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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
A Z E R B A I J A N ?

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and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

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⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

On February 6, 2006, the State Committee on Family, Women and Children of the Republic of Azerbaijan was established on the basis of the dissolved State Committee on Women's Issues. The head of the committee, Hijran Guseynova was appointed by the president. The committee acts under the Cabinet of Ministers of the Republic of Azerbaijan.

The Statutes of the committee was approved by the president on August 13, 2006. The Statutes regulate the main duties and responsibilities of the committee and limits the number of committee staff members to fifty-five persons. The Statutes declare the Committee on the Family, Women and Children a central executive body in charge of implementing state policies and regulations in these spheres.

The annual budget for 2006 for the State Committee on Family, Women and Children is 226,565 manats (190,590 euros).⁵ (The total state budget is 3,500,000 thousand manats; the budget for the Committee constitutes approximately 0.0065 percent of the total state budget).⁶

The main responsibilities of the Committee include:

- protection of the rights of women and children;
- improvement of legislation in the designated spheres (issues concerning family, women and children);
- preparation of state programs in the designated spheres and providing input to governmental programs and development initiatives;
- implementation of the state family policy;
- coordination of activities with local governmental bodies, international organizations, and non-governmental organizations;

⁵ Approximately 250,000 US dollars. (Exchange rate on January 1, 2006: 1 AZN=0.9 USD, www.ibar.az/currency/. Consulted on October 20, 2006).

⁶ Decree of the President of the Republic of Azerbaijan on the implementation of the Law on the State Budget for 2006, www.maliyye.gov.az/index.php?lang=en&mod=main&cid=49. Consulted on October 20, 2006.

- providing assistance to the families of refugees and internally displaced persons (IDPs);
- supporting female entrepreneurship and family farming; and
- providing information to the general public about activities of the Committee.⁷

The Statutes of the committee does not include any mention of violence against women or ways to combat and prevent it. Violence against women is perceived as an issue under the umbrella of women's human rights. The committee has just begun its activities, so an evaluation of its activities is not yet available.

It is possible, however, to provide an assessment of the activities of the dissolved Committee on Women's Issues. The State Committee on Women's Issues was established by a Presidential Decree in 1998. The head of the committee was appointed by the president and supported by the first chairman and two vice-chairmen. Its four sections consisted of the Department on Women's Rights and Social Protection, the Department of International Relations, the Department of Gender Issues, and the Department on Financial-Economic Issues. The program and staff were funded by the annual state budget. The mandate of the committee included the following responsibilities:

- monitoring the implementation of state policy on gender;
- mainstreaming gender concerns into legislation, public policy and state programs and projects; and
- facilitating the preparation and dissemination of gender-disaggregated statistics.⁸

There were no special responsibilities related to violence against women in the official Statutes of the Committee on Women's Issues. The issue of violence against women was addressed in the *National Plan of Action on Women's Issues for 2000–2005*, which was developed by the Committee. This committee was also the body responsible for the implementation of the plan.

The State Committee on Women's Issues was also responsible for the preparation and submission of reports to the Committee on the Elimination of Discrimination against Women (CEDAW), the UN Division for the Advancement of Women (DAW), and the Council of Europe (CoE).

⁷ Decree of the President of the Republic of Azerbaijan on the Statutes of the State Committee on Family, Women and Children, August 9, 2006.

⁸ Decree No. 668 of the President of the Republic of Azerbaijan on the Establishment of the State Committee for Women's Issues, 1998.

There were no evaluation reports by NGOs or governmental bodies about the fulfillment of the committee's duties or the monitoring of progress. The issue of violence against women was addressed, however, in reports submitted by the committee. For example, in response to a questionnaire for governments on the implementation of the Beijing Platform for Action, the committee listed the following achievements in the field of violence against women:

- inclusion of the issue of violence against women into the *National Plan of Action*;
- participation in the Regional Information Campaign "Life without Violence" of the United Nations Development Fund for Women in 2001;
- participation in the campaign "Sixteen Days against Violence" together with local NGOs in 2002;
- translation of the Council of Europe Recommendations titled "Protecting Women against Violence" and "Trafficking in Persons for the Purpose of Sexual Exploitation" into Azerbaijani;
- creation of a working group consisting of experts from governmental and non-governmental organizations and representatives of mass media; this working group conducted an expert study of the national legislation relating to international agreements in the field of violence against women and prepared a list of recommendations to the government; and
- introduction of changes to legislation in the field of trafficking and adoption of the *National Plan of Action* and the Law on Fighting Human Trafficking.

