

# BARRIERS, REMEDIES AND GOOD PRACTICES FOR WOMEN'S ACCESS TO JUSTICE IN AZERBAIJAN



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**BARRIERS, REMEDIES  
AND GOOD PRACTICES  
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TO JUSTICE  
IN AZERBAIJAN**

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## ACRONYMS AND ABBREVIATIONS

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|               |  |
|---------------|--|
| <b>ABAD</b>   | Easy Support for Family Businesses Public Legal Entity                     |
| <b>ASAN</b>   | State Agency for Public Service and Social Innovations                     |
| <b>AZN</b>    | Azerbaijani manat  |
| <b>CEDAW</b>  | Convention on the Elimination of All Forms of Discrimination against Women |
| <b>DOST</b>   | Agency for Sustainable and Operational Social Security                     |
| <b>EMDS</b>   | Election Monitoring and Democratic Studies Centre                          |
| <b>EU</b>     | European Union   |
| <b>GGGI</b>   | Global Gender Gap Index  |
| <b>GII</b>    | Gender Inequality Index  |
| <b>GTZ</b>    | German Technical Cooperation Agency  |
| <b>HELP</b>   | Human Rights Education for Legal Professionals                             |
| <b>ICESCR</b> | International Covenant on Economic, Social and Cultural Rights             |
| <b>IDP</b>    | Internally displaced person  |
| <b>ILO</b>    | International Labour Organization  |
| <b>LGBTI</b>  | Lesbian, gay, bisexual, transgender and intersex                           |
| <b>MIA</b>    | Ministry of Internal Affairs   |
| <b>MLSPP</b>  | Ministry of Labour and Social Protection of Population                     |
| <b>NGO</b>    | Non-governmental organization  |
| <b>OSCE</b>   | Organization for Security and Co-operation in Europe                       |
| <b>PGG</b>    | Partnership for Good Governance  |
| <b>SCFWCA</b> | State Committee on Family, Women and Children Affairs                      |
| <b>SSC</b>    | State Statistical Committee of the Republic of Azerbaijan                  |
| <b>TABIB</b>  | Regional Medical Divisions Administration                                  |
| <b>UNDP</b>   | United Nations Development Programme                                       |
| <b>UNFPA</b>  | United Nations Population Fund   |
| <b>UNICEF</b> | United Nations Children’s Fund   |

# GENERAL INTRODUCTION TO THE NATIONAL STUDIES

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The regional project on improving women's access to justice in five Eastern Partnership countries (Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine), which is part of the Partnership for Good Governance, co-funded by the European Union and the Council of Europe and implemented by the latter aims to identify and support the removal of obstacles to women's access to justice and to strengthen the capacity of national partners in each country to ensure that the justice chain is gender-responsive. Key results of the project, which is presently at the conclusion of its third phase, include national studies that map the obstacles to women's access to justice; a training manual and guidance materials addressed to judges and prosecutors as well as other legal practitioners; an open-access online course on Access to Justice for Women<sup>1</sup> and an interactive checklist for gender mainstreaming of law school curricula; and a pioneering mentoring programme for legal professionals in order to build capacity and increase gender-sensitivity through peer-to-peer learning.<sup>2</sup>

From its inception, the project has placed emphasis on increasing awareness of and identifying the critical barriers that stand in the way of women accessing justice. Thus, in 2017, the Gender Equality Division of the Council of Europe commissioned national studies to map the barriers, remedies and good practices for women's access to justice in the five partnership countries.<sup>3</sup> The objectives of each of these studies were to provide:

- ▶ an analysis of the main obstacles to women's access to justice, both legal and procedural, as well as socio-economic and cultural;
- ▶ a set of recommendations for measures to improve women's access to justice in the respective countries, including examples of good practices, where they exist;
- ▶ background information for the subsequent organisation of training for legal professionals (judges, prosecutors, lawyers, and when relevant law enforcement).

Since the time that these analyses were conducted, the world, the region and each country have experienced a number of positive changes but also the negative consequences of unforeseen events, namely the global Covid-19 pandemic, armed hostilities around the Armenian-Azerbaijani border and the military invasion, and subsequent war, against Ukraine. In many complex ways, these recent events have challenged the functioning of justice systems and raised new impediments to justice users. In order to assess how the balance has tipped for women as users of justice systems, the Gender Equality Division saw the value in revisiting the original national studies and updating them to reflect the situation in 2022. The process of revising the studies, for Azerbaijan, Georgia, the Republic of Moldova and Ukraine, also contributed to a stand-alone publication on how Covid-19 has impacted women's access to justice throughout the member states.<sup>4</sup>

Women's right to access to justice is fundamental to the realisation of gender equality as well as all other human rights. Foremost, the Council of Europe core gender equality standards are articulated in its foundational treaties: the European Convention on Human Rights and the European Social Charter (revised), and the two "new

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1 Prepared in the framework of the Council of Europe Human Rights Education for Legal Professionals (HELP) Programme and available at <https://help.elearning.ext.coe.int>.

2 Project materials and publications can be accessed at <https://www.coe.int/en/web/genderequality/strengthening-access-to-justice-for-women-victims-of-violence-2019-2021>.

3 The five country studies of 2017 are available in English and each national language at [https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{%2214965347%22:\[0\]}](https://www.coe.int/en/web/genderequality/equal-access-of-women-to-justice#{%2214965347%22:[0]}).

4 *Impact of Covid-19 on Women's Access to Justice*. 2022, <https://rm.coe.int/pgg-waj-research-final-covid-2022/1680a9cb8f>



generation” treaties, the Convention on Action against Trafficking in Human Beings<sup>5</sup> and the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).<sup>6</sup> In addition to recommendations of the Committee of Ministers on gender equality, adopted during the last four decades, recent recommendations have drawn attention to persistent manifestations of inequality, in the form of sexism and sexist norms,<sup>7</sup> and to women and girls that are in situations that render them especially vulnerable to human rights violations, namely as migrants, refugees and asylum-seekers.<sup>8</sup>

The Council of Europe Gender Equality Strategy 2018–2023<sup>9</sup> builds upon the achievements of the first such strategy (for 2014–2017) and aims to address both long-standing and new challenges. The current Gender Equality Strategy serves as the framework for member states to implement gender equality standards, and it is significant that one of the six strategic objectives is ensuring the equal access of women to justice. In fact, this strategic objective is mutually reinforcing with others on preventing and combating gender stereotypes (in this case, gender bias in the legal system), preventing and combating violence against women and domestic violence and gender mainstreaming (here, implicating methods to increase the gender-sensitivity of the justice sector). The strategy establishes specific actions, including the identification and dissemination of good practices among the member states to facilitate women’s access to justice and supporting research and standardised data collection to tackle gaps.

The 2019–2022 regional project “Women’s access to justice”, part of the joint EU–Council of Europe programme “Partnership for Good Governance II”, contributed to the overall implementation of the Gender Equality Strategy and in particular the realisation of Strategic Objective 3 on ensuring the equal access of women to justice by strengthening access to justice for women, especially women victims of violence in line with the Council of Europe gender equality standards.

Four independent national experts updated the research, focusing on where developments have occurred related to the following core issues of the first studies: (i) the most critical gender gaps in access to justice in the particular country; (ii) the extent to which the justice system responds to women’s needs, in other words, how gender-responsive it is; and (iii) recommendations for areas of improvement. All studies retained their original structure, with new findings and analysis added where relevant. Thus, the studies begin with an assessment of gender gaps and obstacles to women’s access to justice, considering legislative and policy frameworks, implementation of laws and socio-economic and cultural barriers that affect women as justice users. Here, the impacts of Covid-19 on women’s access to justice and gender equality are addressed. The studies include a discussion of the gender responsiveness of the justice systems of each country, covering such issues as the influence of gender stereotyping, availability of specialised training and education for justice sector professionals and public perceptions of and trust in the justice system. The final part of each study presents the available remedies, highlights emerging promising practices and formulates a set of recommendations that are relevant to each national context.

On the whole, the studies reveal that significant gaps in women’s access to justice remain and are common for the Eastern Partnership countries. Yet, despite the unprecedented challenges to health, well-being and security brought about by the Covid-19 pandemic and conflict, that have “turned back the clock” on gender equality, there have also been moments of brightness and important progress in the region.

Each country adopted specific legislation on gender equality more than a decade ago, but efforts to strengthen the laws and the institutions responsible for their implementation are ongoing. In Georgia, 2018 and 2020 amendments to the national gender equality law established the Standing Parliamentary Council on Gender Equality as a permanent body, as well as municipal Gender Equality Councils, to improve coordination around gender policy between the central and regional levels. In Ukraine, the State Strategy for Equal Rights and Equal Opportunities for Women and Men until 2030 was approved in 2022, with a corresponding operational plan for 2022–2024. A government Commissioner for Gender Policy position was created in 2017. Since it was established in 2013, the Council on Preventing and Eliminating Discrimination and Ensuring Equality of the Republic of Moldova has proven to be an effective mechanism for combatting discrimination. In 2021, for example, the Equality Council reported that based on a review of its cases in which discrimination was identified, discrimination on the basis of sex or gender is the second most common form; this appears to be an increase from the decisions of five years ago. On the other hand, experts in Azerbaijan call for amendments to the Law on Gender (Men’s and

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5 Entered into force on 1 February 2008.

6 Entered into force on 1 August 2014.

7 Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism.

8 Recommendation CM/Rec(2022)17 of the Committee of Ministers to member States on protecting the rights of migrant, refugee and asylum-seeking women and girls.

9 Council of Europe Gender Equality Strategy 2018–2023, available at <https://www.coe.int/en/web/genderequality/gender-equality-strategy>

Women's Equality in order to bring the definition of "discrimination against women" into compliance with international law (specifically, to recognize both direct and indirect discrimination).

Despite the existence of anti-discrimination laws, women still very seldom invoke them when their rights have been violated, due to factors such as the high burden of proof and legal professional's lack of familiarity with the norms of indirect discrimination.<sup>10</sup> Thus, legal precedent on either sex- or gender-based discrimination remains limited. Furthermore, progress has been slow in repealing discriminatory provisions in the law, most specifically concerning restrictions on women's employment. At the same time, in both the Republic of Moldova and Georgia, the understanding of hate crimes, motivated by either sex or gender, has improved and led to an increase in the number of cases concerning women victims.

One of the areas in which progress has been the most apparent is the amendment of national law and adoption of policy that have increased the protection of women who have experienced gender-based violence. For instance, the adoption of the Law of Ukraine on Prevention and Counteraction of Domestic Violence, as well as amendments to the Criminal Code, have expanded the legal understanding of victims of varied forms of domestic violence as well as sexual violence. Likewise, in Georgia, as a State party to the Istanbul Convention, the Law on Violence against Women and Elimination of Domestic Violence, Protection and Support of Victims of Violence now covers all forms of gender-based violence against women in compliance with the Istanbul Convention, and sanctions for failure to comply with a protective or restraining order have been increased. In the Republic of Moldova, legal amendments have improved access to legal aid and to emergency protection for victims of gender-based violence.

Since the first national studies were published, three of the beneficiary countries have ratified the Istanbul Convention: Georgia (2017), the Republic of Moldova (2022), and Ukraine (2022). Georgia and the Republic of Moldova submitted their first (baseline) evaluations to the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) in 2020 and 2022, respectively. Azerbaijan has adopted a National Action Plan on Combating Domestic Violence for 2020–2023.

The institutions that respond to cases of violence against women have taken steps to becoming more gender-responsive. Amendments to the Republic of Moldova law on preventing and combating family violence called for updating regulations and instructions that would guide the police, social services and medical institutions in coordinated interventions. In 2022, the Instruction on the Mechanism for Intersectoral Cooperation on intervention in cases of domestic violence was approved by the Ministry of Labour and Social Protection, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, and the National Council for State Guaranteed Legal Aid of the Republic of Moldova. In both Georgia and Ukraine, law enforcement has introduced tools for standardized risk assessments in cases of domestic violence. The Prosecutor's Office of Georgia created a unit of investigators and prosecutors, specializing in domestic violence and domestic offences, in 2018. In all of the countries that were reviewed a general trend in an increase in the number of protection orders issued for women victims of domestic violence has been observed. This finding does not necessarily indicate an increase in the occurrence of domestic violence incidents but, rather, improved confidence in and use of protection measures. Still, it should be noted that this measure is more often used by the police than prosecutors or judges, and such orders are not always used effectively (for instance, not issued in a timely manner).

Among society at large, attitudes appear to be changing, gender norms are becoming less rigid and stereotypes are starting to dissipate, as seen in a Georgian population survey that suggests a growing receptivity to the idea of a more equitable future. However, the legal systems seem slower to adapt. The studies also reveal that gender stereotypes persist in the justice system, especially concerning victims of violence against women.

The studies find that when the Covid-19 pandemic reached the Eastern Partnership countries, its impacts on women's access to justice were significant. First, when emergency measures were implemented to stop the spread of the virus, legal processes were impacted. In each country, courts closed their doors for months at a time, and legal proceedings were transferred to online systems or postponed. Each country determined the priority for cases to be heard under quarantine conditions, but by in large, this process itself was not gender-sensitive. As a result, civil cases, concerning divorce, child custody, alimony and protective orders in domestic violence cases, for example, were frequently deprioritised or were even suspended. Yet these are also the cases in which women are the majority of those who are seeking assistance through the legal system.

Second, lockdown measures had direct and negative consequences for women who were experiencing domestic violence, essentially isolating them in the home with an abuser. Each study identifies some of the most serious impacts on women. In the Republic of Moldova, for example, a significant reduction in calls to specialised

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<sup>10</sup> For example, the national study for Azerbaijan recommends that legislation be amended to include a definition of indirect discrimination; the national study for Ukraine notes that while indirect discrimination is defined in the law, courts very rarely refer to this concept.

telephone hotlines was observed during quarantine periods at the same time as an increase in texting for assistance, which is an indication of the level of control that perpetrators were exercising over victims. In Georgia, law enforcement classified gender-based violence as a less important police matter, and no mechanism for remote legal procedures was introduced. Social services for women who were experiencing violence were greatly reduced or inaccessible. In the Republic of Moldova, shelters were required to change how they operated and could not accept new clients; some had to suspend their activities. The study for Ukraine points out that public sector funds were diverted from social services to address the Covid-19 pandemic. In Azerbaijan, state-funded social services were not suspended generally, but restrictions on travel made women's access to shelters, which are only located in large cities, *de facto*, impossible.

Third, the pre-existing socio-economic and cultural barriers that had previously complicated women's access to justice, were exacerbated by the pandemic and measures introduced to contain it. Before the pandemic, women's economic dependence and economic inequality meant that they had more limited access to the resources needed for legal proceedings. The studies show that women's economic situation deteriorated further, as in each country they are the majority of healthcare workers and over-represented in sectors in which economic declines have been the most significant. In both Azerbaijan and Ukraine, for instance, women represent a large share of individual entrepreneurs and small business owners, but due to difficulties operating under Covid-19 restrictions and lack of support measures, many were forced to stop working. In the Republic of Moldova, women employed in service provision and small trade lost their livelihoods when their activities were suspended. In addition, the pandemic highlighted the disproportionate role that women play in unpaid domestic work. Stay-at-home measures had a discriminatory impact on women in increasing this burden, and yet this effect seems neither to have been considered in planning nor in subsequent assistance measures. In many ways, the Covid-19 pandemic highlighted the structural sex and gender discrimination that persists in the studied countries.

Access to justice is central to the rule of law and integral to the enjoyment of human rights. It is also an essential precondition to social inclusion and a critical element of a well-functioning democracy. The requirement of equality, including gender equality, is at the centre of the scope, exercise and fulfilment of the right to justice. The national studies confirm that progress toward gender equality had generally been moving at a steady yet slow pace. However, recent events such as the global health crisis and war in Ukraine have halted, if not reversed, this progress, in key ways. It is ever more critical that gender equality not be further undermined, which also requires dedicated efforts to strengthening women's access to justice.

# AZERBAIJAN

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*Initial 2017 report prepared by Parvana Bayramova and 2022 update prepared by Vafa Rustam*

## 1. INTRODUCTION

Since gaining independence in 1991, Azerbaijan has become a state party to a range of international human rights treaties<sup>11</sup> and has ratified some regional human rights treaties<sup>12</sup>, including the European Convention on Human Rights and the European Social Charter (revised). On 19 December 2019, Azerbaijan ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201 – hereinafter Lanzarote Convention).

The Constitution of the Republic of Azerbaijan (Government of Azerbaijan 1995)<sup>13</sup> stipulates that international treaties are an integral part of Azerbaijan’s domestic legislative system.<sup>14</sup> International treaties, to which Azerbaijan is a party, have priority over national normative legal acts (with the exception of the Azerbaijani Constitution and acts adopted by referendum) if a conflict arises between them.<sup>15</sup>

Respect and protection of human rights reflected in the above-mentioned international agreements cannot be guaranteed without access to justice, which is an integral element of the rule of law. Women’s access to justice, particularly, is one of the keys to the realisation of human rights and freedoms and the realisation of equality and non-discrimination on the grounds of sex and gender. Today, it is possible and important to guarantee women’s access to justice by implementing international human rights standards around the globe.

This study is based on the understanding that access to justice is central to the rule of law and integral to the enjoyment of basic human rights. It is also an essential precondition to social inclusion and a critical element of a well-functioning democracy. Access to justice can be construed as the ability of people, including people from disadvantaged groups, to seek and obtain a remedy through institutions of justice and in conformity with human rights standards. The requirement of equality, including gender equality, is at the centre of the meaning, the exercise and the fulfilment of the right to justice.

The Azerbaijani Constitution provides for the right to equality and prohibits the restriction of rights and freedoms on the ground of sex, among others. Although the Constitution does not refer to the term “gender”, articles 25 and 60 incorporate an equal protection clause (equality before the law). It is important to note that the

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11 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CPC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities (CRPD), the United Nations Convention against Transnational Organized Crime (CTOC), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

12 [European Convention on the Compensation of Victims of Violent Crimes \(ETS No. 116\)](#), [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(ETS No. 126\)](#), [Framework Convention for the Protection of National Minorities \(ETS No. 157\)](#), [Convention on Cybercrime \(ETS No. 185\)](#), [Council of Europe Convention on Action against Trafficking in Human Beings \(CETS No. 197\)](#), etc.

13 The Constitution of Azerbaijan, 12 November 1995.

14 Article 148, the Azerbaijani Constitution.

15 Ibid. Article 151.

Law of the Republic of Azerbaijan on Gender (Men's and Women's) Equality was adopted in 2006, and it provides definitions of the concepts of gender equality and non-discrimination (Government of Azerbaijan 2006). The Law on Gender (Men's and Women's) Equality defines gender equality as "equality of rights between women and men, equal opportunities to exercise their rights and equal social status."<sup>16</sup> The law describes "equal opportunities" as "equal conditions and provisions created for men and women to exercise human rights."<sup>17</sup> Accordingly, sex-based discrimination is "any distinction, exclusion or privilege restricting or denying the exercise of rights on the grounds of sex."<sup>18</sup> Although there is no separate anti-discrimination law in the country, the principles of equality and non-discrimination are reflected in several other laws, including the Criminal Code and the Labour Code. Furthermore, gender impact statements are not part of the legislative process. Neither the adoption of legislation nor policy in Azerbaijan requires the incorporation of a gender perspective to assess how either might affect gender equality.

Azerbaijani legislation stipulates that "justice in the Republic of Azerbaijan is administered on the basic principle of equality of everyone before law and court, irrespective of ... sex."<sup>19</sup> It is important to note that Azerbaijan has achieved some progress during the last ten years in undertaking legislative reforms regarding the rights of women. Key milestones include:

- ▶ the adoption of the Law on Prevention of Domestic Violence (2010);
- ▶ amendments to the Criminal Code criminalising trafficking in human beings, including a provision on forced and child marriages (2011);
- ▶ amendment of the Family Code setting the minimum age of marriage at 18 for both women and men (2011); and
- ▶ addition of a new section on the implementation of cases requiring long-term protection orders for victims of domestic violence to the Code on Civil Procedures (2011).

Regarding the issue of equal access to justice for women and men, the following changes have been made to the national law and policy since 2015, when the previous national report was drafted. Note that the list is not exhaustive, but it presents especially significant legal and policy changes since 2015.

Laws:

- ▶ amendments to the Criminal Code (2017), increasing the sanctions in relation to any crime that violates the rights of a pregnant woman or a woman with children under the age of three;
- ▶ amendments to the Criminal Code (2015) increasing sanctions for the coercion into actions of sexual nature, sexual relations and other actions of a sexual nature with a person who has not reached the age of 14; depraved actions, carried out without application of force against the person who has not reached the age of 16, involving a minor in prostitution, or committing immoral actions.
- ▶ amendments to the Civil Procedure Code (2016) requiring that court decisions on alimony and on the issuance of a long-term protection order to a victim of domestic violence be implemented immediately;
- ▶ adoption of a new Code of Administrative Offenses (2015), aggravating sanctions for employers who put pressure on or persecute employees reporting sexual harassment.

Presidential decrees and orders on:

- ▶ Establishment of Easy Support for Family Businesses (ABAD) Public Legal Entity (2016), providing assistance to family households;
- ▶ Establishment of the Agency for Sustainable and Operational Social Security (DOST) under the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan (9 August 2018).

National Action Plans:

- ▶ National Action Plan on Combating Corruption (2012–2015) and (2022–2026);
- ▶ National Strategy on Reproductive Health (2019–2025);
- ▶ National Action Plan on Combating Trafficking in Human Beings in the Republic of Azerbaijan (2014–2018) and (2020–2024);

16 Article 2.0.2, Law on Gender (Men's and Women's) Equality.

17 Article 2.0.3, *ibid.*

18 Article 2.0.4, *ibid.*

19 Article 7, Law of the Republic of Azerbaijan on Courts and Judges.

- ▶ National Action Plan on Enhancing the Efficiency of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan;
- ▶ National Action Plan on Combating Domestic Violence (2020–2023).

Corruption is one of the significant barriers to women’s access to justice in Azerbaijan.. The Azerbaijani government is currently attempting to take action in this area. Thus, the national action plans for promoting open government and combating corruption were adopted in 2012. The last anti-corruption national action plan was renewed in 2022. In comparison to previous years, during the past decade, there has been some progress in combating corruption owing primarily to the establishment of multiagency organizations,<sup>20</sup> the continued focus on e-government, and the implementation of judicial reforms (OECD 2016). The infrastructure of courts was improved, and during the pandemics, e-tools were integrated into the judiciary’s operations more quickly (OECD 2022). Despite these efforts, Transparency International’s corruption perceptions index ranked Azerbaijan 157th out of 180 countries in 2022, marking a drop of 29 places in its ranking from 2021. Additionally, only small changes have been made in the systems that victims of violence face in the police, prosecutor’s office, and local executive authorities.

Further, Azerbaijan ranked 97 out of 146 countries in the 2023 Global Gender Gap Index (GGGI) (World Economic Forum 2022). The GGGI measures a country’s progress toward gender equality based on four subindexes (economic participation; educational attainment; health and political empowerment); full gender parity is scored 1.00. To note, Azerbaijan’s GGGI score changed slightly from 0.675 in 2015 to 0.692 in 2023. Azerbaijan also ranks 70 out of 170 countries on United Nations Development Programme (UNDP) Gender Inequality Index (GII) for 2021, scoring 0.294 points. The GI is a gender *inequality* metric based on three dimensions (reproductive health, empowerment and the labour market); a score of 0 indicates that women and men fare equally, while 1 means that one gender fares as poorly as possible.

Equal compensation for labour, rank and profession is guaranteed for both women and men under Azerbaijani legislation. The only grounds that influence remuneration for the same job are work experience and academic degrees. However, there is still a significant income disparity in the country between men and women. According to the World Economic Forum, from 2019 to 2012, the wage gap increased, meaning that women in 2019 were earning only 48% of what men earned, as compared to 52% previously. In comparable jobs, women were earning 73% of what men earned (ADB 2019: 22). Official national data indicates that in 2021, men on average earned 35% more than women when their mean monthly salaries were compared (State Statistical Committee of Azerbaijan 2022: 154).

Having considered the above-mentioned recent developments in Azerbaijan, the objective of this study is to review persistent obstacles to women’s access to justice in Azerbaijan, as well as remedies and good practices existing in the country. The study identifies gender gaps in Azerbaijani legislation, policies and practices that restrict women’s access to justice. The national legal and policy framework in different fields of law, including constitutional law, criminal law and labour law, are analysed with this aim. Furthermore, because the global coronavirus (Covid-19) pandemic beginning in 2020 significantly affected women’s access to justice in recent years in Azerbaijan, the study includes a section on these impacts.

## 2. GENDER GAPS IN ACCESS TO JUSTICE

### 2.1. Obstacles to women’s access to justice in national legal and policy frameworks

#### 2.1.1. Analysis of legislation and practices

The following analysis of relevant fields of law is based on a set of questions used to define discriminatory laws and practices with regard to women. These questions reflect international and European gender equality standards.

##### **Constitutional law**

The Azerbaijani Constitution provides for equality of all people with respect to the law and law courts and states that women and men possess equal rights and freedoms. The Constitution imposes a duty on state bodies and

<sup>20</sup> Azerbaijani Service and Assessment Network (ASAN) Service was established in 2012 and DOST service in 2018.

institutions to guarantee the equal rights of women and men.<sup>21</sup> It is important that the Constitution contains this anti-discrimination clause binding any person, organisation or enterprise, which means that the Constitution prohibits discrimination against women in public and private spheres.<sup>22</sup>

***Does the Constitution encompass direct and indirect discrimination? Is such a prohibition of discrimination contained in special legislation?***

The Constitution guarantees the equality of rights and freedoms to everyone irrespective of sex, among others, and prohibits restricted rights and freedoms of persons on the ground of sex. As previously mentioned, the Law on Gender (Men's and Women's) Equality defines sex-based discrimination. It defines it as "any distinction, exclusion or privilege restricting or denying the exercise of rights on the grounds of sex."

Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), defining "discrimination against women",<sup>23</sup> covers both direct and indirect discrimination and states that not only acts that have the purpose of discriminating but also acts that effect discrimination constitute discrimination against women. The Committee on the Elimination of Discrimination against Women (CEDAW Committee) differentiates between direct and indirect discrimination in its General Recommendation No. 28, para. 16:

States parties shall ensure that there is neither direct, nor indirect discrimination against women. Direct discrimination against women constitutes different treatment explicitly based on grounds of sex and gender differences. Indirect discrimination against women occurs when a law, policy, programme or practice appears to be neutral as it relates to men and women, but has a discriminatory effect in practice on women, because pre-existing inequalities are not addressed by the apparently neutral measure.

Thus, the definition of gender-based discrimination in the Law on Gender (Men's and Women's) Equality does not cover both direct and indirect discrimination and does not fully comply with international requirements in this field. In its fifth periodic report to the CEDAW Committee, the Azerbaijani Government referred to Article 12 of the Azerbaijani Constitution providing that all international agreements and conventions that Azerbaijan has ratified are considered to be part of its domestic legislation. Therefore, in the case of any discrepancy between the definition of "discrimination against women" as contained in the Law on Gender (Men's and Women's) Equality, the definition in Article 1 of CEDAW will be given precedence (CEDAW Committee 2013, para.4). The report<sup>24</sup> states that:

[t]here is also regular and ongoing training organized by the Academy of Justice under the auspices of the Ministry of Justice of the Republic of Azerbaijan for all Justice and law enforcement and court officials including Judges, lawyers, notaries and the Prosecutor's Office. The training programmes cover all the articles of the Convention and more particularly, the importance of giving a broad interpretation to the definition of "gender-based discrimination" in line with Article 1 of the Convention (CEDAW Committee 2013, para.5).

