



Gender & Development
Social Union

REPORT

DISCRIMINATION AND VIOLENCE AGAINST LESBIANS, BISEXUAL WOMEN AND TRANSGENDER PEOPLE IN AZERBAIJAN REPUBLIC

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INTRODUCTION

LGBT Organization “Gender and Development” is a nongovernmental organization in Azerbaijan, the work of which is directed at the protection of rights of women with homosexual and bisexual orientations, as well as Transgender women (male-to-female), and gay and bisexual men from 2007. With regards to women, we provide services for more than 200 lesbians, bisexual women and transgender women (LBT) in Azerbaijan Republic.

“Gender and Development” is the first and, for the present, the only organization officially engaged in the problems of LGBT community in Azerbaijan. The mission of the organization – voluntary consolidation of people with homo and bisexual orientation for the purpose of their integration in Azerbaijan society by means of lobbying the interests of LGBT community, provision of informational, psychological and juridical services, promotion of health way of life and progress of the partner relations with governmental and social structures on national and regional levels.

In this report, LGBT organization “Gender and Development” brings it to the attention of the CEDAW Committee members that serious violations of basic human rights of lesbian, bisexual and transgender women take place in Azerbaijan on a daily basis. The unacceptable difference in treatment in particular refers to state-approved ignorance of the existence of this distinct group of women in Azerbaijan, discrimination in employment, militant homophobia and transphobia perpetuated by official and private mass media, forced marriages, and impossibility to change identification documents for transgender women. All of these violations of basic human rights of lesbian, bisexual and transgender women lead to a decreased quality of life and feeling of uselessness within the republic – while the Constitution of Azerbaijani republic maintains that **all** citizens of the republic are entitled to equal rights and opportunities regardless of various statuses.

Societal Homophobia

Azerbaijan Republic during the last years identified itself as a democratic country, which takes care of human rights. In spite of these commitments, it stays very traditional post soviet society with gender stereotypes and social regulations of behavior.

Sexual orientation and gender identity, which differ from conventional standards, are not accepted at any level of society, beginning with the families and ending with governmental structures which remain conservative.

Meanwhile, lesbian, bisexual and transgender women in Azerbaijan face numerous serious problems, which make their lives unfoundedly more difficult, because of their sexual orientation or gender identity (SOGI). Among others there is family violence, which we consider to be one of the most insidious forms of violence against women in general. The huge majority of more frank displays of violence against the lesbian and bisexual women occurs at home and includes oral and physical abusing, the internal confinement and compulsion, compulsory marriage, and possibility of crimes of honour. Information about crimes of family violence over the lesbian and the bisexual woman is virtually nonexistent, mostly because of the full social ostracism, which these women can encounter after reporting.

LGBT organization “Gender and Development” has conducted researches within the LBT communities, in the course of which, it was revealed that 90% LBT groups were exposed or are being exposed to family violence.

Article 3 of the CEDAW Convention requires the States Parties 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”.

The right to anonymity and physical autonomy plays a key role in maintenance of an all-around development and advancement of essential group of women. Without the indivisible and universal right to sexuality and gender identity, lesbian, bisexual and transgender women experience double or inter-sectional discrimination and inequality compared to women from other subgroups.

Absence of this basic provision among others from the legislation of Azerbaijan Republic makes it impossible to effectively defend and promote the rights and freedoms of lesbian, bisexual and transgender women in the country via involvement of human rights NGOs.

The Report of Azerbaijan Republic on the obligations undertaken under CEDAW lacks any mention of the lesbian, bisexual women and transgender women, which limits the realization of their human rights and fundamental freedom, as already mentioned above. In addition, problems of homosexual, bisexual women and transgender women are also absent from any state documents dealing with anti-discrimination efforts of the country, which makes this group of women invisible to government programs despite their vulnerable status in a society.

RECOMMENDATIONS;

- To conduct appropriate researches about violence against people LBT.
- To Include violence based on gender identity and sexual orientation in “the Law on Family Violence”

Article 11 of the CEDAW Convention requires States Parties to “take all appropriate measures to eliminate discrimination against women in the field of employment...” With regard to lesbian, bisexual women and transgender people the Azerbaijan Republic fails to comply with this particular CEDAW requirement.

