

**Child and Forced Marriages in Azerbaijan: An Analysis of National Legislation and
International Commitments**

By

Ilaha Huseynzade

Submitted to

Central European University

Department of Gender Studies

In partial fulfillment of the degree of Master of Arts in Gender Studies.

Supervisors: Dr. Julia Carolin Sachseder and Dr. Hannah Loney

Second reader: Dr. Andrea Krizsan

Vienna, Austria

2024

Abstract

Child and forced marriages are harmful traditional practices prevalent globally and a concerning issue for Azerbaijan. By applying the feminist policy analysis method this thesis aims to reveal the hidden gaps embedded in the national legislation of the Republic of Azerbaijan and its international obligations under ratified conventions on women's and children's rights, such as CEDAW and the CRC. Taking into account the history and cultural aspects of child and forced marriages during different periods, as well as factors that further exacerbate the prevalence of these practices, this study conceptualizes legal documents not as separate from social relations, but rather as products of these relations. Using this theoretical perspective, this thesis is the first research that applies a feminist lens to the Azerbaijani legal documents on child and forced marriages. Through feminist analysis, it reveals that although current legislation commits to ensuring gender equality and advocating for women's and children's rights to comply with its obligations under international conventions, the implementation of these principles mainly remains symbolic. Furthermore, this thesis analyzes the reasons behind the Azerbaijani state's reluctance to ratify the Istanbul Convention (2014). This study links this primarily to the absence of the state's specific budget allocation for gender-related issues which is the key duty of states to fulfill imposed by the convention to effectively implement legal and policy tools outlined in the treaty.

Consequently, the state's lack of success in preventing child and forced marriages is due to the lack of control and cooperation between institutions, as well as the state's implicit role in creating space for granting exceptions that permit the occurrence of these marriages. Since these areas need to be sufficiently funded to achieve effective results, the state endeavors to avoid ratifying the Istanbul Convention as it could challenge the current national legislation and patriarchal values it upholds.

Declaration

I hereby declare that this thesis is the result of the original research; it contains no materials accepted for any other degree in any other institutions and no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

I further declare that the following word counts for this thesis are accurate:

Body of the thesis (all chapters excluding notes, references, appendices, etc.): 24.569

Entire manuscript: 29.724

Signed: Ilaha Huseynzade

Acknowledgments

I would like to take this opportunity to thank the following individuals for their immense support and guidance during the completion of my thesis.

First and foremost, I extend my sincere gratitude to my respected supervisors, Dr. Hannah Loney and Dr. Julia Sachseder. Your invaluable support and insights have been instrumental in guiding me through this research journey. I am grateful for the time you dedicated to numerous consultations, patiently addressing my questions, and providing expert assistance. Dr. Loney, I especially appreciate your dedication, even during your maternity leave, and your valuable comments that significantly enhanced my work.

My second reader, Dr. Andrea Krizsan, I deeply appreciate your expertise and invaluable advice on the legal aspects of my research, which greatly contributed to the depth and quality of my analysis. Your insightful suggestions have played a crucial role in shaping the direction of my thesis.

Finally, to my family, specifically, my mother, thank you for your unweaving belief in me and your constant encouragement throughout my master's degree period. Your support and motivation have been my source of strength during the times when I felt distracted and demotivated.

Table of Contents

Table of Contents

<i>Abstract</i>	<i>i</i>
<i>Declaration</i>	<i>ii</i>
<i>Acknowledgments</i>	<i>iii</i>
<i>Table of Contents</i>	<i>iv</i>
<i>List of Acronyms</i>	<i>vi</i>
<i>Introduction</i>	<i>1</i>
Theoretical Framework	5
Method.....	9
<i>Chapter I: Overview of Child and Forced Marriages and Literature Review</i>	<i>13</i>
1.1 Overview of Child and Forced Marriages	13
1.2 Literature Review.....	20
1.2.1 Child and Forced Marriages in the Global Context	20
1.2.2 Regional and National Context	21
1.2.3 Policy Approaches for Child and Forced Marriages Globally	24
1.2.4 Legislation on Child and Forced Marriages in Azerbaijan	26
Conclusion.....	30
<i>Chapter II: The Historical and Cultural Background of Child and Forced Marriages in Azerbaijan</i>	<i>32</i>
2.1 The History of Child and Forced Marriages in Azerbaijan	32

2.2 Contributing Factors.....	39
Conclusion.....	47
<i>Chapter III: Child and Forced Marriages in National and International Context</i>	<i>48</i>
3.1 Overview of the National Legislation	49
3.1.1 Protection	49
3.1.2 Prosecution.....	54
3.1.3 Prevention	58
3.2 Analysis of Azerbaijan’s Compliance with International Conventions.....	62
3.3 Missing Points: National Legislation and International Commitments.....	68
3.3.1 Istanbul Convention.....	82
Conclusion.....	86
<i>Conclusion.....</i>	<i>88</i>
<i>Bibliography</i>	<i>93</i>

List of Acronyms

CEDAW- Convention on the Elimination of All Forms of Violence Against Women

CEFMU- Child, Early, and Forced Marriages and Unions

CFM- Child and Forced Marriages

CMA- Caucasian Muslims Administration

CRC- Convention on the Rights of the Child

OHCHR-Office of the United Nations High Commissioner for Human Rights

UDHR-Universal Declaration of Human Rights

UNFPA-United Nations Population Fund

UNICEF-United Nations International Children's Emergency Fund

Introduction

Child and forced marriages are among the most concerning examples of harmful traditional practices that persist globally. The report of UNFPA (2020) asserts that the reason behind the persistence of these practices is related to the fact that women and girls lack power in their societies. Although these practices are also observed among men and boys, the statistics show that they disproportionately and predominantly affect women and girls (UNFPA, 2020, p. 8). Moreover, girls face considerably more severe consequences in terms of sexual health, reproduction, maternal well-being, social dynamics, and economic outcomes compared to boys (Malhotra & Elnakib, 2021, p. 847). The data for 2022 on child marriages reveals that over 650 million women were the victims of child marriages in the world. Approximately 12 million girls entered into marriage before reaching the age of 18, which is equivalent to 28 girls marrying every minute (OHCHR, n.d.-a). Child marriage poses a direct threat to the health and well-being of girls, leading to early pregnancies before they are psychologically and physically ready. This contributes to high rates of maternal mortality among girls between 15 and 19 years of age. Additionally, girls who marry at a young age are at an increased risk of contracting sexually transmitted diseases, such as HIV. This also results in the abandonment of education, worsening the health and economic conditions of these girls (UNFPA, 2022).

The indicators for forced marriages are almost the same. According to recent statistics, the majority, nearly two-thirds, of these marriages, approximately 14.2 million individuals, are found in Asia and the Pacific. Following this, 14.5 %, totaling 3.2 million people, are in Africa, while 10.4 %, comprising 2.3 million individuals, are in Europe and Central Asia. The majority of individuals subjected to forced marriage are female, accounting for over two-

thirds of cases, which equates to approximately 14.9 million women and girls (International Labour Organization (ILO), 2022, p.5).

Building upon the global data presented above, this project aims to address the specific background and legal context of child and forced marriages in Azerbaijan. Child and forced marriages are one of the concerning issues for Azerbaijan, as they continue to be widespread practices. The continuation of these practices is closely related to factors such as tradition, culture, gender inequality, poverty, and lack of education (UNFPA Azerbaijan, n.d.). Although there are no accurate statistics that indicate the prevalence of child marriages, high numbers of pregnancies between 15-19 years of age prove that these girls married illegally (Girls Not Brides, n.d.-d). In 2010, a comprehensive study titled “Early marriage of girls” was undertaken across both urban and rural regions of Azerbaijan. Conducted in collaboration with the State Statistics Committee, the United Nations Population Fund (UNFPA), and the State Committee on Family, Women, and Children’s Affairs, the study aimed to assess the prevalence of early marriages. The findings of this study demonstrated significant disparities, with 38.9% of such marriages occurring in urban areas and 61.1% in rural areas (The State Committee for Family, Women, and Children’s Affairs, n.d.-a).

This thesis aims to address the main question:

- What is the reason behind the lack of success in interventions targeting child and forced marriages in Azerbaijan?

Additionally, this thesis will also explore the following questions:

- What is the history of child and forced marriages? Which factors contribute to the continuation of these practices in Azerbaijan?

- How does the Azerbaijani government address issues related to child and forced marriages through the protection, prosecution, and prevention pillars of intervention? What potential gaps exist in these approaches?

My research aims to comprehensively analyze these common practices that have direct and adverse effects upon the lives of girls and women in Azerbaijan today, with a primary focus on identifying the legal gaps both in national legislation and international obligations surrounding child and forced marriages.

Thus, this project will investigate the constitution, policies, laws, and conventions signed and ratified by the Azerbaijani state regarding this issue and will consider how the government and cooperation with international organizations combat or ignore these harmful practices. In addition, I will analyze the potential reasons behind the Azerbaijani state's stance on not signing one of the important treaties on women's rights, the Istanbul Convention (2014).

Through these examinations, I will analyze gaps in the current legislation and the international sphere and identify the areas where improvements and modifications may be needed. By giving a detailed historical and cultural background regarding marriage practices, along with an exploration of potential factors that could increase the continuation of child and forced marriages in Azerbaijan, I will contribute to a better understanding of the root causes and dynamics surrounding these harmful practices.

This thesis argues that the continuation of child and forced marriages is due to gaps in the current legislation and weak implementation of state restrictions. Another primary barrier in the perpetuation of child and forced marriages is the influence of cultural and societal factors that prioritize traditional practices over human rights and gender equality. Additionally, socio-economic vulnerabilities, religion, lack of access to education, the absence of child benefits,

and the influence of the Karabakh War further exacerbate the prevalence of these harmful traditional practices in Azerbaijan.

This thesis is divided into the following main chapters: Overview of Child and Forced Marriages and Literature Review (I), The Historical and Cultural Background of Child and Forced Marriages (II), and National and International Context of Child and Forced Marriages in Azerbaijan (III). I begin my thesis by introducing the importance of this topic globally and its relevance within the context of Azerbaijan. I underline my research aims and arguments, as well as the theoretical framework and method that I employed in this research.

In the first chapter, I provide key terms and definitions given by different human rights organizations for “child”, “harmful traditional practices”, “child marriages” and “forced marriages”. Additionally, I consider important initiatives utilize these definitions in their projects. Furthermore, I examine the scholarly works regarding child and forced marriages, focusing on the policies discussed within the literature. This examination will consider global, regional, and national perspectives, providing a comprehensive understanding of the potential areas that need to be further considered.

In the second chapter, I discuss the importance that has been placed on marriage and family unions throughout different historical periods, including the Middle Ages, after the invasion of the Russian Empire, during the Soviet era, and after gaining independence. To understand the root causes of this issue, I specify contributing factors that exacerbate the prevalence of violation of girls’ and women’s rights, such as socio-economic conditions, the Karabakh conflict, and religious values.

My main analytical chapter will comprise the third chapter, in which I address the national law system and legal documents. Within this section, I categorize these regulations into three intervention pillars, namely protection, prosecution, and prevention. This categorization also allows me to identify what is missing in each pillar by comparing them to the international obligations of the Azerbaijani state as stipulated by its signing of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Child (CRC). In addition, I specify the potential reasons why Azerbaijan despite all its efforts in advancing gender equality and women's rights, still has not signed the Istanbul Convention. This analysis will contribute to a comprehensive understanding of the country's legal framework and its alignment with the provisions outlined in international conventions.

Theoretical Framework

In addressing the multi-dimensional issue of gender-based violence, particularly within the context of child and forced marriages, a detailed understanding of legal frameworks and intervention strategies is essential. Feminists have developed various approaches to combat such violence, including the identification of effective intervention frameworks specifically regarding child and forced marriage. For instance, Malhotra et al. (2021) highlight the importance of comprehensive legal frameworks that not only focus on the criminalization of child and forced marriages but also address underlying factors, such as gender inequality, poverty, and lack of education, alongside community-based and educational initiatives aimed at delaying the age of marriage and change the societal expectations put on girls and women (Malhotra et al., 2011, pp. 2-11).

In addition, Baysak et al. (2021) underline that “EM is a form of both sexual and physical child abuse which is ignored under the guise of marriage” (Baysak et al., 2021, p. 247). The authors suggest legal changes, such as addressing the misuse of marriage practices, strengthening the current legislative measures, providing legal protections, as well as preventative measures by promoting education, and raising awareness on the negative consequences of EMs to prevent the occurrence of these practices (Baysak et al., 2021, pp. 246- 247).

Ahonsi et al. (2019) further underscore the need for comprehensive approaches involving legal enforcement, community members, education, and awareness-raising efforts. The scholars also highlight the importance of authorities voicing opposition to child marriage and enacting local regulations to prohibit it, along with punishing violators (Ahonsi et al., 2019, p. 14).

Building upon this literature, this thesis draws upon its theoretical framework from Sally Merry Engle’s groundbreaking publication, *Gender Violence: A Cultural Perspective* (2009), where she introduces three intervention pillars, namely punishment, safety, and reform. These pillars have different approaches and Merry Engle utilizes them in the context of domestic violence laws in the US legislation. Unlike the above-mentioned researchers who mainly focus on the prevention pillar, Merry underlines that these three pillars should be combined together to effectively combat gender-based violence (Merry Engle, 2009, p. 49).

The first and predominant form of intervention, punishment, is primarily implemented by the police, judiciary, and prosecutors. This pillar highlights compulsory police apprehension, non-negotiable prosecution policies, and imprisonment. The main aim of the punishment is to

discourage acts that contradict the laws and hold perpetrators accountable for their actions (Merry Engle, 2009, pp. 48-51). Safety approaches, characterized by their aim of ensuring the well-being and security of victims, seek to provide comprehensive protection mechanisms for those at risk. These mechanisms encompass various strategies, such as separating the victim from perpetrators and issuing restraining orders, among others (pp.52-53). The final approach in Merry Engle's pillars is reform. This form was developed at a later stage and aimed to change the perceptions of perpetrators through various reform and educational programs, teaching them to control their violent acts and develop more healthy ways of communicating to solve their problems by recognizing violence as a harmful act. Comparatively, women are taught the rights and freedoms they possess based on the principles of gender equality and human rights (Merry Engle, 2009, pp. 48-49).

These interventions —known as 3P frameworks, namely protection, prosecution, and prevention — are one of the most commonly used frameworks. Mergaert et al. (2023) consider this framework as a 3P UN approach to analyze violence against women.

One of the important treaties on women's rights, the Istanbul Convention also implements these three pillars to structure its provisions and policies. The application of all pillars is essential since addressing various forms of gender-based violence separately is not as effective as implementing a holistic approach that encompasses preventative, prosecutorial, and protective measures (Krizsan & Pap, 2016, pp. 7-10).

Thus, by applying the 3P framework to my research and categorizing legal regulations and measures within these pillars, I aim to assess why interventions in child and forced marriages have not been successful in Azerbaijan. I will evaluate the effectiveness of existing legal

frameworks and intervention strategies in the country. This analysis will center on how these pillars are implemented in the context of child and forced marriages which will further assist me in identifying the gaps and areas that need improvements to successfully combat these practices in Azerbaijan.

I interpret legal documents not as isolated from social relations but rather as a product of these relations which constructs and maintains gender hierarchies. This perspective was also supported by several thinkers. For instance, Raewynn Connell (1987) asserts that relations between sex and gender are social. However, in patriarchal societies, it is extremely challenging to bring gender issues into the center of the discussion because they are considered natural, and analyzing these relations from the angle of social patterns is seen as threatening (Connell, 1987, pp. 16-17).

Poulain de la Barre echoes this sentiment, noting that “being men, those who have made and compiled the laws have favored their own sex, and jurists have elevated these laws into principles” (de Beauvoir, 1989 [1949], p. 21). This quote underscores the historical bias in legal frameworks, supporting the argument that laws are products of social power relations that maintain gender dynamics.

Simone de Beauvoir in *The Second Sex* (1949) further supports this argument by underlining that, because women have historically been seen as inferior, their legal status is almost never equal to that of men. Although many countries theoretically grant women equal rights, these same legal documents often simultaneously imply that women can never be truly equal, frequently putting them in inferior positions. This contradiction fosters what Beauvoir describes as “social discrimination.” She emphasizes the difference between theoretical rights

and practical application, stating that “the only public good is that which assures the private good of the citizens; we shall pass judgment on institutions according to their effectiveness in giving concrete opportunities to individuals” (de Beauvoir, 1989 [1949], pp. 19-26).

Overall, while the 3P framework provides a valuable tool for evaluating the effectiveness of legal interventions in child and forced marriages, a deeper analysis of the social hierarchies perpetuated by legal documents is essential to fully understand the complexities of these issues in Azerbaijan.

Method

Since this thesis will examine the legal documents of the Republic of Azerbaijan and endeavor to identify potential gaps that need improvement in the current legislation, it is beneficial to research these areas through the feminist policy analysis method. By adopting a feminist perspective, I will reveal the legislation and regulations that perpetuate inequalities and violence against girls and women.

Feminists began to make significant contributions to critical policy analysis during the 1990s (Paterson & Scala, 2015, p.482). These approaches highlighted that to clearly evaluate the efficacy of any policy and how it affects people, it is important to consider the gender perspective of it. McPhail (2003, p. 41) supports this method by indicating that policies are often produced by men who miss the point of how these policies and decisions can affect women. Criticizing the gender-neutral nature of policy frameworks, McPhail developed her own method, the Feminist Policy Framework which is based on several feminist theories. I used this method to place gender at the center of the analysis. The Feminist Policy Framework is not only important in terms of its gendered focus but also for its critical approach to

injustices that certain policies create mainly for women. It is crucial since it underscores the significance of exploring how all personal matters carry political implications. Thus, it enables a deeper understanding of how political decisions and structures impact individual lives, especially marginalized groups such as women (Kanenberg, Leal, & Erich, 2019, pp. 7-8). McPhail defines feminist policy analysis as “an action-oriented model with the explicit goal of ending the sexist oppression of women” (McPhail, 2003, p. 45).

Another important aspect to address is the set of questions that McPhail proposes to pose for successfully analyzing any policy. These questions comprise various topics, including equality, context, language, symbolic and material laws, role equity versus role change, power analysis, and more. Posing these questions serves as a valuable tool for feminist policy analysts to reveal the discriminatory regulations and make women’s issues visible (McPhail, 2003, pp. 47-55). For instance, McPhail illustrates the equal protection rights provided by the United Nations as an example to highlight that while women may have gained formal equal rights with men, they mainly remained on paper (McPhail, 2003, p. 48). Thus, for example, by posing questions such as “Does the policy achieve equality? Are there equal results or disparate impacts?” (p. 55) as suggested by McPhail, the discriminatory nature of laws can be revealed.

Her comparison between symbolic and material laws is also essential for understanding the core of the effectiveness of certain policies in addressing women’s problems. McPhail’s examination touches upon the significance of moving beyond symbolic articulation toward substantive actions and laws that result in meaningful change. She agrees to consider symbolic laws as mere image-making that does not intend to solve the issues and address the underlying factors (McPhail, 2003, p. 53). In this context, McPhail suggests asking the

question, “Is the policy merely symbolic or does it come with teeth?”, which emphasizes the need to evaluate the practical consequences of policies (p.57). McPhail uses ‘teeth’ as a metaphor that signifies the importance of policies having real consequences and producing concrete outcomes, which ultimately can lead to long-lasting productive results.

McPhail underscores the importance of the usage of language and the socio-economic and political context in which women exist as important nuances in analyzing laws. She emphasizes the necessity of addressing women’s issues in policies, particularly those that use gender-neutral language and lack contextual consideration, to achieve effective results (pp. 51-52).

Furthermore, McPhail states that despite the fact that only certain policy areas, such as reproductive rights and violence against women, which she names as “pink” policies were thought to directly impact women, in reality, “every policy should be examined through the feminist policy analysis whether the policy seems to explicitly target women or not” (p. 47). One of the strongest examples of this idea is the feminist analysis of tobacco control policies by Peterson and Scala (2015). Although at first glance, this policy field does not seem like it has gendered implications, however closer analysis of tobacco campaigns reveals that it affects the representation of femininity and motherhood in society. It becomes apparent as Peterson and Scala examine the anti-smoking media advertisements that predominantly feature mothers in their campaigns, portraying smoking as a practice that makes a woman a “bad mother”, whereas fathers smoking and how it could affect their children do not receive the same scrutiny and judgments (Peterson and Scala, 2015, p. 495).