However, it would be useful to amend the Law on Gender (Men's and Women's) Equality to bring the definition of "discrimination against women" into compliance with international law and to make the meaning of this notion clear for judges, lawyers and state officials, as well as representatives of civil society and potential subjects of discrimination.

Based on approximately ten interviews conducted with lawyers for this study and observation of previous awareness-raising trainings for lawyers, it can be said that lawyers in Azerbaijan are not sufficiently aware of the meaning of direct and indirect discrimination. As far as can be determined, there has also been no court decision or judgment in which the definition of "discrimination against women" was provided as including direct and indirect discrimination.

21 Article 25(V), Azerbaijani Constitution: "Everyone shall be guaranteed equal rights in any proceedings before state authorities and bearers of public authority that decide upon his/her rights and duties."

22 Article 25(IV), Azerbaijani Constitution: "No one may be harmed, granted advantages or privileges, or refused to be granted advantages or privileges on the grounds laid down in paragraph III of the present article"; Article 25(III): "The State shall guarantee the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organisations. It shall be prohibited to restrict rights and freedoms of human beings and citizens on the grounds of race, ethnicity, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organisations."

23 Article 1, CEDAW: "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

24 Note that Azerbaijan's sixth periodic report to the CEDAW Committee (2019) does not include updated information about the constitution or about judicial training on discrimination against women in line with the convention.

### ***Does the Constitution guarantee substantive equality between men and women?***

The constitution stipulates the equality of all persons before the law and the courts. It also provides for equal rights and freedoms for women and men. The relevant provision covers formal equality not stipulating equal opportunities for women and men, which is important for achieving substantive equality. However, the Law on Gender (Men's and Women's) Equality defines gender equality as legal equality of women and men, equal opportunities for realisation of these rights and their equal social status in society. Thus it is possible to say that Azerbaijani legislation guarantees equality by giving women and men equal rights and opportunities. However, despite the fact that the equality of women and men is affirmed in the Azerbaijani Constitution and in other legal texts – including the Law on Gender (Men's and Women's) Equality – there is still considerable *de facto* gender inequality in the political, economic and social spheres.<sup>25</sup>

### ***Does the Constitution mention gender identity and sexual orientation as protected grounds from discrimination?***

Gender identity and sexual orientation are not mentioned as protected grounds for discrimination in the Constitution. The lack of gender identity and sexual orientation creates additional difficulties related to access to justice for women who identify as LGBTQI and face intersectional discrimination. However, Article 130 of the Constitution of the Republic of Azerbaijan states that courts may apply to the Constitutional Court of the Republic of Azerbaijan for interpretation and application of the Constitution and laws of the Republic of Azerbaijan concerning the implementation of human rights and freedoms. It is authorised to comment on existing protected grounds and potentially broaden them to include gender identity and sexual orientation. Using its power, Constitutional Court can expand the list of protected grounds and have a positive impact on the recognition and protection of LGBTQI rights in practice.

### ***Labour law***

Azerbaijan is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the European Social Charter (revised). In 2010, Azerbaijan ratified the International Labour Organization (ILO) Conventions No. 156 on Workers with Family Responsibilities and No. 183 on Maternity Protection (revised).

### ***Has the legislation removed the prohibition for women on working in particular fields of employment or at particular hours? Are there restrictions on women's choice of employment?***

The Labour Code of Azerbaijan<sup>26</sup> prohibited the employment of women workers in labour-intensive jobs, in hazardous workplaces, including underground tunnels, mines and other underground work.<sup>27</sup> It also prohibited the employment of women as workers who are required to lift or carry heavy items from one place to another, beyond the limits specified in the legislation.<sup>28</sup> At the same time, Decree No. 170 issued by the Cabinet of Ministers of Azerbaijan in 1999 set out 39 areas of employment from which women were excluded. These included: metal processing; construction and repair work; mining; drilling; oil and gas extraction; work in power plants; the manufacture and repair of aircraft; shipbuilding; chemical production; furniture making; cement making; and the manufacture of glass products. Although even some Azerbaijani lawyers and non-governmental organizations (NGOs) referred to these provisions as benefits to women provided by the law, they constituted discrimination against women by not allowing them to freely decide on their own employment.

In its concluding remarks, the CEDAW Committee criticized the restrictions and recommended abolishing the list of all non-recommended occupations restricting women's access to certain professions and jobs and also applying the restrictions on a case-by-case basis, rather than to all women (CEDAW Committee, 2022, para. 32(a)).

On 5 November 2022, amendments were made to the Labour Code, removing the prohibition for women from working in the above-mentioned fields, with the exceptions being the prohibitions that remain in place for women who are pregnant or have children under one year of age. According to the new amendments, when an employee becomes pregnant, the employer must transfer pregnant women or women with children under

25 Report of the Special Rapporteur on Violence against Women, its causes and consequences, Rashida Manjoo. Addendum, Mission to Azerbaijan. 25 April 2014., para. 27.

26 The Labour Code of the Republic of Azerbaijan was approved with the Law of the Republic of Azerbaijan on Approval, Entry into Force and Related Legal Regulation Issues of the Labour Code of the Republic of Azerbaijan No 618-IQ, 1 February 1999.

27 Article 242, Labour Code.

28 According to Article 241(2) of the Labour Code "work duties of women workers can include manual lifting and carrying of heavy objects within the limits specified below:

- a) along with performing other duties, lifting by hand and carrying to another place objects of which the total weight is no more than 15 kilograms;
- b) lifting to a height of more than one-and-a-half metres an object of which the weight is no more than 10 kilograms;
- c) lifting by hand and carrying to another place objects of which the total weight is no more than 10 kilograms during the entire workday (work shift);
- d) carrying of objects by carts or other vehicles, the lifting of which would require more than 15 kilograms of power."



one year of age to light work until these circumstances no longer apply. During this period, the average salary is maintained (Government of Azerbaijan 2022b).

Similarly, in May 2023, Decree No. 170 was replaced with Decree No. 172, under which, the above-mentioned prohibitions were reserved only for pregnant women and those with children under one year of age. All other prohibitions on women's employment in certain fields were removed (Government of Azerbaijan 2023).

The mentioned changes are significant steps towards ensuring gender equality in labour relations. Moreover, these changes comply with the following principles of Article 8 of the Social Charter, which stipulates that parties must undertake to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants, in underground mining and all other work that is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

***Are restrictions regarding duties at work for pregnant women or women having children under three years old in compliance with international norms?***

The Labour Code prohibits women who are pregnant or have children under three years of age to work on night shifts, overtime shifts, weekends or on a holiday – considered as a non-business day or other days – or sending them on job-related travel (Government of Azerbaijan 1999a, Article 242). The relevant provision of the Labour Code, does not comply with the relevant requirement of the above-mentioned Article 8 of the Social Charter, as the article prohibits conditions of work such as working on weekends or holidays, or being sent on business trips, which are not necessarily dangerous, unhealthy or of an arduous nature for pregnancies. This prohibition reflects cultural stereotypes of women as the persons primarily responsible for raising children. It restricts the free choice of work for pregnant women and women with children under three years of age, and it impacts their careers and makes women less advantageous employees than men.

***Are there any discriminatory (direct and/or indirect) provisions in the regulations on maternity, paternity and parental leave?***

According to the law, women shall be granted pregnancy and maternity leave of 126 days, starting 70 calendar days prior to childbirth and ending 56 calendar days after childbirth. In the event of abnormal or multiple births, women shall be granted 70 days leave after childbirth. The Labour Code takes into account the needs of rural women and provides additional days of maternity leave after childbirth for women working in the agricultural sector: 70 calendar days after birth for normal childbirth; 86 calendar days for difficult births; and 110 calendar days for multiple births (Government of Azerbaijan 1999a, Article 125). According to the Labour Code, the employment contracts of pregnant women and women with children under the age of three, as well as single fathers raising a child under the age of three, may not be terminated (Government of Azerbaijan 1999a, Article 79).

A parent who is directly caring for a child until it is three years old shall be eligible for partially paid social leave<sup>29</sup> to the extent determined by legislation. An employee caring for a child may use partially paid social leave completely or in part, at her/his discretion (Government of Azerbaijan 1999a, Article 127). Although the legislation allows both fathers and mothers to take advantage of partially paid social leave, the amount of allowance<sup>30</sup> does not make up for lost wages and is even less than the subsistence minimum for children.<sup>31</sup> This has the practical effect of forcing parents, primarily mothers, to drop out of the labour market and devote themselves full time to childcare. The Labour Code defines additional leave for women with children. Regardless of the amount of basic and additional leave time, working women with two children under the age of 14 shall be eligible for two additional calendar days of leave; women with three or more children of this age or with a child with a health condition shall be eligible for five additional calendar days of leave. The law provides 14 calendar days of unpaid leave for men whose wives are on maternity leave. It provides for 14 calendar days of unpaid leave for women or single fathers with children under the age of 16, which are granted in addition to regular paid leave (Government of Azerbaijan 1999a, Article 130). Furthermore, the Labour Code provides benefits for women such as breaks for feeding/nursing a child and payment of wages for the time spent dealing with children's medical examinations.

Azerbaijani legislation provides positive conditions and opportunities for mothers, while the same is not the case for fathers. Fathers may benefit from all these labour-related benefits only if they are raising children as single parents for a particular reason (if the mother of the children has died, has been deprived of her rights to motherhood, has to be away for therapy in a medical institution, or has to spend time in jail) (Government of Azerbaijan 1999a, Article 244 to 246). Fathers are eligible for the same additional leave if they raise their children without mothers (Government of Azerbaijan 1999a, Article 117).

<sup>29</sup> The Labour Code differentiates academic leave, labour leave and social leave, depending on the reason.

<sup>30</sup> AZN 44 for the care of a child under one and a half years of age and AZN 28 for the care of a child from one and a half to three years of age

<sup>31</sup> subsistence minimum for children, set by the Law on Subsistence Minimum for 2022 is AZN 193

By being afforded only to women and ensured for men only on the condition that they raise their children alone, these benefits and opportunities perpetuate the gender stereotype that women are mainly responsible for raising children. The Council of Europe recommends that member states take action, within the framework of a general policy promoting equal opportunities and equal treatment, to enable women and men, without discrimination, to better reconcile their working and family lives. Committee of Ministers Recommendation No. R (96) 5 on reconciling work and family life seeks paternity leave for fathers of newborn children and states that “both the father and the mother should have the right to take parental leave during a period to be determined by the national authorities without losing either their employment or any related rights provided for in social protection or employment regulations. The possibility should exist for such parental leave to be taken part-time and to be shared between parents” (Council of Europe, 1996).

Article 27 of the Social Charter provides for the right of workers with family responsibilities to equal opportunities and equal treatment. Azerbaijani legislation does not fully comply with the relevant international standards in this field.

It should also be noted that the above-mentioned provisions defining paid leave and additional leave only for women can result in indirect discrimination against women in the labour market. All expenses for paid leave, additional leave and other related benefits shall be covered by the employer, which makes it more advantageous for employers to hire men. This is one of the problems faced by women, especially potential mothers, in the recruitment process,<sup>32</sup> despite the fact that this issue is directly addressed by the Law on Gender (Men’s and Women’s) Equality, which states that “compensations, privileges and fringe benefits for women specified by the Labour Code shall not be considered as discrimination” (Government of Azerbaijan 2006a). Long periods of employment leave can also have a negative impact on women, not least because they cause lengthy interruptions to their careers and education.

***Is there compulsory paternity leave in legislation?***

No.

***Does the legislation provide for equal pension rights for women and men?***

The Law of Azerbaijan on Labour Pensions defines different ages for women and men for old age work pensions. The retirement age is 65 for men and 63.5 for women as of 1 August 2023. According to the Law on Labour Pensions, women’s retirement age will be increased by six months annually until the retirement ages are equalized. The procedure will continue until 1 July 2027, when the retirement age of women reaches 65.

**Figure 1. Schedule for the elimination of the retirement age gap**



Source: Data from the Law of Republic of Azerbaijan on Amendments to the Law on Labour Pensions No.543-VQD (Government of Azerbaijan (2017a).

At the same time, the retirement age is reduced by five years for women who have five or more children. Moreover, the minimum contributory years required to qualify for pension benefits was increased twice,<sup>33</sup> including

32 See [http://femida.az/news.php?id=960#\\_VWXqp8\\_tmko](http://femida.az/news.php?id=960#_VWXqp8_tmko), accessed 28 November 2016.

33 The Law on Labour Pensions was amended in March 2017, increasing required contributory years up to 25 years. The previous provisions of the Law, in force from October 27, 2009, until March 10, 2017, required only 12 years (and only 10 years for women with 5 or more children) of insurance contributions.

in 2017 for women with children. Due to these changes, women with children have difficulty accessing pensions because of their career breaks required for childcare. Women with children, as well as women who were not allowed to undertake paid employment by their family members but rather did the majority of unpaid domestic work, are not able to collect the minimum contributory years provided by the pension legislation. As a result, women do not receive as much pension insurance as men; they either do not receive a pension at all or the pension that they receive is such a low amount that they live at the minimum subsistence level.<sup>34</sup> Furthermore, there are no pension-sharing schemes available when couples divorce in Azerbaijan. This has a negative impact on the economic security of divorced women who are much more likely to have been financially dependent on their husbands, than the reverse situation. However, if they existed, such schemes would allow spouses to dispose of their share on their own and women would be able to receive compensation for their unpaid work that supported men's careers and, hence, their retirement assets. Thus, pension legislation does not take into account the realities of women's role in the family.

To sum up, the imposition of a different retirement age for women, as well as not considering women's realities when determining minimum contributory years, such as career breaks due to childcare and domestic work, constitutes discrimination based on sex and notably, it prevents women from equal access to income, promotions and many associated benefits such as superannuation. Compliance with international standards requires ensuring that women are treated on an equal basis with men and therefore also requires legislation to ensure not only equal retirement ages but also equal outcomes in the pension system for women and men.

## **Family law**

### ***Do women face any difficulty in divorce cases?***

According to the Family Code of the Republic of Azerbaijan,<sup>35</sup> divorce is possible through an administrative procedure or judicially. When there is mutual consent of the spouses to dissolve the marriage, if they do not have common minor children, divorce is executed in the appropriate body of the executive power (body of the state registration of the acts of civil status of the Ministry of Justice of Azerbaijan), (Government of Azerbaijan 1999b, Article 17). Disputes about the division of common property of the spouses; payment of funds for maintaining a disabled spouse who is unable to work; and disputes arising between the parties, if one is adjudged to be disabled, imprisoned for a period not less than three years, or about children, are considered judicially (Government of Azerbaijan 1999b, Article 18). Dissolution of marriage is executed judicially if spouses have common minor children (Government of Azerbaijan 1999b, Article 19.1).<sup>36</sup>

The possibility of divorcing through an administrative procedure in the case of mutual consent does not guarantee protection of women's rights to the same extent as judicial proceedings. Common minor children as one of the requirements for dissolution of marriage by the court may constitute discrimination against women without a child, mandating an administrative procedure. The existence of a child is considered one of the most important elements of the family in Azerbaijani society. Infertility is always seen as the fault of the woman, and a woman without a child has inferior status, especially in rural areas. Infertility is one of the main reasons for divorce through external interference (by older family members, such as a mother-in-law) in Azerbaijani society.<sup>37</sup> The possibility of divorce through an administrative procedure creates a context in which women without children may be forced to "agree" to mutual consent and results in a violation of women's rights, such as property rights or maintenance amounts, for example. The law should take this into account and make divorce possible only through judicial proceedings.

Amendments to the Civil Procedure Code and the Law on State Duties<sup>38</sup> of 9 July 2021 introduced new legal barriers to obtaining a divorce. Following these amendments, mediation is now required in all family law proceedings, including for divorce and child support. Domestic violence is not an exception to this rule (Government of Azerbaijan 1999g, article 4.6; Mammadova 2022). According to a legal aid lawyer, who provided information for

34 According to legislation, in case a person reaches retirement age but has not accrued the minimum contributory years required to qualify for pension entitlements, they are entitled to receive the social allowance for age. However, the amount of such allowances, is set at the monthly subsistence minimum.

35 The Family Code was approved with the Law of the Republic of Azerbaijan on Approval, Entry into Force and Related Legal Regulation Issues of the Family Code of the Republic of Azerbaijan of 28 December 1999, No 779-IQ.

36 On the hand, Article 17.2 provides for the dissolution of a marriage due to the application of one of the spouses regardless of their having common minor children, and is executed by the appropriate body of the executive power (body of the state registration of the acts of civil status of the Ministry of Justice of Azerbaijan), if another spouse:  
17.2.1. is judicially judged to be untraceable;  
17.2.2. is judicially judged to be disabled;  
17.2.3. is convicted for committing a crime with imprisonment for a period not less than three years.

37 Alternative report to the CEDAW Committee. Counterpart International. p. 56.

38 The law has taken effect from 1 October 2021.

this study, initial mediation adds nearly a month to the divorce process in addition to court proceedings (personal communication, 9 June 2022). It increases the risk of conflict between the parties in domestic violence cases, which may result in re-victimization. Fees for mandatory mediation proceedings have been introduced, and state duties have been increased (Government of Azerbaijan 2001, Article 8). Due to these changes, the plaintiff's court expenses have risen five times in divorce proceedings.

The Cabinet of Ministers of the Republic of Azerbaijan on 16 August 2019 in its decree No. 360 approved "Regulations on the Payment of Mediation Expenses from the State Budget". However, according to the information provided by a representative of the Mediation Council, only a few applicants applied and benefited from the assistance. Responding to the specified requirements and gathering all necessary documents, as indicated by legal experts, takes an excessive amount of time, making it often impossible to obtain the assistance in due course (personal communication 18 April 2023).

Another barrier is the three-month reconciliation period imposed by the courts during divorce proceedings. In practice, the courts automatically grant time for reconciliation if one of the spouses does not agree to a divorce. No exceptions to this rule are made in cases of domestic violence.

Alimony claims for the maintenance of children are one of the lawsuits filed during the divorce. Although the court expense is waived for the plaintiff for alimony claims, they have to bear the costs of compulsory mediation proceedings. Furthermore, while alimony judgments are immediately enforced, the court judgment is issued late due to the extension of proceedings by the mandatory mediation sessions. It makes divorce difficult for socially and economically disadvantaged people, especially victims of domestic violence.

Another pressing problem in Azerbaijan is the enforcement of judgments, including on alimony. Non-execution of a judgment, decision, or another act of the court is criminalized under Article 306<sup>39</sup> of the Criminal Code. However, in practice, the enforcement mechanism for alimony orders remains ineffective. In the first half of 2021, 664 letters and 1 718 complaints from citizens were submitted to the State Committee on Family, Women and Children Affairs (SCFWCA)– 384 of which concerned non-enforcement of court decisions in general. According to Kamala Ahmadova, senior consultant of one of the Prime Enforcement Office's departments under the Ministry of Justice, among the reasons for non-enforcement of child support decisions are debtors' lack of a place of work, or residence, lack of income, their poor financial situation, serious illness and disability, especially during the Covid-19 pandemic (Report News Agency 2021). It should be noted that there is no alimony fund in Azerbaijan. The Ombudsperson of the Republic of Azerbaijan highlighted the need to establish such a fund in her reports and speeches (Ombudsperson 2022: 36). However, there has been no change in this regard.

In divorce cases in which there is a history of domestic violence, there are often cases in which the abusive spouse seeks visitation rights with the children and intends to confront and control the victim during and after the divorce. A victim of domestic violence said that her ex-husband requested the court to give custody of their child to him so that he would know of his wife's whereabouts (personal communication, 15 September 2019). In such cases, the courts frequently do not consider factors such as the fact that the person committed domestic violence and that the children witnessed the incident, and they allow the abusive spouse to meet with the children. Although the decision of the Plenum of the Supreme Court contains general norms that limit visitation rights of abusive parents who endanger a child's health and impede their development and well-being,<sup>40</sup> it does not specify or recognise domestic violence in the family as a condition that negatively affects child development and well-being. This situation creates additional challenges for victims of domestic violence with children during court proceedings.

Valuation of non-monetary contributions during the marriage is partly covered in Article 32.3 of the Family Code: the right to joint property shall also be enjoyed by the husband (wife) who kept the house or who looked after the children in the period of the marriage, or who did not have an independent income because of other valid reasons. Article 37 of the Family Code states: during the division of joint property, the husband's and wife's shares in this property shall be considered equal unless otherwise stipulated by the marriage contract. The court shall have the right to depart from the principle of equality of the husband's and wife's shares in their joint property, proceeding from the interests of underage children and (or) from the essential interests of one of the spouses, in particular, in the cases, when the other spouse did not derive any income because of invalid reasons, or if they squandered the spouses' joint property to the detriment of the interests of the family (Government of Azerbaijan 1999b). However,

39 Article 306.1 states: Malicious non-execution of a judgment, decision, ruling or order of the court that has entered into force, or interfering with their execution – shall be punishable by a fine of AZN 2 000–4 000, or public works for the term of three hundred twenty to four hundred eighty hours, or corrective works for the term of up to two years, or restraint of freedom (see) for the term up to three years, or imprisonment for the term of up to three years.

40 Decision No. 6/2011 of the Plenum of the Supreme Court of the Republic of Azerbaijan «On the Experience of Courts in Applying Legislation regarding the Visitation Rights of Parents and Other Relatives with the Child» dated 28 October 2011

there is no provision in the law that would take full account of women's unpaid domestic and caregiving activities in determining appropriate compensation for harm in civil, criminal, administrative, or other proceedings. The Family Code of the Republic of Azerbaijan states that spouses must support each other financially (Government of Azerbaijan 1999b, Article 84.1). In case of refusal and absence of agreement between spouses about the payment of alimony, the right to bring to court the party who has the necessary funds belongs to:

- ▶ disabled persons who need the financial aid of a spouse;
- ▶ a wife, during the period of pregnancy and for three years from the birth of common children;
- ▶ an indigent spouse who takes care of a common child with a disability, until the child is 18 years old;
- ▶ an indigent spouse who takes care of a common child with a disability in Group 1 (Government of Azerbaijan 1999b, Article 84.2).

This provision restricts women's rights, especially their access to justice. Spouses should be able to request a judicial decision on the absence of spousal support should they need it, without being limited to the categories above. The list of reasons for applying for maintenance for a woman is also limited and discriminates against women without children (Government of Azerbaijan 1999b, Article 85.2).

***Does the law safeguard the rights of girls and women in unregistered marriages and their children and provide for their access to justice?***

The legislation creates a number of barriers to women's access to justice in unregistered marriages. First, the division of their shares in common joint property is not regulated by law, and they face difficulties dividing the property they acquired during their cohabitation.

Women in unregistered marriages face further difficulties in securing their inheritance rights. Although female and male surviving spouses have equal inheritance rights (Government of Azerbaijan, Articles 2 and 9), common-law spouses and same-sex partners are not considered lawful heirs. The law does, however, permit anyone to make testament about their heirs, and this includes common-law spouses (Government of Azerbaijan 1999c, Article 1166). However, this is not widely practiced in Azerbaijan as many people do not write testaments. Further, common-law spouses do not have rights of survivorship over pensions.

Women with children face additional challenges in informal marriages to meet court expenses in disputed paternity cases. The court fees in paternity cases are three to four times higher than the country's nominal average wage.<sup>41</sup>

Child/early marriage is another serious problem in Azerbaijan. It is important to note that in 2011 the minimum legal marriage age for both women and men was set at 18 years. However, child/early marriages are conducted through religious ceremonies (*kabin*), and in the case of a dissolution of such marriages girls/women and children born as a result have no legal protection. The law should safeguard the rights of girls and women in unregistered marriages and their children. The law should also prohibit conducting religious marriages without prior formal and legal registration.

Despite the fact that early marriage is criminalized in Azerbaijan,<sup>42</sup> the law is rarely invoked in practice. The number of criminal cases of child/early marriages is not available to the public.

***Criminal law***

***Have such forms of violence against women as domestic violence, stalking, marital rape been criminalised?***

No. Non-criminalisation, specifically of such forms of violence as domestic violence, stalking and marital rape, restricts women's access to justice. There is no specific offence of domestic violence in the criminal law, even if in its General Recommendation No. 19(24)(r), the CEDAW Committee declares that states parties are obligated to adopt laws against family violence and abuse. According to the Declaration on the Elimination of Violence against Women issued by the General Assembly of the United Nations in 1993, violence against women encompasses acts that result in or are likely to result in physical, sexual or psychological harm or suffering, including coercion and other deprivations of liberty. While common assault offences, typically present in most penal codes,

<sup>41</sup> Average monthly nominal wage for women was AZN 525 in 2020 in Azerbaijan (The Statistical Committee of Azerbaijan 2021: 137). Court expenses for paternity suits is approximately AZN 1 300–2 000 on average, consisting of mediation fee (AZN 50) (Government of Azerbaijan 2019c); DNA testing costs (AZN 1 000–1 500) (Medicina.Az Medical Portal 2021); court fee (AZN 100) (Government of Azerbaijan 2001, Article 8.2), and attorney fee (at best is, about AZN 250–350) (E-Huquq.Az Information Platform 2021).

<sup>42</sup> The Criminal Code was approved with the Law of Azerbaijan on Approval, Entry into Force and Related Legal Regulation Issues of the Criminal Code of Azerbaijan of 14 July 2000, No. 907-IQ.

could be used in some limited circumstances, they do not incorporate the complexity of domestic violence. Therefore, to fully comply with UN standards, domestic violence offences should be incorporated into criminal law legislation. Paragraph 124(b) of the Beijing Platform for Action recommends that governments ensure that the legislation effectively protects women from violence and prosecutes offenders.

It should be noted that the Criminal Code includes several crimes such as deliberate murder (Article 120), causing someone to commit suicide (Article 125), deliberate causing of serious harm to health (Article 126), deliberate causing of non-grievous harm to health (Article 127), deliberate causing of less serious harm to health (Article 128), torture (Article 133), threat to murder or to cause serious harm to health (Article 134), rape (Article 149), and violent actions of a sexual nature (Article 150), coercion into actions of sexual nature (Article 151), sexual relations and other actions of a sexual nature with the person who has not reached the age of 16 (Article 152), depraved actions (Article 153), infringement of labour rights of a pregnant woman or a woman raising a child under the age of three (Article 164), forced marriage of a woman (Article 176). Many domestic violence or gender-based violence crimes would fall under one of these categories. However, it would be more effective for the prevention and prosecution of domestic violence to include it in the Criminal Code as a specific crime or at least as an aggravating circumstance to any other crime. A beating, if it does not result in the infliction of serious, non-grievous, or minor damage to health, does not entail criminal liability and is instead classified as an administrative offense, punishable by a fine of 300 AZN-500 AZN (approximately €150- €250 euros), or depending on the personality and circumstances of the offender, by administrative arrest for two months. The act of beating was decriminalized in 2012 with no exceptions for domestic violence.

Amendments to the Criminal Code in 2015 increased sanctions for some gender-based violence crimes in Article 149.3.3 (rape committed wittingly against a person under the age of 14), Article 152 (sexual relations and other actions of a sexual nature with minors), and in Article 153 (depraved actions committing immoral acts without the use of violence against a child). The following three types of psychological violence are criminalized: causing a person to commit suicide (Article 125), torture (Article 133), and threat to murder or cause serious harm to health (Article 134) (Government of Azerbaijan 1999e). Other psychological and economic acts of domestic violence are not criminalized but are considered administrative offences.