Because of their sexual orientation and/or gender identity many LBT people find themselves working in poorly paid jobs that do not correspond with their qualifications. Azerbaijan laws do not include prohibition of employment discrimination on the basis of sexual orientation and/or gender identity/expression. This allows for wide opportunities for unpunished discrimination of LBT women in receiving payment for their work and in employment in general. Azerbaijan society expects women’s income to be secondary because they are expected to have support of their male partners or family. This system makes it very difficult for LBT people to make a living.

- On January of 2008 a lesbian girl addressed to us for help. She had been working in a bank and they were going to discharge her from the working place. Her photo had appeared in internet, by another girl and there were comments for photos (There are Gay parties in Baku). She was accused of obscene behaviour and has been told that people with such sexual orientation dishonour all collective of bank and will frighten off all clients. The photo has been extended on an internal computer network to all workers of bank. The girl had been exposed to discrimination and verbal mockeries by the side of colleagues. We have been compelled to give an official letter from our organisation addressed to the director of bank. In this letter we have mentioned that this party was held by our organisation, and it has been devoted to a struggle against HIV \AIDS and it has no relation to sexual minorities.
We often face with this sort of discrimination

RECOMMENDATIONS;

- To Improve and take additional measures on administration of the legislation which include liquidation of discrimination in the field of employment, because of sexual orientation.
- To adopt mechanisms for securing of administration of law.

Prejudice in Mass Media and Civil Society

Article 2 point (e) of the CEDAW Convention requires States Parties to “to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”.

Hate speech, homophobic remarks and discrimination are usually the most frequent forms of hate crime, which lesbian, bisexual women and transgender people encounter in Azerbaijan Republic.

Mass media services are instrumental in perpetuating the discrimination of lesbian, bisexual women and transgender people. Television and press reports on LBT events, are provocative, causing even greater intolerance toward the homosexuals, bisexual and transgender

communities. In 2007 and 2008 “Gender and Development” witnessed numerous cases of biased reporting, filled with militant hate towards homosexuals and calls for rejection of lesbian, bisexual woman, transgender people.

Frequent articles of negative character are published in such newspapers, as «Bizim Yol», “Impuls”, “Trand” etc.

RECOMMENDATIONS;

- **To work out and to hold special educational programs directed at tolerant relation for homosexuals, bisexual women and transgender people.**

Article 16 point (b) of the CEDAW Convention requires States Parties to “ensure, on a basis of equality of men and women, the same right freely to choose a spouse and to enter into marriage only with their free and full consent”.

For lesbian, bisexual women and transgender people heterosexual marriage is a traumatic and critical issue. Many marriages in Azerbaijan are arranged by consent of parents, or women are kidnapped as brides. Traditional perception of divorce pressures them to stay with the man who was forced upon them as a husband.

For LBT people most marriages are forced and may have negative consequences.

RECOMMENDATIONS;

- To develop and take measures in order to address to social norms which contribute to violence against lesbian, bisexual and transgender women.
- Undertake legal and others necessary actions to battle and prevent harmful traditional methods which mention women.
- To Guarantee that educational programs address to gender identity and sexual orientation

Legislation regarding to documents for transgender people

The Azerbaijan legislation is not adapted for addressing problems changing documents for transgender people. Despite medical recommendations for social adaptation of Azerbaijan transgender man and transgender women, they could not change their documents of identity to reflect their desirable gender identities. Transgender people are not in a condition to secure employment because their gender representation and their official documents do not correspond.

With such documents, transgender people cannot find employment according to their qualifications as they have encountered shortage of understanding and intolerance from businessmen. Some of them experience serious violence if their identity of the passport is found out. Without suitable documents it is almost impossible for transgender to live as full members of a society. Women Transgender are often sex workers, because there are no other workplaces accessible for them.

RECOMMENDATIONS;

- To take measures in order to recognize gender identity of transgender people legally
- To adopt mechanisms in order to change gender documents of identity officially.
- To develop medical system in order to address to medical requirements of transgender people.