

Impact of COVID-19 Pandemic on Women's Access to Justice: Case of Azerbaijan

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Data collection challenges

- Problems obtaining administrative and survey data
- The last DHS is provided in 2011 in Azerbaijan
- Databank on Domestic Violations is not shared publicly. However, the law on Databank on Domestic Violence was adopted in 2011

Good Practices/Progress

Ratification of Lanzarote Convention

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse entered into force in Azerbaijan on 1 April 2020



Combating Domestic Violence

- National Action Plan on Combating Domestic Violence (2020-2023) was adopted
- The State-Funded shelter was opened on 01 August 2021 with a capacity for 30 people
- 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.





DOST

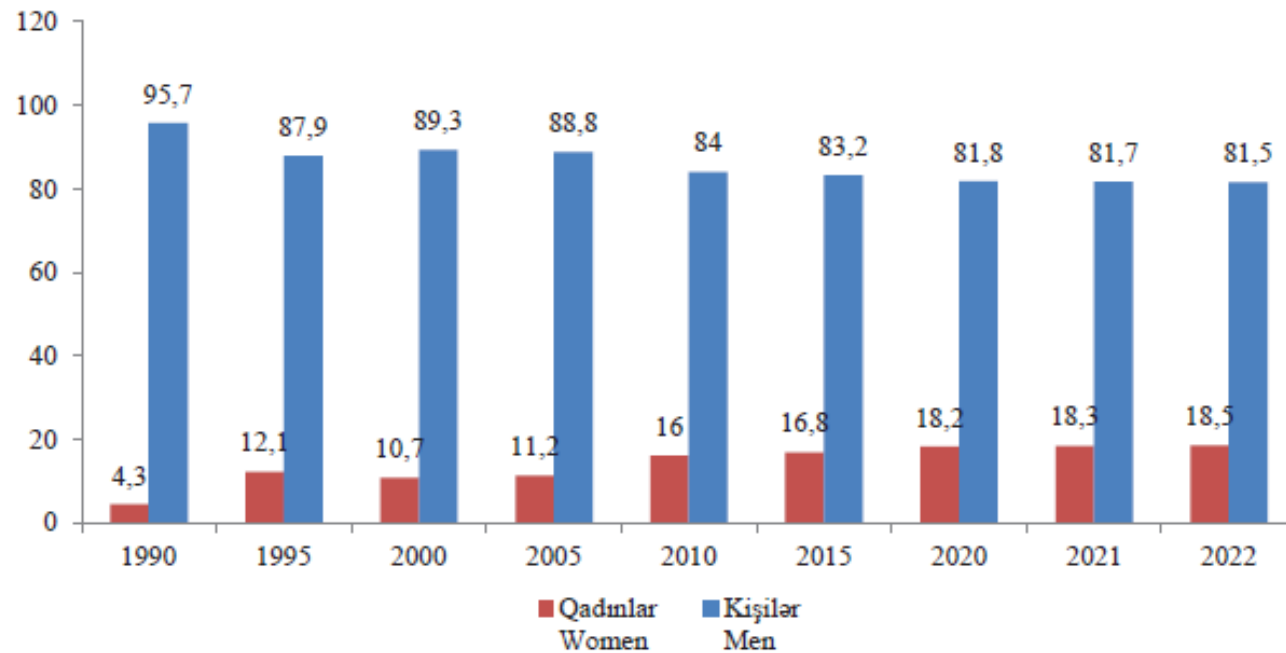
AGENCY FOR SUSTAINABLE AND
OPERATIVE SOCIAL PROVISION



Many government agencies' activities were suspended, and individual admissions were not allowed during the lockdown. The ASAN and DOST centres, which offer multi-public services, were the sole exceptions.

Parlamentin tərkibi¹⁾ *Composition of the Parliament*

(Faizlə)
(Percent)



¹⁾ 2005-2020-ci illər üzrə məlumatlar - 6 noyabr 2005-ci il vəziyyətinə; 7 noyabr 2010-cu il vəziyyətinə; 1 noyabr 2015-ci il vəziyyətinə; 9 fevral 2020-ci il vəziyyətinə, 2021 və 2022-ci illər 1 yanvar vəziyyətinə verilmişdir.
The data 2005-2020 was indicated for the state of 6 November 2005; for the state of 7 November 2010; for the state of 1 November 2015; for the state of 9 February 2020, the data 2021 and 2022 was indicated for the state of 1 January.