Thus, I will develop a methodological framework based on the feminist policy analysis which will assist me in identifying gaps in the Constitution, the Laws “On Children’s Rights” and “On Education”, the Family and Criminal Codes, the Administrative Offenses, and other legal documents of the Republic of Azerbaijan. By analyzing these regulations through a feminist lens and applying McPhail’s suggested policy examination tools, such as evaluating the symbolic and material nature of laws, language, and context of legal documents, I aim to uncover the hidden inequalities, disparities, and potential gaps that perpetuate the prevalence of harmful traditional practices, including child and forced marriages, and contribute to the oppression of women and girls in Azerbaijan. To clearly understand the effectiveness of the state’s implications I will analyze the data on early marriages and births given by girls between 15 and 19 years both in urban and rural areas provided by the State Statistical Committee of the Republic of Azerbaijan. These statistics will assist me in revealing the effectiveness (or ineffectiveness) of legislation and its implementation in addressing the issue of child and forced marriages. All data will be collected from the official websites of the state and international organizations. This information will be analyzed in Chapter III where I will examine the legal national and international documents and gaps that need to be filled.

To conclude, this section introduces the global and national significance of child and forced marriages. It clarifies the research aim, arguments, and research questions. Furthermore, it establishes the theoretical framework and the method supporting my analysis.

Chapter I: Overview of Child and Forced Marriages and

Literature Review

This chapter will define key terms such as “harmful traditional practices” and “child and forced marriages” as provided by various international organizations and conventions.

Additionally, I will review scholarly works on child and forced marriages at global, regional, and national levels and their recommended policy implications for preventing these practices.

1.1 Overview of Child and Forced Marriages

In this part of my thesis, I will discuss the fundamental definitions and terms associated with harmful traditional practices, specifically child and forced marriages. This examination of key definitions is essential to lay the groundwork for the comprehensive analysis of the complexities surrounding these phenomena, particularly within the context of Azerbaijan. I will mainly utilize the definitions provided by international human rights organizations and conventions, such as the United Nations Children’s Fund (UNICEF), the United Nations Population Fund (UNFPA), The Office of the High Commissioner for Human Rights (OHCHR), the Convention on the Rights of the Child (CRC), and the Universal Declaration of Human Rights (UDHR), among others.

In order to clarify the key terms relating to child and forced marriages, it is crucial to first understand the concept of being a child and its implications. One of the important universally recognized conventions regarding children is the Convention on the Rights of the Child, considered one of the most widely signed and ratified human rights treaties in the world (Lansdown & Vaghri, 2022). It came into effect in 1990. According to Article 1 of this

convention, a child means “every human being below the age of eighteen years unless under the law applicable to the child, the majority is attained earlier” (OHCHR, n.d.-b).

Interpreting correctly this definition of a child as it is indicated in the convention is essential to understand child and forced marriages. By characterizing children as individuals below the age of 18, the convention stresses the importance of protecting all individuals who align with this age group from all potential dangers, including harmful traditional practices, such as child and forced marriages. This definition clearly underlines the obligation of states to form a legal basis that can protect all children. In addition, the indication of “majority is attained earlier” in accordance with applicable laws underscores that every country has its own diverse legal systems and cultural contexts, which may necessitate different criteria for establishing the entrance age from childhood to adulthood.

After clarifying the universally accepted definition of a child, we can proceed to the subsequent exploration of key definitions associated primarily with child and forced marriages. According to the OHCHR, child and forced marriages are considered a serious human rights violation and a harmful practice related to particular traditions and cultural norms that exist in various societies. The OHCHR uses the abbreviation CFM to refer to child and forced marriages. CFM’s definition of a human rights violation is linked to its detrimental effect on the lives of girls and women. The prevalence of CFM creates limitations in every aspect of girls’ and women’s lives, specifically in their access to fundamental rights, such as the right to education, the right to health, right to freedom, among others. Furthermore, CFM subjects its victims to the risk of discrimination, as well as various forms of violence and rape, leading to women’s submission and silence. These violent acts are perpetuated not only by

others but also by the victims themselves, who may attempt to resort to dangerous behaviors such as suicide and other forms of self-harming (OHCHR, n.d.-a).

According to the definitions given by the OHCHR, child marriage is “any marriage where at least one of the parties is under 18 years of age.” In addition, forced marriage is “a marriage in which one and/or both parties have not personally expressed their full and free consent to the union.” The OHCHR argues that child marriage is “a form of forced marriage, given that one and/or both parties have not expressed full, free, and informed consent” (OHCHR, n.d.-a).

Another important document that is dedicated to human rights is the Universal Declaration of Human Rights (UDHR), adopted in 1948. Article 16 of this treaty refers to the right to marriage. According to the second clause of Article 16 of the UDHR, “marriage shall be entered into only with the free and full consent of the intending spouses” (United Nations, n.d.). This vividly emphasizes that marriage should be based on the voluntary, conscious, and informed decisions of both parties. This article could be considered a core principle in the fight against child and forced marriages since it defends the rights of individuals to choose their future spouses without any external influences. However, it should be noted that this document not only focuses on the consent of the marriage, but it centers on a broader understanding of human rights principles. Besides Article 16 of the UDHR, the following articles are also violated when victims are subjected to forced and child marriages: Article 2 (the right to freedom and non-discrimination), Article 3 (the right to life, liberty, and security), Article 5 (prohibition of torture, inhuman, degrading treatment or punishment), and Article 7 (equality before the law and equal protection of the law) (United Nations, n.d.).

Analyzing the interpretation of the CFM given by the OHCHR, it becomes clear that these practices are recognized as harmful traditional practices. To understand the notion of harmful traditional practices comprehensively, it is important to examine internationally recognized definitions. While there are not any articles explicitly mentioning child marriage in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), it addresses the gender-based violence and discrimination that affect girls and women. However, the Convention on the Rights of the Child (CRC) has articles like Article 24 which states that traditional practices that affect children's well-being should be abolished, and Article 19 which indicates that children should be protected from all forms of physical and mental violence which can lead to harmful practices. According to joint general recommendation by the committees of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), harmful traditional practices are defined as follows:

Harmful practices are persistent practices and forms of behavior that are grounded in discrimination on the basis of, among other things, sex, gender, and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering. The harm that such practices cause to the victims surpasses the immediate physical and mental consequences and often has the purpose or effect of impairing the recognition, enjoyment, and exercise of the human rights and fundamental freedoms of women and children. There is also a negative impact on their dignity, physical, psychosocial and moral integrity and development, participation, health, education, and economic and social status (CEDAW and CRC, 2014, p. 5).

This definition by CEDAW and CRC (2014) underscores that these practices are continuing due to social norms and traditions that are constructed by patriarchal, male-dominated communities. Because of these inequalities and power imbalances, women are subjected to various harmful practices that intersect with wider forms of violence. The committees specifically highlight their concerns about justifications given for the perpetuation of these practices, such as claims that they protect or secure the futures of girls and women (CEDAW and CRC, 2014, pp. 3-6). The joint recommendation defines child marriage as ‘early marriage’, which is “any marriage where at least one of the parties is under 18 years of age” (CEDAW and CRC, 2014, p.7). Furthermore, the recommendation’s classification of child marriage as a form of forced marriage aligns with the above-mentioned definition of forced marriage provided by the OHCHR. However, the recommendation indicates that in some circumstances, marrying under the age of 18 may be allowed, but both sides should be at least 16. In addition, the decision to lower the marriage age should be determined by the responsible authorities, without any regard for cultural or traditional norms (CEDAW and CRC, 2014, p. 7).

Harmful traditional practices, specifically child and forced marriages have gained widespread recognition due to the significant global attention to gender equality and women’s rights in recent decades across the world. A significant step that had been made in this regard was the adoption of the Agenda for Sustainable Development by the United Nations in 2015. The Sustainable Development Agenda consists of 17 goals. The main target of this agenda is to improve the situation in the world by 2030 (United Nations General Assembly, 2015). Goal 5, which is dedicated to gender equality, has subsection 5.3 which is devoted to eliminating all forms of harmful traditional practices, which includes child, early, and forced marriages. Moreover, it is important to note that the definitions provided by international human rights

organizations also apply to the implementation and evaluation of the Sustainable Development Goals (SDGs). However, the calculations demonstrate that until now there is no geographical area that is predicted to reach the goal of eradicating child and forced marriage by 2030, as outlined in the Agenda of the SDGs. It is predicted that the failure to maintain this progress will result in approximately 120 million girls marrying before reaching adulthood (OHCHR, n.d.-a).

It is important to note that the goals of SDGs should not be analyzed separately because they interlink and influence each other in various ways. We can observe this interconnectedness when considering SDG 5.3 in relation to other SDGs, including SDG 1 (no poverty), SDG 3 (good health and well-being), SDG 4 (quality education), SDG 5 (gender equality), SDG 8 (decent work and economic growth), SDG 10 (reduced inequalities), SDG 13 (climate action), and SDG 16 (peace, justice, and strong institutions) (Cling and Delecourt, 2022, p. 10; Girls Not Brides, n.d.-a; Graduate Women International, 2021).

For instance, SDG 1 is closely connected to SDG 5.3 since poverty is one of the contributing factors that can increase the perpetuation of various harmful traditional practices, including child and forced marriages. In addition, SDG 3 is also closely linked to SDG 5.3 since early and forced marriages can result in adolescent and unwanted pregnancies, an increase in HIV, and other sexually transmitted diseases that can risk a child's health. Besides it also affects the mental and psychological well-being of its victims (CEDAW and CRC, 2014, p. 18). SDG 4 plays a key role since it is considered one of the effective tools to eliminate child and forced marriages for girls by empowering them and enhancing their knowledge. The recommendations provided by CEDAW and CRC (2014) highly praise the importance of education in the lives of girls and women. It is evident that in communities where harmful

traditional practices are prevalent, low attendance and dropouts are observed in educational institutions (CEDAW and CRC, 2014, pp. 16-17). SDG 5 is in itself dedicated to equal life standards, rights, and freedoms for girls and women without non-discrimination. Child and forced marriages are deeply associated with gender inequality and are accepted as a form of gender-based violence (UNFPA, 2020, p. 99). SDG 8 is also affected by the violation of goal 5.3 since this results in reduced opportunities and economic development (Ahonsi et al., 2019, p. 3; UNFPA, 2020, p. 96). SDG 10 can also be linked to SDG 5.3 since efforts to eliminate child and forced marriages can contribute to achieving social justice, which can lead to an equal approach to marginalized and vulnerable groups. Although SDG 13 can be seen as constituting different targets, a deeper analysis reveals that the environment that girls and women live in can affect an increase in harmful cultural practices. For instance, climate and other natural disasters can put many families in difficult situations where child marriages may be used to reduce the burden on the family (Murphy et al., 2023, p. 3338). SDG 16 is also linked to SDG 5, as child and forced marriages are more likely to be increased in war/conflict situations than in peaceful settings (Girls Not Brides, n.d.-b).

In conclusion, introducing the key definitions provided by international human rights organizations and conventions – as I have done in the above section – contributes to a comprehensive understanding of the concept of a “child”, child, and forced marriages, as well as harmful traditional practices. As indicated, these practices are serious human rights violations and have a detrimental impact on the well-being of girls and women overall. The definitions of child and forced marriages as outlined by the CRC, OHCHR, CEDAW, and UDHR, emphasize the significance of full and free consent in forming marriages by respecting the individual’s right to freedom. These definitions are significant since this thesis also aims to consider all forms of child marriages as forced marriages, recognizing that

individuals under the age of 18 lack the capacity to make rational decisions about their future lives, particularly regarding marriage.

1.2 Literature Review

1.2.1 Child and Forced Marriages in the Global Context

Child and forced marriages are very complex issues that should not only be analyzed in terms of violation of human rights but also as issues that are deeply rooted in cultural norms, social and economic conditions, and gender inequality. Merry Engle describes both child and forced marriages as harmful traditional or cultural practices that are embedded in kinship structures that are seen as “socially desirable to safeguard, restrict, and control women’s sexuality” (Merry Engle, 2009, p.127). However, Merry Engle also emphasizes the importance of considering the impact of interpersonal gendered violence in conjunction with structural violence, such as poverty, displacement, and humiliation. Underlying structural and systematic issues may also fuel the perpetuation of such practices (Merry Engle, 2009, p. 2). Similarly, in this thesis, child and forced marriages are understood as harmful traditional practices that are connected to broader structures of violence and oppression that are, importantly, located within specific geographical and cultural contexts.

My literature review aims to consider global, regional, and national approaches to child and forced marriages. Scholars who have written about child and forced marriages have approached this issue from various perspectives. Globally, researchers like Karen Chantler have comprehensively investigated the complexities of child marriages. Chantler argues that not all instances of child marriages should be regarded as forced marriages. She supports this argument with the approach taken by the “developed West”, such as by countries like the United States and the United Kingdom, in terms of allowing teens aged 16 years to marry

with their parent's consent (Chantler, 2012, p. 177). However, I disagree with this perspective because the age of 18 is usually considered to be the teenage years when individuals begin to discover their interests, passions, and aims in terms of their sexuality, education, and career paths (Arnett, 2000, p. 469). Feminist scholars such as Simone de Beauvoir, Mary Wollstonecraft, and Betty Friedan have convincingly advocated for women's independence, being able to stand on their own feet and achieve financial autonomy. By doing so, we endeavor to end societal and cultural inequalities embedded in our societies. However, supporting the idea of allowing teens as young as 16 years old to marry could unintentionally contribute to a rise in gender-based violence, including domestic violence, rape within marriage, unintended pregnancies, etc. As Richard Kidman observes, for instance, indicators of child marriages in different countries prove that intimate partner violence is more likely to happen to women who marry early. Additionally, marrying early can lead to the acceptance of beliefs that husbands have valid reasons for abusing their wives. Another important point that Kidman touches upon is that in many cases, child marriages are arranged marriages and have been done in order to secure their daughters and their future (Kidman, 2017, p. 663).

1.2.2 Regional and National Context

To deepen our understanding of child and forced marriages, I will analyze how these traditional practices demonstrate themselves within certain regions and nations. Specifically, I will focus on the cultural regulations and expectations in Azerbaijan and other neighboring South Caucasus countries, namely Georgia and Armenia, to elucidate the fundamental norms surrounding marriage and family in these societies.

According to Roberts et al. (2009), the South Caucasus countries have strong centuries-old normative family structures that require all young Caucasians to marry, form their own

families, and strengthen these families by becoming parents. Their qualitative research found that more than two-thirds of interviewees remained loyal to the traditional family sequence and those who did not follow the same path were considered deviant or ‘other’ groups. This demonstrates the customs and traditions in the three countries which place responsibility on the young generation to keep this normative family formation as an obligation to obey. Additionally, the research found that over 35 % of the interviewees became parents before reaching the age of 23 which also underlines the fact that marrying early and becoming parents is significant for the continuation of traditional family structures and conforming to the established customs and traditions that shape the notion of family in the region (Roberts et al., 2009, pp. 154-165).

Similarly, Huseyn Aliyev (2014) confirms the continuation of these values and further expands upon Roberts et al.’s ideas by emphasizing that these post-Soviet countries have always valued and celebrated the significance of the family and kinship structures, even before being part of the Soviet Union. However, the introduction of new Soviet values and norms also influenced these countries. While attempting to impose its control and dominance, the Soviet regime weakened some aspects of the Caucasian traditional understanding of family and kinship networks. However, despite these efforts, the core values associated with these familial and kinship structures remained mostly unchanged, retaining their influence through the Soviet times and lasting until today (Aliyev, 2014, p. 269).

During the Soviet period, family policy was established with stringent regulations regarding parent and child relations, such as child removal and limitation of parental rights (Schmidt and Shchurko, 2014, p. 450). In this period, the rates of child marriages in Soviet Azerbaijan considerably decreased because of the regime’s stance against traditional marriage practices,

such as polygamy, and early and forced marriages (Torrise, 2022, p. 1251). After the restoration of its independence with the collapse of the USSR in 1991, the values that were weakened before began strengthening again in Azerbaijan. For instance, during Soviet times, the occurrence of early marriages was very rare, and those who participated in the perpetuation and facilitation of these marriages were subjected to criminal prosecution (Aghayeva, 2014, p. 95). The current law of Azerbaijan also includes this kind of punishment procedure for the perpetrators.

Kifayat Aghayeva (2014) states that although these kinds of practices are common in other post-Soviet countries, there are differences between the sides who encourage them. For example, there are instances of early marriage and having children without marriage in Georgia and Russia as well. However, in these countries, the situation is different: even though parents may oppose it, early marriages are driven by the desires of the children despite parental objections. In Azerbaijan, however, the situation often differs in numerous instances, with parents often enforcing early marriages despite their daughter's approval. This is mainly related to the importance that has been put on family and its harmony. For instance, the Azerbaijani mentality still praises parents' opinions while forming a family. There is a common belief that if there is no parental blessing in starting the family, that family will face many challenges. Specifically, young couples who are unable to sustain themselves and provide for their newly formed families financially need their parent's support (Aghayeva, 2014, pp. 94-95).

Overall, these studies prove that child and forced marriages have always been actual and embedded in the culture of South Caucasian countries. While the Soviet regime introduced new values regarding marriage, the collapse of the Soviet era reawakened the centuries-old

perception of marriage and family relationships. These works contribute to a better understanding of the global, regional, and national background of child and forced marriages which I aim to take further by discussing the potential factors that exacerbate these traditional practices.

1.2.3 Policy Approaches for Child and Forced Marriages Globally

After analyzing the historical and cultural factors influencing child and forced marriages, I will examine the existing literature on contemporary policies targeted at the prevention of these practices. In this section, I aim to thoroughly analyze the scholarly works that review legislative and policy approaches taken to address the complex issue of child and forced marriages. By reviewing the arguments discussed in the literature, I aim to identify gaps and clarify how my project will contribute to filling these gaps through the feminist policy analysis method.

According to Sabbe et al. (2014), considering the victim's maturity, all instances of child marriage are also should be examined as forced marriages. Analyzing different policy measures that have been taken by different European countries, Sabbe et al. claim that the main challenge between criminal law and victims is that it leads to silence in many cases since the victims do not want to be the reason for their family member's detention.

Alternatively, since it decreases the chance of future reconciliation, many victims choose to stay silent (Sabbe et al., 2014, pp. 177-178). By introducing three streams, namely problem recognition, policy, and politics, the authors highlight the significance of understanding cultural customs, acceptance of values, and public opinion in making policies since they play a key role in the effectiveness of a certain law (Sabbe et al., 2014, pp. 182-183). The scholars emphasize the importance of the first stream-problem recognition because recognizing child

and forced marriages as a cultural issue causes the failure to consider its nature and intention. Thus, policies that only focus on the cultural side of these practices are partial. Problem recognition, in this case, is important for naming and framing the issue in order to dismantle some barriers that could lead to successful intervention measures (Sabbe et al., 2014, p. 184). Sabbe et al. (2014) mention the importance of recognizing the multidimensional nature of these practices.

This approach aligns with the arguments presented by Aguilera et al. (2022). The authors emphasize the need for a comprehensive examination of root causes and reasons for the continuation of child, early, and forced marriages and unions (CEFMU). The authors criticize traditional approaches such as focusing only on the eligibility of marriage age, rather than norms and other contributing factors that perpetuate the occurrence of these practices. To achieve long-lasting outcomes, policies, and programs should work on gender-transformative approaches that can decrease the unequal power dynamics within families, societies, and institutions. The authors give examples of successful child marriage programs, for instance, programs that benefit those families who can prevent their daughter's entrance into marriage until the age of 18. However, these short-term successes do not touch upon the underlying factors, such as power imbalances within a certain society. By adopting a multidimensional approach, policymakers can achieve more sustainable outcomes in terms of a decrease in CEFMU (Aguilera et al., 2022, p. 345). I strongly agree with the application of multidimensional approaches while constructing policies and programs. Focusing only on the marriage age without considering factors associated with a particular country while forming legislation will cause alternative forms of marriage to persist, such as religious marriages. In this thesis, I will also consider whether the Azerbaijani legislation takes cultural norms into

account while setting the legal marriage age, the age for consent for sexual intercourse, and other relative factors.

Furthermore, Merry Engle (2009) elaborates on policy framing and suggests that the prevention of any acts of gender-based violence requires the implementation of the three approaches, namely punishment, safety, and reform. This approach is also known as the 3P framework (prosecution, protection, prevention). Although many countries only focus on most the widespread form of intervention, punishment, it does not offer enough support and protection for both sides, survivors and perpetrators. Prevention is effective when it is conducted alongside protective and preventative measures (Merry Engle, 2009, pp. 48-49).

Since no scholarly work explicitly discusses the gaps in the Azerbaijani state's intervention approaches to eliminate child and forced marriages, this thesis aims to fill this gap in the literature.