There is no specific clause on marital rape in the Criminal Code of Azerbaijan. Although the general rape clause can be applied to these cases, in practice, the concept of marital rape is much misunderstood and even considered “controversial.” In this regard, a social worker, who provided information for this study described the following situation: “a police officer from the 30<sup>th</sup> police station and I took a victim of marital rape for a forensic examination on 19 April 2022 in Baku. The male forensic expert refused to examine her by justifying that marital rape is not a crime and is a ‘typical’ kind of relationship between spouses. When the police officer insisted that he give an expert opinion, he refused stating, ‘Are you teaching me my work?! I cannot give any opinion on this issue. It is illegal,’” (personal communication, 4 May 2022).

Furthermore, there are no admissibility rules in the Criminal Procedure Code for prior sexual conduct evidence when relevant and necessary. In the absence of such rules, victims may be humiliated, blamed and prevented from asserting their rights.

#### ***Is the definition of rape in compliance with international standards?***

The Criminal Code defines rape as “sexual relations with the application of violence or with the threat of its application to the victim or other persons, or by taking advantage of the helpless condition of the victim” (Government of Azerbaijan 1999e, Article 149.1). This definition does not comply with international standards, as it is based on the use of force rather than lack of consent. Women may submit to intercourse because of threats, coercion or intimidation, or blackmail, including threats of harm to a third party (such as a child, sibling or parent). A statutory definition of consent in criminal law legislation would afford greater protection to women by specifically determining the range of circumstances involved. Such a definition would also designate the standards of acceptable sexual conduct, and should specifically include the variety of situations in which a woman may submit due to threats or coercion or may not be able to express consent or lack of consent. The definition should clarify that such situations do not constitute consent. It should also be non-exhaustive, allowing the court discretion to determine the facts of a particular case before making a finding that the woman consented.<sup>43</sup> The definition of rape should be amended accordingly in the Criminal Code and include marital rape.

#### ***Are there provisions on forced pregnancy and forced abortion in the Criminal Code?***

Male preference and sex-selective abortions are common problems affecting women in Azerbaijan. Women, especially in rural areas, are forced to go through with pregnancies without their consent, with the aim of that

<sup>43</sup> Jivan, V. and Forster, C. Translating CEDAW into law. CEDAW legislative compliance in the Cook Islands. UNDP, UNIFEM, 2008. p. 16.

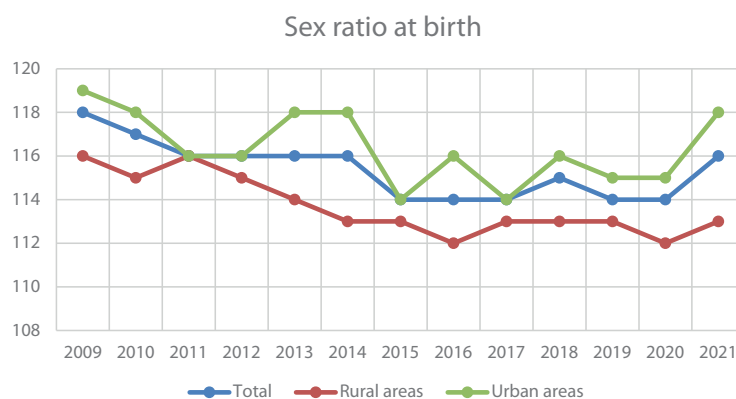
they will give birth to boys, and forced to have an abortion when it is known that a girl will be born. Patriarchal attitudes and stereotypes about male preference also contribute to the high level of sex-selective abortions in Azerbaijan. NGOs working on the protection of women’s rights report that “cases when husbands, the husbands’ parents or other relatives force the women to have an abortion and get rid of the girl are fairly common.”<sup>44</sup> One woman, a 34-year-old mother of a son and a daughter, said “[m]y husband forced me to go for an abortion six times before I gave birth to a son. Each time I was pregnant, when the time came to find out the sex of the child, I was so scared. Every time I had to go through this hell and I could not explain to my husband what a torture it is to have an abortion, especially so many times.”<sup>45</sup>

The Criminal Code does not have any specific provisions for victims in such situations. It has a provision on forced pregnancy, but only in the context of crimes against peace and “security of humanity;” (Government of Azerbaijan 2000, Article 108.1).<sup>46</sup> The relevant provision of the Criminal Code on illegal abortion does not cover forced abortion.

The Parliamentary Assembly of the Council of Europe, in its Recommendation 1979 (2011) on prenatal sex selection draws attention to skewed sex ratios at birth in a number of member states, including Azerbaijan. The Parliamentary Assembly in its Resolution 1829 (2011) on prenatal sex selection expresses the belief that the social and family pressure placed on women to have sex-selective abortions is to be considered a form of psychological violence and that the practice of forced abortions is to be criminalised.<sup>47</sup> The Parliamentary Assembly calls on member states to introduce legislation with a view to prohibiting sex selection in the context of assisted reproduction technologies and legal abortion, except when it is justified to avoid a serious hereditary disease.<sup>48</sup> There is no provision in the legislation of Azerbaijan or mechanisms of implementation that would allow women in such situations to apply for justice.<sup>49</sup>

The sex ratio at birth in Azerbaijan has become closer to the biological norm in recent years. Between 2015–2020, more than 114 boys were born for every 100 girls in Azerbaijan (note the biologically normal ratio ranges from 102 to 106 male births for every 100 female births). And there is a difference between rural and urban areas. It can be assumed that stereotypes and male-preference is higher in rural areas due to a more traditional ways of life. Compared to the previous period of 2009–2014, the ratio decreased from 116 to 114 boys in 2015–2020, becoming less skewed (State Statistical Committee of Azerbaijan 2021: 56). However, it increased in 2021 to 116 boys again (State Statistical Committee of Azerbaijan 2022: 62). The data illustrates that the observed trend (see Figure 2) was temporary and there is a need for intensified efforts in this particular field.

**Figure 2. Sex ratio at birth in urban and rural areas (number of male births per 100 female births)<sup>50</sup>**



Source: State Statistical Committee of Azerbaijan: Women and Men in Azerbaijan, Statistical Yearbook, 2022, p. 62

44 See [www.infosud.org/Azerbaijan-Abortions-of-females-on,7204](http://www.infosud.org/Azerbaijan-Abortions-of-females-on,7204), accessed 28 November 2016.

45 Ibid.

46 Article 108–1 of the Criminal Code on Forced Pregnancy: “Illegal imprisonment of a woman, for forced pregnancy with a view to change the ethnic structure of this or another population or accompanying other gross infringements of international law, shall be punished by imprisonment for a term between 10 to 15 years, up to life imprisonment.”

47 Ibid. para. 5.

48 Ibid. para. 8.7.

49 The draft law on protection of reproductive health and family planning prohibits sex-selective abortions, with exceptions for when there is a possibility of high risk of genetic disorders because of the sex. This law is pending approval by the Milli Mejlis (the national parliament) of Azerbaijan.

50 State Statistical Committee of Azerbaijan 2021: 56.

## Civil law

The Civil Law of Azerbaijan provides for women's and men's equality in all civil matters. Equal and secure access to the usage, control, and ownership of land and non-land assets are guaranteed by the laws of Azerbaijan for both women and men (Government of Azerbaijan 1995, Articles 29–30). Likewise, the law does not discriminate between married or unmarried men and women or husbands and wives in ownership rights to property (Government of Azerbaijan 1999b, Article 29). The Civil Code of the Republic of Azerbaijan states that widows and widowers, as well as daughters and sons, have equal inheritance rights (Government of Azerbaijan 1999c, Article 1159). Additionally, the legislation does not restrict equal access to financial services. However, the Civil Law of Azerbaijan does not mention explicitly that women and men have equal opportunities to exercise their rights in this area. In fact, there are instances in which women in Azerbaijan are not free to exercise these rights in practice. For example, *de facto*, women must obtain permission from family members in civil matters. In most cases, they are not permitted to apply for loans or have transactions notarized or register their title to property on their own. As a rule, inheritance is passed to sons or other male family members. Women rarely bring claims against family members in such cases.

Regarding transgender persons, Azerbaijani legislation allows changing one's gender in civil registration documents. In practice, the procedure is highly bureaucratic and lengthy. There is an informal service to deal with the bureaucracy around changing one's gender, which costs around AZN 1 500 (approximately €750 euros). According to legal aid lawyer, people who want to change their gender usually seek help due to such burdens (personal communication, 6 May 2022).

### 2.1.2. Negative impact of gender-neutral legislation

According to the Code of Criminal Procedure of the Republic of Azerbaijan:<sup>51</sup>

proof shall consist in the procurement, verification and assessment of evidence in order to establish facts of importance for the lawful, thorough and equitable determination of the criminal charge. The prosecutor shall be responsible for proving the grounds for the criminal responsibility of the accused and whether or not he/she is guilty.<sup>52</sup>

This gender-neutral provision restricts women's access to justice in cases of sexual violence and discrimination. In practice, one of the reasons that women do not apply to the courts in cases of sexual harassment, violence or other forms of discrimination is the difficulty of proving that the offence took place and the absence of reversal of the burden of proof. The Council of the European Union (EU) in its Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex states:

Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.<sup>53</sup>

Even if Azerbaijan is not a member of the EU, the requirement that the burden of proof shall be on the respondent party in cases of violence and discrimination has become a customary norm. There are often no witnesses to sexual offences and this requirement discriminates against sexual assault victims as it implies that women may lie about sexual assaults. Similar requirements are not made of victims of other offences such as common assault, and there is no reason why victims in trials of sexual offences should be viewed as a particularly unreliable class of witness and/or that the word of a woman is inherently worth less than that of an accused man. Therefore, in order to provide effective complaints procedures and remedies for victims, the legislation should remove the burden of proof from the applicant in cases related to discrimination and violence against women. The Code of Criminal Procedure should therefore include an exception regarding cases of violence against women and discrimination.

51 The Code of Criminal Procedures was approved with the Law of Azerbaijan on Approval, Entry into Force and Related Legal Regulation Issues of the Code of Criminal Procedures of Azerbaijan of 14 July 2000, No. 907-IQ.

52 Ibid. Article 138, Code of Criminal Procedures.

53 Article 4, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31997L0080&from=EN>, accessed 28 November 2016.



### 2.1.3. Shortcomings of special laws aimed at equality between women and men or the protection of women

#### *The Law on Prevention of Domestic Violence*

The adoption of the Law of the Republic of Azerbaijan on Prevention of Domestic Violence in 2010 is one of the progressive steps taken for achieving the necessary level of protection of women's rights and prevention of violence and discrimination against women, and was welcomed by international organisations and international treaty bodies. However, there are several shortcomings in the law and its implementation. The shortcomings can be summarised as follows:

- ▶ according to the law, "if there are any data on committed or prepared crimes in a complaint on domestic violence, this kind of complaint shall be considered in the manner prescribed by the criminal procedure law" (Government of Azerbaijan 2010a, Article 5.1). However, the Criminal Code clearly states that "the laws providing the criminal liability and providing punishment of the person who committed a crime shall be subject to application only after inclusion in the present Code" (Government of Azerbaijan 2000, Article 1.3). Domestic violence has not yet been included in the Criminal Code as a specific crime. It is relevant to note that the Criminal Procedure Code has no specific provisions to address the particular needs and rights of women victims of domestic violence;
- ▶ the law states that if the case of domestic violence is not criminal, the complaints will only be investigated with the consent of the victim or her/his legal representative (Government of Azerbaijan 2010a, Article 6.3). Incompatibility existing between the law and the Criminal Code mentioned above makes this provision unclear. The law does not specify which acts of domestic violence should be subject to criminal prosecution and which should be addressed through administrative procedures;
- ▶ the law clearly mentions the state's duty to "assist in the normalisation of relations between parties and resumption of family affairs" (Government of Azerbaijan 2010a, Article 7.4). This provision can be interpreted as privileging mediation and reconciliation over the protection of women's human rights (Manjoo 2014, para. 64). Practice shows that it is the main policy of state bodies, including the SCFWCA, to achieve mediation and reconciliation in domestic violence cases. Even judges, while considering related cases, refer to this provision. For example, a trial monitoring team reported that in one case, the judge repeatedly asked that the victim to say the word "reconcile" for the court record, despite the victim's apparent reluctance to do so. Such an expression of formal consent could be used as the basis to terminate the proceedings;<sup>54</sup>
- ▶ the law provides for the possibility of issuing a "warning" to the perpetrator not to engage in violence in the future (Government of Azerbaijan 2010a, Article 11). However, there is some confusion as to whether this warning could be issued with a short-term protection order, if it could be used as evidence during a trial, or if it is a prerequisite to obtaining a protection order. In practice, this lack of clarity reportedly results in law enforcement personnel not taking appropriate action (Manjoo 2014, para. 65).
- ▶ the law provides an exhaustive list of perpetrators of domestic violence, covering relatives who cohabit together and close family members, formerly married couples cohabiting or living separately after divorce, individuals appointed as guardians or foster parents, persons under guardianship or in foster care, and men and women cohabiting in informal marriages, along with their close relatives living jointly.<sup>55</sup> However, it does not cover all relationships that may constitute domestic violence. In Azerbaijan, the concept of family is more extensive than the law covers, leading to challenges in practice. A woman with two children and a spouse with a mental impairment stated that her brother-in-law (husband's brother) had assaulted her for many years despite her frequent complaints to the relevant bodies. No action was taken against him, and no protection order was issued (personal communication, 6 December 2020). The law does not classify such situations as domestic violence. Additionally, intimate partner violence is not considered for not married couples not living together (ex-boyfriend-girlfriend relationship).

#### **Vulnerable groups**

Azerbaijani legislation does not specifically recognise lesbian, gay, bisexual, transgender and intersex (LGBTI) status among the grounds for non-discrimination. Intolerance based on sexual orientation and gender identity remains a problem and is still a taboo topic in Azerbaijan. There is no data on access to healthcare, and data has also not been collected on some important human rights dimensions of public health, including participation

<sup>54</sup> Domestic Violence Cases in the Justice System of Azerbaijan. Rule of Law and Human Rights Unit. OSCE Office in Baku, 2013 (OSCE report), p. 20.

<sup>55</sup> Article 4 of the Law on Prevention of Domestic Violence

in policy-making, implementation and review. Data on particularly vulnerable population groups, such as people involved in prostitution, street children, people with disabilities, and LGBTI persons, are generally limited.

National gender equality strategies and action plans do not address the specific needs of women and girls with disabilities, women migrants and refugees, and women from low-income or other marginalized groups. There are no policies or national action plans for Roma people or for other national minorities.

### ***Women with disabilities***

The UN Committee on the Rights of Persons with Disabilities, in its concluding observations on the initial report of Azerbaijan, recommends that the country review and harmonize its legislation on the rights of persons with disabilities and, while doing so, ensure its correspondence with the articles of the Convention. The Committee suggests that persons with disabilities and their representative organizations fully participate in this process (UN Committee on the Rights of Persons with Disabilities 2014, para. 9).

The Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities, adopted in 2018, stipulates a guarantee of justice for persons with disabilities. According to Article 34 of the law, specialized intermediaries (readers and professional sign language interpreters) are made available to persons with disabilities who participate in administrative and judicial proceedings and need assistance. However, there is no national strategy in Azerbaijan to protect and advance the rights of women with disabilities and their access to justice.

At the same time, the Committee on the Rights of Persons with Disabilities recommends that the Azerbaijani government “further revise its legislation and policies to remove all disparaging and degrading references to persons with disabilities” (UN Committee on the Rights of Persons with Disabilities 2014, para. 9). The legislation is currently being amended in this direction. In particular, Law No. 114-VIQD of 19 May 2020 amended all existing codes by changing derogatory language. However, some legislation and policy acts, such as the Resolution of the Cabinet of Ministers No. 185, dated 10 May 1994 (Article 4), still contain offensive language.

Azerbaijan’s legal system conflates mental and legal capacity, and this presents a barrier to access to justice for people with mental disabilities. Specifically, persons with mental disabilities face very significant hurdles to independently accessing justice. In almost all cases, guardians make legal decisions for them. As a result, people with mental disabilities are unable to defend themselves or seek justice. The Civil Code provides guardianship and trusteeship regimes for people with mental disabilities (Government of Azerbaijan 1999c, Article 28.8).

For people with physical disabilities, physical access to courts is a significant barrier to justice (CEPEJ 2020: 22). Some facilities, such as police stations and courtrooms, are almost inaccessible to those with physical disabilities or impairments, including accessible information on procedures and rights (e.g., in Braille and sign language interpretation). Building architecture is being made more accessible, and other adjustments introduced, but these activities are carried out in a fragmentary way without a guiding strategy. This situation does not allow for practical accessibility for people with disabilities. In practice, no technological devices, such as hearing enhancement and induction loop systems, video or computer technologies to magnify images, or real-time captioning are available in courts.

The Code of Criminal Procedure provides for several reasonable accommodations, including procedural accommodations made in the legal process, to ensure effective participation in the justice system of all people with disabilities. Article 92.3.2 of the Criminal Procedure Code states that “if the suspect or accused is a person with a hearing, visual, or speech impairment, or has other serious speech, hearing, or visual disabilities, or cannot exercise his right to defend himself independently due to serious chronic illness, mental incapacity, or other defects, the participation of defence counsel shall be ensured.” According to Article 153.2.10 of the Criminal Procedure Code, officials of the prosecuting authority and those in charge of temporary detention facilities must “not treat the detainee in a way that fails to respect his personality or dignity, and pay special attention to women and persons under the age of 18, the elderly, the ill, or persons with disabilities.” According to Article 229 of the Criminal Procedure Code, “an interview with a witness who has speech, hearing, or visual disabilities shall be conducted with the participation of a person who understands his signs or who can communicate with him in sign language” (See Article 229.1). “Where a witness suffers from a mental or other serious illness, the interview shall be conducted with the permission and participation of a doctor” (Article 229.2). “When a witness with speech, hearing, or visual disabilities, or a witness suffering from a serious illness, their representative and legal representative shall be entitled to participate” (Article 229.3). It is recommended that Azerbaijan implement age-related accommodations to ensure that disabled children and youth can participate effectively (McCabe 2012: 16).

The legislation provides no such requirement that the standard “best interpretation of will and preferences” should apply, rather than the “best interests” standard. No protocols or guidelines guide justice-sector actors (police, investigators, prosecutors or judges) in questioning persons with disabilities. The existing protocols do not address the specific needs of disabled women who have been victims of sexual or gender-based violence.

## ***Women in prison***

Inequality affects not only women seeking help from justice but also women in conflict with the law. The CEDAW Committee recommends that States “protect women prisoners from threats, harassment and other forms of harm” (UN Committee on the Elimination of Discrimination against Women 2015a, para. 18.g).

In Azerbaijan, the total number of inmates, including pre-trial detainees, was 22,334 as of January 31, 2022. In terms of gender distribution, there were 21,713 male inmates and 621 female inmates, constituting approximately 2.8% of the total prison population (Aebi, Cocco, & Molnar, 2023: 31, 44). Azerbaijan maintains one women’s prison and one juvenile correctional institution in Baku.

Women commonly commit offences as a result of poverty or oppression. The majority of women imprisoned in Azerbaijan are sentenced under Criminal Code Articles 234 (illegal manufacture, purchase, storage, transportation, transfer, or selling of narcotics, psychotropic substances, or their precursors), 317–1 (delivery or transfer of prohibited items to persons detained in penitentiaries or remand prisons), 177 (theft) and 178 (fraud), and 144–1 (human trafficking). Women sentenced under Articles 234 and 317–1 were typically coerced into committing the crime by their husbands (personal communication 9 June 2022). Azerbaijani courts do not consider coercion, post-traumatic stress disorder or signs of traumatic brain injury experienced by women offenders as victims of gender-based violence.

It is challenging for women in prison to access justice. Women prisoners are not provided with information on their rights in the process of filing complaints. After a visit to the women’s prison on 30 April 2022 in Baku, a lawyer said that most of the imprisoned women are not adequately informed about their rights. Most of them do not believe that their complaints will be sent to the relevant authorities by the corrections authorities (personal communication, 8 May 2022).

Data is not collected or published to make assessments on custodial violence against incarcerated women, such as strip searches; surveillance while showering, in toilets; virginity testing and sterilization; rape and sexual assault; forced pregnancy (carrying to term); against juvenile detainees, against children of detainees or of corrections staff. Scans and other alternative screening methods are not used in prisons to replace strip searches and invasive body searches to avoid the potentially harmful psychological and physical effects of invasive body searches, as stipulated in the Bangkok Rules. There have been reports of harassment against LGBTI prisoners, sex workers and drug users by corrections authorities in a pre-trial detention centre in Baku in 2022. A legal aid lawyer stated, “when two transgender female drug users were detained, they were treated inhumanly, with degrading treatment. They were kept in the men’s prison. Prison officials made them walk down the corridor in high heels, cut their hair, stripped them naked in front of other male detainees, and touched their breasts to see if they had had plastic surgery. The other detainees considered them ‘filthy’ and prohibited them from touching anything, including water and tea containers. They were forced to change their clothes in a small toilet because they felt ashamed to do so in front of other male detainees” (legal aid lawyer, personal communication, 6 May 2022). Decision No. 63 of the Cabinet of Ministers of Azerbaijan, dated 26 February 2014, as well as Order No 13-T of Azerbaijan’s Ministry of Justice, dated 24 March 2004, both provide for protective custody in order to protect imprisoned persons from harm, either from other prisoners or from outside sources.

Prisoners, including women prisoners, face difficulties in social reintegration following their release. The Law of the Azerbaijan Republic on the Social Adaptation of Persons Released from Penitentiary Institutions provides for social, legal, psychological and informational assistance, and according to Article 14 of the law, persons released from prison are provided with a one-time pay-out of AZN 1 000 (approximately €500). Nevertheless, women released from prison have trouble finding work and accessing psychological, medical and legal assistance. One released woman complained that the state employment office had repeatedly referred her to organizations with open positions. Those organizations, however, refused to hire her because of her electronic bracelet (personal communication, 6 April 2022). There are no measures taken against such employers for discrimination, for example.

According to a UN expert on prison reform, people incarcerated worldwide are being “disproportionately affected” by the Covid-19 pandemic (UN News 2021). In this regard, under Presidential Order No.1970, dated 6 April 2020, pardons were granted to imprisoned persons, including women over age 65. As of 23 November 2020, approximately 2 300 persons in prison have been released on parole or transferred to a light-duty penal institution. Home arrest and other alternative measures were used to release 740 people. However, it is difficult to evaluate the impact of the pandemic on incarcerated women in Azerbaijan due to the lack of data on the security of the victims; increase in gender-based violations in places of detention; application of non-custodial measures to any of the following groups of women: pregnant women and women in prison with their children; those with health conditions; those detained on low-risk offences; those with less than 12 months remaining on their sentence; the availability of health care, including sexual and reproductive health care during the

pandemic; protection of the fundamental human rights of (female) prisoners during the pandemic: adequate nutrition, water, personal hygiene, protective supplies and communication with their families.<sup>56</sup>

#### 2.1.4. Access to legal aid

Qualified and effective legal aid is one of the basic guarantees of access to justice. Expensive legal services and lack of access to free legal aid are among the main obstacles that women face to bring violations of their rights to court. Insufficient economic means is a barrier to women's access to justice as they cannot afford to pay for qualified legal assistance and free legal aid is often not of a high standard. The results of surveys with victims, focus groups and expert interviews conducted by NGOs confirm that the extremely expensive legal services of lawyers, which very few women can afford, are among the barriers to justice in Azerbaijan (Gender Association "Symmetry" and Karat Coalition 2011, p. 3).

Article 61 of the constitution stipulates everyone's right to receive qualified legal assistance. In cases envisaged by law, legal assistance shall be provided free of charge, at the expense of the state. According to Article 20 of the Law on Advocates and Advocacy, the accused person and everyone who lacks funds to be represented in court has the right to be represented by advocates funded by the government. In Azerbaijan, state-funded legal aid is only provided in cases where representation by a lawyer is mandatory under the law, namely for civil cases, in last court instance (cassation), in cases of administrative detention for a limited category of persons, and in criminal cases for suspects and accused persons (not for the victims) (Mijatović 2019, para. 73). A law on free legal aid has been drafted, but its adoption is still pending.

In practice, receiving free legal assistance in civil cases is almost impossible. According to Azerbaijani legislation, the lawyer responsible for providing free legal services shall be appointed by the first instance court. However, to submit an application to the first instance court on the provision of free legal aid, plaintiffs need a lawyer to help draft the application. The Law on Advocates and Advocacy and the Code of Civil Procedure do not foresee any legal mechanism for the provision of free legal aid before the appellate court and the first instance court for people with low-incomes.

The National Action Plan for Combating Domestic Violence for 2020–2023 tasks the Cabinet of Ministers, SCFW-CA and the Ministry of Finance with establishing a mechanism to provide free legal assistance to victims of domestic violence. However, two years have passed since then, this mechanism has still not been established. Although the Law on Prevention of Domestic Violence provides the right to free legal aid for victims of domestic violence, they are unable to take advantage of this right. This is partly due to the decision of the Cabinet of Ministers of the Republic of Azerbaijan "On the Amount to be Paid to Lawyers, Translators, Specialists and Experts," dated 1 February 2001, No. 31 which does not list domestic violence cases among those that are eligible.

During her 2014 mission to Azerbaijan, the UN Special Rapporteur on violence against women and girls, its causes and consequences received complaints about the poor quality of legal representation from the state legal aid services. This results in perceptions of a lack of justice, particularly as indicated by interviews with women in prison. The hiring of private lawyers by some women leads to the conclusion that women from precarious socioeconomic backgrounds are less likely to have their rights properly defended because of their dependence on poor-quality legal aid lawyers (Manjoo 2014, para. 32). One of the factors contributing to the situation is the relatively low pay offered to legal aid lawyers. According to the Decision No. 31 of the Cabinet of Ministers of the Republic of Azerbaijan, legal aid lawyers receive state remuneration of AZN 6 (approximately €3) per hour.

Respect for the competence of legal aid lawyers is another obstacle. In *Huseynli and Others v. Azerbaijan*,<sup>57</sup> the European Court of Human Rights observed that "during the hearing, the State-funded lawyer did not submit any written objections, complaints or motions on the applicant's behalf. In his oral submissions, the lawyer simply stated that the applicant was not guilty and asked the court to terminate the administrative proceedings against him." In *Gafgaz Mammadov v. Azerbaijan*,<sup>58</sup> the European Court of Human Rights observed that the lawyer's oral submissions "consisted of a brief repetition of the applicant's statement and a request addressed to the court to consider the applicant's age and the fact that he had children" (Mijatović 2019: 18).

During her visit to Azerbaijan in 2019, the Commissioner for Human Rights of the Council of Europe was particularly concerned by the low number of practising lawyers in Azerbaijan, and the even smaller number available to represent defendants in the regions outside the capital. As most lawyers are concentrated in Baku, this factor

<sup>56</sup> According to interviews conducted in 2017, women prisoners faced challenges before the Covid-19 pandemic. Former imprisoned journalist Khadija Ismayil and public activist Nigar Hazi say that there was no access to menstrual pads, toothbrushes, or shampoo and bedding was changed only every six months.

<sup>57</sup> Applications Nos. 67360/11, 67964/11 and 69379/11, judgment of 11 February 2016, paragraph 132.