Məşğulluq və əməkhaqqı

Employment and wages

4.17. Hakimlərin cins üzrə bölgüsü¹⁾

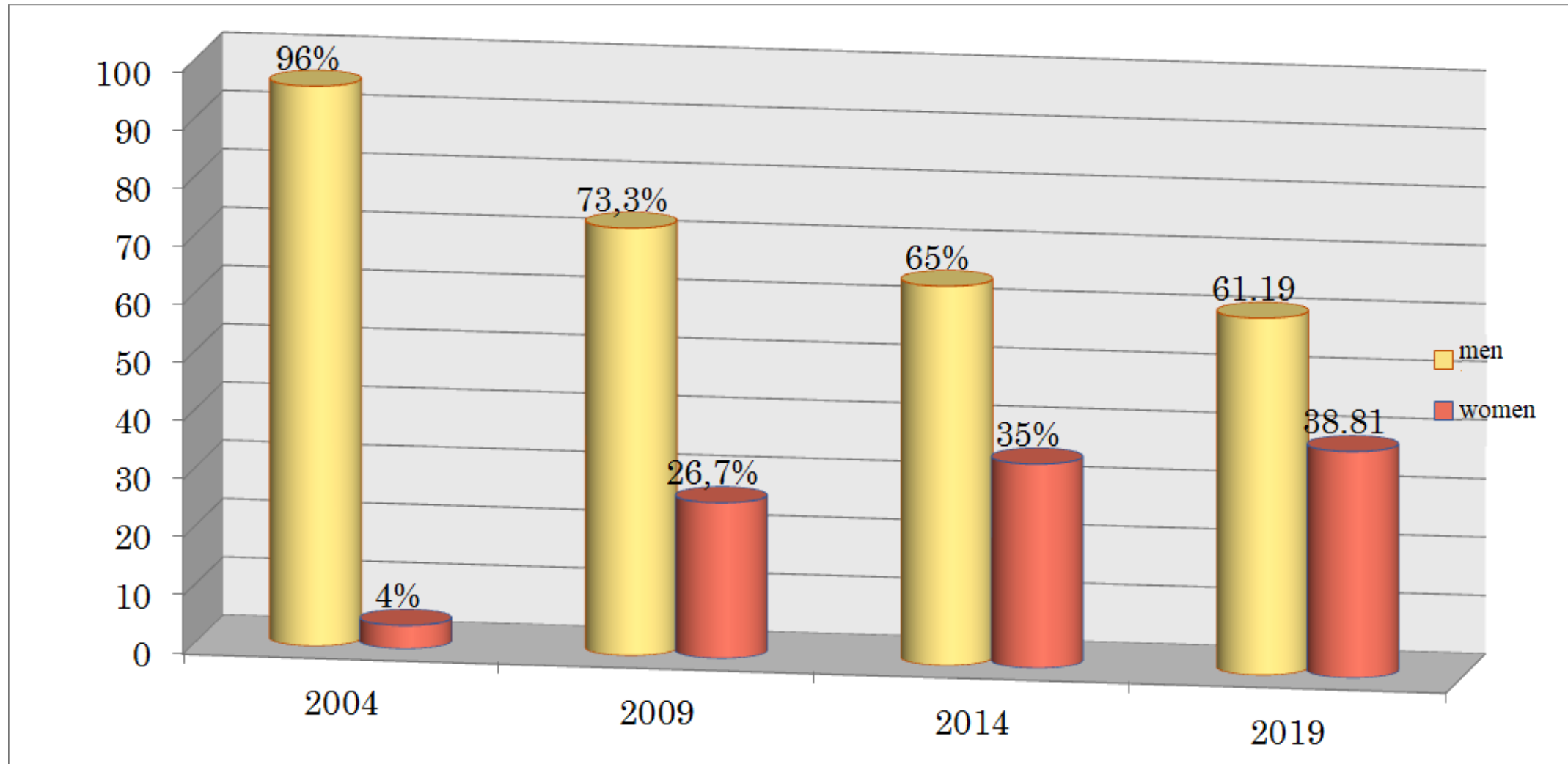
Sex distribution of judges

İllər <i>Years</i>	Sayı, nəfərlə <i>Number, person</i>		Cins bölgüsü, faizlə <i>Sex distribution, %</i>	
	qadınlar <i>women</i>	kişilər <i>men</i>	qadınlar <i>women</i>	kişilər <i>men</i>
2015	62	451	12	88
2016	61	444	12	88
2017	57	423	12	88
2018	84	487	15	85
2019	78	460	14	86
2020	93	475	16	84
2021	91	449	17	83