1.2.4 Legislation on Child and Forced Marriages in Azerbaijan

There are several scholarly works that, although not explicitly discussing the shortcomings in the state's approach to reducing child and forced marriages, I analyze in the following paragraphs.

Rauf Mammadov (2018) emphasizes that gender-transformative measures as one of the important steps that should be taken to address the prevention of child and forced marriages, such as assigning more women to positions that deal with this matter, holding awareness-raising campaigns or initiatives within families, teachers, religious leaders, etc. Analyzing the overall situation globally, and specifically in the context of Azerbaijan, Mammadov specifies

the factors, such as religion, displacement, gender inequality, and economic imbalances as potential drivers. While delving into the contributing factors, this book does not mention the absence of child benefits in the Azerbaijani government as one of the potential factors. This gap in the existing literature, which I address in Chapter 2, highlights the need for a critical understanding of the potential socio-economic factors contributing to child and forced marriages in Azerbaijan. Mammadov mainly associates the continuation of these practices with a lack of education and backwardness in the remote areas of Azerbaijan, specifically in regions that share borders with Iran and the North Caucasus countries (Mammadov, 2018, p.122). In contrast, Sadagat Gahramanova states that the arguments about the spread of these practices mainly in southern regions are false because research shows that this problem is widespread not only in southern regions but in almost all regions (Gahramanova, 2010).

Mammadov claims that the statistics for child marriages do not depict the real situation (Mammadov, 2018, p. 100). This is evident when investigating the number of newborns to girls who are 15-17 years old. These data prove that there are also marriages that were not registered, mostly religious marriages. Mammadov underlines the ignorance of responsible parties in the occurrence of these practices in certain regions (Mammadov, 2018, p. 102).

While Mammadov provides a comprehensive analysis of early and forced marriages, the primary focus is on the historical and global phenomena of child marriages across different countries, mainly comparing them to Azerbaijan. It also notably lacks feminist policy analysis in terms of the Azerbaijani state's constitution, laws, and ratified conventions. This gap in examining legal documents related to child and forced marriages in Azerbaijani legislation is precisely what this thesis aims to address.

Kifayat Aghayeva (2014) in her book mainly focuses on gender issues in Azerbaijan. Similar to Mammadov's analysis, although not explicitly, her research revolves around the historical analyses of child marriages. Aghayeva also considers how the Azerbaijani delegation's participation in prominent conferences, such as the World Conference on Women in Beijing in 1995, and the government's ratification of conventions at both national and international levels. She states that although Azerbaijan has adopted laws on gender equality and recognizes it as part of the state's policy, recent state budget packages have lacked documents relating to gender analysis, indicating the state's lack of a plan toward gender inclusivity in budgeting. Another significant nuance that Aghayeva sheds light on is that despite signing conventions that require gender balance at every institutional level, there is a significant gap between males and females in the country's political, governmental, and educational spheres. None of the ministers or executive officers are women: these positions are mainly occupied by men which creates an enormous obstacle to understanding the main problems relating to girls and women (Aghayeva, 2014, pp. 172-174). Aghayeva claims that without creating an environment that supports gender equality, there is no hope for any democratic improvements (Aghayeva, 2014, p. 177). This unequal balance also shows itself in educational institutions where we can observe a significant number of missing girls who do not come to school or apply to degree programs in regions, and Aghayeva relates this to the widespread issue of early and forced marriages. She states that there is not enough work that has been done at a governmental level to prevent this issue. She introduces her own perspective by giving suggestions, such as increasing funds from the budget to education, to ensure the right to equal education, and points to various social, cultural and social barriers that prevent women from receiving higher education that should be removed (Aghayeva, 2014, pp. 201-203). However, other than these suggestions, there is no critical analysis of any laws that were indicated in the legal documents of the state. To address this paucity in the critical analysis of

governmental approaches towards the prevention of child and forced marriages, my thesis will provide a detailed examination of the current laws and policies in Azerbaijan.

Specifically, in Chapter 3 of my project, I will conduct an in-depth investigation of the relevant legal framework and assess the effectiveness or ineffectiveness of the current laws.

Aghayeva's ideas about the importance of educating young girls resonate with Orsola Torrissi's (2022) suggestions. Torrissi mentions that specifically in war-affected countries like Azerbaijan, the state's main target should be creating accessible learning environments that can help young individuals, particularly girls become less dependent on their family members and more confident to make rational choices about their future lives, including decisions related to marriage. Torrissi emphasizes the significance of comprehensive policy interventions which can take into account all potential factors when constructing policies. Countries like Azerbaijan need more specific policies that can implement legal frameworks to protect victims of early marriages (Torrissi, 2022, p. 1269). This perspective, improving the self-awareness and education of young girls through targeted policies would be an important step to change traditionally accepted forms of gender roles and societal expectations. However, Torrissi's article mainly centers on early marriages during the first Karabakh War (1991-1994). Besides the aforementioned suggestions regarding policy interventions, the article does not elaborate on specific policy measures.

Gahramanova (2010) emphasizes that while there is a legal basis for addressing gender issues, having legislation on paper is not enough. There is also a lack of gender centers in all regions to support girls and women who have been subjected to early and forced marriage. Moreover, while there are NGOs dedicated to women's and children's rights in the capital city, Baku, there are not enough non-profit organizations in the region. Gahramanova strongly

emphasizes the importance of sustaining the continuity of these NGOs by the government in all regions facing challenges. Another point that Gahramanova highlights is that early marriages should also be considered as part of domestic violence. This is because the actions involved, such as the psychological and moral pressure that parents put on their daughters, constitute one of the forms of domestic violence on its own. I consider this perception of child and forced marriages as forms of domestic violence to be an important insight because it emphasizes the interconnectedness of different forms of violence within families. Additionally, Gahramanova's opinion on police indifference to domestic violence incidents is also an important nuance that is closely connected to the insufficiency of legal frameworks (Gahramanova, 2010).

Conclusion

In conclusion, the existing literature that focuses on child and forced marriages on the global, regional, and national levels clearly underscores the importance of further exploration and examination of this widespread issue. Looking thoroughly at these scholarly works, specifically in the context of Azerbaijan, we can observe that most of them are dedicated to exploring historical, cultural, and societal contexts, rather than containing concrete analysis of a certain policy or legislation. While these historical and cultural examinations of the potential root causes and factors are essential for understanding the core of child and forced marriages, there are many gaps in terms of analyzing the current legislative measures and assessment of these regulations to understand their effectiveness. While some researchers, such as Mammadov and Aghayeva, although not explicitly, mentioned that the current legislation and laws on child and forced marriages are not sufficient, their works lack explicit feminist policy analysis and solutions relating to this issue.

To fill these gaps, this thesis aims to critically analyze legal documents, identifying and addressing areas that need explicit investigation. I will thoroughly analyze the constitution of the Republic of Azerbaijan, along with the family and criminal codes, and other relevant laws pertaining to education and domestic violence. In addition, I will categorize the works that have been done on a national level according to Merry Engle's 3P framework, namely protection, punishment, and prosecution. Furthermore, the thesis will examine the international conventions that the Azerbaijani government has signed and ratified, as well as those that have not yet signed. This comprehensive analysis will guide me to understand the state's approach to this issue and its actions or inactions toward addressing it.

Chapter II: The Historical and Cultural Background of Child and Forced Marriages in Azerbaijan

This chapter offers an in-depth exploration of the historical and cultural background of the child and forced marriages in Azerbaijani society. Before analyzing the legislative efforts in Chapter 3, it is important to recognize the background of child and forced marriages in Azerbaijan. Therefore, I will first begin by introducing the importance of marriage in Azerbaijani society in different periods. Understanding the significance of marriage within the Azerbaijani cultural context is crucial for uncovering the complexities surrounding child and forced marriages. Furthermore, this chapter will also provide an overview of the potential contributing factors that exacerbate the continuation of these harmful traditional practices, such as war, poverty, absence of child benefits, patriarchal society, lack of education, and religion.

2.1 The History of Child and Forced Marriages in Azerbaijan

Child and forced marriages have been a persistent phenomenon within Azerbaijani society, spanning across various historical epochs, including before the Soviet period, throughout the Soviet era, and even after gaining independence. Before the Russian occupation, the population of Azerbaijan lived in the form of large patriarchal families. During the Middle Ages, men had the main say in all matters within the family. The man, who was considered the head of the family, was the regulator of all matters and decisions often depended on the advice of elders. Their advice exercised considerable influence, especially in the initiation of familial arrangements. Girls did not possess the right to directly select their future spouses and express their own decisions. Instead, these decisions were made with the advice of adults and recommendations from close relatives (Bunyadova, 2012, pp. 17-22). Consequently, girls

as young as 9 were permitted to marry with the consent of the religious leaders (Mammadov, 2018, p. 45).

Bunyadova's ethnographic research (2012) emphasizes that in the Middle Ages, the process until marriage consisted of several procedures. These were "*qızbəyənmə*" (bride searching) and "*elçilik*" (matchmaking). One of the important issues was the selection of the potential bride. This was carried out in different ways. In some circumstances, to arrange marriages for their sons who had reached marriageable age, families closely observed girls during blessing ceremonies, particularly at the bathhouse. This task primarily fell upon the close relatives. There were also occasions when boys asked their parents to seek the girl's father's consent for the marriage to the girl of their choice. Lastly, close friends or relatives often practiced the folk custom of "*göbəkkəsmə*" which was also very widespread in other Turkic nations. The term "*göbəkkəsmə*" refers to the tradition when parents from an early age, would announce their intention to marry their children in the future (Bunyadova, 2012, p.22). According to the rules of the "*göbəkkəsmə*" tradition, girls who were already promised to another family's boy from childhood were not allowed to marry another person. Refusal by the girl, who was forced into such a marriage from childhood, could result in severe punishment (Bunyadova, 2012, p.89).

Parents endeavored to prepare their children for independent family life from an early age. Girls were mainly engaged in housework, while boys were engaged in economic activities. One of the issues related to weddings is the age limit of those entering into marriage. Traditionally, among those who entered marriage relationships, it was considered fundamental that women were younger than men at almost all times. Even in the Middle Ages, girls were married off to older men (Bunyadova, 2012, p. 70).

Religious marriages and wedding ceremonies were very important when forming marital unions. Without religious marriages, “*kəbin*”, the wife was considered impure. Boys and girls were expected to maintain a certain level of distance until their marriage was formalized. Traditionally, it was customary for a girl to preserve her virginity until marriage (Bunyadova, 2012, pp. 73-75).

The Influence of Russia

In the early 19th century, the territories of Azerbaijan became a battleground between the Persian (Iran) and Russian Empires. Azerbaijan was divided into two parts: the southern areas remained under Persian control, while the northern regions came under Russian rule (Russian suzerainty, n.d.).

The conditions of women during Tsarist Russia were also deplorable. They were entirely dependent on men and lacked civil rights. Soviet scholars looking into women’s rights history often linked women’s struggles to Islam and Sharia law. In Russia, where more than 17 million Muslims lived, a special law for Transcaucasian Muslims was made in 1872. This law laid out the rights of all Muslims in the Caucasus, including women’s rights regarding marriage, inheritance, and other matters. Azerbaijani women’s main problem was early and forced marriages. Even though the Russian Empire established 13 years as the youngest age for Azerbaijani girls to marry in the 1872 law which was previously 9, marrying young girls remained common (Ahmedova, 2013).

In Azerbaijan, the idea of “women’s freedom” began to spread through local educators in the middle of the 19th century. However, the emergence of capitalist relations in Baku at the beginning of the 20th century caused this issue to arise more frequently because women had

to work. For this, they needed to be educated and liberated from household duties. A significant measure taken to educate the people was the publication of the *Molla Nasraddin* journal (1906), which regularly featured satirical pieces criticizing parents who feared that sending their daughters to school would delay their marriage prospects, as well as those who arranged marriages for their daughters with much older men (Mammadov, 2018, pp. 36-39).

In 1917, the civil war in Russia caused great political and social changes in the region. These events led to the creation of 3 separate Transcaucasian states, namely Azerbaijan, Georgia, and Armenia in 1918. However, following the victory of the Communists, they did not have any intention of honoring the independence of these countries (Russian Civil War, n.d.). Thus, in April 1920, Azerbaijan was invaded, leading to the establishment of the Soviet Socialist Republic of Azerbaijan (Communist Regime in North Azerbaijan, n.d.).

In 1921, the first constitution of the Azerbaijan SSR introduced a law (Article 79) ensuring equality between women and men in all spheres. Additionally, polygamy, early marriage, and forced marriage were deemed illegal, with the marriageable age for girls set at 16. Muslim women were particularly dissatisfied with practices like polygamy, and early and forced marriage. However, due to fear, they were unable to openly voice their concerns against these harmful traditions. Among the women representatives who attended the 1921 Baku Congress, the majority were Azerbaijani. Their primary complaint centered around the marriage of girls as young as 9 to 12 years old (Mammadov, 2018, p. 45).

During the Soviet period, cases of child and forced marriages were very rare because of the strict prosecutive measures that were implemented against those who were involved in organizing such marriages (Aghayeva, 2014, p. 95). The socialist ideology, which spread in

Soviet countries, viewed early marriage as a vestige of feudalism and actively campaigned against it. This contributed significantly to modernization efforts in these regions (Mammadov, 2018, p. 98). As a result, the authorities aimed to eliminate Islamic values, encourage women to abandon the veil, and emancipate them from traditional family roles by involving them in employment. This was observed in 1929 when a decision was made to ban the wearing of the veil. Additionally, men were forbidden to wear hats (Aghayeva, 2014, p. 50). Until the early 20th century, the hat in Azerbaijan served not only as a form of headwear but also as a symbol, representing qualities such as bravery, dignity, and honor for men (GlobalInfo, 2024).

After independence

The collapse of the USSR in 1991 paved the way for Azerbaijan's integration into the global arena as an independent country. Following this period, Azerbaijan actively participated in UN gender equality initiatives and assumed specific commitments in this regard. Gender equality began to gain both social and legal recognition in the country, facilitated by public awareness campaigns and the enactment of new laws (Mammadov, 2018, p. 60).

Although Azerbaijan, as a post-Soviet country, has made significant improvements in terms of modernization and gender equality, it has not been able to completely get rid of the patriarchal stereotypes (e.g., virginity, child and forced marriages, etc.) that remain in some conservative families of the remote regions. The collapse of the USSR created certain conditions for the activation of these stereotypes. Child marriages also became prominent again during this period (Mammadov, 2018, pp. 98-102).

The table above reflects the fluctuations observed from 1990 to 2022, showing changes in societal norms and legal regulations that may have influenced the prevalence of such marriages in Azerbaijan. Additionally, factors such as war, displacement, socio-economic conditions, and poverty likely played a significant role in shaping these trends.

Years	Total number of marriages	<i>From them</i>	
		Number of brides under 18	Number of grooms under 18
1990	73119	471	21
1995	43130	4030	44
2000	39611	2473	11
2001	41861	2348	15
2002	41661	2140	12
2003	56091	2556	21
2004	62177	3214	25
2005	71643	4016	48
2006	79443	4607	50
2007	81758	5023	36
2008	79964	5544	35
2009	78072	5380	20
2010	79172	4742	7
2011	88145	5138	11
2012 ¹⁾	79065	295	5
2013	86852	229	2
2014	84912	479	2
2015	68773	388	3
2016	66771	312	3
2017	62923	317	1
2018	62484	338	-
2019	63869	366	1
2020	35348	165	-
2021	56314	137	1
2022	61939	270	-

Source: The State Statistical Committee of the Republic of Azerbaijan (2023)

(https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2023.zip)

The indicators for 1990 are significantly lower compared to other years, which can be attributed to the collapse of the USSR when Azerbaijan was still under the influence of Soviet values. However, in subsequent years, as this influence began to decrease, the number of marriages under 18 began to increase swiftly. Moreover, the sharp decrease observed after 2011 is related to new legal changes in the marriage age, with the legal minimum age being set at 18, as well as establishing criminal liability for forcing girls and women into marriage (Family.gov, 2021).

Another notable observation from the table is the significant difference between the number of brides and grooms entering into marriages under the age of 18. These figures consistently show a much higher number of girls than boys, indicating that these girls were often married off to considerably older men. The reason behind this disparity is closely related to the widespread patriarchal understanding that women who reach the age of 25 are considered “spinsters,” and their chances of finding a suitable groom are believed to decrease. However, men do not face similar concerns, as they have the freedom to marry at any age without societal pressure (Aghayeva, 2014, p. 203).

To conclude, the history of child and forced marriages in Azerbaijan is shaped by a complex interplay of cultural, societal, and legal factors encompassing different historical periods. From the Middle Ages to the present day, the institution of marriage has been shaped by patriarchal norms, religious traditions, and other external influences. Despite significant attempts towards modernization and gender equality, remnants of patriarchal stereotypes persist in certain conservative families, contributing to practices like child and forced marriages. The collapse of the Soviet Union facilitated Azerbaijan’s integration into the global community and brought about legal reforms aimed at tackling issues such as child and forced

marriages. However, challenges remain, as evidenced by the fluctuations observed in marriage statistics and the enduring gender disparities in marriage practices. The factors that exacerbate these practices will be addressed in the next section.

2.2 Contributing Factors

Several studies conducted on the reasons behind child and forced marriages reveal that there can be various reasons behind these harmful practices, including economic factors, cultural traditions, lack of education, and war/conflicts (Chantler, 2012; Kidman, 2017; Warner 2004; Lee-Rife et al., 2012; Murphy et al., 2023). Parents who advocate for early marriage for their daughters are driven by various motivations in Azerbaijan. These include the family's economic circumstances (7%), the girl's personal preference (19%), adherence to traditional values (29%), and the aspiration for a better future for their daughter (45%) (Mammadov, 2018, p.105).

Karabakh War

The Karabakh War is regarded by scholars as one of the most significant conflicts in the history of the South Caucasus, deeply affecting both countries- the Republic of Azerbaijan and the Republic of Armenia. Azerbaijan, in particular, was heavily affected, with an estimated one million internally displaced people and refugees who were forcefully displaced from Karabakh and Armenia. This war began in 1991 with the occupation of internationally recognized territories of Azerbaijan. In 1994, both sides signed a ceasefire which, although broken several times, lasted until 2020 when Azerbaijan finally liberated its historical territories from approximately 30 years of occupation (VirtualKarabakh, n.d.).

Murphy et al. (2023), while specifying the forms of violence against women during the conflict and natural disaster-affected countries claim that child and forced marriages as a form of VAW. Although practiced very widely during peace settings, the prevalence of these practices often significantly increases in the aftermath of war and conflicts (Murphy et al., 2023, p. 3329). This trend is notably illustrated in the data provided in the above-mentioned table for 1995, where the number of girls entering into marriages sharply rose to 4030 after the first Karabakh War from 471 in 1990. Since the war and conflicts result in poverty, displacement, and loss of family members, many families view early marriages as a way of decreasing their familial burden by marrying off their daughters to another family (Murphy et al., 2023, pp. 3330-3338). According to the centuries-old tradition of Azerbaijan, married girls were not considered full family members (Aghayeva, 2014, p. 107).

To conclude, since war and displacement cause enormous economic and social hardships, the prevalence of harmful practices also increases, exacerbating women's vulnerabilities (Gardam & Charlesworth, 2000).

Poverty

Another influential factor driving child and forced marriages is often related to the economic conditions of the families. It is very common among poor families to marry off their daughters early so that they can decrease their financial responsibilities, as daughters leave home upon marriage and are unable to contribute to the family income or offer assistance to their parents as they age. In addition, in some countries, it is customary for the groom's family to provide a bride price for a young girl, which supports the bride's family financially (Warner, 2004, p. 241). Dowry systems provide additional encouragement for impoverished

families to arrange early marriages for their daughters (Kidman, 2017, p. 663). These financial intentions result in the victimization of young girls.

Marriage is one of the most important cultural celebrations within Azerbaijani society.

Usually, people begin preparations a couple of months before spending a large amount of money on the organization of the wedding and other related costs (Torrise, 2022, pp. 1250-1251). During all holidays until the wedding, the groom's family brings gifts to the bride's house. The family of the bride presents a dowry consisting of furniture and household items necessary for the newlyweds. In rural regions, the family of the groom gets the consent of the bride's family by giving a specified sum which is usually regulated by the head of the family. It is common sense for parents that they complete their obligations to their daughters once they are married. After that, their husbands must take care of their wives financially (Sariyeva, 2014).