<sup>58</sup> Application No. 60259/11, judgment of 15 October 2015, paragraph 93.

also undermines access to justice (Mijatović 2019, para. 63). There are currently 2237 practising lawyers in Azerbaijan (Azerbaijani Bar Association 2022b), the equivalent of 22 lawyers per 100 000 inhabitants. This number is six times lower than the median number of lawyers across Europe in 2020 (136 per 100 000) (CEPEJ 2022a: 84). To note, only 402 of 2237 lawyers are women (Azerbaijani Bar Association 2022b). Currently, there are positive messages from the government in this area. For instance, on 30 April 2022, the chairman of the Azerbaijani Bar Association called on all lawyers, regardless of their political and religious beliefs, to become members of the Association<sup>59</sup> (Azerbaijani Bar Association 2022a).

However, the overall number of lawyers remains problematic. Of all lawyers practicing in Azerbaijan, 1 767 are in Baku, and 470 are in the regions (Azerbaijani Bar Association 2022b). The limited number of lawyers in rural areas is particularly problematic for women's access to justice, especially for women in remote villages. Women in rural areas often face constraints in terms of their mobility due to limited transportation options and their personal finances. Other vulnerable groups of women, such as migrants and women with many children, also are rarely able to fully access justice, even in cases where domestic legislation exists.<sup>60</sup> The CEDAW Committee recommends that legal aid be made available to all victims of violence, including through the establishment of legal aid clinics, especially in rural areas. According to the Chair of the Bar Association, free legal aid was provided in 25 000 cases to low-income families in 2018. In the same year, the Council of Europe and the European Union supported the legal clinic of the Academy of Justice of Azerbaijan "to provide qualified free legal aid to vulnerable and disadvantaged groups of the population that are financially unable to access legal services" by a group of 31 selected law students, under the supervision of 15 experienced lawyers (Council of Europe 2018).

Many free legal assistance projects are funded by foreign donors rather than the government. Such initiatives have been described as only "a substitute for a state-funded legal aid system" that would have clear eligibility criteria (Mijatović 2019, paras. 75–77). Consequently, legal aid is not available to everyone.

The free legal aid stipulated by the legislation does not include the coverage of or the exemption from court expenses. It also does not cover such costs as fees of technical advisors or experts, costs of other legal professionals (notaries) or travel costs. According to the Law on State Fees, the following are exempted from court expenses: claimants – for claims on alimony; claimants – on compensation caused by mutilation, other damage to health or the death of the supporter; minors – for the protection of their rights; persons with war-related disabilities, refugees and displaced persons. The list, however, does not cover all cases. As mentioned in the previous chapter, some victims of domestic violence experience serious financial challenges in the distribution of property and the right to communicate with a child when divorced. As a result of changes in the legislation, court fees have been increased several times, and in some cases the cost of compulsory mediation services has been added. These changes are a significant obstacle to women's access to justice, especially in cases concerning divorce, division of property and alimony.

## 2.2. Analysis of practices and mechanisms for the implementation of laws

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### 2.2.1. Domestic violence cases

In Azerbaijan, the discrepancy between the legal framework and its implementation and the reality of widespread gender stereotyping pose major challenges. The former UN Special Rapporteur on violence against women and girls noted that the right of access to justice for women is seriously compromised in cases of domestic violence. The first challenge lies in the significant underreporting of cases of violence against women to the police. Numerous stakeholders explained that victims are very often reluctant to report, due, *inter alia*, to the fact that violence against women has been normalised, and even sometimes accepted, by the women themselves but also because of the responses of authorities, who promote notions of family unity, shame and stigma. These factors prevent women from breaking the silence around violence. The authorities, including Family Support Centres and the police, prefer not to intervene, as they consider violence against women a private matter that should be solved within the family. Cases of violence tend, therefore, not to be prosecuted in most instances; protection orders are not granted; and divorce is not easily achieved, even when requested due to violence in the marriage (Manjoo 2014, para. 31).

There are still several problems in implementing the Law on Prevention of Domestic Violence, which limits women victims' access to justice. Even though the law was adopted in 2010, and the National Action Plan on

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<sup>59</sup> Only lawyers who are members of the board can provide legal assistance and represent individuals in courts and during criminal or administrative investigation. Other lawyers who are not a member of the Bar Association have been deprived of the right to represent cases in courts during criminal or administrative investigation since 2017.

One of the main problems is that there is only one bar association in the country.

<sup>60</sup> *Ibid.*, p. 17.

Prevention of Domestic Violence was approved in 2020, they have not been effectively implemented. Since adopting the National Action Plan, only one state-funded shelter has been opened in Baku. However, most activities in the action plan, including monitoring activities, have been ineffective. The necessary data are not transmitted to a single database, and public awareness campaigning (such as television programs) and a number of materials distributed by state bodies actually promote stereotypical gender roles rather than dismantle them. Although the National Action Plan provides for the implementation of measures to be funded from the state and non-state budgets, there is no separate item in the state budget specifically dedicated to financing this action plan; many such measures are funded by foreign donors. Unless the above-mentioned National Action Plan is implemented and the state sets a specific budget for combating violence, the implementation and enforcement of the law will not take place.

Since nationwide research on the prevalence rates of domestic violence was conducted in 2008, no systematic data collection has been put in place to assess the extent of the phenomenon, the change over time, or the effectiveness of the measures undertaken. The law highlights the importance of collecting data, in particular through a national databank. Accountability is a crucial aspect in the effective prevention and elimination of violence against women, but the UN Special Rapporteur on violence against women and girls observed that impunity seemed to be the norm for crimes committed against women (Manjoo 2014, para. 59). In Azerbaijan, the main challenges relating to the investigation, prosecution and punishment of perpetrators for acts of violence against women are the minimal implementation and enforcement of the legal framework but also the lack of a gender perspective among law enforcement and judicial actors. The common resort to mediation as a means of dispute resolution is also a factor. Deeply-rooted patriarchal attitudes regarding cases of violence against women on the part of police, judicial officers, other relevant civil servants as well as community leaders and families contribute significantly to the underreporting of cases (Manjoo 2014, para. 70).

There are no specific agencies where victims can report domestic violence. The mechanisms addressing these cases lack a coordinated multi-agency approach. In the event of an incident, the victims are advised to contact the police, although there is no separate department combating gender-based violence in the police stations. The police treat such cases, including domestic violence cases, as general crimes rather than specific crimes. Domestic violence complaints are scrutinized and dismissed even more than other types of complaints. According to Decision No. 680 of the Ministry of Internal Affairs (MIA) of Azerbaijan dated 3 November 2011, on Approval of the Instruction on the Rules of Receipt, Registration, and Consideration of Information on Committed or Planned Crimes and Incidents, depending on the nature of the information provided to the police, it is recorded in Book No. 1 or 2. "Registration of information about committed or planned crimes" is covered by Book No. 1, and "Registration of incoming information about incidents via communication and other technical means" is covered by Book No. 2. Family and domestic disputes, according to the rules, are not recorded in Book No. 1. In contrast to the crimes recorded in Book No. 1, the majority of domestic violence cases are included in Book No. 2, which requires additional verification of the circumstances proving that the crime occurred or that there are signs of a crime. Following such verification, which can take up to ten days, the case information can be transferred to Book No. 1, but this may never happen in some cases. It follows that there is no need to formalize a procedural decision based on the findings of the review of the information recorded in Book No. 2, and because the relevant case files are not created, the prosecutor has no control over them. This procedure often leaves victims of domestic violence highly vulnerable.

Existing criminal law provisions do not adequately protect domestic violence victims. Most domestic violence crimes and crimes against women (Statistical Committee of Azerbaijan, 2021: 200) are subject to a semi-public criminal prosecution, which takes place based on a complaint by the victim, and *ex officio* prosecutions are not allowed as a rule (Government of Azerbaijan 2000, Articles 37–39). Furthermore, perpetrators of such crimes are released from criminal liability if the perpetrator has reconciled with the victim and fully reimbursed the damage incurred to the victim (Government of Azerbaijan 1999e, Article 73). The European Court of Human Rights stated that "the more serious the offence or, the greater the potential of more offences, the greater the likelihood that the prosecution should proceed in the public interest, even if the victims withdraw their complaints" (*Opuz v. Turkey*, Application No. 33401/02, judgment of 9 June 2009, para. 139).

Victim and witness protection measures do not fully meet international standards, including in-court and out-of-court measures. Victim and witness protection can be ensured only in criminal proceedings (Government of Azerbaijan 2000, Article 84.5.20; 1998, Article 7). When the prosecuting authority detects circumstances in which the victim, witness, accused, or other participants in criminal proceedings requires or may require protection from illegal activity, it shall take appropriate security measures, at the person's request or on its own initiative, to ensure their safety by the state (Government of Azerbaijan 2000, Article 123.1). No such protection is provided for the parties in civil proceedings (for example, in a divorce case where the victim of domestic violence wants to divorce the perpetrator).

Audio-visual statements given during the investigation or other preliminary phases of the procedure can be used in court (Government of Azerbaijan 2000). Video-conferencing was newly introduced in the legislation of Azerbaijan for civil and criminal procedures (Government of Azerbaijan 2020b, Article 51–2; Government of Azerbaijan 2021, Article 10–2), but only several courts are supplied with the appropriate equipment. Nonetheless, video-conferencing is not used in civil court procedures for security reasons (Government of Azerbaijan 1999g, Article 10–2) nor in court procedures for administrative matters and administrative offences generally (Government of Azerbaijan 2009; 2016). There are also no separate waiting areas at the courts, police stations, or the offices of local executive bodies (personal observations, 2006–2022).

The legislation does not require risk assessments to be conducted for domestic violence cases. Only when deciding on pre-trial restrictions (arrest, bail etc.) to apply to the specific suspect or accused; the investigator, inspector, prosecutor in charge of the procedural aspects of the investigation or court shall bear in mind the gravity and nature of the offence the suspect or accused is charged with; the conditions surrounding its commission; their personality, age, health and occupation, their family circumstances, financial and social status [including whether the suspect/accused has dependents and a permanent residence]; whether there is a history of committing previous offences; the previous choice of restrictive measure and other significant facts (Government of Azerbaijan 2000, Article 155.2). This is the full scope of factors and indicators for assessing risk in criminal cases. There are no separate risk assessments required to determine the safety of children or of victims of domestic violence.

The legislation does not require assessments to be updated at all stages of the criminal proceedings. Moreover, corrections facilities or probation officers do not conduct risk assessments before releasing perpetrators, and so such assessments are typically not carried out upon the perpetrator's release from detention or imprisonment. The legislation does not mandate the authorities to inform victims of the perpetrator's release. Also, amnesty (Government of Azerbaijan 2016b; 2021d), pardoning (Government of Azerbaijan, 2021e) and non-custodial measures are applied regardless of gender-based violence (Government of Azerbaijan 2017b).

Azerbaijani legislation does not have any mechanism for issuing emergency barring (expulsion) orders. Neither the police nor other competent authorities are equipped with the power to order a perpetrator of domestic violence to leave the victim's residence and to bar them from returning or contacting the victim. In practice, it is the victim's responsibility to leave the house and seek shelter to maintain their safety in situations of immediate danger. When victims request police or executive officers to remove the perpetrator from home, the latter refer to the property or housing rights of the perpetrator. For instance, in April 2021, a victim of domestic abuse asked police to assure her security while taking her belongings from the house, which she was forced to leave at midnight. The police officer not only did not evict the perpetrator from home but also declined to enter the apartment, saying he is "not permitted to violate the property rights" of the perpetrator even to ensure the woman's safety (personal communication, 25 April 2021).

National legislation provides protection orders for victims and written warnings of non-recurrence of domestic violence acts to perpetrators. Article 1.0.9 of the Law on Combating Domestic Violence states that a protection order is an act of limitations applied on contingent actions of the person who committed domestic violence against the victim. There are two types of protection order: a short-term protection order (up to 30 days) issued by local executive bodies and a long-term protection order (from 30 to 180 days) granted by the civil courts. There is no provision for an extension of this period. Short-term protection orders may forbid a perpetrator of domestic violence from committing violence again; from searching for the victim if their whereabouts are unknown; or taking other actions causing a nuisance to a victim. A long-term protection order may include the following acts in addition to those covered by a short-term protection order: regulating a perpetrator's communication with their under-age children; regulating the use of the place of residence or other shared property; covering expenses related to medical and legal assistance rendered to a victim by a person who has committed domestic violence; and an explanation of the responsibility for non-compliance with the protection order under the legislation.

The process of issuing short- and long-term protection orders stipulated in the law (Government of Azerbaijan 2010a, Article 10) is not well developed yet. According to the law, protection orders should be issued immediately if the perpetrator's actions do not amount to criminal liability. However, in practice, local executive bodies refuse to issue protection orders immediately, justifying this on the grounds of waiting for the outcome of a police investigation to determine whether the perpetrator's actions fall under criminal liability. Often, even if no criminal liability is found after the investigation, the local authorities still avoid issuing protection orders "urgently" – rather, they hold hearings (as if they were a court) that last for days or even months (Legal aid lawyer, personal communication, 6 May 2022). A victim can file a complaint with the court on the competent bodies' inactivity to issue or refuse a short-term protection order. The court proceedings are also lengthy; they may last several days (even months) to oblige the local executive body to issue a protection order. In this case, too, the court decision to require the competent body to issue a short-term order would take several days (again, not

immediately). If the protection order is not granted within that timeframe, the court must decide on the case within three months and fine the relevant body in the amount of up to AZN 50 000. This court decision is then a substitute for the administrative act on the issuance of a short-term protection order (Government of Azerbaijan 2009, Article 33). In practice, victims wait for months or a year before a protection order is granted. One legal aid lawyer said “we applied for a protection order on 20 December 2020 because of domestic violence committed in a rural area. The protection order was issued on 12 January 2022. In another case, we applied for a protection order in June 2021, and it was issued, precisely one year later, in June 2022, after we made several appeals to the court to receive it (Legal aid lawyer, personal communication, 31 May 2022).

Another complication is the fact that long-term protection orders can only be issued if and when perpetrators violate a short-term order (Government of Azerbaijan 2010a, Article 11.3 and Government of Azerbaijan 1999g), and since local executive bodies rarely issue short-term orders, courts issue significantly fewer long-term protection orders. There were three court cases on long-term protection orders in 2013 and one case in 2014. All four cases took place in Baku.<sup>61</sup> The situation improved in 2021–2022 as depicted in the table below, where the number of long-term protection orders increased significantly. Nevertheless, it is worth noting that despite this improvement, the overall figures are not sufficient to address the issue effectively.

**Table 1. Statistical data on the issuance of protection orders to victims of domestic violence**

| Protection orders                         | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------|------|------|------|------|------|------|
| Total number of issued protection orders: | 10   | 34   | 19   | 40   | 32   | 73   | 158  |
| - long-term protection orders             | 3    | 10   | 7    | 2    | 0    | 4    | 12   |
| - short-term protection orders            | 7    | 24   | 12   | 38   | 32   | 69   | 146  |

Sources: Hafta.Az (2021), Mühafizə orderi ilə təmin olunan zorakılıq qurbanlarının sayı artır [The number of violence victims protected by protection orders is increasing], 17 June, available at: <https://tinyurl.com/ydmy9db2>, accessed 3 August 2023 (data for 2016–2018); Information provided by the State Committee for Family, Women and Children Affairs (data for 2019 and 2020) and Karimova E. (2023), Evi məzarına çevrilənlər: Mühafizə orderi qadınları necə qoruyur? [Whose homes are turned into their graves: How does the protection order protects women?], available at <https://tinyurl.com/mr5hwf3y>, accessed 3 August 2023 (data for 2021–2022).

There were a total of 1031 victims of domestic violence crimes in 2016, 1268 in 2017, 1221 in 2018, 1358 in 2019, 1300 in 2020, and 1536 in 2021 (State Statistical Committee of Azerbaijan 2020: 192; 2021: 200; 2022: 218). Domestic violence victims made up 1536 (6.4%) of the 24101 total registered victims of crimes in 2021. More than three-quarters (78.5%) of victims of domestic violence were women. It is easy to grasp the significant discrepancy between the number of protection orders issued and the number of officially registered domestic violence crimes (see Figure 3). The gap can be due either to the fact that women do not apply for protection orders (they are not aware of protection orders or do not know how to apply) or because of the above-mentioned procedural barriers.

Inaction by the bodies (executive departments) overseeing the implementation of protection orders renders victim protection ineffective. There are significant problems in the execution of protection orders. For instance, according to the information of SCFWCA only 26 out of 40 protection orders were enforced in 2019 and that number dropped to 16 out of 32 in 2020. Although executive officers [not police] are tasked with supervising the enforcement of protection orders, they are not available 24 hours a day, seven days a week, resulting in the risk of non-effective protection of victims. Furthermore, there is no electronic or automatic mechanism by which the information on the issuance of protection orders is shared across the justice chain– to police, prosecutors or the judiciary.

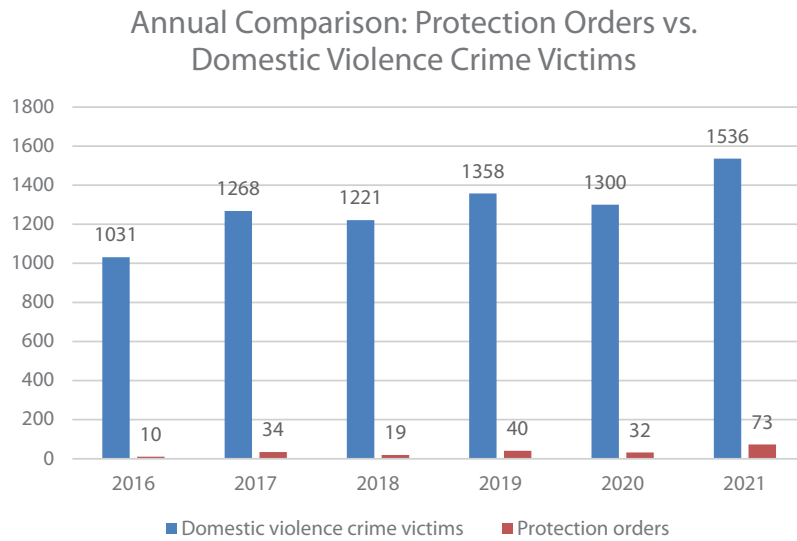
Children are frequently overlooked when protection orders are granted. Unless domestic violence is directed at the children themselves, courts, without any risk assessment, allow visitation with the accused parent even if the children have witnessed domestic violence. “The court in a child custody case refused to add the protection order [issued against the plaintiff (child)’s father/perpetrator] to the case materials, reasoning that it was unrelated to the case. This compels a victim and child witnesses of domestic violence to confront the perpetrator each time, causing their re-victimisation” (Legal aid lawyer, personal communication, 31 May 2022). In addition, only a long-term protection order includes rules regulating communication of a person who committed domestic violence with their juvenile children (Government of Azerbaijan 1999g, Article 355–4.5.1). And, as already described, such orders are issued quite rarely.

The legislation states that a protection order can be granted both at the request of the victim and ex-officio at the initiative of the local executive authority. However, in practice, victims are required to address written

<sup>61</sup> See [www.scfwca.gov.az](http://www.scfwca.gov.az), accessed 28 November 2016.



**Figure 3. Annual Comparison: Protection Orders vs. Domestic Violence Crime Victims.**



Source: Data from Table 1 and State Statistical Committee of Azerbaijan: Women and Men in Azerbaijan, Statistical Yearbook, 2017, p.170; 2018, p.176; 2019, p.186; 2020, p.192; 2021, p.200; 2022, p.218.

applications to the local administrative body. Still, not all of them are able to go through with this process. “Many of them do not know how to write applications” (Social worker, personal communication, 4 May 2022).

Short-term protection orders are issued by local executive bodies (not by police) through an administrative procedure. The Law on Administrative Proceedings states that the administrative body independently collects and takes into account the evidence it considers useful and necessary for determining the factual circumstances of the case (Government of Azerbaijan 2005b, Article 45.1). However, de facto, competent bodies always require victims to provide evidence (Legal aid lawyer, personal communication, 9 June 2022). Long-term protection orders are issued by the courts through a civil law process that places a burden on the victim to present evidence of a threat (Government of Azerbaijan 1999g, Article 77.1)

Gender departments have now been established in a small number of municipalities in rural areas. However, their job is only to inform the relevant authorities of incidents of domestic violence; they are not allowed to adopt any act or take action. After receiving an application for a protection order, the local executive body invites both victim and perpetrator to their office, located in the relevant district centre, to examine the case. Travelling to the district centre requires victims to spend additional time and money, to manage with children who are left behind, and presents other difficulties. The need to travel often causes secondary and re-victimization of the victim. One legal aid lawyer said that “no relevant department exists in the local executive bodies for arranging protection orders. The deputy head of the executive power, who has no specialization and is not a lawyer, is instructed with this power. And members of the commission on the issuance of a protection order are lawyers from that body and employees of unrelated departments. Practically, these members of the ‘council of elders’ work to reconcile the parties” (Legal aid lawyer, personal communication, 6 May 2022). The legislation doesn’t grant protection orders for other forms of gender-based violence, such as stalking, child marriage or early marriage. Free legal aid is not available for the application for protection orders.

Women victims of domestic violence continue to face multiple obstacles to accessing support and protection mechanisms. The law refers to establishing public support centres for victims of domestic violence to provide them with legal and medical assistance, psychological rehabilitation, social protection and allowances, and emergency shelter, among other forms of support, on a no-cost basis (Government of Azerbaijan 2010a, Article 7.1). However, the number of support and referral centres is very limited, and these are mainly run by NGOs reliant on donor funding. Ten non-governmental organizations could acquire accreditation to provide social services for victims of domestic violence. However, only a few function effectively. There are only three NGOs in Baku and Ganja providing, inter alia, shelter services to victims of violence and functioning under the authority of the Ministry of Labour and Social Protection of the Population of Azerbaijan (MLSPP) with the financial support of the Council of State Support to Non-Governmental Organizations and international donor agencies. There are only three shelters with a capacity for a total of 100 people for more than five million women in Azerbaijan (ADC Memorial 2020). They provide a set of services to victims of human trafficking and children victims of domestic

violence.<sup>62</sup> A shelter for vulnerable groups operating under the MLSP was opened in 2021 with limited capacity. Furthermore, there is no 24/7 national helpline for victims of domestic violence. Only a few NGO-run help-lines are in place, and these services depend heavily on donor funding.

In December 2013, there were alarming changes to the legislation that included a series of amendments (the Law on Grants, the Law on Non-governmental Organizations, the Code of Administrative Offences, etc.) passed by the parliament, which seriously hindered the ability of NGOs to operate in the country (Elver 2020, para 124). The government uses these regulations frequently and on arbitrary grounds to deny registration to NGOs working on human rights, accountability or similar issues. Since adopting these amendments to the Law on Non-governmental Organizations, very few international NGOs have been able to remain in the country (Elver 2020, para. 127). These difficulties did not go unnoticed by women's organizations, either in the registration of new NGOs or in their financial activities. Most organizations had to freeze or restrict their activities.

There are no specific or comprehensive agencies for victims to report domestic violence. Like all other crimes, domestic violence is reported to the police (by calling 102). In the framework of collaboration between the SCFWCA and the United Nations Population Fund (UNFPA), a hotline (860) has been operational since December 2020, and it accepts calls about domestic violence (Government of Azerbaijan, 2021a: 1). However, the hotline directs the victim to call the police hotline (102) (A journalist and survivor of domestic violence, personal communication 15 April 2021).

The legislation provides no social assistance for victims of domestic violence, although such services are envisaged for victims of human trafficking.

Although many state agencies and civil society organisations are working to implement the Law on Domestic Violence Prevention, their efforts are fragmented and poorly coordinated. For example, Monitoring Groups (12 in Baku and six in other regions of Azerbaijan) composed of representatives of local authorities are in charge of overseeing the situation regarding gender-based violence and violence against children in the region. Their main aim is to analyse and assess the situation, identify families belonging to risk groups, analyse and investigate the reasons for violence, and take urgent measures to help victims of violence. However, the work of Monitoring Groups is ineffective and lacks any legal or policy foundation. There is a need to establish a National Referral Mechanism for Domestic Violence Victims (EU Twinning Project 2019: 6–7).

### 2.2.2. Divorce cases

Enforcement of court decisions on alimony for children is difficult in practice. Fathers refuse to pay alimony defined by the court. In fact, 25% of applications between 2000 and 2007 to the Legal Clinic at Azerbaijan Private University, specialised in the protection of women's rights, were on non-enforcement of court decisions on alimony. This situation has continued in subsequent years as well. According to information from the Ministry of Justice, during the first half of 2021, only about 60,000 out of nearly 18% of cases related to child support payments were successfully enforced on a monthly basis (Ministry of Justice of the Republic of Azerbaijan, 2021). Procedures on enforcement of court decisions should be strengthened.

### 2.2.3. Forced and child marriages

As previously mentioned, the Family Code was amended in 2011 to set the legal age of marriage at 18 for both women and men. The Criminal Code was accordingly amended through the introduction of Article 176–1, which criminalises forced marriages and establishes specific sanctions for such actions. The Criminal Code also establishes more severe penalties for forced marriages of children. Nonetheless, no legal provisions ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim. While filing a lawsuit, victims have to pay for mediation, state fees, lawyers, transportation and other expenditures.

There is a lack of official data on the dynamics of child marriages and the investigation and prosecution of such cases. According to the head of the SCFWCA, a few instances of child marriages were prevented in different regions in 2014 and 17 during the first half 2023 (Jamil 2023). "The relevant government bodies sent letters to those families informing them that they violated Azerbaijani legislation and it could constitute a sufficient ground for initiating a criminal case against them."<sup>63</sup> There is a high prevalence of early and/or forced marriage in Azerbaijan. Although statistics may not be accurate due to the illegal nature of the practice, the SCFWCA stated that

62 "Clean World" Public Union in Baku functions to accommodate victims of domestic violence alongside the victims of human trafficking. The shelter at the Azerbaijan Children Union in Baku accommodates child victims of domestic violence and the shelter at the "Temas" Public Union in Ganja is also mainly for victims of human trafficking. In 2021 new state-funded shelter opened in Baku.

63 See <https://525.az/news/28426-bu-il-erken-nikaha-gore-7-8-toyun-qabagini-almisig>.

there were more than 5 000 early marriages in 2013 and 4 000 early marriages in 2012 (Manjoo 2014, para. 15). Recently, a number of awareness-raising events and campaigns have been implemented by various central<sup>64</sup> and local executive authorities of the Republic of Azerbaijan (Government of Azerbaijan, 2021f). The number of officially registered marriages involving girls under the age of 18 has noticeably declined over the past years: 366 in 2019, 165 in 2020, and 137 in 2021 (State Statistical Committee of Azerbaijan, 2022b: 367). Similarly, there has been a significant decrease in the number of children born to women aged 15–17. Specifically, the figures have dropped from 4392 in 2011 to 1650 in 2021 (State Statistical Committee of Azerbaijan, 2022b: 214). However, they remain critically high. Given the prevailing patriarchal attitudes that strongly disapprove of relationships outside traditional marriage norms, it can be inferred that these children were born from traditional, non-registered marriages involving girls under the age of 18.

Child marriages predominantly happen in rural regions where there is a close-knit community, leading to a relatively lower rate of prosecution. Local NGOs emphasize that there is impunity for early marriage (Counterpart International 2015: 43; Quluyeva 2021).