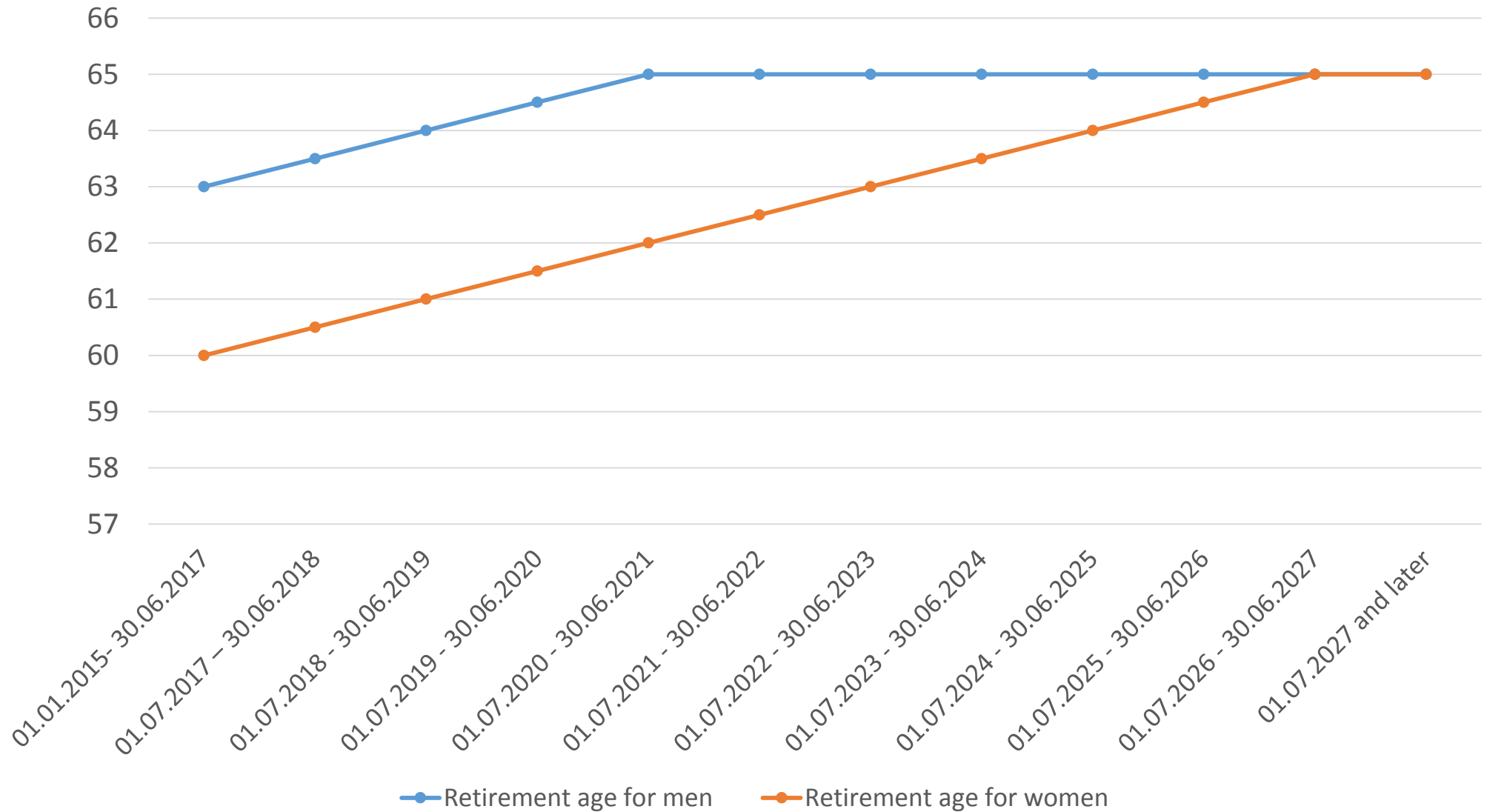
¹⁾ Məlumatlar Azərbaycan Respublikasının Məhkəmə Sisteminin rəsmi saytıdan əldə edilmişdir (http://courts.gov.az/judges_list).

Date are obtained from official web-base of Judicial System of the Republic of Azerbaijan (http://courts.gov.az/judges_list).