According to research conducted by the State Committee for Family, Women, and Children's Affairs, an analysis of the socio-economic backgrounds of parents whose daughters married at a young age revealed that 31.9% of the fathers worked in agriculture, 17% were laborers, and 10% were employed in transportation. Among the mothers, 53.7% were housewives, and 18% worked in agriculture. Regarding the occupations of the men who married these girls, 21% worked in agriculture, 14% in commerce, 10% in transportation, 13% were laborers, and 7% were unemployed. Despite this, 37% of the girls who entered early marriages perceived the economic status of the groom's family as better, 49% considered it average, and 14% regarded it as poor (Mammadov, 2018, p. 108; The State Committee for Family, Women, and Children Affairs, n.d.-a).

In summary, the economic conditions of families play a key role in shaping the lives of girls, influencing their vulnerability to child and forced marriages. As is evident from the indicators of parental education and career paths, socio-economic factors significantly impact child and forced marriage decisions.

Absence of Child Benefit

According to UNICEF, “child benefits are cash transfers provided by governments (or other agents) to families with children to tackle poverty and vulnerability and promote children’s well-being” (Samson, 2019, p.1). Since 2006, Azerbaijan has not implemented universal child benefits. Instead, benefits are targeted toward specific groups, including those with disabilities, families with more than five children, children whose parents died, and the children of martyrs and veterans (Turan, 2021; DOST, n.d.).

The lack of these benefits for every child could potentially contribute to child and forced marriages, as various research suggests that marrying girls early was viewed as a means to alleviate the financial burden on families (Ahonsi et.al., 2019; Baysak et.al., 2021).

Overall, if benefits were extended equally to all children, parents might consider delaying their daughters’ marriages to take advantage of these benefits.

Patriarchal society

Patriarchal values are one of the root causes of child and forced marriages, aiming to exert dominance over every aspect of women’s lives. These practices are often considered “socially desirable acts that constitute moral and modest behavior for women” and they are established to “safeguard, restrict, and control women’s sexuality” (Merry Engle, 2009, p. 127).

One of the reasons for the parent's preference for early marriages is virginity. In patriarchal societies like Azerbaijan, the loss of virginity before marriage brings a considerable amount of shame to families. Thus, the significant importance associated with maintaining a young girl's virginity until marriage can further motivate families to marry their daughters at a young age to safeguard their purity (Lee-Rife et al., 2012, p. 288). Unmarried women often face suspicion regarding their virginity status (Warner, 2004, p. 242). Women who remain virgins until getting married are highly esteemed. Men who decide to marry always choose virgin women to prove their power in their respective communities. It is considered an honor to be the first man in the lives of their wives (Mahmudova, 2017, p. 40).

Qualitative research conducted by Baysak et al. (2021) in Turkey sheds light on a phenomenon that resonates with the context of Azerbaijan. They highlight that parents often marry off their daughters intending to safeguard family honor and reduce their own responsibilities. This practice reflects a prevailing belief that marriage is the only way for parents to fulfill their obligations and uphold traditional values, especially in countries like Azerbaijan and Turkey where girls' virginity is highly prized as a sign of purity and innocence. Thus, marriage is perceived as the only way to prevent the occurrence of premarital sexual relationships and pregnancies (Baysak et al., 2021, p. 247).

In addition, studies also revealed that in patriarchal communities, marriages give child brides a sense of esteem because they are entered into a stable union. Additionally, the parents who married off their daughters early receive admiration from other individuals in the community (Ahonsi et al., 2019, p. 2).

Analyzing marriage cases in Azerbaijan reveals that the average age of girls entering into marriages is 16.1 years, while the average age of their husbands is 24.4 years (ranging from 16 to 32 years). Thus, the average age difference between spouses in early marriages is 8.3 years, with 34% of these marriages having an age difference of more than nine years, and in 18% of cases, it is less than five years (Mammadov, 2018, p. 102). The age gaps within child marriages pose risks since the greater the age difference between spouses, the higher the likelihood of experiencing intimate partner violence (Girls Not Brides, n.d.-b). Additionally, the widespread occurrence of marriages with significant age gaps can be associated with the belief that teenage girls are considered to be more obedient since they do not possess rebellious attitudes and are easy to be dominated by their husbands (Warner, 2004, p. 243).

Overall, patriarchal traditions serve as significant drivers of child and forced marriages, as these norms and expectations are perceived as the foundation of societal order and familial honor. The cultural mentality is so strong that because of the social stigma people prioritize traditions and customs over laws (Aghayeva, 2014, p. 117).

Lack of education

Several studies proved that girls with weak educational backgrounds are more likely to marry early (Lee-Rife et al., 2012; Kidman 2017). Impoverished families may approach marriage as a means to enhance economic stability for their daughters, especially in circumstances where education is financially out of reach (Kidman, 2017, p. 663). Thus, making education reachable in every region for all children could be the greatest step to postpone the occurrence of such marriages (Ahonsi et al., 2019, p. 6). Although child marriages are often seen as a solution to alleviate poverty within families, a study by Ahonsi et al. reveals that they lead to school dropouts and hinder enrollment in higher education. Consequently, this results in girls

being unemployable in the future, exacerbating their impoverished conditions (Ahonsi et al., 2019, p. 3).

Early marriage often deprives girls of educational opportunities, with many being forced to drop out of school as early as the 6th or 7th grade. Consequently, they miss out on secondary and incomplete secondary education. Research indicates that the prevalence of early marriages is particularly high in southern regions of Azerbaijan, leading to a significant number of girls aged 14-15 not attending school. This absence from education is often attributed to marriage or the reluctance of their fiancés to allow them to continue their studies. There is a false stereotype in the minds of such people that the girl's moral purity increases the less she leaves the house. In the southern regions (Lenkoran, Astara, Lerik, Yardimli, Jalilabad, and Masalli regions), 47.73% of 9th-grade students were girls, while among 11th-grade students, this indicator was equal to 39.04%. The main reason for the decrease in the number of girls in education in the southern regions is related to the issue of early marriage, which is characteristic of this region (Mammadov, 2018, pp. 116-117).

Research carried out by UNFPA in Azerbaijan indicates that the high prevalence of such marriages in southern regions is closely tied to the area's conservativeness regarding traditional customs (UNFPA, 2014, p.5). The investigation conducted in Azerbaijan revealed that parents involved in the decision-making process of early marriage typically have lower levels of education. Only 20% of fathers and 6.7% of mothers possess higher education qualifications, while the majority have incomplete secondary and primary education (Mammadov, 2018, p. 107).

From this, we can conclude that addressing the issue of early marriages requires not only a focus on girls' education but also addressing the lack of education among parents.

Religion

Although there is a widespread belief that child and forced marriages are associated with Islam, research indicates that these practices are influenced by various cultural, social, and economic factors rather than solely religion (Luckenbaugh, 2016).

The qualitative research carried out by UNFPA in Azerbaijan (2014) found that children who were involved in religious marriages (*kəbin*) were not practicing Islam. Moreover, discussions with religious leaders revealed that within Islam, early marriages are not synonymous with child and forced marriages. While Sharia law does not prescribe a specific age for marriage, it prioritizes attaining a certain level of mental maturity before entering into marriage (UNFPA, 2014, p. 5).

Furthermore, Mammadov (2017) asserts that the prevalence of such marriages in southern regions is closely linked to the influence of Shia mullahs, who are influenced by their counterparts in Iran. These religious leaders often view early marriages as a positive sign. Thus, it is religious leaders who spread false interpretations of Islamic marriage. They attempt to rationalize early marriages by portraying them as a tradition, as “sacred values” of the Islamic religion. However, these traditions are not inherently tied to the “holy values” of Islam, but rather to the traditional values placed on girls by patriarchal society (Mammadov, 2017, pp. 121-122).

Lastly, while individuals in Azerbaijan may not necessarily adhere strictly to Islamic practices in their daily lives, the misrepresentation of Islamic values by religious leaders may influence people's decisions regarding marriage (Sultanova, 2013).

Conclusion

Overall, the examination of the history of marriage, specifically child and forced marriages, demonstrates that the occurrence of these practices has always been high. Although due to political and social influences under different periods, these practices decreased because of new systems, such as becoming a colony of the Russian Empire and Soviet rule, their instances increased after liberation with the weakening of Soviet values.

Furthermore, despite their longstanding existence, several factors exacerbated and intensified the occurrence of child and forced marriages in Azerbaijan. These include the impact of the Karabakh War, displacement, absence of child benefits, and poverty resulting from economic and social hardships faced by families. However, as discussed earlier in this chapter, while religious and educational factors contribute to the perpetuation of these practices, the root cause remains the patriarchal society. Despite legal measures, patriarchal norms persist, leading to the continuation of such practices.

Chapter III: Child and Forced Marriages in National and International Context

In this chapter, I will begin to provide a detailed overview of the Republic of Azerbaijan's legal frameworks regarding child and forced marriages by categorizing them into three intervention pillars, namely protection, prosecution, and prevention. The main question of this chapter is the following: What is the reason behind the lack of success in interventions targeting child and forced marriages in Azerbaijan? In addition, this chapter will also explore the following questions: What measures have been undertaken by the government of Azerbaijan to address gender equality more broadly and child and forced marriages in particular? How does the Azerbaijani government address issues related to child and forced marriages through protection, prosecution, and prevention pillars of intervention? What gaps exist in these approaches?

These questions comprise the backbone of my thesis, which I am examining in this analytical chapter. Through an in-depth analysis of key legal documents relating to women and children, we will gain a comprehensive understanding of the state's approach toward this issue. In addition, I will analyze the international conventions regarding women's and children's rights that Azerbaijan has ratified. This investigation will assist me in identifying the potential gaps in the national policies and legal system that these conventions mandate all states to follow. Furthermore, I will also specify the potential reasons why Azerbaijan—despite all its efforts in advancing gender equality and women's rights—still has not signed the Istanbul Convention. In addition, to clearly understand the effectiveness or ineffectiveness of the current legislation, I will utilize the data and information provided by the State Statistical Committee of the Republic of Azerbaijan. All information sourced from legal documents and policy frameworks has been obtained from the official websites of the relevant governmental

institutions or organizations. Overall, this chapter aims to uncover the inequalities within legal documents that might not be immediately apparent.

3.1 Overview of the National Legislation

In the following analysis, I will categorize the state's approach to addressing child and forced marriages in Azerbaijan into three intervention pillars: protection, prosecution, and prevention, as introduced by Sally Merry Engle in *Gender Violence: A Cultural Perspective* (2009). In doing so, I will identify the gaps and areas that need to be improved to ensure effective measures for protecting, prosecuting, and preventing the instances of child and forced marriages in Azerbaijan.

3.1.1 Protection

The Constitution of the Republic of Azerbaijan is the highest legal document in the country, outlining the fundamental principles of the government, as well as safeguarding the rights and freedoms of its citizens. After gaining its independence with the collapse of the Soviet Union, Azerbaijan started to establish its legal frameworks. On 12 November 1995, the Constitution of the Republic of Azerbaijan was adopted and came into effect on 27 November of that year (Constitution of the Republic of Azerbaijan, 1995).

Regarding child and forced marriages, the Constitution sets the principles of equality, justice, freedom, marriage, education, and the protection of individual rights. For instance, Article 25 underlines that women and men have equal rights and freedoms (Constitution of the Republic of Azerbaijan, 1995, Chapter III, Article 25). The equality principle is also reiterated in the Law on Gender (male and female) Equality Guarantees in the Republic of Azerbaijan (2006).

Despite the fact that there is no explicit mention of child marriages in the Constitution, the specified principles serve as the basis for understanding the state's approach to addressing such matters. In the following discussion, I will elaborate on the articles of the Constitution that may pertain to the issues of child and forced marriages.

According to Article 17 of the Constitution, "Family, Children and the State", the family is considered the main core of society in which parents are obliged to take care of their children, and the fulfillment of this obligation is under the control of the state (Constitution of the Republic of Azerbaijan, 1995, Article 17). Furthermore, Article 34, the "Right to Marriage", contains two main clauses that directly relate to child and forced marriages. According to the first clause of this Article, everyone indeed possesses the right to marriage when reaching the eligible age determined by the law. The second clause of this article stresses the significance of volunteer consent in marriage. It explicitly highlights that no one can be forced into marriage. These clauses underline the constitutional protection against child and forced marriages, underscoring the importance of consent and self-determination in forming marital unions.

In addition, Article 42 is dedicated to "The Right to Education", emphasizes that every citizen possesses the right to education, and it is controlled by the state. The concepts outlined in this Article further elaborate on the Law of the Republic of Azerbaijan "On Education". This law, formulated in accordance with state policy regulations, according to clause 19.14, mandates that "general secondary education is compulsory" (Law of the Republic of Azerbaijan on Education, 2009, Chapter II, Clauses 19.14). These articles require obligatory school attendance for children, typically until they reach adolescence. Underlining the obligatory

nature of education is important since child and forced marriages are often followed by school dropouts and lack of attendance (CEDAW and CRC, 2014, p. 7).

Another important document is the Family Code of the Republic of Azerbaijan. This code outlines the core principles of forming families, which operate in alignment with the concepts introduced by the Constitution. The definition of marriage is defined as follows: “Marriage is a voluntary union of a man and a woman registered in the relevant executive authority for the purpose of starting a family” (Family Code of Aze., 1999, Article 2, Clause 2.2). It is crucial to note that the Republic of Azerbaijan only recognizes marriages that are concluded by the relevant executive authority. Therefore, religious marriages (*kəbin*) do not hold any legal significance (Family Code of Aze., 1999, Article 1, Clause 1.4/5). Highlighting the voluntariness of the marriage again indicates the importance of consent in the formation of marital unions. However, in reviewing the articles outlined in the Family Code of Azerbaijan, it becomes clear that there are not any specific provisions regarding the protection of the rights of women who enter into religious /unregistered marriages.

The Family Code addresses a number of issues related to marriage. Article 10, for instance, addresses the issue of marriage age. It underlines that the marriage age is set at 18 years. However, the second clause states that “if there are valid reasons, the appropriate executive authority in the area where the individuals below the legal marriage age live may, upon their request, approve a decrease of up to one year in the minimum age requirement for marriage” (Family Code of Aze., 1999, Article 10, clause 10.2). It should be noted that before 15 November 2011, the marriage age for men was 18 and for women, it was 17 (Family Code of Azerbaijan, 1999, List of Amendments and Additions to the Code). Article 11 specifies the following conditions for issuing marriage: written consent from the individuals entering into

marriage, submission of a certificate confirming that their medical conditions align with each other and that they have reached the legally recognized marriage age (Family Code of Aze., 2014, Article 11, Clause 11.1). In Article 25, the list of conditions is provided for the annulment of marriage. Clause 25.1 underlines that if the marriage is issued involving individuals who are below the legal marriage age and in the absence of the permission provided for in Article 10.2 to enter into marriage before reaching the legal age, or marriage in which one or both parties do not intend to form a genuine union are considered as fake marriage and it is considered invalid from the date of their issuance (Family Code of Azerbaijan, 1999, Article 25, Clauses 25.1/25.4). Chapter 12 addresses the duties and responsibilities of the parents. Clause 58.2 of Article 58 underlines the parents' responsibility for their children's upbringing, health, and mental, physical, and spiritual development. Clause 58.4 of the same article obliges parents to be responsible for ensuring their children's education (Family Code of Azerbaijan, 1999, Article 58).

The Law of the Republic of Azerbaijan on the Prevention of Domestic Violence (2010) is another significant legal document that covers violence among family members, including parents and children (The Law of the Republic of Azerbaijan on the Prevention of Domestic Violence, 2010). Although child and forced marriages are not explicitly addressed under this law, it highlights the psychological and mental violence prevalent in such situations, specifically in forced marriages. Forced marriages can also be considered one of the root causes that lead to domestic violence since they inflict enormous mental distress on individuals (Gahramanova, 2010). Intervention measures outlined in Article 15 encompass a wide range of social measures aimed at preventing domestic violence. These measures include organizing social protection for victims, facilitating access to relevant documents and social allowances as mandated by legislation, assisting victims in continuing their education,

providing help for finding jobs and learning new skills, as well as medical assistance funded by the state, establishing assistance centers for victims, organizing psychological rehabilitation courses, and ensuring social care for affected children (The Law of the Republic of Azerbaijan on the Prevention of Domestic Violence, 2010, Chapter III, Article 15).

Under Article 19 of this law, the state also offers assistance centers that are free of charge. Minors who are victims can stay at these centers for up to three months, and other victims can stay for up to two months if needed. These assistance centers compromise various activities that can also help the victims of child and forced marriages, such as providing legal and medical assistance, involving these victims in psychological courses, aiding in the preparation of relevant documents for social protection, offering temporary shelter if needed, restoring normalcy in victims' families (The Law of the Republic of Azerbaijan on the Prevention of Domestic Violence, 2010, Chapter III, Article 19). While these measures do not explicitly address child and forced marriages, the victims of such practices can also benefit from the support that this law offers.

In addition to assistance and support services, hotlines are also important resources for those who need immediate support and guidance. The HotLine pilot project, in collaboration with the State Committee on Family, Women, and Children's Affairs of the Republic of Azerbaijan, the United Nations Population Fund, and the Ministry of Transport, Communications, and High Technologies, has been working since 2020. The pilot project is known as the 860 Gender-based Violence Helpline. The official website of the State Committee for Family, Women, and Children's Affairs provides a hotline (860) to contact individuals seeking support regarding domestic violence, as well as early and forced marriages. Additionally, individuals may receive free psychological counseling if required

(The State Committee for Family, Women, and Children's Affairs, n.d.-b). This hotline encourages people who witness the perpetuation of these practices to inform authorities with the provided number.

Additionally, the Azerbaijan Children's Hotline service (116-111), supported jointly by Azercell Telekom and UNICEF, provides support to children on various issues, including harassment and bullying. Accessible 24/7, this hotline assists individuals under 18 years old and anyone concerned about them. Moreover, calls made to this hotline service are free of charge for only Azercell users (Azercell Telekom LLC, 2021).

To sum up, while the legal framework in Azerbaijan, including the Constitution and the Family Code, establishes foundational principles and rights aimed at protecting individuals and families, there are notable gaps in addressing specific issues such as child and forced marriages, particularly those related to marriage age and unregistered marriages. While provisions in the Constitution emphasize equality, freedom, and the right to marriage with voluntary consent, the absence of explicit mention of child marriages raises concerns about the adequacy of legal protections for vulnerable women. Additionally, while laws mandate compulsory education, the practical implementation of these provisions may not sufficiently address the root causes of child and forced marriages, such as school dropout rates. These gaps will be further analyzed in Section 3.3 to understand the implications for women's legal protection in Azerbaijani.

3.1.2 Prosecution

In this section, I will provide an analysis of the prosecutive measures outlined in Azerbaijani legislation, focusing primarily on the Criminal Code toward violations of child and forced

marriages. Punishment is often used as the major intervention method to address violations of law (Merry, 2009, p. 49). Contemporary governments utilize various methods such as imprisonment, fines, probation, and other actions as punishments for people who are found guilty of crimes (Husak, 2017). The Criminal Code of Azerbaijan is a legal document that adheres to the principles of the rule of law, equality under the law, accountability for guilt, and compassion towards humanity.

According to this legislation, the age of consent for sexual intercourse in Azerbaijan is 16. Article 152 of this code specifically prohibits engaging in sexual intercourse or other sexual acts with individuals under the age of 16. Clause 152.1 underlines that having sexual intercourse with an individual who has reached the age of 14, but has not reached the age of 16, or committing other acts of a sexual nature is punishable by deprivation of liberty for a period of one to three years. Additionally, the perpetrator may face deprivation of the right to hold a certain position or engage in a certain activity for a period of up to three years. Clause 152.2 outlines that if the same acts are committed against an individual who has reached the age of 12 to 14, the imprisonment period increases from three to six years (Criminal Code of Aze., 2000, Article 152).

A critical analysis of the interconnectedness between marriage age and age of consent for engaging in sexual intercourse, as highlighted by Pitre and Lingam (2021), reveals different approaches to this complex issue. The distinction provided by the authors is important: the age of consent refers to when a young person can agree to sexual activities, while the minimum legal age of marriage determines when someone is eligible to marry. Sexual consent is about interpersonal relationships, whether within or outside of marriage, while marriage involves societal expectations and legal structures (Pitre and Lingam, 2021, p. 464).

Furthermore, Chapter 22 is specifically dedicated to crimes against minors and family relations. Article 176.1 of the Criminal Code addresses the offense of forced marriage. Clause 176-1.1 underlines that forcing a woman into entering marriage is punishable by a fine ranging from two thousand (1086 Euros) to three thousand (1629 Euros) manats or imprisonment for up to two years. Moreover, clause 176-1.2 stipulates that if the same acts are committed against an individual under the legal marriage age incurs a fine of three thousand to four thousand (2169 Euros) manats or imprisonment for a term of up to four years (Criminal Code of Aze., 2000, Article 176).