#### **2.2.4. Sexual harassment**

The Law on Gender (Men's and Women's) Equality prohibits sexual harassment (Government of Azerbaijan 2006, Article 4) and defines it as "immoral behaviour humiliating and abusing a person of the opposite gender, comprising physical acts (touching), offensive remarks, gestures, threats, dishonourable advances and offers of employment in exchange for sexual acts." (Government of Azerbaijan 2006, Article 2.0.5) The definition applies only to persons in labour relationships, with no coverage for instances committed in educational institutions or public places. While the law prohibits sexual harassment, the enforcement of this provision is poor. According to a representative of the SCFWCA, many women complained to the Committee regarding sexual harassment in the workplace, and the Committee contacted the Ministry of Labour and Social Protection of Population to resolve the problem.<sup>65</sup> However, women who face sexual harassment at work rarely want to take their cases to court. According to an NGO representative, the reason, alongside corruption in the judiciary, is that most judges are men.<sup>66</sup> Stigmatization and gender stereotypes also influence women's decision not to apply to the court and not to share information about their experiences of sexual harassment, as it may lead to rumours and damage their reputations.

According to SCFWCA (2021a: 13), Criminal Code Article 154 on infringement of citizens' equality on the basis of sex, with causing harm to rights and legitimate interests of persons is applicable to sexual harassment cases. However, no separate mention of "sexual harassment" in the article makes its practical application disputable. That is to say, the clause has never been applied in practice to address sex-based discrimination or sexual harassment to date.

#### **2.2.5. Women's participation in public affairs**

There is limited data available on the participation of women in the planning, development, implementation and monitoring of relevant laws, policies and programmes. The Law on Public Participation entered into force on 1 June 2014 (Government of Azerbaijan 2013b). It establishes the right of, and mechanisms for, the public to discuss and provide input on draft laws before their enactment and, importantly, it provides sanctions for violations of this right.<sup>67</sup> Proper implementation of this law was expected to be an excellent opportunity to boost participation of women and enable NGOs working in related fields to take an active part in formulating, implementing and monitoring strategies and programmes. Following the adoption of the law, Public Councils were established under both the central and several local executive bodies. Public Councils under the MIA, the Ministry of Justice, the SCFWCA, the State Migration Service, and other bodies, have been created since 2018. However, only few reports have been published on their websites.

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64 SCFWCA, Ministry of Youth and Sports, Ministry of Education, Ministry of Labour and Social Protection of the Population, Ministry of Health, State Agency for Compulsory Medical Insurance, Diplomatic Missions and Consulates, Ministry of Justice, State Committee for Work with Religious Organizations, National Television and Radio Council of the Republic of Azerbaijan

65 See <https://iwpr.net/global-voices/azerbaijans-women-endure-workplace-harassment>, accessed 28 November 2016.

66 *ibid.*

67 Bayramova, Parvana Overview, of the Law of the Republic of Azerbaijan on Public Participation, prepared by ICNL under the SEDA Project of USAID (not published).

## 2.3. Socio-economic and cultural barriers to women's access to justice

Gender stereotypes are social and cultural constructions about women and men related to their different physical, biological, sexual and social functions.<sup>68</sup> Gender stereotypes are included among socio-economic and cultural barriers in women's access to justice in Azerbaijan, specifically lack of trust in the justice system; lack of funds; lack of women working in the justice system; and lack of knowledge on women's rights. All these problems are interdependent and interrelated, and the removal of these barriers requires a systemic approach.

### 2.3.1. Brief overview of key statistics concerning women's position in society, the economy and politics

As of 2022, there are three women deputy ministers in 20 ministries in Azerbaijan; the chairperson of two state committees out of seven are woman, and only seven women are rectors in higher education institutions.<sup>69</sup> The Commissioner for Human Rights (Ombudsperson) is also a woman. The representation of women in the Milli Mejlis (the national parliament) has increased from 11% (13 deputies out of 125) in the 2005 elections to 16% (20 women out of 125 deputies) in the 2010 elections and then to 18.3% (22 women out of 120 deputies) in 2019.<sup>70</sup> The current number of women members of parliament is higher than in 2005 and 2010 but remains very low.

The equal representation of women and men in the system of administration of justice is both an objective in itself and an essential prerequisite for the equitable and effective protection of human rights and substantive equality. "Introducing different voices and perspectives, gender diversity in the judiciary and the prosecution service will reinforce their legitimacy" (García-Sayán 2021, para. 19–20). In 2014, of a total of 524 judges, 461 were men (88%), and 63 were women. Among the 74 court presidents, 70 were men (94%) (GRECO 2015). On 31 December 2012, the total number of prosecutors was 1069, of which 96% were men (1022 men; 47 women) (CEPEJ 2013). By 2020, the number of female judges had increased moderately from 12% to 14.4%, and the number of female prosecutors had risen from 4% to 6.7% (CEPEJ 2022b: 22).

In the municipal elections of December 2014, the number of women in self-government bodies increased six-fold to a total of 5 236 women and comprised 35% of municipality members. In previous elections, this figure stood at just 4%.<sup>71</sup> In the last municipal elections in December 2019, the number increased slightly to 5 882 women, representing 39% of municipality members (SCFWCA n/a).

The CEDAW Committee welcomed the increase in the number of women holding positions at the municipal level but is concerned that women remain significantly underrepresented in national and local legislative bodies, in the Azerbaijani government and in the civil service, in particular in senior and decision-making positions.<sup>72</sup>

According to the State Statistical Committee (2022) approximately of the million entrepreneurs who are currently registered, 25% are women, and the unemployment rate for women was 7% (5% for men) in 2021. Since 2013 the number of women entrepreneurs has increased, while women have also experienced a slightly greater increase in unemployment<sup>73</sup>

Women represent the majority of the workforce in fields such as education (71.7%), social work (78.1%) and art and entertainment (63.8%). Women are disproportionately concentrated in the public sector, including in healthcare, and in low-wage occupations. Men continue to dominate in fields such as trade, management and technical fields, such as engineering and construction. Mining is the highest-paying occupation, with women accounting for only 11% of total employees. Women are underrepresented in management positions. One of the reasons women are less likely to obtain higher-level positions is due to family obligations (ADB 2019). Women's average monthly wage as a percentage of men's average monthly income in the formal sector increased from 50.3% in 2016 to 64.8% in 2021 (State Statistical Committee of Azerbaijan 2017: 109; 2022: 154).

According to ILO's World Social Protection Report (2021), not all population groups in Azerbaijan are covered by social protection schemes. For example, only 16% of mothers with newborns, 72.8% of older persons and 13.4% of assistance schemes for low-income families were covered by social protection schemes. Social protection targeting the poor does not meet actual needs (Valiyev 2022a).

68 Cook R. and Cusack S., *Gender Stereotyping: Transnational Legal Perspectives* (University of Pennsylvania Press, 2010).

69 State Statistical Committee of Azerbaijan (2021).

70 Ibid. page 191.

71 See <http://oxu.az/society/66242>, accessed 28 November 2016.

72 CEDAW Committee, Concluding Observation on Azerbaijan 2015, para. 26.

73 Women and Men in Azerbaijan\_2013, State Statistical Committee of the Republic of Azerbaijan, available at [www.stat.gov.az/source/gender/indexen.php](http://www.stat.gov.az/source/gender/indexen.php), accessed 28 November 2016.

One of the challenges women face is a lack of universal childcare. According to the Economic Team of the Baku Research Institute (2018), the coefficient for child coverage was 16% in 2016, and the amount of social allowances for children was lower than the monthly subsistence minimum in Azerbaijan. In the following years, the government took steps that, in fact, weakened children's social welfare. At the end of 2020, 10% of children received benefits directly related to the child allowance, but this figure fell to 8% on 1 October 2021 (Valiyev 2022a).

With "Azerbaijan 2030: National Priorities for Socio-Economic Development," the national strategy approved on 2 February 2021, the state identified five national priorities covering the next decade for the country's socio-economic development. One of these priorities is a dynamic, inclusive society based on social justice. People with disabilities, including children under the age of 18, should be supported, according to the document, by making the social security system more effective and equitable for such low-income and vulnerable groups (Valiyev 2022a).

### **2.3.2. Rights of women working in the informal sector**

The Employment Strategy of the Republic of Azerbaijan for 2006–2015 was approved by the Decree of the President of Azerbaijan of 26 October 2005 (Government of Azerbaijan 2005c). The Employment Strategy acknowledged that women are usually employed in activities with low status and low wages, and noted, "a shortage of work places for women today is mostly reflected in insufficiency of flexible jobs (part-time, flexible working days, flexible schedule, work at home, etc.) relevant to the role of women both in society and in family." The strategy was updated in 2018 and replaced by the Employment Strategy of the Republic of Azerbaijan for 2019–2030 (Government of Azerbaijan 2018). While the new strategy still acknowledges the significant proportion of women among the unemployed, it no longer emphasizes the elimination of gender inequality in employment as a priority on the agenda.

The State Programme on Implementation of the Employment Strategy of the Republic of Azerbaijan for 2020–2025, approved by the Presidential Decree on 13 February 2020, updates the previous programme for 2011–2015. Like its predecessor, the state programme follows a similar approach, intending to prevent work in the informal sector (Government of Azerbaijan 2011; 2020f).

Persons in informal employment represent the sum of informal jobs in formal enterprises, informal sector enterprises, and households producing goods for their own consumption or hiring paid domestic workers. The informal sector consists of unregistered and/or small unincorporated private enterprises engaged in the production of goods or services for sale or barter.<sup>74</sup> According to the ILO Department of Statistics, the informal employment ratio is 41.7% for women and 16.6% for men in Azerbaijan.<sup>75</sup> Over the last 20 years, Azerbaijan's shadow economy has averaged around 54% (Gender Port 2021: 45). Women mostly work in the informal sector in the lowest paying jobs as domestic or agricultural workers, and men work in unregistered unincorporated private enterprises. The gender gap in involvement in the informal sector affects decisions on the allocation of alimony. In most cases, the real income of men (when they work in the informal sector) is higher than their official income as indicated in their salaries, but the courts only take into account the latter while defining the amount of alimony.

Self-employed women registered as taxpayers are eligible for pension/ retirement benefits. Informal workers cannot access pensions. "Informal work is an economically attractive option. There are some compulsory taxes for the employed in the formal economy (14% income tax, 3% for social insurance, 0.5% for unemployment insurance, 2% membership for trade unions, etc.), which the self-employed evade. In this sense, the informal reality of freelance workers [including online platform workers], especially lower-income freelancers, allows them to increase their income. The declaration of economic activity and income leads to financial security for workers and social protection. The other side of the coin is that the informally self-employed [including online platform workers] are deprived of unemployment benefits, social insurance, public healthcare, insurance against accidents at work, and other social benefits, which are available for the formally employed or self-employed" (European Training Foundation 2021: 11). The rights of women working in the informal sector are not protected by law.

### **2.3.3. Women's awareness of their rights**

The literacy rate among women and men, as well as the official enrolment rate of girls in secondary education, is high in Azerbaijan. However, the high literacy rate among women is not an indicator of women's awareness of their rights. Women's rights and gender equality are not included in the secondary school curriculum, neither as

<sup>74</sup> Statistical update on employment in the informal economy. ILO Department of Statistics. June 2011, available at [www.ilo.org/wcmsp5/groups/public/-dgreports/-stat/documents/presentation/wcms\\_157467.pdf](http://www.ilo.org/wcmsp5/groups/public/-dgreports/-stat/documents/presentation/wcms_157467.pdf), accessed 28 November 2016. p. 12.

<sup>75</sup> *Ibid.*, p. 8, Graph II.

mandatory nor as optional subjects (Government of Azerbaijan 2010b). For a country like Azerbaijan, where patriarchal attitudes subordinating women and strong stereotypes regarding women's roles and responsibilities in the family and society prevail, the role of education in changing attitudes and cultural stereotypes is especially important. The existence of gender stereotypes in educational materials and the absence of women's rights and mandatory gender equality subjects in secondary school curricula and in professional training for teachers strengthen cultural stereotypes among women and compounds their lack of knowledge.

The results of surveys conducted by several NGOs show that women have a poor understanding of their legal rights, laws and what to do in cases of abuse or violence. Lack of knowledge and awareness of their rights is one of the barriers to women's access to justice (Gender Association "Symmetry" and Karat Coalition 2011). Women are not aware of relevant administrative bodies or courts to which they can apply in cases of violations of their rights. The level of knowledge of existing national remedies among women is quite low. On the other hand, they do not trust the national system, and experience has shown that women prefer to apply to the First Lady of Azerbaijan and the Heydar Aliyev Foundation which she chairs, due to the trust they invest in her.<sup>76</sup>

The UN Committee on the Elimination of Discrimination against Women (2022, para 11) also noted with concern the limited knowledge of women about their rights and the available remedies to claim them.

Lack of knowledge is reflected in women's attitudes towards gender-based violence and also in their behaviour in such situations. The findings of the 2007 National Survey on Gender Attitudes in Azerbaijan revealed respondents' negative attitudes towards women seeking formal protection from domestic violence (UNFPA/SCFWCA 2011, p. 160). Half the female respondents believed that women should tolerate violence from their husband. Both male and female respondents were reluctant to think of the possibility that women in violent relationships would seek any formal assistance. For example, only 5.2% of men and 8.2% of women acknowledged that calling the police could be a solution for intimate partner violence. An even smaller number of women and men considered it acceptable for a woman victim of violence to receive help from neighbours, friends or psychologists. Respondents were not aware of the possibility of hiring a lawyer to protect women's rights in court (UNFPA/SCFWCA 2011, p. 161). At the same time, 34.2% of women and every second man were of the opinion that women in violent relationships should not call anyone for help and should not inform anyone else about their husbands' violent behaviour (UNDP/SCFWCA 2011, pp. 68–70).

Many women view violence from their partner as part of family life, to be kept undisclosed and free from outside intervention, rather than a violation of their rights. According to the survey, about 61% of women subjected to partner abuse did not tell anyone about the violence. Those who did disclose their experience of violence did so to parents, relatives and friends. Less than 1% of the abused women who took part in the survey requested the assistance of public institutions. Key reasons that women did not request help included their belief that official reporting would be ineffective (as reflected in the experiences of other women), the fears that it would lead to the end of the relationship and the fears of losing their children (UNDP/SCFWCA 2011). Lack of knowledge of their rights is one of the main reasons for such fears, especially the fear of losing their children. The ineffectiveness of official reporting mechanisms also plays a role. This situation highlights the importance of raising awareness of the media on the need to eliminate gender stereotypes; revising school textbooks and other teaching materials and removing harmful gender stereotypes and introducing mandatory education on women's rights and gender equality in school curricula and in professional training for teachers at all levels of education.

It is important to note that the National Action Plan for Increasing Effectiveness of Protection of Human Rights and Freedoms<sup>77</sup> included several paragraphs on increasing legal knowledge among the population, including for women. Regrettably, the current National Action Plan on Combating Domestic Violence for 2020–2023 does not specifically highlight measures related to increasing knowledge of women about their rights (Government of Azerbaijan 2020a). In rural areas, many women are unaware of their most basic rights. A victim of domestic violence approached her lawyer and asked "could I leave the house without my husband's permission. Won't the police take me back?" (personal communication, 2021). Such cases show that state institutions' awareness campaigns on women's rights are not conducted effectively.

Campaign materials and activities about gender equality sometimes reinforce existing gender roles and stereotypes instead of combating them. Very often, lawyers/experts in gender equality who are invited to television programs demonstrate such stereotypes themselves.

76 See [http://musavat.com/news/olke/mehriban-eliyevaya-daha-cox-qadinlar-muraciet-edir\\_56317.html?welcome=1](http://musavat.com/news/olke/mehriban-eliyevaya-daha-cox-qadinlar-muraciet-edir_56317.html?welcome=1), accessed 28 November 2016 (in Azerbaijani).

77 The National Action Plan in Increasing Effectiveness of Protection of Human Rights and Freedoms was approved by the Decree of the President of the Republic of Azerbaijan of 27 December 2011.

### 2.3.4. Specific socio-economic and cultural barriers that may affect women's access to justice

In Azerbaijan, men are still expected to be the primary breadwinners and decision-makers within society and the family, while women are viewed first and foremost as mothers, persons who should take care of domestic affairs and individuals of the "inferior sex".<sup>78</sup> Gender stereotypes are linked to all existing violations of women's rights in Azerbaijan, including early marriage, sex-selective abortions and gender-based violence. Gender stereotypes influence women's roles and status in the home and community and consequently affect their access to justice as well.

As mentioned, gender stereotypes affect women's attitudes to being subject to domestic violence. Most women in violent situations consider domestic violence "normal" and do not perceive a need to seek assistance. Social stigma, shame and dependence on the husband and his family for economic support also severely restrict a woman's perceived ability to report violence.

According to the results of the above-mentioned survey, the majority of women (60.8%) who have ever experienced intimate partner violence did not disclose the abuse to anyone. This silence can be explained by both the influence of patriarchal family values that do not condone the disclosure of intimate partner violence outside of the family circle and the lack of a well-developed system of assistance for victims of violence (crisis centres, help lines, shelters) in the country. According to the survey findings, women who turned to formal assistance or left home had suffered at least one night of constant and severe abuse and worried for their own and their children's well-being.

The survey conducted an initial assessment of the main coping strategies used by women confronted with intimate partner violence. A very small number of respondents reported turning for assistance to agencies or authorities: 19 out of 357 abused women filed a total of 32 appeals to various public institutions. Women who sought help most frequently went to police departments, courts and medical centres. Fifteen out of the 19 respondents who sought institutional support reported experiencing frequent and persistent intimate partner violence accompanied by physical injuries, in some cases more than five times during the course of their marital life. Of the 357 physically abused respondents, 338 had never applied to public institutions for assistance. Their silence is enforced by the fear of retaliation and escalation of violence (26%); shame and fear of negatively impacting the family's reputation (15%); the shame and fear of not being believed or being blamed (6%); the belief that official reporting would not help, as it did not help other women (4%); and the fear of losing their children (1%). At the same time, 14% of women believed that intimate partner violence is not an issue to complain about. A considerable group of respondents (27%) did not know or remember why they did not apply for assistance. This may indicate a certain recollection bias related to respondents' desire to block unwanted memories and not reflect on difficult decisions (UNFPA/SCFWCA 2011, p. 159).

The survey results demonstrated that women in Azerbaijan are not likely to seek formal help and protection from domestic violence. Women's decisions are influenced by a complex set of factors, including cultural barriers and the underdevelopment of a formal service system for domestic violence survivors. As a result, the vast majority of women confronted with domestic violence learn to survive by silencing their voices. In these unfavourable conditions, women develop their own strategies for surviving intimate partner violence, such as fighting back, leaving the house and engaging the assistance of family, friends and neighbours (UNFPA/SCFWCA 2011, p. 161).

Due to the influence of cultural stereotypes, women's awareness of their rights, especially on the issues of domestic violence, is very limited. According to a 2008 survey, very often, interviewees considered beatings justified, especially in cases when the wife was unfaithful (32%), when she went out without informing her husband (24%), and when she disobeyed her husband (18%) (Manjoo 2014, para. 10).

### 2.3.5. Impact of the Covid-19 pandemic on women's access to justice and gender equality

#### ***Pandemic-related restrictions and their impact***

An infectious coronavirus disease began to spread in December 2019. On 11 March 2020, the World Health Organization assessed it as a pandemic (WHO 2020b). This global event has deeply impacted many social and economic areas, including women's access to justice and gender equality. From 24 March 2020, Azerbaijan imposed restrictive infectious disease control measures on a large scale in response to the pandemic. The

<sup>78</sup> UNDP/SCFWCA, Azerbaijan Human Development Report Gender attitudes in Azerbaijan: trends and challenges (Baku, Azerbaijan, 2007); UNFPA/SCFWCA National survey report on violence against women in Azerbaijan (Baku, Azerbaijan, 2011); UNFPA/SCFWCA, Qualitative assessment of violence Against IDP Women in Azerbaijan (Baku, Azerbaijan, 2011); UNFPA/SCFWCA (unpublished draft) Mechanisms behind skewed sex ratio at birth in Azerbaijani population.

Covid-19 response measures included national-level quarantines, such as social distancing requirements, lockdowns, restrictions on public gatherings, travel restrictions, and SMS permits to control people's movement. Criminal and punitive penalties, including detention, were applied to enforce these measures. The measures restricted the exercise of the most fundamental human rights and freedoms, including the freedom of movement, assembly and speech.

Azerbaijan failed to uphold the international and Council of Europe standards during emergencies, as outlined in Article 4 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the European Convention on Human Rights (ECHR). The restrictions imposed on fundamental rights were not prescribed by law, disregarding the principles set forth in the ICCPR and ECHR. Furthermore, even if we assume that the restrictions were lawful, due to their long duration and high severity, it cannot be considered they were needed and proportionate. Additionally, the lack of judicial review violated the requirement set by the aforementioned principles.

The Operational Headquarters under the Cabinet of Ministers of Azerbaijan (Operational Headquarters) and the Regional Medical Divisions Administration (TABIB) were been charged with Covid-19 response measures. The Operational Headquarters was established by Presidential Order No. 1861 of 27 February 2020. This body adopted the quarantine rules restricting fundamental human rights under the relevant regulations of the Cabinet of Ministers and the Law on Sanitary and Epidemiological Safety. However, the law specifies that the Cabinet of Ministers may apply special regimes within its competence, in other words, it cannot curtail constitutional human rights and freedoms (EMDS 2020). The Constitution of the Republic of Azerbaijan stipulates that only parliament can consent to and control such extraordinary powers (Economic Research Centre 2020: 41–42). Nonetheless, no permission or authority was obtained from the parliament before adopting these rules. The legal basis for all quarantine rules was the Cabinet of Ministers Resolution No. 73–1, titled “Rules of Quarantine-Organization, Prevention and other Necessary Measures in case of Threat of Emergence or Spread of Infectious, Parasitic and Mass Non-infectious Diseases,” dated 28 February 2020, which has not been published nor shared with the public for months.

Criminal and administrative sanctions were imposed for violating Covid-19 measures in Azerbaijan. The sanction included a fine of up to AZN 5 000, the restriction of freedom for the term of up to three years or imprisonment for a period of up to three years. Considering that the subsistence minimum was AZN 190 in the country, the fines were a severe economic strain for citizens. The Criminal Code envisages imprisonment for three to five years for violating the anti-epidemic regime and causing death or other severe consequences due to careless actions (Government of Azerbaijan 1999e, Article 139–1)<sup>79</sup>. Under the Code of Administrative Offences, violation of the anti-epidemic regime is punished by a fine of AZN 200–400, or administrative arrest for a period of up to one month, depending on the circumstances surrounding the commission of a crime, the personality of the offender and insufficiency of the application of the fine penalty.

Along with the police, the military patrolled the streets during periods of lockdown, which exacerbated people's anxiety and fear. They patrolled streets and neighbourhoods 24 hours a day; strictly monitored whether people received an SMS before leaving home; imposed administrative fines on those who had not, who returned home after the time expired or who did not wear masks (personal communication, 2020). The Minister of Internal Affairs of Azerbaijan stated that “during the period of 17 March and 21 July, about 195 000 people were fined for violating the requirements of the special quarantine regime, 788 were detained. 193 560 people were fined, including 7 820 people for not using a medical mask.” (Trend News Agency 2020). In other words, “one out of every 52 individuals in the country was sanctioned for administrative violations throughout the four months of the quarantine regime. Administrative sanctions for violating quarantine rules did not often fulfil the standards of proportionality and necessity due to their disproportionate application and misuse of the restrictions. There were no fundamental guarantees of the right to a fair trial in applying administrative detention” (EMDS 2020: 7).

Covid-19 measures did not ensure non-discrimination of women, vulnerable groups, such as persons with disabilities, Roma people, sex workers, and people with low income who faced tremendous difficulties. Persons with disabilities suffered from an inactive lifestyle due to mobility restrictions. The suspension of public transportation on weekends for several months negatively impacted people with disabilities who could not afford taxis. Therefore, “restrictions on socialising deteriorated their psychological health.” The situation became worse than previous “unsatisfactory living standards” (Economic Research Centre, 2020: 144).

Older people suffered greater harm due to their physical isolation and lower levels of digital literacy. They had difficulties receiving SMS permission to leave home during the 2020 lockdowns. Most of them either lacked a mobile phone or skills to send SMS messages. Additionally, people over the age of 65 were absolutely barred from leaving their homes. This limited their ability to meet even most of their basic needs (for example, going out to buy food and medicine). Younger family members had to help older parents/relatives to satisfy their daily

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<sup>79</sup> The Article mainly applied to the Covid-infected patients who left their residences.



needs. However, many were unable to reach older relatives, as two hours of SMS permission was not enough time to do so (personal communication, 2020).

The Election Monitoring and Democratic Studies (EMDS) Centre noted the following human rights violations during the pandemic:

- ▶ On 18 March 2020, the border with Russia was closed, forcing hundreds of citizens who wished to return from Russia to Azerbaijan to live in deplorable conditions on the border. People living in the quarantine zone for up to three months in Russia's Dagestan region organized a protest on 15 June. The rally was violently broken up, and many citizens were beaten and injured by Russian law enforcement.
- ▶ A large number of people were held administratively or criminally liable for organising or participating in wedding or funeral ceremonies during the quarantine regime in Azerbaijan.
- ▶ Some detainees appeared to confess and repentant in the form of video interviews that were later broadcast on national television. Most people did not voluntarily consent to such video recordings,<sup>80</sup> according to credible reports received by the EMDS Centre. It should be noted that Article 51 of the Code of the Administrative Offences establishes a rule prohibiting public dissemination of information on administrative offences. If any photographic, video or audio recordings were conducted in the course of proceedings on an administrative violation, they must not be disseminated in the media without the consent of the victim and the person against whom proceedings are conducted.
- ▶ The recording and public dissemination of "apology" videos by police breach the law and infringes the right to privacy. This practice violates the right to privacy guaranteed by Article 37 of the Constitution of the Republic of Azerbaijan and Article 8 of the European Convention on Human Rights (EMDS 2020: 6–7).

The following people were disproportionately impacted by mobility restrictions and had to suspend their work: "drivers offering individual passenger and cargo transportation services; individuals offering music services; individual household services (shoemakers and cobblers; individual photo and audio-visual services; repair of watches, televisions, refrigerators, and other household appliances); domestic help in private homes and apartments; nannies; personal drivers; housecleaners; gardeners; cooks; security guards; food service wait staff serving customers; painters working in workshops; hairdressers. However, the current legislation did not classify them as unemployed" (Aghayev 2020). Out of 198 305 individual entrepreneurs and 659 739 employees in the country, 243 930 work in the areas most affected by the pandemic. This means that about one in three working women works in the areas most affected by the pandemic (Gender Port 2021). The restrictions also had a detrimental effect on sex workers. In general, sex work is prohibited by law. It is an administrative offence and entails a fine of AZN 100. After the lockdowns, the situation for sex workers became even more difficult.

There was a large-scale increase in unemployment. The percentage of unemployed women increased to 8.4% in 2020. The corresponding figure was 5.7% in 2019. The comparable figures are 6% for men in 2020 (4% in 2019) (Valiyev 2022b: 39). The government approved an action plan that included the allocation of assistance packages, which were not universal. AZN 190 per month were paid to 600 000 low-income people identified as unemployed from April to December 2020 (excluding September 2020) (Valiyev 2002b: 32). Although the subsistence minimum for 2020 was AZN 190 per person, these payments were paid not per person but per household. "In addition, the data published in the monthly socio-economic bulletins prepared by the SSC [State Statistics Committee] shows that compared to the beginning of 2020, the number of people identified as unemployed by the SSC increased by 114 000, or 45.2%, from 252 000 to 366 000" (Aghayev 2020).