Elections to municipalities



Retirement age



Barriers

EASTERN AND CENTRAL EUROPE

AZERBAIJAN

Score

30/100

[What does the CPI score mean?](#)

Rank

128/180

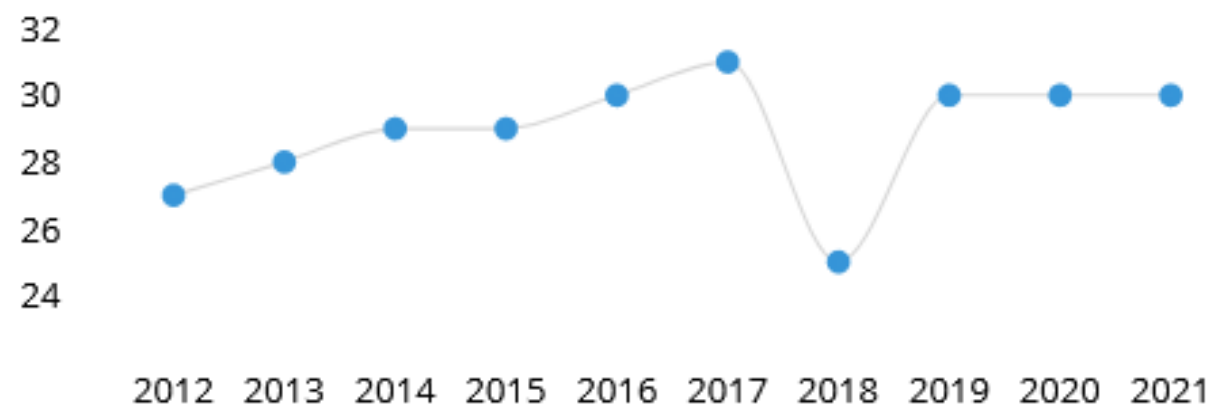
Score change



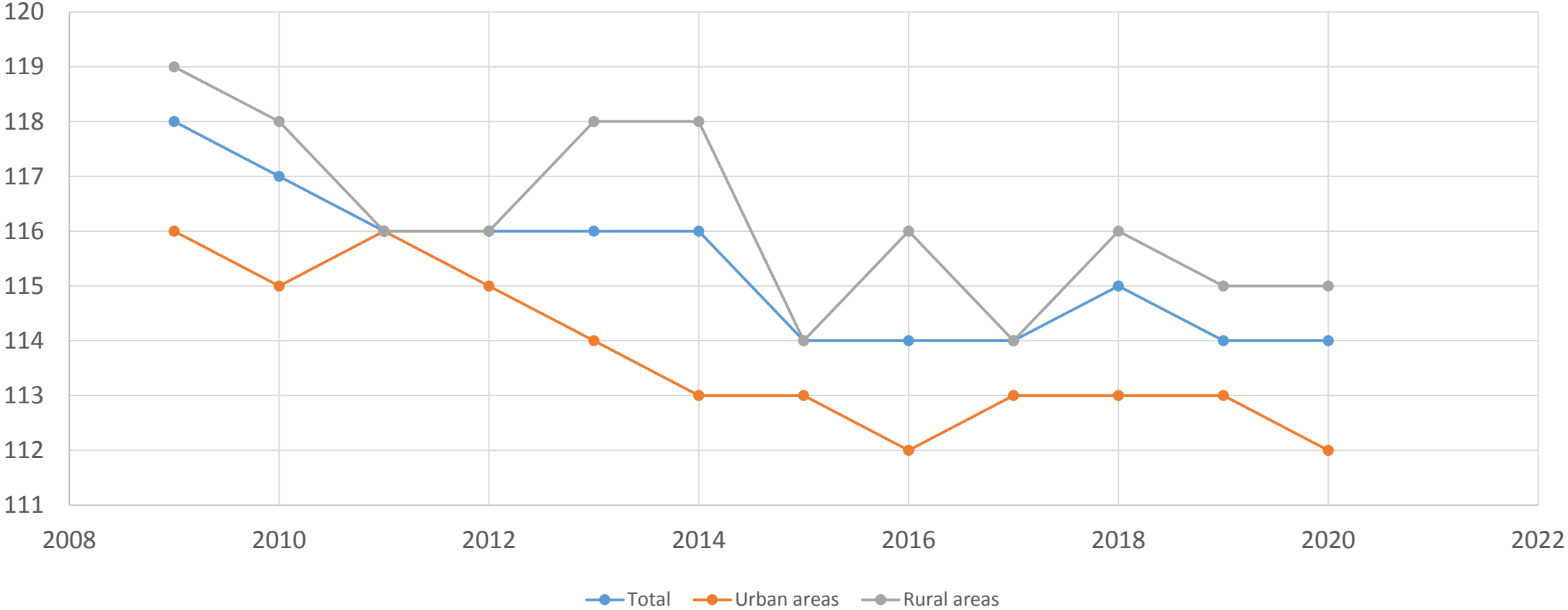
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since 2020

Score changes 2012 - 2021



Sex ratio at birth



Accessibility of Free Legal aid

- Free legal aid is not available for the application for protection orders.
- Legal aid is accessible to perpetrator of crimes more than to the victims of DV
- The quality of legal aid is a concern. Legal aid is poorly remunerated, the number of lawyers providing legal aid is low - 21 per every 100,000 inhabitants. This number is eight times lower than the average number of advocates across Europe in 2018 (164 per 100,000)

Shelter for victims of DV

- Azerbaijan contains only one State-funded shelter in Baku, and three shelters total with capacity of 100 people
- Travel restrictions amid regions in 2020 increased the number of domestic violence victims. According to Mehriban Zeynalova, head of the shelter “Clean World”, the number of women seeking refuge in shelter was higher prior to the pandemic, because of restrictions on travel from the countryside to the capital Baku (Gender Port 2021: 60).