In addition to these penalties, the Constitution of the Republic of Azerbaijan also includes provisions for prosecutive measures, although it does not explicitly address child and forced marriages. For instance, Article 41, “The Right to Health Protection”, in its third clause indicates that officials who endeavor to hide facts and situations that pose risks to the lives of people and their well-being should be held accountable under the law (Constitution of the Republic of Azerbaijan, 1995, Article 41). This implies that, for instance, responsible individuals, such as legal and healthcare professionals, and community and religious leaders, who fail to comply with the law against child and forced marriages and report it, despite being knowledgeable about the dangers that it can create, could be subject to legal sanctions.

In addition, according to the fourth clause of Article 17, “It is prohibited to involve children in activities that can cause danger to their lives, well-being or spirituality” (Constitution of the Republic of Azerbaijan, 1995, Article 17). While there is no mention of terms such as “harmful traditional practices” or “child and early marriages” within the clauses of Article 17, the indication of risky behaviors detrimental to children’s lives, health, well-being, and

spiritual development demonstrates that the Constitution commits to protecting minors from any form of violence and exploitation, including child and forced marriages.

Furthermore, the Law of the Republic of Azerbaijan “On Child’s Rights” (1998) emphasizes compulsory general secondary education with the following statement: “Diversion of children from secondary education is prohibited” (Law of the Republic of Azerbaijan “On Child’s Rights”, 1998, Article 22). Additionally, according to the Administrative Offenses of the Republic of Azerbaijan (2010), specifically, Article 181 titled “Violation of the Legislation on Education”, fines are imposed as follows: one hundred (50 Euros) manats for individuals, three hundred (150 Euros) manats for officials, and five thousand (2500 Euros) manats for legal entities found guilty of depriving an individual of any stage, level, or form of education, as well as for engaging students in work and events that are not related to the educational process (Administrative Offenses of the Republic of Azerbaijan, 2015, Chapter 21, Article 181). Since the child and forced marriages are also factors that are considered not related to the educational process, it is essential to note that while this law does not explicitly mention terms like “child” and “forced” marriages or “harmful traditional practices”, its prohibition against involving students in activities that deprive them of schooling encompasses such practices. By imposing fines for those who divert students’ participation in education, including marriage at a young age, the law although not directly, addresses these issues. The research demonstrates that early marriages and pregnancies are significant factors contributing to school withdrawals, with estimates ranging from 15% to 33% in various countries (Baysak et al., 2021, p. 248).

To conclude, provisions within the legislation demonstrate a multifaceted approach to addressing child and forced marriages. Penalties for offenses related to child and forced

marriage, as well as violations of educational rights highlight the state's commitment to combating harmful practices and ensuring access to education for all individuals. Considering these findings, further investigation of the rationality behind legal provisions and their effectiveness in safeguarding individuals' rights is necessary. Section 3.3 will provide a thorough analysis of the gaps within the legal framework and their implications for addressing child and forced marriages in Azerbaijan.

3.1.3 Prevention

The prevention pillar which focuses on the root causes of the problem, plays a crucial role in achieving long-term advancements and reforms concerning child and forced marriages (Krizsan & Pap, 2016, p. 19). Prevention initiatives aim to challenge the traditional patriarchal roles regarding what men and women should be like by introducing new perspectives and attitudes. These programs are instrumental in reconstructing societal norms by promoting and advocating for more equitable gender roles (Merry, 2009, p. 48). Prevention programs encompass various reforming initiatives, such as support services for victims, psychological and mental assistance, raising awareness, and others (Day, Chung, O'Leary, et al., 2009, pp. 203-204).

The State Committee on Family, Women, and Children's Affairs serves as a primary executive governmental body responsible for implementing and executing the state's policy concerning family, women, and children's matters. This committee prioritizes raising awareness, regarding the negative consequences of early and child marriages, as well as marriage between relatives. The committee regularly conducts educational initiatives and programs in this field to underscore the potential risks associated with such harmful practices (The State Committee for Family, Women, and Children's Affairs, n.d.-c).

For instance, the Committee extends its awareness initiatives to electronic posters and video broadcasts on trains operated by Azerbaijani Railways, which traverse regions, addressing issues such as early marriage and child labor. Passengers are provided with information about the hotline 116-111 via on-screen displays, encouraging them to seek assistance or report concerning situations (The State Committee for Family, Women, and Children's Affairs, 2023).

One of the important steps that has been made is the approval of the “Regulation on Education regarding the Significance of Family and Marriage among Youth, aimed at Protecting and Strengthening Family Bonds, and Addressing the Negative Consequences of Early Marriage and Marriage Between Relatives,” which was adopted by the Cabinet of Ministers of the Republic of Azerbaijan in 2020 (Decision of the Cabinet of Ministers of the Republic of Azerbaijan, 2020).

This regulation is considered the first document that includes the definitions of “early marriage,” “marriage between relatives,” and “negative consequences of early marriage and marriage between relatives”. The definition of early marriage is outlined as “marriage with a person under 18 years of age” (Decision of the Cabinet of Ministers of the Republic of Azerbaijan, 2020). This document emphasizes the importance of education and awareness-raising programs among youth to prevent early, forced, and relative marriages. Education initiatives targeting young people consist of diverse strategies, including organizing educational events in educational institutions and workplaces, developing and distributing educational materials and social advertisements, and establishing online educative resources. These efforts are designed to equip young individuals with the necessary information and tools to make rational choices about their lives and to help others who are in need, with a

specific focus on preventing early and relative marriages. The research proves that programs aiming to change the behavior of the community through educational sessions, counseling, and awareness-raising initiatives involving parents, young people, and key community stakeholders have significant effects on decreasing early marriage and pregnancies (Mehra et al., 2018).

The programs and initiatives on the negative consequences of early marriage are carried out by various state bodies (institutions) and NGOs. According to the report provided by the State Committee on Family, Women, and Children's Affairs, a number of meetings with parents, children, and teachers were held in 2023, including "Family, Family Values and Traditions", "Combating Early Marriage", "Early Marriage is a Crime, Not a Custom!" and among others in various regions of Azerbaijan (The State Committee for Family, Women and Children Affairs, 2023).

In addition, various projects concerning early marriages have been implemented mainly in educational institutions involving children, parents, and teachers. For instance, the "School Friend" project implemented in 2016 was created by the Ministry of Science and Education. Within this project, 226 schools were included in which associate employers constantly made contact with students to hear the problems that they faced with both their families and friends. This is important in terms of creating a safe space and learning about the challenges students encounter, including those related to child and forced marriages. Additionally, students are regularly attracted to workshops and seminars on child rights (Ministry of Education of the Republic of Azerbaijan, n.d.). The Ministry of Youth and Sports also holds psychological seminars on early marriage within the framework of the project titled "Let's Live Youth Together!" (The State Committee for Family, Women and Children's Affairs, 2023).

The research demonstrates these kinds of programs that involve community members and children are crucial in terms of acknowledging parents about alternative pathways to early marriages. Informing them of these alternative methods, parents became more supportive and prioritized educating their daughters rather than marrying. Awareness-raising initiatives signal parents about the significance of educating girls (Girls Not Brides, n.d.-c, p. 3).

Non-governmental organizations (NGOs) also play a key role in the application of the state's preventative measures regarding early and forced marriages. Azeri Youth Alliance is one such NGO that implements a project titled "I Want to Study, Not Get Married!". The purpose of the project is to organize training for 11-15-year-old girls and their parents in high schools, particularly in regions where early marriages are more prevalent, such as the southern border areas including Lerik, Lankaran, Astara, and Jalilabad regions (Bakupost.az, 2019).

Additionally, the "Ümidim Sənsən" Public Union, operating under the "Early Marriage End of Early Youth" project, is another NGO active in the southern regions. It organizes educational events, as well as publishes brochures to promote social responsibility (Masalli Regional Executive Power, 2022).

In summary, it is evident that the government recognizes the severity of child and forced marriages and takes important steps to address these issues. Through various programs, including, awareness-raising initiatives, workshops, training, and adopting regulations, efforts involving NGOs, young people, students, parents, and authorities are made to combat these harmful practices. However, despite these efforts, there are still areas that need further improvement. In the following sections, I will delve into these gaps in the implementation and legislation.

3.2 Analysis of Azerbaijan's Compliance with International Conventions

Azerbaijan holds membership status in both the Council of Europe (COE) and the United Nations (UN), thus carrying human rights commitments that span regional and global spheres (International Justice Resource Center, 2019). As a UN Member State, Azerbaijan has signed and ratified the following conventions on women and child rights: the Convention on the Rights of the Child (CRC) on August 13, 1993, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on July 10, 1995 (OHCHR Treaty Body Database, n.d.). In the following paragraphs, I will delve into the responsibilities of states that ratify these conventions and examine how the Azerbaijani state's legal frameworks align with the duties outlined in the CEDAW and the CRC.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is among the important human rights treaties that center on women and gender equality on a global scale. CEDAW was adopted on December 18, 1979, and officially came into effect on September 3, 1981 (OHCHR, n.d.-c). By ratifying this convention, states take the following obligations to implement:

- Incorporating the articles into national legislation;
- Achieving equality for women in all spheres of their lives;
- Promoting full participation and involvement of women and their access to education, healthcare, employment, decision-making, and representation in political life;
- Combating all forms of violence against women;
- Reporting periodic reports to the Committee of the CEDAW where they give reports about the measures that have been taken and respond to committee recommendations and concerns (OHCHR, n.d.-c).

Although the CEDAW does not explicitly use the terms “early marriage” or “child marriage”, its principles and concepts encompass these practices within its wider articles that address the underlying issues and aim to safeguard women and girls from discriminatory practices in various spheres. The importance of CEDAW lies in its multidimensional approach to ending violence against women both in private and public spheres, holding states responsible for ensuring the protection of women’s rights by promoting gender equality (Englehart & Miller, 2014, pp. 23-24).

In this section, I will primarily focus on Articles 2, 5, 10, 14, and 16 of CEDAW which pertain to child and forced marriages. Article 2 involves obligations for states to enact policies and legislation that prohibit discrimination against women. Article 5 mandates changing societal norms and traditions that perpetuate gender-based discrimination. Article 10 requires states to ensure equal rights and opportunities for both women and men in education and employment. Article 14 addresses the unique challenges rural women face and emphasizes the need for rural women’s empowerment, education, and development. Article 16 outlines the state’s obligations in the context of marriage and family relations. According to this article, states must provide equal rights when forming marriages, take appropriate measures that allow individuals to choose their partners freely, and enter into marriage of their own free will and on a voluntary basis. These rights should remain equal during marriage and its termination periods. In addition, Article 16.2 specifically mentions that the engagement and marriage of a child will be considered invalid, and steps will be taken, including the enactment of laws, to establish a minimum marriage age and require the registration of marriages in an official registry (OHCHR, n.d.-c).

Despite these differences, it is important to note that the term “child” is not clearly explained, and seems out of place in CEDAW, which mostly focuses on issues related to women.

Despite emphasizing the prevention of child marriage and its invalidity, the Convention does not specify the age range for defining a child (Warner, 2004, p. 254). In their joint recommendation, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child emphasized in Joint General Recommendation/General Comment No. 31 (2014) that a judge may allow marriage for a mature child aged 16 or older, considering their individual maturity and disregarding cultural or traditional practices.

Furthermore, the Convention on the Rights of the Child contains the rights and freedoms of children, as well as measures to protect the lives of children, with the overreaching aim of ensuring their safety, health, and well-being. The convention mandates states to enact legislation that protects children from any form of discrimination and violence. Similar to CEDAW, the CRC does not explicitly utilize terms such as “child marriage”, or “forced marriage.” Nonetheless, it addresses issues concerning child and forced marriages and puts the responsibilities of ratified states through the following articles:

- Article 1: This article is important in terms of providing the definition of a child as any human being below the age of eighteen.
- Article 3: This article highlights the duties of the states, which include prioritizing the best interests of the child, ensuring necessary protection and care, and maintaining standards of safety, health, staffing, and supervision in childcare and protection institutions and services.
- Article 19: States must enact laws and carry out social and educational initiatives to protect children from physical and mental harm, even when under the care of parents, legal guardians, and other caregivers.

- Article 24: States must implement effective and suitable measures to eliminate traditional practices that harm children's health.
- Article 28: States must enshrine the right to education in their legislation, make education accessible to every child, and monitor children's attendance.
- Article 34: States must commit to protecting children from sexual exploitation and abuse by taking appropriate national measures to prevent unlawful sexual activity, prostitution, and involvement in pornographic materials.
- Article 35: States must implement measures at national and international levels to prevent the abduction, sale, or trafficking of children in any form or intent (OHCHR, n.d.-b).

Although Article 1 sets the definition of the child, the mentioning of “unless under the law applicable to the child, majority is attained earlier” (OHCHR, n.d.-b) allows states to freely determine their own legal framework concerning the attainment of the majority. Warner claims that leaving the determination of adulthood or “majority” to states, this convention fails to fulfill its objectives. This is because, in some regions, the customs may consider girls who marry and bear children as someone who attained adulthood (Warner, 2004, pp. 247-251). This approach rightly criticizes the Convention's method of defining children globally.

Having outlined the obligations and duties of the Republic of Azerbaijan under the CEDAW and the CRC, it is evident that Azerbaijan has made significant progress and undertaken several measures in aligning its legal framework with these above-mentioned requirements of international conventions.

Firstly, Azerbaijan has demonstrated its commitment to safeguarding children's rights, particularly addressing issues related to child and forced marriages, by forming and implementing legislation that protects the well-being and rights of minors. For instance,

Article 17 of the Constitution emphasizes the significance of family, children, and the state's role in ensuring the safety, health, and well-being of minors, prohibiting activities that could create danger to their lives or development. Moreover, Article 34 of the Constitution recognizes the right to marriage by underscoring voluntary consent and mentioning the importance of the eligible age set by the state when entering into marriage, thereby aligning with Article 16 of CEDAW and Article 19 of the CRC.

Furthermore, the modifications made to Article 10 of the Family Code of Azerbaijan in 2011, specifically addressing the issue of marriage age by equalizing the ages to 18 for both men and women, significantly strengthen the alignment with international standards. This change directly resonates with Article 16 of CEDAW, which mandates states to provide equal rights and opportunities when forming and terminating marriages. Additionally, this legislative change is in full harmony with the principle of Article 1 of the CRC, which considers individuals below the age of eighteen as children. By equalizing the marriage age at 18 for both men and women, Azerbaijan recognizes the fundamental definition of children. Thus, the amendment to Article 10 of the Family Code not only demonstrates the country's commitment to international conventions and their principles but also shows a significant step toward gender equality and protecting the rights of children within its national legislation.

In addition, the Criminal Code of Azerbaijan's Article 152 addresses the penalization of instances related to engaging in sexual acts with children, aligning closely with the principles outlined in both CEDAW and the CRC. Specifically, this provision aligns with Article 34 of the CRC, which emphasizes the duty of states to protect minors from all forms of sexual exploitation and abuse. By criminalizing these acts, such as having sexual intercourse with children, Azerbaijan fulfills its obligation under the CRC, which aims to protect the safety and well-being of children from harm. Moreover, Article 176 of the Criminal Code, addresses the

issue of consent in marriage. By emphasizing free will and full consent in marriage, the Articles condemn and criminalizes child and forced marriages which directly aligns with Articles 5 and 16 of CEDAW. Given that child and forced marriages are often considered practices driven by societal norms and practices, the imposition of penalties for the perpetuation of these practices demonstrates the Azerbaijani state's attempt to change traditionally accepted behaviors. These initiatives align with the principles outlined in Article 5 of CEDAW which mandates states to change traditional norms that are usually used as a justification (CEDAW and CRC, 2014, p. 3). Furthermore, these initiatives resonate with Article 24 of the CRC, which requires states to implement effective and suitable measures to eliminate customary practices that harm children's health.

Additionally, the requirement for compulsory education, as outlined in Article 42 of the Constitution and supported by both the Laws of the Republic of Azerbaijan on Education and Child's Rights, aligns with the obligations set forth in CEDAW and the CRC. Specifically, it resonates with Article 28 of the CRC, which mandates all states to provide accessible education for all children. Moreover, it aligns with Article 10 of CEDAW, which emphasizes equal education rights for women alongside men. Highlighting the compulsory nature of education, Azerbaijan fulfills the educational rights of both children and women in its legislation.

In terms of preventative measures and awareness-raising initiatives undertaken by Azerbaijan to combat the continuation of child and forced marriages, the government has collaborated with non-governmental, governmental, and international organizations to conduct educational programs, trainings, and campaigns. Such initiatives align closely with Article 24, principle 3 of the CRC, which mandates states to implement all preventative measures to protect children from the consequences of harmful traditional practices. Additionally, this also aligns with

Article 5 of CEDAW, which requires states to carry out steps to change social and cultural norms that result in gender-based discrimination.

Overall, both conventions have gaps that may also create further complexities in regulation. The CRC's absence of determining a standard age set for a child and CEDAW's approval of reducing the age of marriage also paved the way for gender inequalities to discriminate against girls and women. Therefore, without mandatory age limits for defining a child and without preventing reductions in legal marriage ages based on cultural and traditional norms, these conventions may fail to fulfill their intended objectives (Warner, 2004, p. 254).

In the next section, I will examine how these conventions' lack of a standard age for being a child and legal marriage age paved the way for the government's decrease in the marriage age in Azerbaijan. Additionally, areas where further action may be necessary to ensure full compliance with international conventions will be explored. This enables an understanding of the complexities experienced in implementing these conventions within the Azerbaijani legal framework.

3.3 Missing Points: National Legislation and International Commitments

In the above analysis, I categorized intervention pillars that have been undertaken by the Azerbaijani state into protection, prosecution, and prevention. While many of the obliged duties of the international conventions have been incorporated into national legislation, there is still some incompleteness that needs to be addressed. In the following paragraphs, I will delve into the missing gaps in the current legislation, and shed light on areas where Azerbaijani law needs further efforts that are crucial to prevent the perpetuation of child and forced marriages.

Part of the purpose of the chapter is to scrutinize the gaps within the national legislation. One of the important points that need to be examined is the absence of definitions of “child and early marriages” which are important to be incorporated into the Family Code of Azerbaijan. The lack of clear definitions for these terms results in the incompleteness of the legal framework and causes misunderstandings among individuals. According to Micheli (2021), defining terms holds significance in legislative processes. It serves the purpose of providing the audience of these articles with accurate information on the interpretation of certain issues. Therefore, providing concrete definitions for these terms is significant in order to achieve legal certainty and safeguard the rights of the victims in an effective way.

It should be noted that none of the Azerbaijani legal documents explicitly provide the definition of child and early marriage. However, the sole document that offers the definition of early marriage is the “Education Regulation on the Negative Consequences of Early Marriage and Marriage between Relatives to Protect and Strengthen the Importance of Family and Marriage among Young People.” This document defines early marriage as “marriage with a person under the age of 18” (Education Regulation, 2020). However, this document also does not use terms such as “harmful traditional practice” or “forced marriage” which are commonly utilized in international discourse, such as the OHCHR in defining child and early marriages (OHCHR, n.d.-a). This is important since the issues that this regulation addresses, such as early and relative marriages are part of harmful practices that may be perpetuated forcefully without the consent of sides. Therefore, analyzing them within a broader spectrum is essential for understanding and educating individuals about their potential negative consequences.

Another significant gap in the legislation is the uncertainty relating to the eligible marriage age. Although the Family Code of Azerbaijan (Article 10) sets the marriage age at 18, in the

second clause, the law underscores that if there are valid reasons then this age can be reduced to 17. However, this law fails to specify the instances that allow the decrease of the legal marriage age. The lack of clarity regarding the circumstances under which the marriage age can be reduced can lead to potential abuses. For instance, without specific guidelines, there is a huge risk that families could impose the legislation by falsely claiming valid reasons to be allowed to lower the marriage age, potentially leading to the perpetuation of child and forced marriages. Specifically in countries where these practices are widespread, lowering the marriage age under the guise of “valid” reasons paves the way for significant risks.

In their study on child marriage laws and statistics in 191 UN Member States, Arthur et.al. (2018) asserted that the definitions setting child marriage as any union below the age of 18 exhibit strong gender-based patterns. The research demonstrated that gender disparities in early marriages among girls and boys are almost the same even in countries where these practices are not widespread. They raised an example from the Republic of Moldova where the proportion of women married before 18 is 15%, which is significantly higher than men 2% of men (Arthur et.al., 2018, p. 2). These disparities can similarly be observed in Azerbaijan.