"Initially, technical problems prevented people from being able to register on the official website. After this was resolved, many people reported having their claims rejected for apparently spurious reasons. Some said they had been rejected on the grounds of their husband's or wife's employment, despite not being married. Others said they had not qualified because they had a car registered in their name. Another reason for rejected claims was that the applicant owned a plot of arable land, although in most cases this was their residence" (Kazimova 2020).

There were also gender imbalances among "essential workers," including workers in healthcare, retail services and public transit. According to the Statistical Committee of Azerbaijan, women make up the majority of health-care providers, while men prevail among transit workers (State Statistical Committee of Azerbaijan 2021: 135).

"During the Covid-19 outbreak, women were disproportionately burdened with unpaid domestic work. The share of women spending more time on domestic chores outnumbered that of men" (62.9% versus 55.8%;

<sup>80</sup> The Code of Administrative Offences' Article 51 prohibits the public distribution of information about administrative offenses. This rule states that any photographic, video, or audio recordings made during the course of an administrative violation investigation may not be released to the media without the permission of the victim and the person being investigated.

UNFPA/UN Women 2020: 9). Schools and kindergartens were closed for a long time. Children switched to distance (online learning) education, which then increased the childcare burden on women. In this regard, the work of women was not taken into account and no additional support measures were taken when Covid-19 measures were planned and implemented.

The activities of many government agencies were suspended, and in-person admissions were not allowed during the lockdown. The sole exceptions were the Azerbaijani Service and Assessment Network (ASAN) and Agency for Sustainable and Operational Social Security (DOST) centres, which offer multiple types of public services. However, these centres were not available in all regions. People can access these bodies by pre-registering with their ID number only. It posed several challenges for those who lack an ID number, such as Roma people. Individuals in such situations could apply to the Cabinet of Ministers, which was not easily accessible at all.

People also experienced difficulties in contacting the hotline of the Ministry of Labour and Social Protection to receive a one-time allowance of AZN 190 envisaged for officially unemployed people (personal communication, 2020).

The government utilized technological contact tracing during the pandemic. E-Tabib was an official contact tracing and informative mobile app prepared by the Operational Headquarters. Although the app was not mandatory, the Ministry of Health of Azerbaijan, the Regional Medical Divisions Administration (TABIB) and the Operational Headquarters had access to the contact tracing information (Hasanov 2020).

Social services were delivered through data predicated on ID card information. Biometric data was required to enter public spaces such as malls, restaurants and theatres. People needed their ID card numbers to obtain SMS permits to leave home during the lockdown.

People's access to medical procedures deteriorated during the lockdown. Almost all medical treatments except for Covid-19 were classified as "unnecessary," and therefore people were treated late or received no medical services at all. Citizens faced severe problems in obtaining free medicines. In 2020, overall, 54 complaints were received on violations of the right to medical care (EMDS 2021: 9); ambulances struggled to answer calls and inquiries, and some patients waited for days for their calls to be answered. In addition, hospitals located in the regional centres that offered free medical care did not accept anyone other than Covid-19 patients. This prevented local people from accessing free medical care. Another obstacle was the long-standing establishment of mobility restraints between regions, which made it challenging for patients to travel to Baku for medical treatment (personal communication, December 2020). Additionally, the restrictions had a detrimental impact on women's reproductive health and rights (Gender Port 2021: 41).

Travel restrictions between regions had an influence on the number of domestic violence victims who were able to obtain assistance. According to Mehriban Zeynalova, head of the shelter "Clean World," the number of women seeking refuge in the shelter was higher before the pandemic because of restrictions on travel from the countryside to the capital Baku (Gender Port 2021: 60).

Since March 2020, Covid-19 restrictions were imposed within the territory of Azerbaijan and extended regularly. The most recent extension (as of 26 June 2022) continues to 1 September 2022. "There is insufficient data to confirm that the government has used its emergency powers in response to pressing social needs. No objective proof has been found to indicate that the numerous quarantine restrictions have contributed to the normalization of this exceptional situation" (Economic Research Center, 2020: 55).

On 8 March 2021, during the pandemic, feminist activists protested in Baku against the year-round killings of women, suicides, gender discrimination and the government's failure to take practical steps to protect vulnerable groups. More than twenty protesters were detained and taken to police stations during the demonstration (Toplum TV 2021). The Baku city government did not consent to the protest, justifying this decision on the fact that there was a quarantine regime. Although the rally organisers filed a claim, the court did not find that their freedom of assembly had been breached (personal communication, 2021). Overall, there was a significant increase in political persecutions during the quarantine period (EMDS 2020: 2).

### ***Impact of pandemic-related restrictions on the justice sector***

No special measures or practices in the justice sector were adopted. Restrictive measures in the justice sector had also a negative impact on women's access to justice. In accordance with the decision of the Plenum of the Supreme Court of Azerbaijan dated 19 March 2020, the courts were recommended<sup>81</sup> temporary suspension of court hearings and appearances, with an exception for cases on pre-trial measures, administrative detention and others of a similar nature (The Supreme Court of Azerbaijan 2020a, 2020b). The activities of some courts

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<sup>81</sup> *De facto*, the recommendations were followed by the local courts without exception.

(including courts of cassation and appeal) were fully restored as of 2 May 2020, with the exception of first instance courts located in densely populated areas<sup>82</sup> (which were suspended until 5 August 2020). On 20 July 2020, the Plenum of the Supreme Court recommended that courts of the first instance in large cities<sup>83</sup> hear cases on civil disputes arising from family-marital relations (divorce, alimony, communication with and custody over children, division of joint-property, for example). Beginning on 20 March 2022, all courts nationwide – for a month and a half, and courts of large cities, including the capital – for four months– postponed consideration of civil claims for divorce, division of property, custody of children, alimony, protection orders and other claims.

Private meetings in executive departments were prohibited as well, leading to non-enforcement of court decisions.

No exceptions to the regime of court closures were made for hearings on the issuance of protection orders for domestic violence victims during the pandemic, and the produce was not adapted in other ways. According to the legislation,<sup>84</sup> protection orders can be requested via post or electronically. During lockdowns, there was no provision for the issuance of protection orders for victims of domestic violence or the urgency of court cases dealing with violence against women.

Overall, it is impossible to determine the effect of delays on justice users or courts, for criminal and administrative offenses as no relevant data has been made available to the public. The Supreme Court itself stated that there was relatively little work in 2020 compared to 2019. Within the Supreme Court, there was a decrease in the workload of the Civil Board by a factor of 34.6%, by 47.4% in the Commercial Board, by 29.5% in the Administrative Board, and by 41% in the Criminal Board, in 2020 compared to the previous year. The total number of cases the Supreme Court received decreased by 29.9%. In 2019, 21 cases were considered by the Plenum of the Supreme Court, but this number fell by 16 cases in 2020. Additionally, fewer appeals were made to the Supreme Court. All of these reductions occurred due to the pandemic in Azerbaijan, and as a result the workload of the Supreme Court was much reduced. Furthermore, not all cases heard in the lower instance courts were appealed in cassation. In Baku, where the vast majority of the population lives, few cases were heard in the courts, due to a suspension of their activities for a month and a half. In some other regions, few cases were heard in the courts, due to a suspension of their activities for four months.

Women's participation in decision-making is normally poor, and the pandemic did not improve this situation. All members of the Operational Headquarters established by Presidential order No. 1861 on 27 February 2020 were men. In June 2020, the female head of the SCFWCA, Bahar Muradova, was included in the list (FED.az News Agency). Yagut Garayeva, the female head of the department in TABIB, has been very active in the media regarding the Covid-19 response, thus, it can be inferred that she was one of the main decision-makers in the process.

### 3. GENDER RESPONSIVENESS OF THE JUSTICE SYSTEM

There are no data available on the number of cases that women bring before the national courts, due to a lack of sex-disaggregated data on court applicants.

#### 3.1. Gender bias, gender stereotypes, poor services and hostile attitudes among legal professionals and the police

As previously mentioned, gender stereotypes are deeply rooted in Azerbaijani society. The UN Special Rapporteur on violence against women and girls noted in her report that violence against women “seems to be underpinned by the persistence of patriarchal social norms, deeply rooted gender stereotypes and misconceptions, as well as customary practices that are harmful to women,” (Manjoo 2014, para. 4). Such attitudes prevail among legal professionals and the police as well.

According to the Code of Criminal Procedure, the victim is a party in the criminal procedure. As participants in the procedure, victims have certain procedural rights, as well as duties, which judges are obliged to explain.

82 In Baku, Sumgayit, Ganja, Lankaran cities and Absheron region.

83 Baku, Jalilabad, Ganja, Masally, Mingachevir, Sumgayit, Yevlakh, Absheron, Barda, Goranboy, Goygol, Khachmaz, Siyazan and Shaki

84 Law of the Republic of Azerbaijan on Administrative Proceedings (2005),

29.1. When another rule is not stipulated in the legislation of the Republic of Azerbaijan, the application is submitted personally by the interested person to the relevant administrative body that is authorized to adopt an administrative act regarding the issue raised in the application or sent via postal communication or electronically.

29.2. Application is presented to relevant administrative body by interested person in written form in accordance with the procedure identified in Article 29.1 of this Law.

In 2013, the Organization for Security and Co-operation in Europe (OSCE) conducted trial monitoring team of domestic violence cases in the justice system of Azerbaijan. The trial monitoring team recorded that in court proceedings related to domestic violence, the victims generally represent themselves. In such cases, the judge's duty to explain their rights to them is particularly important. The trial observers reported that in many cases judges did not announce the list of rights and in some cases merely announced the rights without any explanation. By failing to instruct the victims about their rights in a full and understandable manner, especially in cases of unrepresented victims, the courts jeopardise the victims' legal rights.<sup>85</sup>

No protocols have been adopted for justice-sector actors (i.e., police, investigators, prosecutors, judges, corrections officers) related to gender-based violence or crimes that disproportionately affect women. There are no protocols for police and prosecution related to requirements on the provision of information for victims; related to the obligation to refer victims for services; risk assessment protocols; or related to criteria for *ex officio* prosecutions in some gender-based crimes.

During its monitoring of criminal proceedings involving domestic violence, the trial monitoring team recorded cases such as:

- ▶ a prosecutor mentioning a proverb extolling the “benefits” of domestic violence to a victim;
- ▶ a judge telling a victim that her words and behaviour in the courtroom showed that she was “as guilty as her husband”;
- ▶ a judge trying to convince a victim to proceed with a hearing in a closed session, using the reasoning that since she was a woman, some of the facts to be investigated in the trial would be “shameful” for her.<sup>86</sup>

Domestic violence is still taboo but is accepted as an issue to be dealt with within the family. There are no systematic and consistent efforts towards societal transformation to address traditional gender roles and stereotypes limiting the personal, social, economic and political freedom of women in Azerbaijan. The OSCE trial monitoring team observed several criminal proceedings related to domestic violence. They reported inappropriate language by justice actors towards victims. They noted that justice system actors do not always give victims the respect to which they are entitled by the law. Although not common, inappropriate language that indicates discriminatory attitudes, where gender-based stereotypes appear to substitute for the facts, may further victimise the victim.<sup>87</sup>

The appearance of gender bias and stereotypes in court proceedings is still observed. More recently, the following incidents were noted:

- ▶ a judge of the Baku Serious Crimes Court told the accused during the hearings of a gender-based crime that he is a man; a man does not enter into a dialogue with a woman (Legal aid lawyer, personal communication, 31 May 2022);
- ▶ in a case involving a victim of forced marriage by her mother and brother, over ten police officers made inappropriate statements to the social worker handling the case. These included remarks such as, “Madam, she is her mother,” “Do you love her more than her mother?” They questioned the seriousness of the victim's situation, saying, “Her mother would not kill her at night, right?” “We talked with her, she is ok, she will come and testify tomorrow,” “Her brother does not want his sister to be immoral, that is why he said [that “I will come and blow your head off]” (Social worker, personal communication, 2022);
- ▶ police stating that the [female] victim is “very emotional” when she requested him to take measures for her safety and telling her female lawyer also that she is also “very emotional” after she requested the same and cited case law of the European Court of Human Rights for his information (personal communication, 28 April 2021);
- ▶ a legal professional telling a victim of intimate partner violence that “if he stalks you, it means he loves you” (personal communication, June 2018);
- ▶ an investigator shouting at a female victim who approached a police officer to write a complaint on a criminal case: “Look at her! Go away and come with your husband” (Yaghmur 2022).

Corruption in the judiciary is also one of the reasons that women encounter difficulties in accessing justice. It is a factor behind the low level of applications to authorities for help or investigation, especially in domestic

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85 Domestic violence cases in the justice system of Azerbaijan. Rule of Law and Human Rights Unit. OSCE Office in Baku, 2013 (OSCE Report), p. 18.

86 Ibid., p. 19.

87 Ibid., p. 19.

violence or sexual violence cases. Corruption also leads to a lack of trust in the authorities and the ineffectiveness of bringing any cases to the courts or the police. Corruption is one of the reasons why, even if people seek justice and can physically access the institutions, the outcome may not be fair or just (Gender Association “Symmetry” and Karat Coalition 2011, page 2). A victim who left home and hid because she had been beaten regularly by her brothers stated “the police officer of Binagadi district demanded a bribe from my brother, and in return he would find and hand me over to them” (personal communication, 25 April 2022).

The lack of women working in the judiciary and in the police force further hinders women’s ability to report cases. This, combined with widespread stereotypes, economic dependence and the fear of being stigmatized make reporting almost non-existent. The UN Special Rapporteur on violence against women and girls noted the low number of women working in the criminal justice sector as a contributing factor to the inappropriate handling of such cases (Manjoo 2014, para. 70).

It is important to note that gender stereotypes and hostile attitudes against women among legal professionals are manifest in cases that deal directly with gender issues. In cases that have no relation to gender, such attitudes and stereotypes generally do not appear. Brief interviews conducted among lawyers for this study confirm this.

### 3.2. Gender training for judges and lawyers

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The Ministry of Justice has undertaken specific education and training programmes on the principles and provisions of CEDAW and its Optional Protocol. The training is provided to all government agencies, public officials and, in particular, legal professionals and the judiciary. Since July 2011, special training has been dispensed on the importance of invoking CEDAW and of making reference to the Convention in judgments whenever possible. The Ministry of Justice in collaboration with the SCFWCA also regularly publishes special materials with the aim of raising awareness. The SCFWCA (as the central body responsible for the implementation of gender policy in the country), gender focal points in state bodies and representatives of NGOs also benefit from trainings conducted by the Ministry of Justice. The Ministry, besides training programmes, also organises seminars that are attended by judges, prosecutors and lawyers with expertise in CEDAW and other human rights treaties. Until 2023, the education of judges at the Academy of Justice was conducted in cooperation with the Council of Europe, the OSCE, the United Nations Children’s Fund (UNICEF), the German Technical Cooperation Agency (GTZ) and other agencies, under various joint projects.

In the framework of the projects “Support to increased efficiency of courts, improving training for judges and court self-government” (2015–2017), “Application of the European Convention on Human Rights and the case law of the European Court of Human Rights” (2015 – 2018) and “Strengthening the efficiency and quality of the judicial system” (2019 – 2023)<sup>88</sup> and “Raising awareness on gender equality standards” (2020 – 2023) the Academy of Justice continues to collaborate with the European Union and the Council of Europe. These projects were part of the joint European Union and Council of Europe programme “Partnership for Good Governance” (PGG), which provides a tailor-made support to Eastern Partnership countries to bring their legislation and practice closer to European standards in the fields of human rights, rule of law and democracy. . The programme comprises of three phases: PGG I (2015–2018), PGG II (2019–2023), and PGG III (2023–2027). Currently, collaboration is being continued within the framework of projects “Preventing and combating violence against women and domestic violence in Azerbaijan” and “Women’s Access to Justice: implementing Council of Europe’s gender equality and violence against women standards”, which are both part of PGG III (Council of Europe, 2023). Also, the Academy of Justice cooperates with UNICEF and has organized several trainings together with the International Committee of the Red Cross and the International Organization for Migration (Government of Azerbaijan 2019a, para. 15).

Hundreds of lawyers, police officers and prosecutors have attended trainings and other educational and capacity-building programmes of international organisations and NGOs, including the Council of Europe, the European Union, the OSCE, the American Bar Association Central European and Eurasian Law Initiative, and UN agencies. Nearly 300 employees of the MIA were involved in numerous domestic violence prevention activities hosted by international and non-governmental organizations in the country and abroad between 2013 and 2017 (UN Committee on Economic, Social and Cultural Rights 2021, para. 118). A total of 1 403 police officers participated in training sessions and experience-sharing programs on human rights from 2019–2020. These programs covered

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<sup>88</sup> The project “Strengthening the efficiency and quality of the judicial system” (2019 – 2023) is a continuation of the previous project “Support for improving the efficiency of courts, improving training for judges and court self-government” (2015–2017)

gender equality, providing legal aid to vulnerable groups and preventing sexual and gender-based violence (Government of Azerbaijan, 2021a: 3).

“Strengthening the efficiency and quality of the judicial system” project under EU/Council of Europe programme Partnership for Good Governance phase II has significantly enhanced the capacity of a diverse range of legal professionals, including judges, advocates, prosecutors, investigators, court staff, practicing lawyers, human rights defenders, and judge candidates on European human rights standards, and judges, court staff, as well as law professors on CEPEJ (European Commission for the Efficiency of Justice) measurement tools. Particularly the Partnership for Good Governance phase II 2020–2023 project “Raising awareness on gender equality standards in Azerbaijan” has successfully organized a series of specialized training sessions aimed at judges and lawyers. The project has also developed and launched an adapted Azerbaijani version of the HELP course on Violence against Women, produced and distributed a range of materials dedicated to the subject of gender equality (Council of Europe 2018; 2023).

In October 2016, SCFWCA and UNFPA launched the project of Fighting Gender based Violence in Azerbaijan with the support of United States Agency for International Development (Government of Azerbaijan 2019b, p. 79). With Lithuania and Austria serving as the project’s senior and junior partners, respectively, the SCFWCA launched the EU-funded twinning project “Strengthening the capacity of the state bodies and local level referral mechanisms to provide safety and support to victims of domestic violence” in 2020. In order to improve the support given to victims of violence and the effectiveness of treatment and rehabilitation efforts with offenders, a training course was held for the staff of law enforcement and prosecution authorities, as well as the health sector, in May 2021. Additionally, the initiative arranged training sessions for judges in 65 administrative districts and cities/towns on “Domestic Violence Indicators, Referral Guidelines, and Risk Assessment” and developed four manuals on: domestic violence indicators, referral guidelines, and risk assessment tools; treatment of women’s rights and domestic violence cases in compliance with European standards; mass media campaigns to improve the perception of gender equality among and disseminate gender-based violence data to journalists covering domestic violence issues; and on the elimination of domestic violence: how can social relations and behavioural patterns change? (Government of Azerbaijan 2021a: 2).

A curriculum for human rights training was developed to train judges and lawyers by the Academy of Justice. Additionally, a specific curriculum on women’s rights-related standards directed towards changing the attitude of lawyers about gender equality and combatting domestic violence has been prepared (personal communication, 4 August 2023). However it should be noted that there is no publicly shared information regarding the inclusion of any module addressing women’s rights in the curriculum of the pre-service and in-service judicial training course at the Academy of Justice.

Based on observations, it can be stated that there is a need for the training of the judges on the measures that could be considered part of an accommodating and gender-sensitive approach, including friendlier courtroom environment; allowing animals to accompany witnesses; speaking more slowly, and where appropriate, allowing pauses for assimilation; framing questions in a way that assists recollection and the provision of more qualitative information; and addressing issues in chronological order and avoiding addressing new topics without explanation.

### **3.3 Extent to which women’s rights and gender equality issues have been introduced into the education of legal professionals**

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In 2010, Baku State University’s LLM Programme on Human Rights Law included in its curriculum a course on gender and children’s rights. This course was mandatory until 2014, but it is now taught as an optional course. It is the only course reflecting women’s rights law as a separate subject within higher education institutions in Azerbaijan. However, recently, the university took the initiative to include the “Combating Domestic Violence” course in the undergraduate curriculum, according to Zaur Aliyev, the Dean of the Faculty of Law (Baku State University 2022).

In June 2021 within the above-mentioned “Raising awareness on gender equality standards in Azerbaijan” project, a HELP Training of Trainers was held at Baku State University’s Faculty of Law. Twelve law professors from the Faculty became certified HELP trainers. They were also introduced to the HELP course on Violence Against Women and Domestic Violence (Council of Europe 2021; 2022).

In May 2022, within the same project, the Faculty of Law at Baku State University organized an event titled “European Court of Human Rights – Precedents on Domestic Violence and Violence against Women” (Baku State University 2022).

While efforts have been made to address gender and women’s rights in some areas of higher education in Azerbaijan, there are still areas that need improvement. The educational system of the Police Academy of the MIA does not include gender equality. It instead reinforces gender-stereotyped approaches. According to one of the current textbooks of the Academy, “domestic violence crimes have the following characteristics: one of the main reasons for committing such crimes is the victim’s provocative actions aimed at exacerbating the conflict” (Abishov and Mansurov 2017: 75). It is evident from the gender-stereotypes reproduced in the textbook that a gender-biased approach is being promoted in the training of police officers in the academy. This approach, in turn, may well lead to practices that result in secondary victimization in domestic violence cases.

It is important to include a mandatory course on women’s rights-related standards into the curriculum at law faculties to raise awareness among the next generation of lawyers in a new way of thinking about gender equality issues.

## 4. REMEDIES, GOOD PRACTICES AND RECOMMENDATIONS

### 4.1. Existing remedies to facilitate women’s access to justice

According to the CEDAW Committee’s General Recommendation No. 28, remedies for women who are subject to discrimination should include different forms of reparation such as monetary compensation, restitution, rehabilitation and reinstatement; measures of satisfaction, such as public apologies, public memorials and guarantees of non-repetition; changes in relevant laws and practices; and bringing to justice the perpetrators of violations of women’s human rights.<sup>89</sup> Without reparation, the obligation to provide an appropriate remedy is not fulfilled.<sup>90</sup>

Article 68 of the Azerbaijani constitution states that victims have the right to participate in the administration of justice and to demand compensation for loss.<sup>91</sup> The Law on Gender (Men’s and Women’s) Equality states that “damage to people exposed to gender-based discrimination shall be paid in compliance with the legislation of the Republic of Azerbaijan. Damage to employees exposed to sexual harassment shall be paid by an employer in compliance with the legislation of the Republic of Azerbaijan” (Government of Azerbaijan 2006a, Article 17). In the spirit of ensuring that women have recourse to affordable, accessible and timely remedies, with legal aid and assistance as necessary, one of the main objectives of the State Programme on the Development of the Justice System in Azerbaijan for 2009–2013 was to improve the access of citizens to judicial authorities and courts. With the Judicial Modernisation Project implemented jointly by the Ministry of Justice and the World Bank, 20 Regional Legal Advisory Service Centres were established with the aim of sensitising the poor, especially women, about their rights, raising their awareness and enhancing their access to free legal aid services, including in relation to violence against women (UN Committee on the Elimination of Discrimination against Women 2013, para. 8).

The new State Programme on the Development of the Justice System in Azerbaijan for 2019–2023 was approved in December 2018. Under this programme, several measures were implemented that positively impacted women’s access to justice. Modern technologies were applied in the activities of the judiciary and courts; logistics of the judiciary were developed, social protection of judicial staff and judges was strengthened, and a new prison building and penitentiary complex for women was constructed in the Umbaki settlement of Baku, which improved the detention conditions for women. As a result of these judicial system reforms, the drafting of court documents, resolutions, and delivery to court participants, as well as court proceedings and executive functions, have all been streamlined. However, the action plan for preparing the draft Law of the Republic of Azerbaijan on Free Legal Aid with the participation of international experts to improve the provision of free legal aid to people with low incomes is outlined in the program, but has not yet been implemented.

<sup>89</sup> CEDAW Committee, General Recommendation No. 28 on the core obligations of states parties under Article 2, UN Doc. VEDAW/C/GC/28, 2010, para. 32.

<sup>90</sup> Ibid.

<sup>91</sup> Article 68: Everyone has the right to compensation from the state for damages suffered as a result of the illegal actions or misconduct of state bodies or their officials; the state, together with civil servants, shall bear civil liability for damage caused to human rights and liberties and for the violation of their guarantees as a result of unlawful actions and inaction of public servants.

As in all jurisdictions, the courts are the main instruments for redressing violations of the law in Azerbaijan. Women can also apply to the Commissioner for Human Rights (Ombudsperson) and the SCFWCA when their rights have been violated. The Ombudsperson, who has oversight of the implementation of human rights provisions in Azerbaijan, can receive and investigate complaints of human rights violations by individuals and legal entities,<sup>92</sup> such as complaints concerning court bureaucracy, document loss and delays in court proceedings.<sup>93</sup> The SCFWCA can receive and consider complaints in relation to its mandate.

The provision of effective remedies for victims involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services. Effective remedies must address the root causes of violence, inequality and discrimination (Manjoo 2014, para. 75). During her visit to Azerbaijan, the UN Special Rapporteur on violence against women and girls could not access any data on measures to ensure redress for women victims of violence. The low rate of prosecution and convictions for acts of violence against women contributes to the lack of effective redress provided to victims. Women in Azerbaijan face numerous obstacles to access mechanisms of redress, including quality legal aid, counselling services and shelters (Manjoo 2014, para. 76). Instead of being provided with proper redress, women victims of violence are re-victimised and exposed to further risk of violence through the intervention of the family, the community or the authorities as a result of out-of-court settlements. The UN Special Rapporteur states in her report that judges are particularly reluctant in granting divorces and often encourage both parties to seek reconciliation instead of ensuring effective redress to women survivors of domestic violence (Manjoo 2014, para. 77).

According to Azerbaijani legislation, remedies for civil damages includes restitution, compensation and rehabilitation. Victims of gender-based violence have a right to request compensation for damages, both pecuniary and non-pecuniary, for the reimbursement of expenses from the perpetrator (Government of Azerbaijan 1999c, Article 21; 2000, Article 181). The Civil Code provides an open-ended list for the damages. However, it does not stipulate separately that civil damages can consider unremunerated domestic and caregiving support. Such actions are almost never filed. On the one hand, legal professionals are unaware of this possibility; on the other hand, there are no clear rules on how this support should be calculated.

Victims can seek remedies either through separate civil or criminal proceedings. A victim of gender-based violence can be awarded compensation through criminal proceedings if she files a civil claim before the beginning of the court's examination. In all other cases, the victim can file a separate civil claim (Government of Azerbaijan 2000, Article 183). However, if the perpetrator cannot pay compensation, it is not provided by the state. There is no state-run victims' compensation fund. Also, in civil proceedings, the victim (claimant) has the evidentiary requirement to demonstrate pecuniary and non-pecuniary damages (Government of Azerbaijan 1999c), which complicates the situation, especially given that victims are not eligible for free legal aid for these types of claims.

Article 1101 of the Civil Code provides the right to compensation from the state for any failure to act with due diligence in the investigation and prosecution of the case (Government of Azerbaijan 1999c). According to the Law of the Republic of Azerbaijan on reimbursement of damages to individuals caused by illegal acts of the preliminary investigating bodies, prosecutors and courts adopted on 29 December 1998, the state should reimburse all such damages. However, the mentioned provisions do not provide for compensation for damages to victims but only apply to persons who have been illegally prosecuted or arrested. According to the Code of Criminal Procedure, the court considers the application of the victim regarding compensation of damages caused by the crime to be at the expense of the state budget.<sup>94</sup> According to the Law on Approval, Entry into Force and Related Legal Regulation Issues on the Code of Criminal Procedures, the provisions of Chapter XX and Article 87.6.18 of the Code of Criminal Procedure concerning the payment of compensation to victims of a crime will come into force after the adoption of the relevant law in this field.<sup>95</sup> This requirement covers compensation from the state. The phrase "completion of judicial-legal reform" was deleted from the law. However, this provision postpones the payment of compensation to the victims of a crime for an indefinite period. The Law on Combating Domestic Violence also does not provide for any compensation. All of this affects women victims of crime, including victims of human trafficking, from receiving compensation from the state.