Statistics of POs

Statistical data on issuance of protection orders to victims of domestic violence	2019	2020	2021 (first 9 months)
Total number of issued protection orders:	40	32	73
- long-term protection order	2	0	4
- short-term protection order	38	32	69
Enforced protection orders	26	16	no data

COVID-19 measures

Impact of COVID-19 on Women's Access to Justice

Not prescribed by law

- From 24 March 2020, Azerbaijan imposed restrictive infectious disease control measures on a large scale.
- Azerbaijan failed to uphold the Siracusa Principles, which first require the restrictions on rights to be prescribed by law

Covid-19 response measures

The contemplated national-level quarantines, such as

- social distancing requirements,
- lockdowns,
- restrictions on public gatherings,
- travel restrictions, and
- SMS permits to control peoples' movement.



The police and the military patrolled the streets 7/24

Along with the police, the military patrolled the streets during the lockdown, which exacerbated people's anxiety and fear.

- Strictly monitored SMS permissions of people before leaving home;
- imposed administrative fines on those who didn't, or who returned home after the time expired, or who did not wear masks.



Enforcement of COVID-19 measures

- Criminal and punitive penalties, including detentions
 - 195,000 people were fined for violating the requirements of the special quarantine regime,
 - 788 being detained.
-
- The measures restricted the exercise of most fundamental human rights and freedoms, including the freedom of movement, assembly and speech.



Vulnerable groups

- Covid-19 measures did not ensure non-discrimination of women, and vulnerable groups, such as persons with disabilities, Roma people, sex workers, and people with low income who faced tremendous difficulties.
- Older people (65+) suffered more harm due to their physical isolation and digital division.

Some Human Rights Violations

- 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 to repentance in the form of video interviews that were later broadcasted on national television. Most people did not voluntarily consent to such video recordings, according to credible reports received by EMDS Center. proceedings are conducted.
- The recording and public dissemination of “apology” videos by police breaches the law and infringes the right to privacy. Such 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 Code of Administrative Offenses' Article 51 prohibits the public distribution of information about administrative offences. 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 victim's and the investigated person's permission

Employment

- There were gender imbalances among “essential workers”, including healthcare, retail services, transit workers, etc. According to the Statistical Committee of Azerbaijan, women make up the majority of healthcare providers; men prevail among transit workers, etc. (State Statistical Committee of Azerbaijan 2021: 135).
- “During Covid-19 outbreak, women had been 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%) (UNFPA/UN Women 2020: 9).

Employment

- Out of 198,305 individual entrepreneurs and 659,739 employees in the country, 243,930 work in the areas most affected by the Covid-19 Pandemic. It means that about one in three working women works in the areas most affected by the pandemic (Gender Port 2021).
- The restrictions 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, their situation was even more difficult.
- There was the large-scale increase in unemployment.
- “During the Covid-19 outbreak, women had been 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%) (UNFPA/UN Women 2020: 9).

Courts during COVID-19

- Beginning from 20 March 2022, all courts nationwide – for a month and a half, and courts of big 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. Hearings on the issuance of protection orders for domestic violence victims were no exception.

Women's participation in decision making

- Women's participation in decision-making is normally poor in Azerbaijan, and the pandemic did not change that. All members of Operational Headquarter established by Presidential order no 1861 date on 27 February 2020 were men. In June 2020, the female head of 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 is inferred that she was one of the main decision-makers in the process

Never-ending Covid-19 restrictions

- Since March 2020, Covid-19 restrictions are imposed within the territory of Azerbaijan, and are extended regularly. The last extension (as of 26 June 2022) is up to 1 January 2023. “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).
- The land borders are still closed

Recommendations on **Anti-crisis measures**

- collect and share administrative and survey data publicly
- 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 income
- ensure equal participation of women in the decision-making process in situations of emergency, including pandemics
- ensure limitation on fundamental human rights and freedoms to be in line with Siracusa principles
- consider the digital divide during application electronic and digital methods to prevent the crisis
- introduce universal social packages in times of crisis



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ATTENTION!**