The misleading nature of Article 10 is particularly apparent when examining the number of women and men entering into marriage with such approval. For instance, recent statistics from the State Statistical Committee of the Republic of Azerbaijan (2023) reveal a concerning trend for 2022: among registered marriages at the age of 17, 270 girls were married with no reported cases of men marrying at the age of 17. This gender imbalance observed in the marriage registration data, with a significantly high number of girls marrying at the age of 17 compared to boys, raises questions about the fairness in the application of lowering marriage age. Despite Azerbaijan’s recognition of gender equality in its national legal framework, as

indicated in Article 25 of the Constitution titled “Right to Equality”, the observed gender imbalance in marriage registration statistics raises concerns about the appropriate implementation of these principles in practice. The considerable discrepancy between the high number of girls entering marriage compared to the absence of boys engaging in marriage indicates that there are cultural and social factors behind the demonstrated statistics. This also contradicts Article 2 of CEDAW, which mandates states to adopt measures, including legal reforms, to eliminate laws, customs, and practices that perpetuate inequalities against women. Moreover, this also goes against Article 2 of the CRC, which outlines the principle of non-discrimination. Therefore, any law that leads to unequal treatment based on gender, in this context, observed gender imbalance in marriages at the age of 17, contradicts the spirit of the CRC (OHCHR, n.d.-b).

Warner raises a notable example from China which can be counted among the few countries that raised the age of marriage from 18 to 20 for women and 22 for men. In addition, Chinese law contains strict regulations, such as depriving the perpetrators of important government benefits and allowances (Warner, 2004, p. 246). These steps have yielded great outcomes and could serve as a model for also Azerbaijan.

An additional aspect warranting analysis is religious marriages. As outlined in Article 1 of the Family Code, titled “Family Legislation of the Republic of Azerbaijan and its Foundations”, the state holds legal authority over marriage and family matters and recognizes marriages that are formalized through the appropriate governmental body. Clause 1.5 of the article explicitly indicates that religious marriages or unions do not carry any legal weight. This is closely associated with Article 18 of the Constitution which emphasizes that in Azerbaijan there exists a clear separation between religion and the state, thus all religions are equal under the law. Therefore, marriages that have been registered by religious institutions lack legal validity

under the Family Code. That is why the statistics of these marriages are not included in the official records of the State Statistical Committee. Consequently, the absence of these religious marriages from official data records creates challenges for accurately calculating and understanding the scope of the prevalence of child and forced marriages in Azerbaijan.

Despite Azerbaijan's status as a secular country, the majority of its population is Muslim, constituting 96.15 % according to data from The Association of Religion Data Archives (2020). These statistics underscore the widespread tendency among individuals to adhere to Islamic norms, values, and regulations. The commonality of religious marriages, which is also locally known as "*kəbin*", is often used for those individuals whose age does not meet the legal requirements for entering into marriage (UNFPA, 2014, p.3). This trend becomes specifically apparent while analyzing the statistics calculated for the birth rate of women aged 15-19 in urban and rural areas, as provided by the State Statistical Committee of the Republic of Azerbaijan (2023). According to recent data from 2022, a total of 37,3 % of women in this age group gave birth. From this indicator, 20,6 of births were observed in urban areas, whereas 56,9 % were in rural areas of Azerbaijan. We can also observe this trend across previous years as well. In 2021, the percentage was 29.7% (16.7% in urban and 44.7% in rural areas), in 2020 it was 39.6% (23.2% in urban and 58.1% in rural), and in 2019 it was 46.8% (26.4% in urban and 69.5% in rural areas). In 2022, there were 2011 births among girls aged 15-17, with the highest numbers observed in 2016 and 2019 at 2809 and 2320 births, respectively (State Statistical Committee of the Republic of Azerbaijan, 2023, p. 59).

These indicators clearly show that the girls at this age are the victims of child and forced marriages. Since entering into marriage at the age of 15 is not possible under the law, the percentage of births among women aged 15-19 suggests that many of these unions have occurred through a religious contract that is not legally recognized. Specifically, the higher

birth rates in rural areas compared to urban point to the potential influence of patriarchal traditions and religious beliefs that cause the vulnerability of young girls.

In addition, as already discussed above regarding the age of consent for having sexual intercourse which is set at 16, the legal marriage age which is set at 18, and allowances given by the state to reduce the age to one year, this juxtaposition raises questions about the government's intentional approach, potentially creating an atmosphere where individuals engaging in sexual activity at 16 might apply for an allowance from the state to decrease the marriage age to 17, particularly in cases of pregnancy. For instance, in India, diverse perspectives exist regarding the age of consent, with some advocating for equalizing it with the marriage age and claiming consistency in legal standards. Some argue that if marriage to a girl under 18 is not allowed, then sexual intercourse with a girl under 18 should also be prohibited. Conversely, other perspectives support the idea of maintaining the disparity (Pitre and Lingam, 2021, p. 465).

Mammadov (2018), for example, supports the arguments of aligning the age of consent and legal marriage ages, emphasizing that if marriage to underage girls is deemed illegal, then situations subjecting them to abortion and health risks also violate women's and children's rights significantly. Therefore, he encourages replacing the age of consent from 16 to 18 in Articles 152 and 153 of the Criminal Code of Azerbaijan. This amendment not only aims to reduce early marriages but also ultimately reduces the risks of abandonment and disease among young girls and infants (Mammadov, 2018, p. 146). Mammadov also underlines that although Azerbaijan has achieved significant modernization compared to the past, at the same time, most Azerbaijanis are the carriers of patriarchal thinking which can be related to societies where premarital sex is not normally accepted. The sociological studies in Azerbaijan also confirm that nearly eight out of ten men preferred to marry a virgin

(Mammadov, 2018, pp. 134-135). Therefore, it once again proves that the high birth rates among girls aged 15-19, despite the legal age for marriage being 18, are likely a result of religious marriages. In societies like Azerbaijan where girls' virginity holds immense value, families may resort to marrying their daughters early to avoid nonmarital sexual activity or pregnancies and protect their "sexual purity" (Lee-Rife et al., 2012, p. 288).

It is worth noting that according to the religious decree issued by the Council of Judges of the Caucasian Muslims Administration (CMA) on November 23, 2002, religious marriages must only be conducted after undergoing official registration procedures at state registration offices. Additionally, this decree states that CMA's official religious leaders who fail to comply with this rule will be subjected to punitive measures (Council of Caucasian Muslims, 2018). While this decree mandates that religious unions must undergo official registration procedures, neither the Criminal Code nor the Code of Administrative Offenses of the Republic of Azerbaijan explicitly outlines punitive measures for not obeying the requirements set forth by the decree. Therefore, the number of girls giving birth is a potential consequence of unregistered religious marriages. This underscores the significance of filling this gap between legal requirements and punitive mechanisms to protect the rights and well-being of women and girls involved in religious marriages. By solely mentioning that religious marriages are not recognized and religious leaders who do not comply with the law will be held accountable without any clear legal consequences and protective mechanisms the protection of its victims remains insufficient.

The research on religious marriages in Britain demonstrates similarities in legislation with that of Azerbaijan. The British government does not recognize Islamic marriage contracts either. This creates enormous vulnerabilities for couples who did not register their marriages legally in terms of recognition of their union, rights to seek financial support and property

division while divorcing, and custody arrangements for their children (O’Sullivan & Jackson, 2017, pp. 25-29). In addition, non-recognition of religious marriages also has consequences for women whose husbands pass away. In such cases, these women are unable to be registered as widows by the state, thereby depriving them of benefits and other entitlements that are typically considered for widows. This situation further exacerbates their vulnerabilities, as they may be subjected to financial hardships and lack of support during such a challenging period of mourning (O’Sullivan & Jackson, 2017, pp. 28-29).

Another concerning issue arises from the discrepancy in school attendance and application for universities between girls and boys. Despite the compulsory nature of education mandated by both the Constitution and the Law “On Education”, there remains a significant gap in school attendance and university enrollment between girl and boy students. This becomes evident while examining reports on the gender of students applying for higher education provided by the State Examination Center of the Republic of Azerbaijan. There is a significant gap between the number of male and female students applying to higher education institutions every year (DIM, n.d.).

In recent years, there has been a growing concern about the absence of girls in schools in certain regions, mainly in the southern and northern regions of Azerbaijan (Yusifqizi, 2018; Bunyamin Bunyaminzade, 2023). Despite regulations in both the Laws “On Child Rights” and “On Education” which emphasize compulsory education and how preventing children’s access to education is prohibited, this trend persists. Kamran Asadov, an education expert, highlights the alarming trend in dropouts from school among girls. Particularly in southern regions girls often became engaged as early as 8th grade. Specifically, the number of girls in the 11th grade decreases sharply (Yusifqizi, 2018).

Research shows that school dropouts are the main cause of early marriages. Wodon (2016) explored how parents' pressure for early marriage might compel certain girls to abandon their education prematurely. Moreover, Wodon highlighted that there is a link between leaving school and early marriages. In instances where girls have already discontinued their education before marriage because of various reasons, such as lack of interest, academic underperformance, absence of nearby secondary schools, or financial difficulties, parents may prefer opting for marriage over allowing their daughters to remain unmarried (Wodon, 2016, p. 591).

Another important point that needs to be mentioned is the responsibility of the school staff to ensure access to education for all children. The Law "On Education" consists of articles that describe the responsibilities of both educators and students. Educators are mandated to actively participate in implementing state policy in the field of education. They are also tasked with protecting children and young people from all forms of physical and mental violence, preventing them from harmful habits, and contributing to safeguarding the safety and health of students (Law of the Republic of Azerbaijan on Education, 2009, Chapter III, Article 33). However, this article on educators' duties and responsibilities fails to clearly outline the specific role of school staff in identifying factors or barriers to education. For instance, it does not explicitly address issues such as girls facing child and forced marriages and other cultural norms that prioritize getting married over studying. The absence of clear guidance in this regard prevents effective intervention and necessary support for students who are at risk. This is also important for the overall effectiveness of the education system in promoting equal opportunities for both male and female students.

In addition, there is a gap relating to the services provided by the Azerbaijan Children's Hotline (116-111). The hotline service operates around the clock, however, there is still a

concerning limitation in its accessibility. Calls to this hotline are only free for Azercell users (Azercell Telekom LLC, 2021). This causes a disparity in access to support services for those who use other service providers, potentially restricting their availability of vital assistance. Specifically, children who are not able to replenish their accounts can be left vulnerable in challenging situations, such as child and forced marriage. Therefore, it is imperative to provide equitable access to all children in need of assistance without any barriers (Casey Family Programs, 2018). It also contradicts the principles of Article 2 of the CRC, which ensures equal opportunities for all children seeking help and support.

The gaps in the legislation become also apparent while analyzing the prosecution pillar. While the existing laws in Azerbaijan do implement prosecutive measures regarding child and forced marriages, such as Articles 152 and 176 of the Criminal Code (2000) for engaging in sexual intercourse or any related acts against minors and forcing individuals into marriages, as well as children, the severity of these penalties is not sufficient enough. This is particularly evident in the concerning trends in the perpetuation of these practices, as discussed above.

First, Article 176 which addresses the punitive measures for child and forced marriages, is very generally articulated. Since the Family Code of Azerbaijan sets the duties and responsibilities of parents in the lives of their children, this means that girls who are the victims of child and forced marriages were engaged in this event with the choices of their parents who play key roles in making decisions regarding their children's marriages.

However, Article 176 fails to explicitly mention the punitive measures for parents for non-compliance. By providing generally the same fine and term of imprisonment for perpetrators, it may lack in adequately addressing the punishment of the ones involved. This means that in order to achieve effective results, this Article needs to impose more harsh and stricter fines, longer imprisonment periods, or mandatory participation in training and programs aimed at

acknowledging the negative consequences of child and forced marriages by promoting supportive parent and child relations.

The perpetrators should not only be understood as just the individuals who directly seek to marry a certain girl but should be understood more broadly. The perpetrators can also be parents, or relatives who are involved in this process by exerting control and pressure. By not explicitly mentioning the roles of these individuals in Article 176, the law fails to acknowledge the involvement of family members in perpetuating forced marriages. However, by holding family members accountable for their involvement in child and forced marriages, the law can provide a more comprehensive signal that these actions will not be tolerated.

Moreover, imposing penalties that take into account the closeness of familial relationships and increasing the number of fines and imprisonment periods depending on the closeness level could be a significant step in combatting the perpetuation of these practices. For instance, the report “Child Marriage in Southern Asia” by UNFPA et al. (2012) analyzes different legal frameworks in the region. The Prohibition of Child Marriage Act of India imposes punitive measures against anyone involved in conducting, allowing, or advocating child marriage, demonstrating a rigorous position in fully tackling this issue. Unlike the broader articulation found in Azerbaijani legislation, the Indian state explicitly outlines punitive measures for all parties involved (UNFPA et al., 2012).

Another missing point in legislation is the lack of specific mention that neglecting to provide education could jeopardize parents’ access to their children. This gap in legislation could be one of the reasons for the continuation of the withdrawal of girls from education, particularly in rural areas.

The concerning increase in school absences and dropouts demonstrates that there is a gap between legal obligations and actual practices regarding girls' education in Azerbaijan (Yusifqizi, 2018). The Family Code, specifically Article 58, clearly states that parents must ensure their children receive education and are responsible for their overall development. Additionally, Article 60 emphasizes that parental rights cannot be exercised against the interests of children (Family Code of Aze., 1999, Article 60). Furthermore, Article 64, titled "The Deprivation of Parental Rights", although not explicitly, mentions the possibility that if parents misuse their parental rights and fail to implement their duties can be deprived of their parental rights (Family Code of Aze., 1999, Article 64). However, without a clear articulation of the potential consequences of non-compliance by preventing girl's education, some parents can continue to prioritize marriages over their children's fundamental right to education.

Furthermore, although Article 181 of the Administrative Offenses addresses violations related to education, including depriving individuals of schooling or engaging students in non-educational activities, it fails to explicitly mention child and forced marriages as part of these offenses. This article is also very generally described. There is no specific mention of what this law considered as non-educational activities. It raises questions about whether this law recognizes child and forced marriages as activities that deprive girls of their education. The direct articulation of child and forced marriages is important because they are usually perpetuated in situations that result in school dropouts and the deprivation of educational opportunities for children, particularly young girls (CEDAW and CRC, 2014, p. 7). By recognizing these harmful practices as violations, the law can provide more comprehensive and effective punishments that could safeguard the rights of children.

In addition, a fine of one hundred manats (approximately fifty euros) for individuals, three hundred manats (approximately hundred and fifty euros) for officials, and five thousand

manats (approximately two hundred and fifty euros) for legal entities found guilty of violating Article 181 may not adequately reflect the seriousness of the offense, especially in this context where girls are involved in child and forced marriages. There is a serious disparity between the imposed fines and the severity of harm experienced by young girls who are deprived of educational opportunities. Therefore, taking into consideration the frequent occurrence of dropouts and absences resulting from such practices, it is crucial that individuals involved face additional severe fines. This would vividly show the state's clear condemnation and intolerance for such violations.

There are various viewpoints on the effectiveness of the level of harshness of any punitive measures. As noted by Cherrington (2007), punishments should be constructed in a balanced way. On the one hand, if they are too light, as in the case of Article 181, they will not be taken seriously; on the other hand, if punishments are extremely severe, perpetrators may focus more on the harshness of these measures, rather than learning from their misbehavior. Therefore, it is essential to adjust punitive measures in a manner that effectively sends the message to the offenders that their actions are not acceptable (Cherrington, 2007, p.6).

Furthermore, while prevention interventions may appear multifaceted and comprehensive, there are still some potential areas that require further actions and improvements. It is important to note that all of these preventative measures have been implemented over recent years: for instance, one of the important preventative documents is the "Regulation on Education regarding the Significance of Family and Marriage among Youth, aimed at Protecting and Strengthening Family Bonds, and Addressing the Negative Consequences of Early Marriage and Marriage Between Relatives" (2020). This regulation is the first document that provides a definition of early marriage. This definition aligns with the legal framework provided by Article 10 of the Family Code of Azerbaijan, where the marriage age

is established at 18. However, this regulation does not acknowledge the provision for exceptional cases where legal marriage is allowed to be reduced by one year in certain circumstances, as outlined in the Family Code. This could be beneficial to provide clear information regarding the legal regulations surrounding the marriage age. Moreover, although this document sheds light on early marriage and marriages between relatives, it overlooks the inclusion of these practices under the umbrella of forced marriages and lacks a clear definition. Although the adaptation of this regulation is an important step towards preventing early marriages, to ensure more sustainable prevention mechanisms this document needs to expand its scope beyond youth.

As discussed above, the high prevalence of religious marriages also urges relevant institutions to adopt educative regulations for religious leaders. These regulations could comprise training programs or workshops raising awareness of the legal age set for marriage, punitive accountability for non-compliance, and risks associated with child and forced marriages, among others. By engaging the potential perpetrators in these educational activities, the state can influence the entire community to approach legal ways of forming marital unions. Thus, by working together with religious institutions and their leaders, governmental bodies can strengthen the effectiveness of the prevention pillar and achieve a more long-lasting result. Religious leaders hold esteemed positions in many communities and their opinions on issues that they consider appropriate or not influence the other members of the society. Experience proves that cooperation with religious leaders has been successful in terms of changing the norms in certain communities. For instance, in Nepal, a national strategy against child marriage was developed with the participation of religious leaders. Similarly, in Indonesia female religious leaders demanded to raise the marriage age to 18 (Girls Not Brides, 2019). These collaborative efforts should also attract all individuals who work closely with children and have an impact on them. These individuals are teachers, social workers, and other

professionals who interact with children and when equipped with the necessary knowledge can play key roles in intervening and preventing child and forced marriages.

Another important point is the geographical concentration of these awareness-raising activities. Most of these projects and training are held in the southern regions, such as the projects by NGOs, namely “Ümidim Sənsən” and “I Want to Study, Not Get Married!” (Masalli Regional Executive Power, 2022; Bakupost.az, 2019). Because of the high prevalence of early marriages in Masally, Lerik, and Jalilabad regions, these areas are considered more conservative and problematic (UNFPA, 2014, p.5). However, it is crucial to recognize that child and forced marriages are not limited to certain regions. Since this is a widespread practice, it is imperative to carry out preventative measures equally across all regions, so that no region is neglected.

In conclusion, the in-depth feminist analysis of each intervention pillar reveals that the state’s intention to demonstrate itself as a country committed to gender equality and safeguarding women and children by ensuring their protection, punishing prosecutors, and establishing preventative measures mainly remains symbolic, lacking practical implementation as identified during examination of statistics, data, and thorough analysis of legislation.

3.3.1 Istanbul Convention

Although Azerbaijan is striving to adhere to the obligations of international treaties, such as CEDAW and the CRC, it has not yet signed one of the important documents on gender-based violence against women, namely the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence, also known as the Istanbul Convention, which was adopted in 2011 and became effective in 2014 (Council of Europe, n.d.-a). As a member state of the Council of Europe since 2001, Azerbaijan has not yet

ratified the Istanbul Convention, despite being ratified by thirty-five other Council of Europe member states (Council of Europe, n.d.-b; Council of Europe, n.d.-c).

The Istanbul Convention consists of important articles that touch upon various forms of gender-based violence, including provisions related to child and forced marriages. This treaty mandates all ratified states to take appropriate both legal and policy measures in order to effectively protect women subjected to violence and discrimination. It is important to note that Article 3 clarifies the term “women” by highlighting that women also include girls below the age of 18 (Council of Europe, 2011, Article 3).

In order to meet their commitments under this Convention, ratified states must make modifications to their legislation in terms of providing equal rights for everyone both on paper and in practice. These include terminating laws or regulations that result in discrimination, fostering coordination between institutions, non-governmental organizations, and civil society, assigning an appropriate amount of budget to ensure the effective implementation of policies and programs, gathering specific statistical information and data, involving professionals in training, promoting awareness-raising campaigns, including gender equality and gender-based violence into teaching materials, organizing support services and hotlines, addressing issues such as stalking, forced marriage, genital mutilation, forced sterilization, abortion, and sexual harassment (Council of Europe, 2011).

Several significant articles within the Istanbul Convention address the issue of child and forced marriages such as Articles 32 and 37. Article 32 is dedicated to the measures that states should outline in their laws on the annulment of marriages that are contracted under the force and the dissolution process should be out of charge for the victims (Council of Europe, 2011, Chapter V, Article 32). Furthermore, Article 37 underlines that states must pass legislation that criminalizes forcing women, including children into marriage. It also specifies that it is

illegal to tempt adults or children from one country to another for the purpose of forcing them into marriage (Council of Europe, 2011, Chapter V, Article 37).

