitution of Azerbaijan allow minority groups to receive education in their respective language. More precisely, Article 6 of the Law of Azerbaijan on Education ensures the freedom to choose the language of education under the condition that functioning classes and groups can be established.¹³

So far, Azerbaijan has refused to ratify the European Charter for Regional or Minority Languages.¹⁴

In 1939, under the Stalin administration literature in the Lezghin language was banned. The key role of the Azerbaijani language was strengthened by authorities through educational reforms. The promotion of minority language education regularly receives poor financial backing. Textbooks in Talysh, Lezghin or other minority languages are outdated and lack the finances to produce modern educational material that is in line with educational and language rights of minorities residing in Azerbaijan.

¹¹ According to legislative amendments (2011), the government committee for religious organizations has to approve the religious literature before their distribution or publication,

¹² Shahla Sultanova, Institute for War and Peace Reporting, Azerbaijan Tightens Grip on Islamic Literature, 2013, <https://iwpr.net/global-voices/azerbaijan-tightens-grip-islamic-literature> (consulted on 6 January 2015).

¹³ Ulasiuk, Iryna, National Minorities and Migration in Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia and Ukraine, 2013, available at: http://cadmus.eui.eu/bitstream/handle/1814/29440/CARIM-East_RR-2013-33.pdf?sequence=1 (consulted on 16 December 2014).

¹⁴ Council of Europe, Parliamentary Assembly, http://www.coe.int/t/dg4/education/minlang/sgreports/SGReport2013_en.pdf and <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=148&CM=8&DF=&CL=ENG> (consulted on 16 December 2014).

It is noted within Lezghin communities that pupils are given a choice between learning English and Lezghin as a third language after Azeri and Russian. Usually, students choose English because the general understanding that English is a window to the world in terms of travel and working opportunities. Additionally, parents are asked to declare in writing that their children do not want to learn Lezghin at school. Thus, local authorities are actively discriminating against the Lezghin language by forcing it to compete as an alternative choice to English at school. This measure deters Lezghin girls and women from learning their traditional language.

In addition, the Talysh report discrimination and restrictions for teaching, as well as to learning their minority language at school.¹⁵ Due to the shortage of Talysh speaking teachers and appropriate teaching material, Talysh language lessons are not offered at most schools.¹⁶

In 2010, the Ministry of Education banned the hijab for pupils and female teachers in public schools.¹⁷ The prohibition of the hijab is a discriminating practice that forces Lezghin and Talysh girls and women to forgo religious practice and relinquish religious identity at public educational institutions.

Recommendations:

- Lezghin children, including girls, should be allowed to learn the Lezghin language at school without being obliged to choose between Lezghin and a widely and internationally used language, such as English;
- Enable Talysh children, including girls, to learn their native language without any form of discrimination at public educational institutions;
- Sign and ratify the European Charter for Regional or Minority Languages;
- Officially recognize minority languages in Azerbaijan and strengthen minority languages through effective reforms;
- Provide appropriate financial resources to promote minority education, including the provision of modern educational material;
- Abolish the ban of wearing hijabs for schoolgirls and female teachers at public schools.

Article 16: Marriage and Children

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

According to the Article 34 of the Azerbaijani Constitution '[e]veryone has the right to marry on reaching the age specified by legislation [and] [m]arriages shall be concluded voluntarily. Nobody should be forced to marriage'. In November 2011, the legal marriage age for women was raised to 18 years; early and forced marriages have been prohibited. Nevertheless, provisions in the Gender Equality Law defining unequal marriage ages have not been updated so far.

Recommendation:

- Update the Gender Equality Law and provide a definition of 'unequal marriage ages'.

¹⁵ U.S. Department of State, Azerbaijan 2013 Human Rights Report, <http://www.state.gov/documents/organization/220465.pdf>.

¹⁶ Eldar Mamedov, Eurasianet, Azerbaijan: Baku Keeps Lid on Ethnic Minorities, <http://www.eurasianet.org/node/65866> (consulted on 6 January 2015).

¹⁷ Aytan Farhadova, Institute for War and Peace Reporting, Azerbaijani Hijab Ban Controversy, 2010, <https://iwpr.net/global-voices/azerbaijani-hijab-ban-controversy> (consulted on 6 January 2015).

Section D: Closing Remarks

The Unrepresented Nations and Peoples Organization strongly calls upon the Committee to urge the Government of Azerbaijan to recognize structural and substantive challenges that Lezghin and Talysh women are facing in their daily lives. Women of ethnic minority groups are exposed to higher levels of discrimination, vulnerability, oppression and social exclusion and, hence, require the enforcement of gender-specific and coherent laws offering recognition of their status and protection of their culture, traditions and religion.

The implementation of laws and policies to protect and foster women rights is limited and sometimes even non-existent. A clear framework for action, including transparent monitoring and evaluation mechanisms is requested to improve the human and minority rights of Lezghin and Talysh women in Azerbaijan.

In 2013, Azerbaijan submitted the fifth periodic report of the Republic of Azerbaijan on the Elimination of All Forms of Discrimination against Women. Therein, it is stated, that “[t]he Government of Azerbaijan is fully committed to the elimination of all forms of discrimination against women.” However, ‘minority groups’ are not mentioned in the report. This fact underlines the lack of attention the Azerbaijani Government is paying to the violations of women rights in the context of minorities. The economic, social and political empowerment and legal protection of women who are members of minority groups should be given a high priority by the Government and urgent, sustainable and democratic actions are required to improve the situation.



The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent, and democratic membership organization founded in 1991. Its Members are indigenous peoples, minorities, and unrecognized or occupied territories who have joined together to protect and promote their human and cultural rights, to preserve their environments, and to find nonviolent solutions to conflicts which affect them.