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92 Article 8.1, Constitutional law of the Republic of Azerbaijan on the Commissioner on Human Rights (Ombudsperson), No. 246-IIKQ, 28 December 2001.

93 Ibid, Article 1.6.

94 Article 191.1, Code of Criminal Procedures.

95 Article 2.



#### 4.1.1. Remedies for victims of human trafficking

Azerbaijan has made progress in providing remedies for victims of human trafficking. The National Action Plan on Combating Human Trafficking in Azerbaijan (2014–2018) contained an impressive list of policy measures including the provision of physical, psychological and social rehabilitation; safe living conditions; medical examination and treatment; access to translation services; legal representation in courts; and ensuring access to education as well as vocational training and the labour market. The National Action Plan for 2009–2013 ensured that once victims of human trafficking are identified, they are given immediate and adequate material, social, medical or psychological support.<sup>96</sup> In July 2020, the new National Action Plan for 2020–2024 was adopted.<sup>97</sup> In accordance with this national action plan, indicators for identifying victims of trafficking in persons have been developed, a state-funded care Centre for Victims of Human Trafficking was established for social rehabilitation and protection of victims of human trafficking, and trainings were conducted for persons working in the field of combating human trafficking. When changes were made to the Criminal Code in 2013, the definition of human trafficking was brought into compliance with international law (Government of Azerbaijan 2013).

From 2012 to 2019, allowances paid to victims of human trafficking in the course of reintegration increased from AZN 400 to AZN 700 (Government of Azerbaijan 2006, Article 1). However, victims of human trafficking also experience barriers in applying to available remedies. According to the Law of Azerbaijan on Combating Human Trafficking, the courts shall resolve the matter of material and moral damages related to the victims of human trafficking, who shall be compensated from the assets of human traffickers, or from the trafficking victims' assistance funds if the assets of human traffickers are not enough for compensation in accordance with procedural legislation.<sup>98</sup> According to the Code of Civil Procedure, a civil claim arising out of a criminal case shall be filed for review under the civil procedure during the criminal proceedings. NGOs working with victims of human trafficking state that this provision causes some problems in practice, as the victims of human trafficking are informed about the date of the court proceeding and provided with a lawyer late, as a result of which the victims do not have enough time to prepare civil claims before a criminal case is settled.<sup>99</sup>

#### 4.1.2. National good practices to promote equal access of women to justice

Several good practises exist in the legal and public administration systems of Azerbaijan regarding women's access to justice. For instance, the Labour Code prohibits refusing to sign a labour contract with a woman who is pregnant or has a child under the age of three. If an employer refuses to sign, they have to explain in writing the reason behind their decision to the woman, who can seek justice from a court of law in order to protect her rights (Government of Azerbaijan 1999a, Article 240). According to the law, women shall be granted pregnancy and maternity leave of 126 days, starting 70 calendar days prior to childbirth and ending 56 calendar days after childbirth. In the event of difficult or multiple births, women shall be granted 70 days of leave after childbirth. The law takes into account the needs of rural women and defines more days of maternity leave after childbirth for women working in the agricultural sector: 70 calendar days after birth in normal childbirth; 86 calendar days in difficult births; and 110 calendar days in multiple births (Government of Azerbaijan 1999a, Article 125). According to the Labour Code, employment contracts for pregnant women and women with a child under the age of three, as well as men independently raising a child under the age of three, may not be terminated (Government of Azerbaijan 1999a, Article 79).

The ASAN service under the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan, established in 2012, has improved the public administration of Azerbaijan, including women's access to justice. The ASAN service operates on the basis of a "one-stop-shop," which means citizens can access several public services in one place. Fifteen ASAN Service centres operate in the country, which provide more than 320 public services by involving 12 governmental and private organizations in one place. The ASAN service uses a technologically advanced system that facilitates people's access to public services. At present, 450 different e-services are available for use through the e-government portal.

Being a corruption-free centre, the ASAN service provides fast, efficient, transparent, and high-quality professional public services to the people. It is particularly helpful for women who can access several public services at one place (for example, when they are divorcing) and save time, which is sometimes a vital consideration.

The ASAN services receive more than 3 000 applications in each centre and 30 million in total. The mobile centres have served two million people in addition to fixed facilities.

<sup>96</sup> National Action Plan on Combating Human Trafficking in Azerbaijan for 2009–2013, approved by the Decree of the President of the Republic of Azerbaijan dated 6 February 2009.

<sup>97</sup> National Action Plan on Combating Human Trafficking in Azerbaijan for 2020–2024, approved by the Decree of the President of the Republic of Azerbaijan dated 22 July 2020.

<sup>98</sup> Article 26, Law on Combating Human Trafficking.

<sup>99</sup> Experience of Azerbaijan in Combating Human Trafficking. Baku, 2012, Ed., Bayramova P. (in Azerbaijani). p. 39.

Another social service – ABAD, centres under the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan were established in 2016 and support family business and social entrepreneurship. ABAD centres essentially support craftspeople and agricultural producers (organic food producers), provide local people, including women, with packaging and marketing as well as provide infrastructure for artisans in the ABAD centres.

By a Presidential Decree of 10 December 2018, the DOST Agency was established under the MLSPP. DOST centres provide single-window services based on the principles of efficiency, citizen satisfaction, transparency, courtesy, responsibility, and convenience. They provide services by using mobile and other facilities to fulfil requests filed by citizens in person, by telephone, or via the internet. They organise courses on ethical conduct for service providing staff and various training opportunities to develop skills in managing the flow of citizens, and they provide services to citizens by using mobile and other technologies (DOST official web page).

During the Covid-19 restrictions, admissions were suspended in all government agencies. Still, the ASAN service centres and the DOST Agency continued to provide services for almost the entire period (with the exception of one month).

## 4.2. Recommendations

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### 4.2.1. Measures to address the obstacles that prevent equal access to justice for women

We propose the following amendments to the relevant laws to remove direct and indirect discrimination against women and obstacles preventing equal access to justice for women:

#### **Labour law**

- ▶ remove the prohibition on women from working in particular hours and the restrictions on women's choice of employment;
- ▶ remove the restrictions regarding duties at work for pregnant women or women having children under three years of age and bring them into compliance with international standards;
- ▶ ensure that legislation encourages an equal share of responsibilities in raising children for women and men;
- ▶ amend the provision of the Law on Gender (Men's and Women's) Equality stating "compensations, privileges and fringe benefits for females specified by the Labour Code shall not be considered as discrimination," as there are several provisions in the Labour Code that constitute direct and indirect discrimination against women;
- ▶ include compulsory paternity leave in legislation;
- ▶ safeguard the rights of women working in the informal sector.

#### **Family law**

- ▶ make divorce possible only through the judiciary;
- ▶ address the negative impacts of childcare-related career breaks during retirement;
- ▶ introduce pension-sharing schemes in legislation;
- ▶ include an exception to the mandatory mediation requirement in the Civil Procedure Code for gender-based and domestic violence cases;
- ▶ include an exception to the mandatory mediation requirement in the Civil Procedure Code for alimony and labour dispute cases;
- ▶ include an exception to granting a three-month reconciliation period during a divorce in the Civil Procedure Code for victims of domestic violence;
- ▶ include a provision exempting victims of domestic violence from paying state fees and other court expenses in the Civil Procedure Code;
- ▶ remove the list of reasons for applying for maintenance for a woman;
- ▶ include separate provisions considering unremunerated domestic and caregiving support in determining appropriate compensation for damage in the Civil Code;

- ▶ safeguard the rights of women in unregistered marriages and their children and provide for their access to justice;
- ▶ prohibit religious marriages prior to state registration;
- ▶ take into account the level of remuneration in the informal sector when defining alimony for children in divorce cases;
- ▶ strengthen the enforcement of court decisions, especially on payment of alimony;
- ▶ include spouses in unregistered marriages as legal heirs in the Civil Code;
- ▶ include rights of survivorship over pensions of spouses in unregistered marriages in the legislation.

#### ***Criminal law and criminal procedure***

- ▶ include stalking, marital rape, and all forms of physical violence in the Criminal Code
- ▶ include violation of a protection order in the Criminal Code;
- ▶ revise the definition of rape in the Criminal Code to comply with a lack of consent;
- ▶ include forced pregnancy and forced abortion in the Criminal Code;
- ▶ remove the burden of proof from the applicant in the Code of Criminal Procedure in cases related to discrimination and violence against women;
- ▶ include domestic violence in the Criminal Code as a specific crime;
- ▶ include a specific provision in the Code of Criminal Procedure to address the particular needs and rights of women victims of domestic violence;
- ▶ implement the provisions on forced and child marriage in practice;
- ▶ include the provision of separate waiting areas as victim and witness protection measures in courts, police stations and local executive bodies;
- ▶ include measures to ensure the security of the victim, witnesses and other participants in civil proceedings;
- ▶ adopt a law on enforcement of provisions of the Criminal Procedure Code concerning the payment of compensation to the victims of a crime.

#### ***Prevention of Violence Against Woman and Domestic Violence***

- ▶ expand the list of domestic violence perpetrators in the law to reflect local realities;
- ▶ adopt national gender equality strategies and action plans addressing the specific needs of women and girls with disabilities, ethnic minority women, migrants, and refugees, low-income and other marginalized groups;
- ▶ amend Decision No. 680 of the MIA dated 3 November 2011 to determine rules on registration of information on family disputes in "Registration of information about committed or planned crimes" Book No.1;
- ▶ amend the Criminal Procedure Code to include all gender-based violence and domestic violence crimes to be subject to *ex-officio* prosecution;
- ▶ include in-court and out-of-court victim and witness protection measures in all procedures, including criminal, civil, administrative and other procedures in the legislation;
- ▶ include a requirement to conduct a risk assessment in cases of gender-based violence and domestic violence for victims and children in the legislation;
- ▶ include the obligation of correctional facilities and probation officers to undertake risk assessments before releasing a perpetrator and notify victims of the offender's release;
- ▶ equip police with the power to issue and supervise emergency barring orders and protection orders;
- ▶ include the possibility of issuance of a protection order by the court regardless of the issuance of the short-term protection order;
- ▶ amend the provisions to provide a reversed burden of proof during the issuance of protection orders;

- ▶ include provisions for prolongation of length of protection orders;
- ▶ amend the law to provide for the issuance of protection orders regardless of whether the perpetrator's acts indicate evidence of a crime;
- ▶ include rules for immediate judicial hearing of complaints relating to the non-issuance of protection orders in the Administrative Procedure Code;
- ▶ enable an electronic mechanism for sharing information on the issuance of both short- and long-term protection orders throughout the justice system: police, prosecution, and judiciary;
- ▶ include the use of videoconferencing to ensure the safety of victims and witnesses in the Civil Procedure Code, Code of Administrative Offences and Administrative Procedure Code;
- ▶ include provisions considering the interests of children during the issuance of protection orders;
- ▶ remove the state's duty to "assist in the normalisation of relations between parties and resumption of family affairs" from the Law on Prevention of Domestic Violence;
- ▶ clarify the possibility of issuing a "warning" in the Law on Prevention of Domestic Violence;
- ▶ provide for payment of social allowances for victims of domestic violence and gender-based violence;
- ▶ adopt a National Strategy on Prevention of Domestic Violence;
- ▶ develop mechanisms of short and long-term protection orders;
- ▶ establish a strong National Referral Mechanism for victims of Domestic Violence.

#### **Law on Gender (Men's and Women's) Equality**

- ▶ amend the Law on Gender (Men's and Women's) Equality to bring the definition of "discrimination against women" into compliance with international law, as encompassing both direct and indirect discrimination;
- ▶ amend the Law on Gender (Men's and Women's) Equality to bring the definition of sexual harassment into compliance with international law, as encompassing sexual harassment in education and public spaces;
- ▶ enforce the prohibition of sexual harassment.

#### **National remedies**

- ▶ adopt a law on free legal aid;
- ▶ improve the mechanism in legislation for receiving free legal aid in civil cases;
- ▶ undertake measures to ensure qualified and effective legal assistance;
- ▶ establish legal aid clinics, especially in rural areas, to provide free legal aid;
- ▶ establish free, sustainable and state-supported services for women, including a free 24/7 hotline;
- ▶ increase the number of state-funded shelters for women victims of domestic violence;
- ▶ ensure the availability of childcare facilities and shelters for victims of domestic violence in rural areas;
- ▶ increase the number of female staff in the criminal justice sector;
- ▶ ensure full implementation of the policy framework on national referral mechanisms to combat human trafficking;
- ▶ take measures to combat corruption in the judiciary;
- ▶ take temporary special measures to achieve *de facto* gender equality in the political, economic and social spheres;
- ▶ investigate and prosecute cases of domestic violence and other forms of violence against women;
- ▶ implement the Law on Public Participation and establish the Public Council;
- ▶ take measures to enhance women's participation in public life, especially in decision-making bodies, including the parliament, the government, the diplomatic service, regional and local municipalities and the upper level of the judiciary;

- ▶ ensure the availability of court procedural information in a language that people with lower levels of education can understand;
- ▶ ensure access to information on court procedures to national minorities, migrants and refugees, and people with disabilities in multiple languages and Braille;
- ▶ ensure the distinction between mental capacity and legal capacity of people with mental disabilities in legislation;
- ▶ remove obstacles to physical access to courts, police stations and other public facilities;
- ▶ include a provision on the application of the best interpretation of the will and preferences of persons with disabilities in the legislation in all civil, administrative, criminal and other procedures;
- ▶ implement measures to prosecute employers who discriminate against women released from prison;
- ▶ expand the number of public support centres for victims of gender-based violence and domestic violence, as well as by supporting the activities of non-governmental organizations;
- ▶ establish multiple agencies for victims to report gender-based and domestic violence;
- ▶ exempt victims from undue financial and administrative burdens when annulling or dissolving forced marriages in the legislation;
- ▶ adopt protocols for justice-sector actors related to requirements on the provision of information for victims; related to the obligation to refer victims for services; risk assessment

#### ***Raising awareness***

- ▶ raise awareness of judges, police, law enforcement officers and lawyers on women's rights with special trainings intended to challenge their cultural attitudes to violence and discrimination against women;
- ▶ include women's rights law in curricula in secondary schools and law faculties;
- ▶ revise the content of school teaching materials and the curriculum to address gender stereotyping;
- ▶ raise women's awareness about their rights;
- ▶ develop a special curriculum on women's rights law for judges, law enforcement officials and lawyers with the intention to challenge attitudes to and cultural stereotypes about women;
- ▶ include a course on women's rights law into the curriculum at law faculties with the aim to educate the new generation of lawyers with a new way of thinking on gender issues.

#### ***Anti-crisis measures***

- ▶ ensure crisis measures to be non-discriminative in relation to women and groups in vulnerable situations: persons with disabilities, Roma people, sex workers, and people with low incomes;
- ▶ ensure equal participation of women in decision-making processes in situations of emergency, including pandemics;
- ▶ ensure limitation on fundamental human rights and freedoms are in line with the Article 4 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the European Convention on Human Rights (ECHR);
- ▶ consider the gender digital divide during the application of electronic and digital methods in response to crises;
- ▶ introduce universal social support packages in times of crisis.

#### **4.2.2. Measures to address research and data needs in the field of women's equal access to justice**

We propose the following measures to address research and data needs to advance women's access to justice:

- ▶ collect data on the number of cases brought by women before national courts in comparison to men;
- ▶ take measures to fill in the lack of official sex-disaggregated data on the dynamics of child marriages;
- ▶ collect data on political and public participation that is disaggregated by sex, ethnicity, urban/rural status, region, age and disability;

- ▶ collect data on whether widows are negatively affected by discriminatory property and inheritance rights;
- ▶ collect data on types of complaints lodged, internally and externally, by women and men to police;
- ▶ collect data on complaints received from citizens or NGOs regarding the gender-based response of police, prosecution offices, and local executive authorities;
- ▶ collect data on court decisions citing international women's rights standards;
- ▶ collect data on the language used in judicial decisions reflecting the use of gender stereotypes and intersecting identities;
- ▶ conduct trial monitoring programmes to assess in-court gender bias;
- ▶ collect data on sexual and gender-based violence committed against incarcerated women;
- ▶ collect data on social welfare assistance provided to women upon their release to avoid economic distress;
- ▶ conduct Demographic and Health Surveys to collect data on attitudes, rights awareness, and the number of cases of domestic violence reported by victims;
- ▶ collect disaggregated data on the number of victims of femicide by age, marital status, cause of death and geographic location;
- ▶ collect data on the percentage of protective orders issued in proportion to the number of protective orders requested, disaggregated by the type of crime and type of violence reported;
- ▶ collect data on the number of convictions for violence against women in proportion to the total number of reports;
- ▶ collect data on the number of femicide prosecutions with sentences in comparison to the total number of recorded cases;
- ▶ collect data on annual trends in the number of investigations, prosecutions and convictions of crimes involving gender-based violence;
- ▶ collect data on sentencing and compensation in cases involving gender-based violence;
- ▶ collect data on femicide, stalking, and harmful practices;
- ▶ collect data on the yearly attrition rate for sexual violence for domestic and gender-based violence, also disaggregated by age;
- ▶ collect information on the reasons for the attrition;
- ▶ collect data on the prosecution declination rate for gender-based and domestic violence crimes;
- ▶ collect data on the percentage of women prosecuted and for which offences;
- ▶ collect data on the representation of ethnic minorities and persons with disabilities in the judiciary;
- ▶ conduct surveys on user trust or satisfaction with the justice sector and disaggregate the results by sex, age and other relevant characteristics;
- ▶ collect data on the number of procedures to effectively challenge a judge if a party considers that the judge has not been impartial;
- ▶ collect data on civil society organizations that are involved as advisors or as complainants in criminal proceedings for violence against women;
- ▶ collect data on governmental budget expenditures in support of civil society organizations working in the field of gender-based violence;
- ▶ collect data on state budgetary allocations to national gender equality strategies and action plans to end violence against women strategies and action plans;
- ▶ collect data on unwanted pregnancy disaggregated by ethnicity;
- ▶ collect data on the incidence of domestic and other forms of gender-based violence;

- ▶ improve data collection on particularly vulnerable population groups, such as people involved in prostitution, street children, people in poverty, people with disabilities and LGBTI persons;
- ▶ conduct comprehensive research on women's rights in Azerbaijan, including women's access to justice.

#### **4.2.3. Relevant actors in the field of women's access to justice**

The following actors should be engaged in promoting reforms to guarantee women's access to justice:

- ▶ Ministry of Justice;
- ▶ Academy of Justice at the Ministry of Justice;
- ▶ State Committee on Family, Women and Children Affairs;
- ▶ Ministry of Internal Affairs;
- ▶ Prosecutor General's Office;
- ▶ Commissioner of Human Rights (Ombudsperson);
- ▶ Law Faculty of Baku State University;
- ▶ Judiciary Legal Council;
- ▶ Azerbaijan Bar Association;
- ▶ the courts;
- ▶ municipalities, local executive authorities, NGOs specialised in protection of women's rights and other civil society human rights defenders.

## BIBLIOGRAPHY

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Abishov A., Mansurov V. (2017), Bodies of Internal Affairs: Administrative Activity. Special part, Textbook, Baku.

ADC Memorial (2020), Experts speak out about the impact of Covid-19 pandemic on the situation of women in Azerbaijan, available at <https://adcmemorial.org/en/news/cedaw-covid-19-pandemic-women-azerbaijan/>, accessed 15 June 2022.

ADB (Asian Development Bank) (2019), Azerbaijan Country Gender Assessment, available at <https://tinyurl.com/2zjyz82z>, accessed 3 May 2022.

Aebi, M.F., Cocco, E., & Molnar, L. (2023). SPACE I – 2022 – Council of Europe Annual Penal Statistics: Prison populations. Council of Europe and University of Lausanne.

Aghayev R. (2020), Pandemic 2020: Key Outcomes for Azerbaijan's Economy, available at <https://bakuresearchinstitute.org/en/pandemic-2020-key-outcomes-for-azerbajians-economy/>, accessed 8 May 2022.

Azerbaijani Bar Association (2022a), I call on all lawyers, regardless of their political and religious beliefs, to become advocates, <https://barassociation.az/news/880>, accessed 5 May 2022.

Azerbaijani Bar Association (2022b), Vəkiliyə namizədlərin təntənəli andiçmə mərasimi keçirilmişdir [The swearing-in ceremony for lawyer candidates has been held], available at <https://barassociation.az/news/921>, accessed 26 July 2023.

Baku State University (2022), BSU hosts Council of Europe Training, available at [http://bsu.edu.az/en/news/bsu\\_hosts\\_council\\_of\\_europe\\_training\\_](http://bsu.edu.az/en/news/bsu_hosts_council_of_europe_training_), accessed 17 July 2023

Bayramova P. (not published), "Overview of the Law of the Republic of Azerbaijan on Public Participation".

BRI (Baku Research Institute) Economic Team (2018), The Social Protection of Mothers and Children in Azerbaijan: the System's Capability and Scope, available at <https://tinyurl.com/5n7yf7df>, accessed 3 May 2022.

Cabinet of Ministers of the Republic of Azerbaijan (2001), Decision No. 31 "On the Amount to be Paid to Lawyers, Translators, Specialists and Experts", 1 February.

CEPEJ (European Commission for the Efficiency of Justice) (2013), "Scheme for evaluating judicial systems 2013", available at <https://tinyurl.com/2c36xkkt>, accessed 13 December 2016.

CEPEJ (European Commission for the Efficiency of Justice) (2020), Access to Justice for Vulnerable Groups "Strengthening the Efficiency and Quality of the Judicial System in Azerbaijan", available at <https://rm.coe.int/access-to-justice-for-vulnerable-groups-in-azerbaijan-eng/1680a31544>, accessed 10 August 2022.

CEPEJ (European Commission for the Efficiency of Justice) (2022a), European Judicial Systems CEPEJ Evaluation Report 2022: Evaluation Cycle (2020 data); Part 1: Tables, Graphs and Analyses, available at <https://rm.coe.int/cepej-report-2020-22-e-web/1680a86279>, accessed 28 July 2023

CEPEJ (European Commission for the Efficiency of Justice) (2022b), European judicial systems CEPEJ Evaluation Report 2022: Evaluation cycle (2020 data); Part 2: Country profiles, available at <https://rm.coe.int/cepej-fiche-pays-2020-22-e-web/1680a86276>, accessed 29 July 2023



Cook R. and Cusack S. (2010), *Gender stereotyping: transnational legal perspectives*, University of Pennsylvania Press, Philadelphia.

Council of Europe (1996), "Recommendation No. R(96)5 of the Committee of Ministers to the Member States on Reconciling Work and Family Life".

Council of Europe (2018), *Results of projects in Azerbaijan under the European Union/Council of Europe Partnership for Good Governance*, September, available at <https://rm.coe.int/azerbaijan-results-factsheet-2018-en/16808e72e5>, accessed 03 August 2023.

Council of Europe (2021), *Council of Europe Baku Office News: Training law professors in Azerbaijan to become trainers on violence against women*, available at <https://tinyurl.com/ydd4mrya>, accessed 17 July 2023

Council of Europe (2022), *Results Factsheet: Partnership for Good Governance in Azerbaijan*, available at <https://rm.coe.int/factsheet-azerbaijan-en-new-vfactsheet-10122021/1680aa8e1a>, accessed 03 August 2023.

Council of Europe (2023), *About the Partnership for Good Governance*, available at <https://pjp-eu.coe.int/en/web/pgg2/about-pgg-ii>, accessed 03 August 2023.

Council of Europe, Parliamentary Assembly (2011), "Resolution 1829 (2011) on prenatal sex selection".

Council of the European Union (1997), "Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex".

Counterpart International (2015), "Alternative report to the CEDAW Committee", submitted to the 60th Session of the CEDAW Committee (9 to 27 Feb 2015).

E-Huquq.Az Information Platform (2021), *Azərbaycanda vəkilin xidmət haqqı vətəndaşın cibinə uyğundurmu? [Can persons afford lawyer costs?]*. 27 August 2021, available at <https://www.e-huquq.az/az/news/vekillik/34853.html>, accessed 18 June 2022.

European Court of Human Rights (2009), *Case of Opuz v. Turkey*, application no. 33401/02, judgment dated 9 June 2009, available at <https://hudoc.echr.coe.int/eng?i=001-92945>, accessed 14 June 2022.

Economic Research Center (2020), *Covid-19 Azerbaijan, First Wave*. Baku.

Elver H. (2020), *Report of the Special Rapporteur on the right to food, on her visit to the Republic of Azerbaijan on 01–11 October 2019*, A/HRC/43/44/Add.1, <https://tinyurl.com/yc67zeu3>, accessed 4 May 2022.

EMDS (Election Monitoring and Democratic Studies Center) (2020), *Measures against the Covid-19 pandemic in Azerbaijan: Deepening pressure on freedoms and Political Crisis*, available at <https://smdtaz.org/wp-content/uploads/2020/09/EMDS-briefing-22.09.20.pdf>, accessed 7 May 2022.

EMDS (Election Monitoring and Democratic Studies Center) (2021), *On the Situation of Human Rights in Azerbaijan Annual Fact-Sheet 2020*, available at <https://smdtaz.org/wp-content/uploads/2021/09/EMDS07012021.pdf>, accessed 8 May 2022.

EU Twinning Project (2019), *Strengthening the capacity of State bodies and local level referral mechanisms to provide safety and support to victims of domestic violence in Azerbaijan*, <https://tinyurl.com/345y-83bw>, accessed 13 August 2022

European Training Foundation (2021), *New Forms of Employment in the Eastern Partnership Countries: Platform Work – Azerbaijan*, available at [https://www.etf.europa.eu/sites/default/files/2021-06/platform\\_work\\_azerbaijan\\_1.pdf](https://www.etf.europa.eu/sites/default/files/2021-06/platform_work_azerbaijan_1.pdf), accessed 3 May 2022.

FED.az News Agency (2020), *Operativ Qərargahın üzvləri kimlərdi – Siyahı [Who are the Members of Operational Headquarters-List]*, available at <https://fed.az/az/dovlet/operativ-qerargahin-uzvleri-kimler-di-siyahi-83551>, accessed 9 May 2022.

García-Sayán D. (2021), *Report of the Special Rapporteur on the independence of judges and lawyers. Participation of women in the administration of justice*, available at <https://tinyurl.com/2n9sjru9>, accessed 18 June 2022.

Gender Association "Symmetry" and Karat Coalition (2011), *Report on women's access to justice in Azerbaijan, with the support of OXFAM Novib*, available at: [www.karat.org/wp-content/uploads/2012/01/Access\\_to\\_justice\\_Report\\_Azerbaijan\\_en.pdf](http://www.karat.org/wp-content/uploads/2012/01/Access_to_justice_Report_Azerbaijan_en.pdf), accessed 10<sup>th</sup> February 2017.

Gender Port (2021), Study Report on Women's Rights and the Covid-19 Pandemic in Azerbaijan.