The project “Raising Awareness of the Istanbul Convention and Other Gender Equality Standards in Azerbaijan,” implemented by the Council of Europe under the EU-Council of Europe Partnership for Good Governance II, aimed to raise awareness on the Istanbul Convention and improve domestic legislation under European standards. The duration of this project was between 2020 and 2023 (Council of Europe, n.d.-d). Despite these efforts, Azerbaijan has yet to sign the Istanbul Convention, leaving its ratification status unanswered.

An in-depth analysis and examination of Azerbaijani’s national legal documents and ratified international conventions reveal significant efforts towards gender equality, child and women’s rights, consent on marriage, and related issues. Most of the requirements of this convention have already been implemented in Azerbaijani legislation. However, ratifying the Istanbul Convention would be an important step to fulfill the above-discussed gaps in the national legislation.

Although there is no direct answer as to why Azerbaijan has not ratified this convention, some of the causes can be related to it. First, Article 8 of the Istanbul Convention mandates all states to adopt a budget that supports the implementation of the Convention’s provisions (Council of Europe, 2011, Chapter I, Article 8). Although addressing various forms of gender-based violence is important, for it to become effective, the Istanbul Convention requires states to prove their commitments through their budget addressing the issues of violence against women (Krizsan & Pap, 2016, pp. 32-33). This means that states should allocate a considerable amount of their financial resources to support the implementation of their commitments, which might not align with the priorities of the Azerbaijani government. Kifayat Aghayeva (2014) also raises the absence of specific measures related to gender

analysis and the gender approach in state budget planning in Azerbaijan. However, she states that despite the lack of direct legal provisions mandating gender budgeting or a gender approach in budgetary processes, Azerbaijan does have normative legal acts addressing gender issues and advocating for equal employment opportunities for women and men (Aghayeva, 2014, p. 176). It becomes apparent when examining the allocation of funds by the Milli Majlis (Parliament) of the Republic of Azerbaijan for various sectors in 2024 from the state budget. This clearly indicates that there is no specific allocation for gender-related issues in the state budget planned for 2024. The main priorities are defense and national security, education, social protection and welfare, economic activity, and environmental conservation. A significant portion of the budget is allocated to these areas (The Milli Majlis of the Republic of Azerbaijan, November 14, 2023).

Another potential reason could be the language of the Istanbul Convention used for describing discriminatory acts. The Convention mandates that the implementation of its provisions, particularly measures to protect the rights of victims, must be carried out without discrimination based on various grounds, including sexual orientation. However, the term “sexual orientation” is not utilized in any legal document of Azerbaijan when describing gender equality or gender-based discrimination (Council of Europe, 2011, Chapter I, Article 4). For instance, in the Law of the Republic of Azerbaijan on Ensuring Gender (Male and Female) Equality (2006), gender-based violence is defined as any form of discrimination stemming from sex, including sexual harassment, as well as any differentiation, exception, or preference that hinders or denies the equal exercise of rights based on sexual characteristics. Azerbaijan has a strong heterosexual family setting and understanding that is considered an accepted standard. Thus, homosexuality is often associated with deviation and LGBTQ people face harsh discrimination (The Center “Women and Modern World” & Sexual Rights Initiative, 2013, pp. 2-10).

The Republic of Turkey's withdrawal from the Istanbul Convention in 2021, can also be a factor influencing the stance of the Azerbaijani state. The reason that the Turkish government provided for its decision was that this Convention was against the values and morals of traditional Turkish families, and it promoted homosexuality (Amnesty International, 2021). Azerbaijan and Turkey as two Turkic nations are usually regarded as "One Nation-Two States". Both countries share the same customs, traditions, and language (Hurriyet Daily News, 2021). Given this close relationship and shared cultural background, it is reasonable to assume that steps taken by Turkey, especially concerning issues perceived as contradicting and posing a threat to traditional values and norms, could impact Azerbaijan's policies and decisions.

Overall, if Azerbaijan signs this convention, legislation will need to be changed. Specifically, changes will be required to remove the grants for reducing the marriage age to 17, address the lack of coordination between religious institutions and the government, improve the collection of comprehensive statistical information for child marriages, and establish a specific budget for gender issues.

Conclusion

In conclusion, this chapter has explored extensively the relevant articles that pertain to gender equality, protection against child and forced marriage, and the prosecution of the perpetrators as part of the legal framework in Azerbaijan. Although efforts related to the prevention pillar have recently shown improvement, as evidenced by the establishment of awareness-raising campaigns, and projects highlighting the adverse consequences of these practices, an examination of the state's efforts makes it clear that there are still various gaps that need to be filled to achieve long-lasting and effective results.

Many of the regulations and laws approved by the state mostly remain merely on paper. The statistics of unregistered pregnancies among children and school dropouts clearly show that there is a lack of implementation of these laws in practice. Moreover, the coordination between different institutions is not sufficient. This becomes apparent while examining the law which only recognizes state-registered marriages and concerning the trend in religious marriages contracted by religious leaders.

Despite the principle of equality between men and women and the state's efforts to combat gender-based violence, there exists a concerning disparity in practice. The allowance for the reduction of the marriage age to 17 under certain circumstances disproportionately affects women. The higher number of women compared to men marrying at 17 indicates a violation of women's equality rights. Although statistics demonstrate that these allowances are typically provided for girls, with either no instances or only a small number recorded for boys, the state has yet to abolish this law.

Furthermore, while Azerbaijan has signed and ratified numerous human rights treaties, including CEDAW and the CRC, there is a need to sign and ratify the Istanbul Convention in order to achieve positive results. CEDAW and the CRC are important instruments that protect women's and children's rights; however, they do not explicitly delve into child marriage. In contrast, the Istanbul Convention in this regard is very important since it addresses both women and children and the mechanisms that it offers are comprehensive legal frameworks.

Overall, the persistence of these practices can be linked to the state's reluctance to effectively combat child and forced marriages. By granting permissions and failing to implement laws in practice, the state upholds patriarchal values deeply rooted in Azerbaijani culture, as discussed in Chapter 2.

Conclusion

The global trends of child and forced marriages are similarly observed in Azerbaijan, where these practices have been justified for centuries. In this thesis, I discussed how these practices have historically been part of Azerbaijani culture and what factors have further exacerbated their prevalence. Furthermore, by using McPhail's Feminist Policy Analysis method, I revealed the gaps in both national legal documents and the international sphere. I conceptualized the inequalities found in these documents by categorizing them into 3 intervention pillars—protection, prosecution, and prevention—as introduced by Merry Engle. My analysis is built on theories that underline the influence of social relations on legal frameworks and gender hierarchies. This perspective is supported by thinkers like Connell and Beauvoir, who highlight how deeply rooted social power structures also express themselves in laws which lead to the marginalization of women.

My investigation revealed that despite the Azerbaijani state's commitment to adhere to the norms outlined in CEDAW and the CRC, there are significant gaps in the existing legislation and other legal documents, leading to a disconnect between what laws promise and their practical implementation. Furthermore, by highlighting the shortcomings of these conventions, this thesis argues that simply ratifying these conventions is insufficient. To comprehensively address gender-based violence, including child and forced marriages, it is essential to ratify the Istanbul Convention, which has not yet been done.

Examination of the historical and cultural background surrounding child and forced marriages in Azerbaijan during various periods, including the Middle Ages, following the occupation by the Russian Empire, the Soviet era, and post-independence in Chapter 2, demonstrated that the prevalence of these practices is deeply rooted in Azerbaijani traditions. Despite strict

control and prosecutive measures during the Soviet era, these marriages witnessed an increase again after Azerbaijan gained its independence. Additionally, I investigated the contributing factors that influence these practices, including the Karabakh War, poverty, absence of child benefits, lack of education for both parents and their children, and religious beliefs. This chapter concluded that while each of these factors may contribute to the continuation of these practices, the primary reason is the patriarchal society's commitment to norms and expectations, such as valuing virginity and purity before marriage, which has led to the persistence of such marriages into the present day.

Chapter 3 presented my analytical research aimed at identifying the gaps in the Azerbaijani state's approach to child and forced marriages. To achieve this, I analyzed legislative documents, including the Constitution, the Laws "On Children's Rights" and "On Education," the Family and Criminal Codes, and the Administrative Offenses Code of the Republic of Azerbaijan. Following the categorization of these documents into protection, prosecution, and prevention, I delineated the responsibilities of the Azerbaijani state under CEDAW and the CRC, while also highlighting the shortcomings of these conventions, which allow states to independently determine the legal age for marriage and being a child. After providing detailed information on both the articles of Azerbaijani legislation and its obligations under these conventions, I identified the gaps that might not be immediately apparent. This research found that the Azerbaijani state's promised obligations, as expressed in different legal documents remain on paper and unfulfilled, playing more as a show of commitment to international committees rather than implementing these obligations into concrete advancements for the rights of women and children. As McPhail suggested, when I asked the question "Is the policy merely symbolic or does it come with teeth?" (McPhail, 2003, p. 57), I observed that almost all obligations and duties that are promised to be fulfilled by the state and other institutions

are lacking in substantive results, as indicated by statistical evidence. For example, the state's mention of advocating for gender equality in the Constitution does not match with its permission for lowering the legal marriage to 17 if there are "valid" reasons (see table on page 37). Thus, even though the statistics show a concerning trend for women compared to men, the state has yet to take action to prevent this inequality resulting from patriarchal thinking.

For a country in which child and forced marriages have been accepted as a norm and sex outside of marriage is considered immoral, setting the age at 16 for sexual intercourse, and then providing permission to reduce the legal age for marriage, the state implicitly condones child and forced marriages through regulatory uncertainty.

Another gap in the legislation is regarding religious marriages. The state's indication of not recognizing these marriages may be an important step, however, the absence of clear legal accountability for religious leaders who defy this law, as well as the lack of preventative initiatives involving these leaders highlight weaknesses in the legislation. This becomes evident while analyzing the concerning trend in births given by girls between 15 and 19 both in rural and urban areas. Additionally, this emphasizes that institutions in the country do not cooperate well.

Furthermore, this research identified that almost all legal documents use general language, failing to specifically define and articulate the terms and non-compliances. The Family Code's provisions on lowering marriage age are unclear, and the sole regulation defining early marriage does not address the forced or harmful aspects of these marriages.

Additionally, legal documents do not explicitly mention child and forced marriages as violations of children's rights, and generally referencing "non-educational" activities does not

cover these practices. The Criminal Code punishes perpetrators but lacks articulation about their roles and involvement, leading to insufficient approaches to the severity of these practices.

Although some preventative measures have been implemented, they remain incomplete due to the recent prioritization of this pillar. Of particular concern are the gaps related to the limited focus on the southern regions, neglecting the implementation of awareness-raising programs in other areas.

Furthermore, Chapter 3 determined that with all the incompleteness in the legislation, the Azerbaijani government's stance on not ratifying the Istanbul Convention might be a result of several factors, such as closeness with Turkey, heterosexual values, and the state's lack of interest in allocating specific budget to gender issues. By not ratifying the Istanbul Convention which provides tools for legal and policy improvements, the state avoids committing to comprehensive measures that may challenge the current legislation and cultural norms.

I have concluded that the Azerbaijani state's lack of success in preventing child and forced marriages are its regulations that pave the way for patriarchal norms to exist. As Warner (2004) underlined "Drafting laws to prohibit child marriage is easy" (p. 270). However, the lack of practical implementation of these laws, coupled with the government's reluctance to ratify the Istanbul Convention which necessitates both theoretical and practical compliance highlights the state's implicit lack of seriousness toward this issue. Furthermore, the absence of budget allocations and weak cooperation between institutions further underscores the government's disinterest in addressing gender-related issues.

Overall, Warner's suggestion that values can be eradicated, even if they are deeply rooted in religion and tradition, highlights the potential for these practices to be transformed (Warner, 2004, p. 270). However, in order for Azerbaijan to realize that change, it must strengthen control mechanisms and ensure that no exceptions are granted for such practices.

The contribution of this thesis to current literature lies in its application of the feminist lens to analyze the Azerbaijani state's endeavors to incorporate obligations from international conventions into its national legislation. While existing literature mainly explores the historical context and drivers behind the perpetuation of child and forced marriages, it lacks a feminist policy analysis of current Azerbaijani legislation, which this research provides. It also sheds light on a paradox in the state's approach. Despite its "commitment" to enhance gender equality and prevent child and forced marriages, the government has not ratified the Istanbul Convention. This research is particularly significant for scholars and future policymakers seeking to make substantive reforms addressing the issue of child and forced marriages in the existing legal documents in Azerbaijan and beyond.

Bibliography

Aghayeva, K. (2014). Azərbaycanca Gender Məsələləri [Gender Issues in Azerbaijan].

Retrieved from <http://anl.az/el/Kitab/2016/2014-159.pdf> (Accessed 3 April 2024).

Aguilera, A., Green, S., Greene, M. E., Izugbara, C., & Murphy-Graham, E. (2022).

Multidimensional measures are key to understanding child, early, and forced marriages and unions. *Journal of Adolescent Health*, 70(2), 345-346. Retrieved from

<https://doi.org/10.1016/j.jadohealth.2021.07.026>

Ahmedova, S. (2013, March 10). Azərbaycan. Səs.[Voice] p. 6. Retrieved from

<http://www.anl.az/down/meqale/azerbaycan/2013/mart/297966.htm> (Accessed 2 May 2024).

Ahonsi, B., Fuseini, K., Nai, D., et al. (2019). Child marriage in Ghana: Evidence from a multi-method study. *BMC Women's Health*, 19, 126. Retrieved from

<https://doi.org/10.1186/s12905-019-0823-1>

Aliyev, H. (2014). Civil society in the South Caucasus: kinship networks as obstacles to civil participation. *Southeast European and Black Sea Studies*, 14(2), 263–282.

<https://doi.org/10.1080/14683857.2014.904545>

Amnesty International. (2021). Turkey's withdrawal from the Istanbul Convention rallies the fight for women's rights across the world. Retrieved from

<https://www.amnesty.org/en/latest/news/2021/07/turkeys-withdrawal-from-the-istanbul-convention-rallies-the-fight-for-womens-rights-across-the-world-2/> (Accessed 18 April

2024).

Arnett, J. J. (2000). Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist*, 55(5), 469-480. Retrieved from <https://doi.org/10.1037/0003-066X.55.5.469>

Arthur, M. et al. (2018). Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities. *Journal of Women, Politics & Policy*, 39 (1), pp. 51–74. Retrieved from: <https://www.tandfonline.com/doi/epdf/10.1080/1554477X.2017.1375786?needAccess=true>

Azercell Telekom LLC. (2021, June 16). Uşaq Qaynar Xətti (116 111). [Child Hotline] Retrieved from <https://www.azercell.com/az/about-us/azercell-korporativ-sosial-mesuliyyet/azercell-sosial-layihelerimiz/usaq-qaynar-xetti-116-111.html> (Accessed 25 April 2024).

Azzouz, F. (2021, August). *Muslim Marriage and Divorce Practices in Britain: Avenues for Regulation* (Doctoral dissertation, University of Bristol). Retrieved from https://research-information.bris.ac.uk/ws/portalfiles/portal/317420427/Final_Copy_2022_03_23_Azzouz_F_PhD.pdf

Bakupost.az. (2019, January 23). Mən təhsil almaq istəyirəm, ələ getmək yox! [I want to study, not get married!]. Retrieved from <https://www.bakupost.az/men-tehsil-almaq-isteyirem-ere-getmek-yox> (Accessed 27 April 2024).

Baysak, E., Yorguner, N., Kandemir, G., et al. (2021). Is early marriage practice a problem for women living in Istanbul? A qualitative study. *Archives of Women's Mental Health*, 24, 243–250. Retrieved from <https://link.springer.com/article/10.1007/s00737-020-01067-3>

Bunyadova, S. (2012). Orta Əsr Azərbaycan Ailəsi [Medieval Family of Azerbaijan]. Elm Publishing House. Retrieved from <http://anl.az/el/Kitab/2013/Azf-271628.pdf> (Accessed 29 April 2024).

Bunyaminzade, B. (2023). Azərbaycanda Erken Nikahlarla Bağlı Qorxunc Statistika: İqtisadi, Fiziki, Cinsi, Psixoloji Zorakılıq [Alarming Statistics on Early Marriages in Azerbaijan: Economic, Physical, Sexual, Psychological Violence]. *TNS*. Retrieved from <https://tns.az/gundem/34220-azerbaycanda-erken-nikahlarla-bagqli-qorxunc-statistika-iqtisadi-fiziki-cinsi-psixoloji-zorakiliq/> (Accessed 19 April 2024).

Casey Family Programs. (2018, February 6). What are the elements of an effective hotline system? Retrieved from <https://www.casey.org/what-are-the-elements-of-an-effective-hotline-system/> (Accessed 23 April 2024).

Chantler, K. (2012). Recognition of and intervention in forced marriage as a form of violence and abuse. *Trauma, Violence, & Abuse*, 13 (3), 176-183. Retrieved from <https://doi.org/10.1177/1524838012448121>

Cherrington, D. J. (2007). Crime and punishment: Does punishment work? *Faculty Publications*, 954. Retrieved from <https://scholarsarchive.byu.edu/facpub/954>

Cling, J.-P., & Delecourt, C. (2022). Interlinkages between the Sustainable Development Goals. *World Development Perspectives*, 25, Retrieved from <https://doi.org/10.1016/j.wdp.2022.100398>

Committee on the Elimination of Discrimination against Women & Committee on the Rights of the Child. (November 2014). General recommendation on harmful traditional practices. Retrieved from

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CEDAW/C/GC/31/CRC/C/GC/18&Lang=en

Communist Regime in North Azerbaijan. Azerbaijan. Retrieved from <https://azerbaijan.az/en/related-information/145> (Accessed 22 April 2024).

Connell, R. W. (1987). *Gender and power: society, the person, and sexual politics* / R.W. Connell. Polity Press.

Council of Caucasian Muslims. (2018, December 27). QMİ-də toplantı keçirildi [A Meeting was held at CCM]. Retrieved from <https://qafqazislam.com/index.php?lang=az§ionid=news&id=2172> (Accessed 23 April 2024).

Council of Europe. (2011). Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Retrieved from <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=210> (Accessed 19 April 2024).

Council of Europe. (n.d.-a). Historical background. Retrieved from <https://www.coe.int/en/web/istanbul-convention/historical-background> (Accessed 16 April 2024).

Council of Europe. (n.d.-b). Baku Field Office. Retrieved from <https://www.coe.int/en/web/baku/field-office> (Accessed 15 April 2024).

Council of Europe. (n.d.-c). Myths and facts about the Istanbul Convention: New explanatory video in English and Azerbaijani. Retrieved from

<https://www.coe.int/en/web/genderequality/-/myths-and-facts-about-the-istanbul-convention-new-explanatory-video-in-english-and-azerbaijani> (Accessed 15 April 2024).

Council of Europe. (n.d.-d). Raising awareness of the Istanbul Convention and other gender equality standards in Azerbaijan. Retrieved from

<https://www.coe.int/en/web/genderequality/raising-awareness-of-the-istanbul-convention-and-other-gender-equality-standards-in-azerbaijan> (Accessed 17 April 2024).

Curcio, A. A. (1998). Breaking the silence: using notification penalty and other notification measures in punitive damages cases. *Wisconsin Law Review*, 1998(1), 343-386. Retrieved from <https://heinonline.org/HOL/P?h=hein.journals/wlr1998&i=364>

Day, A., Chung, D., O’Leary, P., et al. (2009) Programs for Men who Perpetrate Domestic Violence: An Examination of the Issues Underlying the Effectiveness of Intervention Programs. *J Fam Viol*, 24, 203–212. Retrieved from: <https://doi.org/10.1007/s10896-008-9221-4>

de Beauvoir, S., (1989 [1949]). Introduction. In: H.M. Parshley, ed. and trans. *The Second Sex*. New York: Vintage Books, London: Jonathan Cape, pp. 13-28.

Decision of the Cabinet of Ministers of the Republic of Azerbaijan. (2020). Gənclər arasında ailənin və nikahın əhəmiyyəti, onun qorunması və möhkəmləndirilməsi məqsədilə erkən nikahın və qohumlar arasında nikahın mənfi nəticələrinə dair maarifləndirmə Qaydası [Education Regulation on the Negative Consequences of Early Marriage and Marriage between Relatives to Protect and Strengthen the Importance of Family and Marriage among Young People]. Retrieved from <https://e-qanun.az/framework/45254> (Accessed 19 April 2024).

DIM. (n.d.). Statistika [Statistics]. Retrieved from

<https://dim.gov.az/activities/research/statistika/>. (Accessed on 23 April 2024).

DOST. (n.d.). Aylıq sosial müavinətlər [Monthly Social Benefits]. Retrieved from

<https://dost.gov.az/services/labor-pensions-and-social-benefits/?kt=23> (Accessed 21 April 2024).

