

Summary of Legislation Related to the Rights of LGBT, other MSM, and PLWH

Azerbaijan



Legislative Aspect	Law	Practice
Travel and Immigration Bans on People Living with HIV (PLWH)	PLWH may encounter problems when immigrating to Azerbaijan.	According to the Migration Code of Azerbaijan, those wishing to immigrate to the country must provide authorities with a number of documents, including a certificate indicating that they are not infected with a number of "dangerous infectious diseases." HIV is included on this list.
Criminalization of HIV Transmission	Transmission of HIV is criminalized.	Knowingly subjecting another person to the danger of HIV infection is punishable by imprisonment of up to 1 years; infection of another person with HIV by someone who knows they are infected is punishable by imprisonment of up to 5 years; HIV transmission resulting from professional negligence of medical professionals is punishable by imprisonment of up to 3 years.
Ban on Blood Donation by MSM	There is no prohibition on blood donation by MSM.	
Criminalization of Same-Sex Sexual Activity	Same-sex sexual activity is legal.	Same-sex sexual activity was decriminalized in 2000. Age of consent is 16 for both men and women.
Ban on "Homosexual Propaganda"	There is no ban on "homosexual propaganda".	
Laws on Gender Identity and Expression (changing one's legal gender and related procedures)	There is no legislation that regulates changing one's legal gender.	Existing legislation does not explicitly prohibit people from changing their legal gender. However, gender reassignment procedures are not available in the country. The cost of undergoing procedures abroad is prohibitive for most of the population. Even if one undergoes gender reassignment procedures, it is not possible to change one's legal gender and receive new identification documents.

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SOGI Antidiscrimination Laws	There are no specific antidiscrimination protections for sexual minorities.	The Constitution of Azerbaijan prohibits discrimination on the basis of race, nationality, social status, language, political beliefs, and religion. Discrimination on the basis of sexual orientation and gender identity is not expressly prohibited by any law.
Hate Crimes Legislation	There is no comprehensive hate crimes legislation.	Aggravating criminal circumstances arise when a crime is committed on the basis of the victim's nationality, race, or religion, but there are no provisions including sexual orientation or gender identity.
Recognition of Same-Sex Partnerships	There is no recognition of any kind of same-sex partnership or union.	The Constitution of Azerbaijan does not expressly define marriage as a union between a man and a woman, but does refer to 'husbands' and 'wives'. In practice, marriage is only available to opposite-sex couples.
Adoption	There is no legal act allowing LGBT people to jointly adopt children.	Single parents are eligible to adopt children. Thus, it is still possible for LGBT people to adopt.



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