GRECO (Council of Europe Group of States against Corruption) (2015), Fourth Evaluation Round. Corruption prevention in respect of members of parliament, judges and prosecutors. Evaluation Report Azerbaijan. 2 April, available at <https://tinyurl.com/mu5pt3cr>, accessed 28 July 2023.

Government of Azerbaijan (1995), Constitution of the Republic of Azerbaijan, 12 November 1995.

Government of Azerbaijan (1998), Law of the Republic of Azerbaijan on State Protection of Persons Taking Part in Criminal Procedure, No. 585-IQ, 11 December, available at <https://www.legislationline.org/documents/action/popup/id/6529>, accessed 5 May 2022.

Government of Azerbaijan (1999a), Labour Code of the Republic of Azerbaijan", 1 February.

Government of Azerbaijan (1999b), Family Code of the Republic of Azerbaijan, 28 December.

Government of Azerbaijan (1999c), Civil Code of the Republic of Azerbaijan, 28 December.

Government of Azerbaijan (1999d), Law of the Republic of Azerbaijan on Police, No. 727-IQ, 28 October.

Government of Azerbaijan (1999e), Criminal Code of the Republic of Azerbaijan, 30 December.

Government of Azerbaijan (1999f), Law of the Republic of Azerbaijan on Lawyers and Legal Practice No. 783-IQ, 28 December.

Government of Azerbaijan (1999g), Civil Procedure Code of the Republic of Azerbaijan, 28 December.

Government of Azerbaijan (2000), Criminal Procedure Code of the Republic of Azerbaijan, No. 907-IQ, 14 July 2000.

Government of Azerbaijan (2001), Law of the Republic of Azerbaijan on State Fees, No. 223-IIQ, 4 December.

Government of Azerbaijan (2005), Law of the Republic of Azerbaijan on Fight against Human Trafficking, No. 958-IIQ, 28 June.

Government of Azerbaijan (2005b), Law of the Republic of Azerbaijan On Administrative Proceedings, 1036-IIQ, 21 October.

Government of Azerbaijan (2005 c), Order of the President of the Republic of Azerbaijan on Employment Strategy of the Republic of Azerbaijan for 2006–2015, No. 1068, 25 October.

Government of Azerbaijan (2006a), Law of the Republic of Azerbaijan on Gender Equality, No. 150-IIIQ, 10 October 2006.

Government of Azerbaijan (2006b), Decision of the Cabinet of Ministers of the Republic of Azerbaijan on Determining the Amount of Benefits Paid to Victims of Human Trafficking During the Reintegration Period, No. 152, 17 June.

Government of Azerbaijan (2009), Administrative Procedure Code, 30 June.

Government of Azerbaijan (2010a), Law of the Azerbaijan Republic about the prevention of domestic violence, No. 1058-IIIQ, 22 June 22.

Government of Azerbaijan (2010b), Decision of the Cabinet of Minister of Republic of Azerbaijan on State standards of secondary education in the Republic of Azerbaijan, No.103, 3 June.

Government of Azerbaijan (2011), Decree of the President of the Republic of Azerbaijan on State Programme on Implementation of the Employment Strategy for Azerbaijan in 2020–2025, No. 1836, 15 November

Government of Azerbaijan (2013a), Law of the Republic of Azerbaijan on making Changes to the Criminal Code of the Republic of Azerbaijan, 610-IVQD, 19 April.

Government of Azerbaijan (2013b), Law of the Republic of Azerbaijan on Public Participation, No. 816-IVQ, 22 November.

Government of Azerbaijan (2014b), Law of the Republic of Azerbaijan on Amendments to the Family Code No. 1080-IVQD, 17 October.

Government of Azerbaijan (2015), Code of Administrative Offences, 96-VQ, 29 December.

Government of Azerbaijan (2016), Law of the Republic of Azerbaijan of on Amendments to the Civil Procedure Code No.496-VQD, 30 December, available at <https://e-qanun.az/framework/34787>, accessed 24 May.

Government of Azerbaijan (2016b), Resolution of the Milli Majilis of the Republic of Azerbaijan On amnesty on the occasion of May 28 – Republic Day, No. 58-VQR, 20 May.

Government of Azerbaijan (2017a), Law of the Republic of Azerbaijan on Amendments to the Law on Labour Pensions, No.543-VQD, 10 March.

Government of Azerbaijan (2017b), Order of the President of the Republic of Azerbaijan on Improving penitentiary activities, humanising penal policy, and expanding the use of alternative punishment and procedural coercive measures that are not related to isolation from society No.2668, 10 February.

Government of Azerbaijan (2018), Order of the President of the Republic of Azerbaijan on Employment Strategy of the Republic of Azerbaijan for 2019–2030, No. 602, 30 October.

Government of Azerbaijan (2019a), Fourth periodic report submitted by Azerbaijan under articles 16 and 17 of the Covenant, due in 2018 to UN Committee on Economic, Social and Cultural Rights, E/C.12/AZE/4, available at <https://tinyurl.com/43myyx38>, accessed 5 May 2022.

Government of Azerbaijan (2019b) Sixth periodic report submitted by Azerbaijan under article 18 of the Convention, due in 2019 to UN Committee on the Elimination of Discrimination against Women, CE-DAW/C/AZE/6, <https://tinyurl.com/mud7ph6p>, accessed 5 May 2022.

Government of Azerbaijan (2019c), Decision of the Cabinet of Ministers of Azerbaijan Republic on Approval of Amount of Fee and Other Expenses for Rendering of Mediation Service During the Initial Mediation Session, No. 308, dated 15 July.

Government of Azerbaijan (2020a) National Action Plan on Combating Domestic Violence for 2020–2023, available at <https://e-qanun.az/framework/46358>, accessed 3 May 2022.

Government of Azerbaijan (2020b), Law of the Republic of Azerbaijan on amendments to Criminal Procedure Code of the Republic of Azerbaijan, 140-VIQD, 25 June.

Government of Azerbaijan (2020c), Order of the President of the Republic of Azerbaijan on Measures to Prevent the Threat of a Coronavirus Epidemic in Azerbaijan No. 1861, 27 February.

Government of Azerbaijan (2020d), Law of the Republic of Azerbaijan on Amendments to Labour Code, Land Code, Civil Code, Civil Procedure Code, Family Code, Criminal Code, Tax Code, Criminal Procedure Code, Execution of Punishments Code, Election Code, Housing Code, Customs Code, Town Planning and Construction Code of the Republic of Azerbaijan, No. 114-VIQD, 19 May.

Government of Azerbaijan (2020e), Presidential Order on Pardoning a number of convicts, No. 1970, 6 April.

Government of Azerbaijan (2020 f), Decree of the President of the Republic of Azerbaijan on State Programme on Implementation of the Employment Strategy for Azerbaijan in 2020–2025, No. 1816, 13 February.

Government of Azerbaijan (2020?), Covid-19 response measures in the Republic of Azerbaijan, available at <https://tinyurl.com/2s3rz8nk>, accessed 6 May 2022.

Government of Azerbaijan (2021a), Information submitted by the Government of Azerbaijan on violence against women, its causes and consequences with regard to the request by the Special Rapporteur on violence against women, its causes and consequences, available at <https://www.ohchr.org/sites/default/files/2021-12/azerbaijan.pdf>, accessed 5 May 2022.

Government of Azerbaijan (2021b), Law of Azerbaijani Republic on amendments to Civil Procedure Code of Azerbaijan Republic, 363-VIQD, 9 July.

Government of Azerbaijan (2021c), Combined second and third reports submitted by Azerbaijan under article 35 of the Convention pursuant to the optional reporting procedure, due in 2019 to the UN Committee on the Rights of Persons with Disabilities, 2 December 2021, CRPD/C/AZE/2–3.

Government of Azerbaijan (2021d), Resolution of the Milli Majilis of the Republic of Azerbaijan On amnesty on the occasion of November 8 – Victory Day, No. 395-VIQR, 5 November.

Government of Azerbaijan, (2021e), Decree of the President of the Republic of Azerbaijan on Pardon Regulations, No. 538, 18 July.

Government of Azerbaijan (2021f), Table of Activities Carried Out in 2021 by the Bodies (Institutions) indicated in Article 1.2 and based on Subparagraph 6.1.11 of the Rules for Enlightenment on the Negative Consequences of Early Marriage and Marriage among Relatives for the Purpose of Emphasizing the Importance, Protection, and Strengthening of Family and Marriage among Youth, Approved by Decision No. 213 of June 23, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan, available at <https://tinyurl.com/5xrns3wb>, accessed 10 August 2023.

Government of Azerbaijan (2022a), Replies of Azerbaijan to the list of issues and questions in relation to its sixth periodic report to UN Committee on the Elimination of Discrimination against Women, CEDAW/C/AZE/RQ/6.

Government of Azerbaijan (2022b), Law on Amendment to the Labour Code of the Republic of Azerbaijan No 629-VIQD, 5 November.

Government of Azerbaijan (2023), Decree of the Cabinet of Ministers of the Republic of Azerbaijan On approval of “List of productions, occupations (positions) with harmful and difficult working conditions, as well as underground works, where the employment of pregnant women or women with children under one year of age is prohibited” and “List of harmful production factors which pregnant women or women with children under one year of age are prohibited from contact at workplaces” and the rules of their implementation and On the annulment of Decision No. 170 dated October 1999 of the Cabinet of Ministers of the Republic of Azerbaijan “On approval of the list of productions, occupations (positions) with harmful and difficult working conditions, as well as underground works where the use of women’s labour is prohibited”, No. 172, 31 May.

Hasanov I (2020). Diqqət! Şəxsi məlumatlarınız toplanır. E-təbib tətbiqinin qaranlıq tərəfləri [Attention! Your personal information is collected. The dark sides of e-tabib application] available at <https://www.bbc.com/azeri/azerbaijan-53221022>, accessed 8 May 2022.

Heydarova S (2022) [Facebook], 8 June, <https://tinyurl.com/bden87mc>, accessed 10 August 2022.

ILO Department of Statistics (2011), “Statistical update on employment in the informal economy”, available at <https://tinyurl.com/yxz9nep7>, accessed 28 July 2023.

ILO, Conventions No. 156 on Workers with Family Responsibilities, 1981.

ILO, Conventions No. 183 on Maternity Protection (revised), 2000.

ILO (2021), World Social Protection Report 2020–22: Social Protection at the Crossroads – in Pursuit of a Better Future. Geneva: ILO, 2021, available at <https://tinyurl.com/y46p3ttv>, accessed 3 May 2022.

Jamil G. (2023), 17 early marriages prevented this year. Report News Agency, 19 July, available at <https://tinyurl.com/47uk9zrw>, accessed 10 August 2023.

Jivan V. and Forster C. (2008), “Translating CEDAW into law. CEDAW legislative compliance in the Cook Islands”, UNDP/UNIFEM.

Kazimova G. (2020), Azerbaijan: Citizens Struggle to Access Covid-19 Aid: One-off payment was supposed to ease conditions during the lockdown period, available at <https://iwpr.net/global-voices/azerbaijan-citizens-struggle-access-covid-19-aid>, accessed 4 May 2022.

Mammadova L. (2022), Sabiq polis arvadını bıçaqladı, bir neçə saat sonra sərbəst buraxıldı [The former police officer stabbed his wife and was released a few hours later], 30 March, available at <https://tinyurl.com/8c3tvady>, accessed 18 June 2022.

Manjoo R. (2014), “Report of the Special Rapporteur on violence against women, its causes and consequences”, Addendum, Mission to Azerbaijan, 25 April 2014.

McCabe C. (2011), Situation Assessment: People with Disabilities in Azerbaijan, <https://www.undp.org/az/azerbaijan/publications/people-disabilities-azerbaijan>, accessed 8 May 2022.

Medicina.az Medical Portal (2021), Bakıda atalığın təyini üçün DNT analizi necə aparılır? – Genetik həkim – Video [How is DNA analysis conducted in Baku to determine paternity? – Genetic doctor – Video], 21 December 2021, available at <https://www.medicina.az/bakida-ataligin-teyini-ucun-dnt-analizi-nece-aporilir-genetik-hekim-video>, accessed 18 June 2022.

MIA (Ministry of Internal Affairs of Azerbaijan) (2011), Decision No. 680 “On Approval of the Instruction on the Rules of Receipt, Registration, and Consideration of Information on Committed or Planned Crimes and Incidents”, 3 November.

Mijatović D. (2019) Commissioner for Human Rights of the Council of Europe, Report following her Visit to Azerbaijan from 8 to 12 July 2019, CommDH(2019)27, Strasbourg, 11 December 2019, available at <https://rm.coe.int/report-on-the-visit-to-azerbaijan-from-8-to-12-july-2019-by-dunja-mija/168098e108>, accessed 3 May 2022.

MilliAz News Agency (2021), 4000 avtomobil postlardan geri qaytarılıb, 5 nəfər həbs edilib [4,000 cars were returned from posts, 5 people were arrested], available at <https://news.milli.az/society/914529.html>, accessed 8 May 2022.

Ministry of Justice (2021), Məhkəmə qərarlarının icrası üzrə təsirli tədbirlər görülür [Effective measures are taken in the enforcement of court decisions], 02 August, available at <https://www.justice.gov.az/news/2484>, accessed 5 August 2023

Modern.Az (2020) Information Agency, Pandemiya dövründə 2 300 məhkum vaxtından əvvəl azad olunub [During the pandemic, 2,300 prisoners were early released], available at <https://tinyurl.com/p3r64z-kv>, accessed on 27 June 2022.

Nahmadova F. (2020), Housing and Wealth Inequality in Azerbaijan: A Statistical Analysis of Real Estate Prices in Baku, available at <https://bakuresearchinstitute.org/en/housing-and-wealth-inequality-in-azerbaijan-a-statistical-analysis-of-real-estate-prices-in-baku-2/>, accessed 7 August 2022.

Nowak M. (2008), Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Human Rights Council, Seventh Session, A/HRC/7/3, 15 January 2008.

OECD (Organisation for Economic Co-operation and Development) (2016), Anti-Corruption Reforms in Azerbaijan: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, OECD Publishing, Paris, available at <https://tinyurl.com/67ztm5va>, accessed 06 August 2022.

OECD (Organisation for Economic Co-operation and Development) (2022), Anti-Corruption Reforms in Azerbaijan: Pilot 5th Round of Monitoring Under the Istanbul Anti-Corruption Action Plan, OECD Publishing, Paris, <https://doi.org/10.1787/3ae2406b-en>.

Ombudsperson (Commissioner for Human Rights) of Azerbaijan (2022), Annual Report for 2021 on the Protection of Human Rights in the Republic of Azerbaijan, Baku, available at <https://ombudsman.az/az/view/pages/59>, accessed 15 August 2022

OSCE Rule of Law and Human Rights Unit (2013), "Domestic violence cases in the justice system of Azerbaijan", Baku. Quluyeva Z. (2021), Azərbaycanda erkən nikahlar hansı bölgələrdə dəbə minib? [In which areas of Azerbaijan do early marriages exhibit a trend?], Sputnik Azerbaijan. 22 July, available at <https://tinyurl.com/ubrx2hh>, accessed 10 August 2023.

Report News Agency (2021) Justice Ministry appeals to citizens with difficulties in receiving alimony, <https://tinyurl.com/yd4fer3y>, accessed 4 May 2022.

SCFWCA (State Committee for Family, Women and Children's Affairs) of Azerbaijan (2019), Final Country Report on the Progress achieved and Challenges faced during implementation of the Beijing Declaration and Programme of Action Beijing + 25, [https://unece.org/fileadmin/DAM/Gender/Beijing\\_20/Azerbaijan.pdf](https://unece.org/fileadmin/DAM/Gender/Beijing_20/Azerbaijan.pdf), accessed 3 May 2022.

SCFWCA (State Committee for Family, Women and Children's Affairs) of Azerbaijan (2021a), "Gender (kişi və qadınların) bərabərliyinin təminatları haqqında" Azərbaycan Respublikası Qanununun 20-ci maddəsinə əsasən 2020-ci il üzrə məlumatı [Information for 2020 in accordance with the Article 20 of Law on Gender (women and men) Equality], Baku.

SCFWCA (State Committee for Family, Women and Children's Affairs) of Azerbaijan (2021b), Azərbaycanca mövcud ailə münasibətləri: sosial-psixoloji təhlil [Family Relations in Azerbaijan: Socio-psychological Analysis]. Baku, available at <http://scfwca.gov.az/store/media/Sosial-Psixoloji%204.pdf>, accessed 8 May 2022.

SCFWCA (State Committee for Family, Women and Children's Affairs) of Azerbaijan (2021c), Decision on Results of the First Half of 2021 and the Tasks Ahead, dated 9 July 2021, <https://tinyurl.com/2euswyhy>, accessed 12 August 2022.

SCFWCA (State Committee for Family, Women and Children's Affairs) of Azerbaijan (2022) Presentation of the Opening Statement from the Head of the Delegation, 16 June, available at <https://tinyurl.com/bd-d8e23b>, accessed 10 August 2022.

SCFWCA (State Committee for Family, Women and Children's Affairs) of Azerbaijan (n/a) Municipal elections were held in Azerbaijan on Dec. 23., available at <https://tinyurl.com/6ak5xprw>, accessed 28 July 2023.

State Statistical Committee of the Republic of Azerbaijan (2013), "Women and men in Azerbaijan", available at [www.stat.gov.az/source/gender/indexen.php](http://www.stat.gov.az/source/gender/indexen.php), accessed 13 December 2016.

State Statistical Committee of Azerbaijan (2017), Women and Men in Azerbaijan, Statistical Yearbook, [https://www.stat.gov.az/menu/6/statistical\\_yearbooks/source/WM\\_2017.zip](https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2017.zip), accessed 3 May 2022.

State Statistical Committee of Azerbaijan (2018), Women and Men in Azerbaijan, Statistical Yearbook, [https://www.stat.gov.az/menu/6/statistical\\_yearbooks/source/WM\\_2018.zip](https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2018.zip), accessed 3 May 2022

State Statistical Committee of Azerbaijan (2019), Women and Men in Azerbaijan, Statistical Yearbook, [https://www.stat.gov.az/menu/6/statistical\\_yearbooks/source/WM\\_2019.zip](https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2019.zip), accessed 3 May 2022.

State Statistical Committee of Azerbaijan (2020), Women and Men in Azerbaijan, Statistical Yearbook, [https://www.stat.gov.az/menu/6/statistical\\_yearbooks/source/WM\\_2020.zip](https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2020.zip), accessed 3 May 2022.

State Statistical Committee of Azerbaijan (2021), Women and Men in Azerbaijan, Statistical Yearbook, [https://www.stat.gov.az/menu/6/statistical\\_yearbooks/source/WM\\_2021.zip](https://www.stat.gov.az/menu/6/statistical_yearbooks/source/WM_2021.zip), accessed 3 May 2022.

State Statistical Committee of Azerbaijan (2022a), Women and Men in Azerbaijan, Statistical Yearbook, <https://www.stat.gov.az/source/gender/?lang=en>, accessed 24 July 2023.

State Statistical Committee of Azerbaijan (2022b), Demographic Indicators of Azerbaijan, Statistical Yearbook, <https://www.stat.gov.az/source/demography/>, accessed 10 August 2023

Supreme Court of Azerbaijan (2020a), Resolution of the Plenary Session of the Supreme Court of the Republic of Azerbaijan on Measures to be Implemented in Courts No.5, dated 19 March 2020, available at <http://www.supremecourt.gov.az/post/view/1173>, accessed 8 May 2022.

Supreme Court of Azerbaijan (2020b), Resolution of the Plenary Session of the Supreme Court of the Republic of Azerbaijan on Measures to be Implemented in Courts No.6, dated 23 April 2020 available at <http://www.supremecourt.gov.az/post/view/1179> accessed 8 May 2022.

Supreme Court of Azerbaijan (2020c) Information of the Supreme Court of the Republic of Azerbaijan on Measures to be Taken in Courts in order to Prevent the Spread of Coronavirus (Covid-19) infection in the Republic of Azerbaijan, 20 July, available at <http://www.supremecourt.gov.az/post/view/1206>, accessed 8 May 2021.

Supreme Court of Azerbaijan (2020d), Report for 2020, available at [http://supremecourt.gov.az/uploads/files/fealiyyet/Hesabat\\_2020\\_umumi.pdf](http://supremecourt.gov.az/uploads/files/fealiyyet/Hesabat_2020_umumi.pdf), accessed 8 May 2022

Supreme Court of Azerbaijan (2020e), Information of the Supreme Court of the Republic of Azerbaijan on Measures to be Taken in Courts in order to Prevent the Spread of Coronavirus (Covid-19) infection in the Republic of Azerbaijan, dated 2 May 2020, available at <http://www.supremecourt.gov.az/post/view/1181>, accessed 8 May 2022

Sun N, Christie E, Cabal L, et al. Human rights in pandemics: criminal and punitive approaches to Covid-19. *BMJ Global Health* 2022;7:e008232. doi:10.1136/bmjgh-2021-008232.

Toplum TV 2021, Bakıda 8 mart aksiyası zorakılıqla dağıldı [The 8 March rally in Baku was violently broken up], 8 March, available at <https://tinyurl.com/bderpchn>, accessed 26 June 2022

Transparency International (2021), Country data, available at <https://www.transparency.org/en/countries/azerbaijan>, accessed 05 August 2022

Trend News Agency (2020), Vilayət Eyvazov: Xüsusi karantin rejiminin tələblərini pozan 788 nəfər həbs edilib [Vilayat Eyvazov: 788 people were arrested for violating the requirements of the special quarantine regime], 21 July, available at <https://tinyurl.com/2spr5ae2>, accessed on 25 June 2022.

UN Committee on the Elimination of Discrimination against Women (2010), "General Recommendation No. 28, on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/2010/47/GC.2, available at [www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf) , accessed 17 January 2017.

UN Committee on the Elimination of Discrimination against Women (2010b), "General Recommendation No. 28, on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of

All Forms of Discrimination against Women, CEDAW/C/2010/47/GC.2, available at [www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf), accessed 17 January 2017.

UN Committee on the Elimination of Discrimination against Women (2013a), “Fifth periodic report of states parties. Azerbaijan”, CEDAW/C/AZE/5, available at: <https://tinyurl.com/4a8d2fjb>, accessed 10 February 2017.

UN Committee on the Elimination of Discrimination against Women (2013b), “General Recommendation No. 30, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, available at <https://tinyurl.com/3evm2ev6>, accessed 19 June 2022.

UN Committee on the Elimination of Discrimination against Women (2015a), General recommendation No. 33 on women’s access to justice, CEDAW/C/GC/33, available at <https://tinyurl.com/4edm6hpa>, accessed 19 June 2022. UN Committee on the Elimination of Discrimination against Women (2015b), “Concluding observations on Azerbaijan” available at: <https://tinyurl.com/47k4pyh6>, accessed 10th February 2017.

UN Committee on the Elimination of Discrimination against Women (2017), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35.

UN Committee on the Elimination of Discrimination against Women (2022), Concluding observations on the sixth periodic report of Azerbaijan, 12 July, CEDAW/ C/AZE/CO/6.

UN Committee on Economic, Social and Cultural Rights (2021), Sixty-ninth session, 15 February–5 March 2021, Consideration of reports: reports submitted by States parties in accordance with articles 16 and 17 of the Covenant Replies of Azerbaijan to the list of issues in relation to its fourth periodic report, Date received: 27 August 2020.

UN Committee on the Rights of Persons with Disabilities (2014), Concluding observations on the initial report of Azerbaijan, CRPD/C/AZE/CO/1, 12 May 2014.

UN General Assembly (2010), Resolution adopted by the General Assembly on 21 December 2010, 65/229, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

UN HRC (United Nations Human Rights Council) (2017), Report of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan, A/HRC/34/52/Add.3, thirty-fourth session, 27 February–24 March 2017, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/038/12/PDF/G1703812.pdf?OpenElement>, accessed 3 May 2022.

UN Human Rights Council (2018), National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Azerbaijan, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/043/99/PDF/G1804399.pdf?OpenElement>, accessed 4 May 2022.

UN News (2021), Impact of Covid-19 ‘heavily felt’ by prisoners globally: UN expert, available at <https://news.un.org/en/story/2021/03/1086802>, accessed 28 June 2022.

UNDP/SCFWCA (2007), “Azerbaijan Human Development Report. Gender attitudes in Azerbaijan: trends and challenges”, Baku.

UNFPA/SCFWCA (2011), “National survey report on violence against women in Azerbaijan”, Baku.

UNFPA/SCFWCA (2011), “Qualitative assessment of violence against IDP women in Azerbaijan”, Baku.

UNFPA/SCFWCA (unpublished), “Mechanisms behind skewed sex ratio at birth in Azerbaijani population”.

UNFPA (2018), Azerbaijan Country Profile. Global Programme to Prevent Son Preference and the Undervaluing of Girls: Improving the sex ratio at birth in select countries in Asia and the Caucasus. Baku, available at <https://tinyurl.com/4et7pzw6>, accessed 8 June 2022

UNFPA (2019), UNFPA Country Programme Evaluation Report (Period covered 2016–2018) Azerbaijan, available at <https://tinyurl.com/43han4jj>, accessed 8 May 2022

UNFPA (2020), State of World Population 2020, available at <https://tinyurl.com/4zwdub2>, accessed 08 June 2022.

UNFPA/UN Women (2020), Rapid Gender Assessment of the Impact of Covid-19 in Azerbaijan. Baku, Azerbaijan, available at <https://tinyurl.com/2p9bvn8b>, accessed 3 May 2022.

Valiyev T. (2022a), Scope and Opportunities in Social Policy in Azerbaijan, available at <https://tinyurl.com/yckzz9h3>, accessed 3 May 2022.

Valiyev T. (2022b), Pandemiya dövründə əmək bazarında gender qeyri-bərabərliyi [Gender inequality in the labour market during the pandemic], ForWoman Initiative Group, Baku.

World Economic Forum (2020), Global Gender Gap Report 2020, available at <https://tinyurl.com/54a47bm3>, accessed 3 May 2022.

World Economic Forum (2021), Global Gender Gap Report 2021, available at <https://www.weforum.org/reports/global-gender-gap-report-2021>, accessed 3 May 2022.

WHO (World Health Organization) (2020b), Archived: WHO Timeline – Covid-19, 27 April 2020, available at <https://www.who.int/news/item/27-04-2020-who-timeline--covid-19>, accessed 26 June 2022.

Yağmur Z. (2022), [Facebook] 26 June, available at <https://tinyurl.com/4ujmvyfv>, accessed 26 June 2022.

Zahra A. (2021), “9 ayda 73 mühafizə orderi verilib” – Komitə [“73 protection orders were issued in 9 months” – Committee], 22 December, available at <https://tinyurl.com/mtfv8as9>, accessed 4 May 2022.





In 2017, the Gender Equality Division of the Council of Europe commissioned national studies to map the barriers, remedies and good practices for women's access to justice in the five Eastern Partnership countries (Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine). Since that time, events such as the Covid-19 pandemic and conflict in the region have raised new challenges for justice systems on the whole and for women as justice users. Yet, in the last five years, there are also examples of progress in each country in terms of removing some of the most critical barriers, in the legislation and in legal practice, that prevent women from accessing justice. These updated national studies revisit core questions of the previous research and present new information about both promising practices and areas of regression as a result of health, economic and security crises. These studies contribute to the EU-Council of Europe joint programme, Partnership for Good Governance II regional project on "Women's Access to Justice: implementing Council of Europe's gender equality and violence against women standards", which supports the strategic objective of the Council of Europe Gender Equality Strategy 2018–2023 on ensuring the equal access of women to justice across the member states.

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