Englehart, N. A., & Miller, M. K. (2014). The CEDAW Effect: International Law's Impact on Women's Rights. *Journal of Human Rights*, 13(1), 22–47. Retrieved from

<https://www.tandfonline.com/doi/full/10.1080/14754835.2013.824274?scroll=top&needAccess=true>

Family.gov. (2021, February 9). Erken Nikah: Günümüzün Aktual Problemi [Early Marriage: A Current Problem of Today]. Retrieved from [https://family.gov.az/az/post/2277/erken-](https://family.gov.az/az/post/2277/erken-nikah-gunumuzun-aktual-problemi)

[nikah-gunumuzun-aktual-problemi](https://family.gov.az/az/post/2277/erken-nikah-gunumuzun-aktual-problemi) (Accessed 1 May 2024).

Gahramanova, S. (2010, October 7). Gender bərabərliyi Azərbaycan üçün yeni məsələ deyil [Gender equality is not a new issue for Azerbaijan]. Retrieved from

<http://www.anl.az/down/meqale/525/2010/oktyabr/135632.htm> (Accessed 22 April 2024).

Gardam, J., & Charlesworth, H. (2000). Protection of women in armed conflict. *Human Rights Quarterly*, 22(1), 148–166. Retrieved from <http://www.jstor.org/stable/4489270>

Girls Not Brides. (2019). Working with religious leaders. Retrieved from

<https://www.girlsnotbrides.org/documents/901/Working-with-religious-leaders-Girls-Not-Brides-2019.pdf> (Accessed 7 May 2024).

Girls Not Brides. (n.d.-a). Impacts on the SDGs. Retrieved from

<https://www.girlsnotbrides.org/learning-resources/child-marriage-and-sdgs/impacts-sdgs/>

(Accessed 6 May 2024).

Girls Not Brides. (n.d.-b). Gender-based violence and child marriage. Retrieved from

<https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/gender-based-violence-and-child-marriage/> (Accessed 8 May 2024).

Girls Not Brides. (n.d.-c). Addressing child marriage through education: What the evidence shows. Retrieved from <https://www.girlsnotbrides.org/documents/857/Addressing-child-marriage-through-education-what-the-evidence-shows-knowledge-summary.pdf>

(Accessed 7 May 2024).

Girls Not Brides. (n.d.-d). Azerbaijan. Retrieved from

<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/azerbaijan/> (Accessed 7 May 2024).

GlobalInfo. (2024, March 24). Azərbaycanla papağı olmayanları bura buraxmırdılar [In Azerbaijan, people without hats were not allowed here]. Retrieved from

<https://globalinfo.az/azerbaycanda-papagi-olmayanlari-bura-buraxmirdilar-video/> (Accessed 6 May 2024).

Government of Azerbaijan. (1998). Uşaq hüquqları haqqında Azərbaycan Respublikasının Qanunu [Law of the Republic of Azerbaijan on Child Rights]. Retrieved from <https://e-qanun.az/framework/3292>

(Accessed 18 April 2024).

Government of Azerbaijan. (1999). Azərbaycan Respublikasının Ailə Məcəlləsi [The Family Code of the Republic of Azerbaijan]. Retrieved from <https://e-qanun.az/framework/46946> (Accessed 18 April 2024).

Government of Azerbaijan. (2000). Azərbaycan Respublikasının Cinayət Məcəlləsi [Criminal Code of the Republic of Azerbaijan]. Retrieved from <https://e-qanun.az/framework/46947> (Accessed 18 April 2024).

Government of Azerbaijan. (2006). Gender (kişi və qadınların) bərabərliyinin təminatları haqqında Azərbaycan Respublikasının Qanunu [Law of the Republic of Azerbaijan on Ensuring Gender (Male and Female) Equality]. Retrieved from <https://e-qanun.az/framework/12424> (Accessed 20 April 2024).

Government of Azerbaijan. (2010). Məişət Zorakılığının Qarşısının Alınması haqqında Azərbaycan Respublikasının Qanunu [The Law of the Republic of Azerbaijan on the Prevention of Domestic Violence]. Retrieved from <https://e-qanun.az/framework/20131> (Accessed 20 April 2024).

Government of Azerbaijan. (2015). Azərbaycan Respublikasının İnzibati Xətalər Məcəlləsi [Administrative Offenses of the Republic of Azerbaijan]. Retrieved from <https://e-qanun.az/framework/46960> (Accessed 20 April 2024).

Graduate Women International. (2021). Gender Justice and SDG 5.3: Harmful Practices - Child, Early and Forced Marriage and Female Genital Mutilation/Cutting. <https://graduatewomen.org/wp-content/uploads/2021/03/GWI-SDG5.3-Harmful-Practices-v2.1.pdf> (Accessed 23 April 2024).

Hurriyet Daily News. (2021). One Nation, Two States: Turkey and Azerbaijan [Op-Ed].

Retrieved from <https://www.hurriyetaailynews.com/one-nation-two-states-turkey-and-azerbaijan-op-ed-169194> (Accessed 24 April 2024).

Husak, D. N. (2017, April 1). Kinds of Punishment. Retrieved from

<http://dx.doi.org/10.2139/ssrn.2979458> (Accessed 24 April 2024).

International Justice Resource Center. (2019, July). Azerbaijan: Human Rights Factsheet.

Retrieved from <https://ijrcenter.org/country-factsheets/country-factsheets-europe/azerbaijan-human-rights-factsheet/> (Accessed 28 April 2024).

International Labour Organization (ILO). (2022). Global Estimates of Modern Slavery

Forced Labour and Forced Marriage, Executive Summary. 1-10. Retrieved from

https://webapps.ilo.org/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_854795.pdf (Accessed 28 April 2024).

Kanenberg, H., Leal, R. L., & Erich, S. “Arch.” (2019). Revising McPhail’s Feminist Policy Analysis Framework: Updates for Use in Contemporary Social Policy Research. *Advances in Social Work*, 19 (1), 1–22. Retrieved from

<https://journals.iupui.edu/index.php/advancesinsocialwork/article/view/22639/22978>

Kidman, R. (2017). Child marriage and intimate partner violence: a comparative study of 34 countries. *International Journal of Epidemiology*, 46(2), 662-675. Retrieved from

10.1093/ije/dyw225. PMID: 27733435

Krizsan, A., & Pap, E. (2016). Implementing a comprehensive and coordinated approach: An assessment of Poland’s response to prevent and combat gender-based violence (pp. 7-80).

Retrieved from

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168064ecd8>

Lee-Rife, S., Malhotra, A., Warner, A., & Glinski, A. M. (2012). What works to prevent child marriage: A review of the evidence. *Studies in Family Planning*, 43 (4), 287-303. Retrieved from <https://doi.org/10.1111/j.1728-4465.2012.00327.x>

Luckenbaugh, M. S. (2016). The Myth of “Sharia” and Child Marriage. In *What All Americans Should Know About Women in the Muslim World* (Vol. 8). Retrieved from <https://cupola.gettysburg.edu/islamandwomen/8>

Lansdown, G., & Vaghri, Z. (2022). Article 1: Definition of a Child. In Z. Vaghri, J. Zermatten, G. Lansdown, & R. Ruggiero (Eds.), *Monitoring State Compliance with the UN Convention on the Rights of the Child* (pp. 407-412). Children’s Well-Being: Indicators and Research, vol 25. Springer, Cham. Retrieved from https://doi.org/10.1007/978-3-030-84647-3_40

Mahmudova, L. (2017). *Azeri Masculinities and Making Men in Azerbaijan*. Loyola University Chicago (pp. 1-55). Retrieved from https://ecommons.luc.edu/cgi/viewcontent.cgi?article=4688&context=luc_theses (Accessed 19 April 2024).

Malhotra, A., & Elnakib, S. (2021). 20 Years of the Evidence Base on What Works to Prevent Child Marriage: A Systematic Review. *Journal of Adolescent Health*, 68(5), 847-862. Retrieved from <https://www.sciencedirect.com/science/article/pii/S1054139X20306868>

Malhotra, A., Warner, A., McGonagle, A., & Lee-Rife, S. (2011). Solutions to end child marriage: What the evidence shows. International Centre for Research on Women. Retrieved

from <https://www.icrw.org/wp-content/uploads/2016/10/Solutions-to-End-Child-Marriage.pdf>

Mammadov, R. (2018). Erkən evlilik probleminin araşdırılması və ondan çıxış yolları [Investigating the problem of early marriage and ways out]. Baku: Servis Az MMC. ISBN 9789952404180. Retrieved from https://www.academia.edu/40284421/Erk%C9%99n_evlilik

Masalli Regional Executive Power. (2022, November 11). Masallıda Erkən Nikah - Erkən Gəncliyin Sonu Layihəsi [Early Marriage in Masalli - The End of Early Youth]. Retrieved from <http://masalli-ih.gov.az/az/news/masallida-erken-nikah-erken-gencliyin-sonu-layihesi.html> (Accessed 11 May 2024).

McPhail, B. A. (2003). A Feminist Policy Analysis Framework: Through a Gendered Lens *The Social Policy Journal*, 2(2–3), 39–61. Retrieved from https://www.researchgate.net/publication/233227454_A_Feminist_Policy_Analysis_Framework

Mehra, D., Sarkar, A., Sreenath, P., Behera, J., & Mehra, S. (2018). Effectiveness of a community-based intervention to delay early marriage, early pregnancy and improve school retention among adolescents in India. *BMC Public Health*, 18(1), 732. Retrieved from <https://pubmed.ncbi.nlm.nih.gov/29898696/>

Mergaert, L., Linkova, M., & Strid, S. (2023). Theorising Gender-Based Violence Policies: A 7P Framework. *Social Sciences*, 12(7), 385. Retrieved from <https://doi.org/10.3390/socsci12070385>

Merry, S. E. (2009). Violent ‘cultural’ practices in the family. In *Gender violence: A cultural perspective* (pp. 1-224). Wiley-Blackwell Pub.

Micheli, C. (2021, January 22). Use of Definitions in Legislation. Retrieved from

<https://www.capimpactca.com/2021/01/use-of-definitions-in-legislation/>.

Ministry of Education of the Republic of Azerbaijan. (2009). Təhsil haqqında Azərbaycan Respublikasının Qanunu [Law of the Republic of Azerbaijan on Education]. Retrieved from

<https://edu.gov.az/az/esas-senedler/tehsil-haqqinda-azerbaycan-respublikasinin-qanunu>

(Accessed 17 April 2024).

Ministry of Education of the Republic of Azerbaijan. (n.d.). “Məktəblinin dostu” layihəsi [“School friend” project]. Retrieved from [https://edu.gov.az/az/programmes/mekteblinin-](https://edu.gov.az/az/programmes/mekteblinin-dostu-layihesi)

[dostu-layihesi](https://edu.gov.az/az/programmes/mekteblinin-dostu-layihesi) (Accessed 11 May 2024).

Murphy, M., Ellsberg, M., Balogun, A., & García-Moreno, C. (2023). Risk and Protective Factors for Violence Against Women and Girls Living in Conflict and Natural Disaster-Affected Settings: A Systematic Review. *Trauma, Violence, Abuse*, 24(5), 3328-3345.

Retrieved from <https://doi.org/10.1177/15248380221129303>

O’Sullivan, K., & Jackson, L. (2017). Muslim marriage (non) recognition: implications and possible solutions. *Journal of Social Welfare and Family Law* 39(1), 22-41. Retrieved from

<https://www.tandfonline.com/doi/full/10.1080/09649069.2016.1272767>.

OHCHR (Office of the United Nations High Commissioner for Human Rights). (n.d.-a).

Child and Forced Marriage, Including Humanitarian Settings. Retrieved from

<https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings#:~:text=Worldwide%2C%20more%20than%20650%20million,is%2028%20girls%20every%20minute> (Accessed 24 April 2024).

OHCHR Treaty Body Database. (n.d.). Ratification Status for Azerbaijan. Retrieved from https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=11&Language=EN (Accessed 20 April 2024).

OHCHR. (n.d.-b). Convention on the Rights of the Child (CRC). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (Accessed 28 April 2024).

OHCHR. (n.d.-c). Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> (Accessed 28 April 2024).

Paterson, S., & Scala, F. (2015). Making gender visible: exploring feminist perspectives through the case of anti-smoking policy. In Fischer, F., et al. (Eds.), *Handbook of Critical Policy Studies* (pp. 481-505). Edward Elgar Publishing.

Pitre, A., & Lingam, L. (2021). Age of consent: Challenges and contradictions of sexual violence laws in India. *Sexual and Reproductive Health Matters*, 29(2), 1878656. Retrieved from <https://doi.org/10.1080/26410397.2021.1878656>

Rahimli, F. (2023). What are the drivers of child marriage: A case of Azerbaijan. CESD Press. Center for Economic and Social Development (CESD). Baku, Azerbaijan. Retrieved from <https://cesd.az/y/panel/uploads/7612052016-CESDPaperChildMarriage.pdf>

Roberts, K., Pollock, G., Rustamova, S., Mammadova, Z., & Tholen, J. (2009). Young adults' family and housing life-stage transitions during post-communist transition in the South

Caucasus. *Journal of Youth Studies*, 12(2), 151–166. Retrieved from

<https://doi.org/10.1080/13676260802600854>

Russian Civil War. (n.d.). In *Encyclopædia Britannica*. Retrieved from

<https://www.britannica.com/event/Russian-Civil-War/Foreign-intervention> (Accessed 12 May 2024).

Russian suzerainty. (n.d.). In *Encyclopædia Britannica*. Retrieved from

<https://www.britannica.com/place/Azerbaijan/Russian-suzerainty> (Accessed 12 May 2024).

Sabbe, A., Temmerman, M., Brems, E., & Leye, E. (2014). Forced marriage: An analysis of legislation and political measures in Europe. *Crime, Law and Social Change*, 62, 171–189.

Retrieved from <https://doi.org/10.1007/s10611-014-9534-6>

Samson, M. (2019). Child Benefits and Family Friendly Policies. UNICEF. Retrieved from

<https://www.unicef.org/media/95081/file/UNICEF-Child-Benefits-Family-Friendly-Policies-2019.pdf>.

Sariyeva, I. (2014, September 9). Dövlətçilik tariximiz milli adət-ənənələrimizdən qaynaqlanır [The history of statism originates from our national customs and traditions]. *Bakı xəbər*, p. 15. Retrieved from

http://anl.az/down/meqale/baki_xeber/2014/sentyabr/390547.htm (Accessed 13 May 2024).

Schmidt, V., & Shchurko, T. (2014). Children's rights in post-Soviet countries: The case of Russia and Belarus. *International Social Work*, 57(5), 447-458). Retrieved from

<https://journals.sagepub.com/doi/full/10.1177/0020872814537852>

Sultanova, S. (2013, August 15). Azerbaijan: Islam comes with a secular face. *Eurasianet*. Retrieved from <https://eurasianet.org/azerbaijan-islam-comes-with-a-secular-face> (Accessed 5 May 2024).

The Association of Religion Data Archives. (2020). National Profiles - Azerbaijan. Retrieved from <https://www.thearda.com/world-religion/national-profiles?u=16c> (Accessed 22 April 2024).

The Center “Women and Modern World” & Sexual Rights Initiative. (2013). UPR Submission on Human Rights in Azerbaijan Session of the Universal Periodic. Retrieved from https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session16/AZ/JS1_UPR_AZE_S16_2013_JointSubmission1_E.pdf (Accessed 24 April 2024).

The Milli Majlis of the Republic of Azerbaijan. (November 14, 2023). Azərbaycan Respublikasının 2024-cü il dövlət büdcəsi haqqında [About the state budget of the Republic of Azerbaijan for 2024]. Meclis.gov.az. Retrieved from <https://meclis.gov.az/news-layihe.php?id=2168&lang=az&par=0> (Accessed 26 April 2024).

The Republic of Azerbaijan. *Constitution of the Republic of Azerbaijan* (1995). Retrieved from <https://e-qanun.az/framework/897> (Accessed 10 April 2024).

The State Committee for Family, Women and Children’s Affairs of the Republic of Azerbaijan. (2023). Hesabatlar [Reports]. Retrieved from <https://family.gov.az/az/reports?page=1> (Accessed 2 May 2024).

The State Committee for Family, Women, and Children’s Affairs of the Republic of Azerbaijan. (n.d.-c). About us. Retrieved from <http://family.gov.az/en/pages/haqqimizda> (Accessed 13 May 2024).

The State Committee for Family, Women, and Children's Affairs of the Republic of Azerbaijan. (n.d.-b). 860 Support Line. Retrieved from <http://family.gov.az/en/pages/860-destek-xetti> (Accessed 4 May 2024).

The State Committee for Family, Women, and Children's Affairs of the Republic of Azerbaijan. (2023, May 16). Komitə tərəfindən həyata keçirilən ictimai məlumatlandırma tədbirləri davam edir [Public awareness campaigns conducted by the Committee continue]. Retrieved from <http://family.gov.az/az/post/3500/komite-terefinden-heyata-kecirilen-ictimai-maariflendirme-tedbirleri-davam-edir> (Accessed 12 May 2024).

The State Committee for Family, Women, and Children's Affairs of the Republic of Azerbaijan. (n.d.-a). Erkən nikahlar (təhlil). [Early marriages (analysis)]. Retrieved from [https://family.gov.az/store/media/Erk%C9%99n%20nikahlar%20\(t%C9%99hlil\)..pdf](https://family.gov.az/store/media/Erk%C9%99n%20nikahlar%20(t%C9%99hlil)..pdf) (Accessed 15 May 2024).

The State Statistical Committee of the Republic of Azerbaijan. (2023). *Azərbaycanda Qadınlar və Kişilər* [Women and Men in Azerbaijan]. Retrieved from https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2023.zipfrom (Accessed 10 May 2024).

Torrise, O. (2022). Wedding amidst war? Armed conflict and female teen marriage in Azerbaijan. *European Journal of Population*, 38(4), 1243–1275. Retrieved from <https://doi.org/10.1007/s10680-022-09645-0>

Turan. (2021, April 9). Why and How to Pay Child Benefit? Retrieved from <https://turan.az/en/analytics/why-and-how-to-pay-child-benefit-2108271> (Accessed 13 April 2024).

UNFPA Azerbaijan. (n.d.). Child Marriage in Azerbaijan (Summary). Retrieved from <https://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa%20azerbaijan%20summary.pdf> (Accessed 20 April 2024).

UNFPA, AFPPD, AusAid, ICRW. (2012, January 1). Child Marriage in Southern Asia. Retrieved from <https://asiapacific.unfpa.org/sites/default/files/pub-pdf/Child%20Marriage%20in%20Southern%20Asia.pdf> (Accessed 12 April 2024).

UNFPA. (2014). Azerbaijan Summary (pp. 1-11). Retrieved from <https://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa%20azerbaijan%20summary.pdf> (Accessed 22 April 2024).

UNFPA. (2020). State of World Population 2020. Retrieved from https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_PUB_2020_EN_State_of_World_Population.pdf (Accessed 4 May 2024).

UNFPA. (2022, February 2). Child marriage. Retrieved from <https://www.unfpa.org/child-marriage#readmore-expand> (Accessed 18 April 2024).

United Nations General Assembly. (2015). Transforming our world: The 2030 agenda for sustainable development (A/RES/70/1). Retrieved from https://www.unfpa.org/sites/default/files/resource-pdf/Resolution_A_RES_70_1_EN.pdf (Accessed 29 May 2024).

United Nations. (n.d.). Universal Declaration of Human Rights. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

VirtualKarabakh. (n.d). Karabakh- Azerbaijan. Retrieved from <https://www.virtualkarabakh.az/en/post-item/2/25/karabakh-azerbaijan.html> (Accessed 12 April 2024).

Warner, E. (2004). Behind the wedding veil: Child marriage as a form of trafficking in girls. *American University Journal of Gender, Social Policy & the Law*, 12(2), 233-272. Retrieved from <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1310&context=jgspl>

Wodon, Q. (2016). Early Childhood Development in the Context of the Family: The Case of Child Marriage, *Journal of Human Development and Capabilities*, 17(4), pp. 590–598. Retrieved from <https://www.tandfonline.com/doi/abs/10.1080/19452829.2016.1245277>

Yusifqizi, A. (2018). Təhsildən yayınlma ilə bağlı statistikani böyüdən erkən nikahlardan doğulan uşaqlardır – Açıqlama [It is children born to early marriages that drive education prevalence statistics – Disclosure]. *Big.az*. Retrieved from <https://big.az/318916-tehsilden-yayinma-ile-bagli-statistikani-boyuden-erken-nikahlardan-dogulan-usaqlardir-aciqlama.html> (Accessed 10 May 2024).