The committee mentioned several areas of concern for women's issues in its response to the questionnaire for governments on the implementation of the Beijing Platform for Action (1995) and the outcome documents of the 23rd Special Session of the General Assembly of the United Nations in 2000. They included:

- the difficulty of assessing the most widespread form of violence against women, domestic violence, as official statistics do not reflect the real picture of crimes against women in the home;
- the potentially ineffective work of law enforcement bodies in these areas;
- the insufficient work of social institutions charged with protection of victims of violence; and
- the deterrent effect that social stigmatization has on women and girl victims of violence that prevents them from seeking assistance from law enforcement bodies or participating in public discussions on the issue.

As a solution to the aforementioned areas of concern, the State Committee on Women's Issues proposed the following measures:

- organizing crisis centers and training courses for staff, e.g., social workers;
- organizing the work in medical institutions so as to facilitate identification of domestic violence;
- organizing informational, educational and monitoring centers for combating violence; and
- organizing the cooperation of state sectors and NGOs with regard to the problem of violence.⁹

No active steps have been taken, however, toward implementation of the proposed measures.

Another component of the gender equality machinery in Azerbaijan was the establishment of the Gender Focal Points that were appointed in eighteen ministries and committees on the ministerial level in 2000. Focal points were appointed from staff members for an unfixed term and were responsible for implementation of the *National Plan of Action on Women's Issues for 2000–2005* and for gender mainstreaming within their institutions.

There were serious gaps, however, that constrained the activities of the focal points. First, there were no clear mission statements for these entities within their institutions. Second, they were not provided with any additional financial or administrative resources to carry out their activities. Another problem was the lack of required knowledge and skills by appointed staff necessary for implementing gender mainstreaming policies. The focal points ceased their operations after the term of the *National Plan of Action* was finished in 2005.

There is no special governmental body in charge of implementing measures to combat violence against women or to carry out regular monitoring and evaluation.

1.2 National action plans and other policy documents

There are no policy documents or state programs that address the issue of violence against women directly.

On March 6, 2000 the Cabinet of Ministers of the Republic of Azerbaijan adopted the *National Plan of Action (NPA) on Women's Issues for 2000–2005* to implement the Beijing Platform for Action. The NPA was drafted by the State Committee on

⁹ State Committee on Women's Issues (2000) Report of the State Committee on Women's Issues of the Republic of Azerbaijan in response to a questionnaire for governments, relating to the implementation of the Beijing Platform for Action (1995) and the outcome documents of the 23rd special session of the General Assembly of the United Nations (2000) (Baku).

Women's Issues, government ministries and NGOs. One of the sections of the NPA is dedicated to combating violence against women, stipulating six fields of activities in order to achieve the goals of each field within five years:

1. Drafting a state program on "Women and Violence" based on the Beijing Platform for Action approved at the Fourth World Conference on Women. Responsible bodies include the General Prosecutor's Office, the Ministry of Justice, the State Committee on Women's Issues, the Ministry of Internal Affairs and women's NGOs.
2. Implementing activities to prevent violence against women and girls on the basis of gender, race, ethnicity, religion, social, or regional affiliation. Responsible bodies include the General Prosecutor's Office, the Ministry of Internal Affairs, the State Committee for Women's Issues and women's NGOs.
3. Supporting and initiating research on the impact of violence against women, girls and children, developing uniform statistical indicators and making the results of research and statistics available to the public through mass media. The responsible bodies include the General Prosecutor's Office, the Ministry of Internal Affairs, the State Committee for Women's Issues and the State Committee of Statistics.
4. Ratifying international conventions related to trafficking in persons. Taking appropriate measures to address the root causes, including external factors that trap women and girls into trafficking for prostitution and other commercial sex work, forced marriages and forced labor. In order to eliminate these factors, existing legislation should be strengthened to provide better protection of the rights of women and girls and punishment for perpetrators through both criminal and civil procedures. The responsible bodies include the General Prosecutor's Office, the Ministry of Internal Affairs, the State Committee for Women's Issues, and women's NGOs.
5. Organizing shelters that will provide medical, psychological, and legal aid for women who face violence at home, in the family, and in society. Responsible bodies include the General Prosecutor's Office, the State Committee of Property, the Ministry of Justice, the State Committee on Women's Issues and women's NGOs.
6. Elaborating a special plan of action to prevent violence against women and girls. Preparing proposals corresponding to international conventions on trafficking in human beings and slavery. Responsible bodies include the Ministry of Foreign Affairs, the Ministry of Justice and women's NGOs.¹⁰

¹⁰ Resolution No. 33 of the Cabinet of Ministers, March 6, 2000.

As a result of the Nagorno-Karabakh conflict in Azerbaijan, there are more than one million refugees and forced migrants, of whom 420,000 are women. The majority of them were resettled in refugee camps. To address the problems of refugees and internally displaced persons (IDPs), the government approved 13 laws and 147 orders that are aimed at the social protection of this group.

Two chapters in the NPA, “Women and Armed Conflict” and “Women Refugees and IDPs,” target the problems of these specific groups. The proposed measures include assistance to women and children victims of violence during war and their social-psychological rehabilitation, providing them with normal living conditions within the territory after their release from occupation, and providing them with assistance in obtaining long-term, privileged and non-profit credits.

Another objective was to prosecute people who committed crimes against women and children during the armed conflict and to appeal to different international organizations to facilitate the return of refugees and IDPs. The State Prosecutor’s Office, the Ministry of Foreign Affairs and the State Committee for Women’s Issues were responsible for implementing this objective. However, there are no known indictments that have been brought for war crimes.

The development of a peaceful culture, increasing the role of women in peacemaking and the involvement of women in the peace-building process were also objectives. As a step toward implementation, women representatives of pro-government and opposition political parties, and international and national organizations founded Coalition 1325. This Coalition was created in 2002 with support from UNIFEM, and since its inception, has organized a number of national conferences and civic forums in the region, issued bulletins, and is publishing a trilateral (Azerbaijan, Armenia, Georgia) journal entitled “Women’s Appeal for Peace.”

The NPA has a number of serious shortcomings.

- It lists governmental bodies that are responsible for the implementation of particular sections of the national machinery; however, it does not provide any concrete division of the tasks among responsible actors.
- It does not provide any additional funds for actors to perform their activities in accordance with the plan.
- It does not contain any strict timetables (time period of 2000–2001 was specified for only the second field of activity).
- It did not incorporate any monitoring or evaluation mechanisms that could measure the success of the plan.

In general, the government failed to fully implement all provisions of the section related to combating violence against women, with the exception of the fourth section on combating human trafficking.

Currently, the State Committee on Family, Women and Children is drafting the new *Action Plan for 2007–2010*.

Following ratification of the international conventions on human trafficking, the national legislation was strengthened through the approval of the National Plan of Action to Combat Trafficking in Human Beings and the Law on Fighting Human Trafficking. The *National Plan of Action to Combat Trafficking in Human Beings in the Republic of Azerbaijan* was adopted in May 2004 by a Presidential Decree. The plan defines the main tasks for combating human trafficking and lists various institutions that are responsible for their implementation. Also, the plan should ensure the smooth cooperation of all bodies, including governmental structures, international donors and non-governmental organizations, as well as the coordination of all activities. In addition, it designates roles for monitoring and assessment. The purpose of these functions is to reveal in a timely fashion the gaps in the field of trafficking and bring them to the attention of the relevant institutions.

The *National Plan of Action* lists measures in both the field of legislation and the coordination of activities.

1. Improvement of the legal framework:

- bringing national legislation in compliance with UN Conventions on combating trafficking in women;
- recognizing victims of human trafficking as aggrieved persons and adopting normative acts to ensure their safety and rights; and
- adopting a law on combating human trafficking that should provide a legal framework for implementation of the tasks listed in the *National Plan of Action*.

2. Coordination activities include:

- implementing operational investigations and criminal prosecutions with regard to crimes of human trafficking;
- maintaining contact with victims, assisting them and ensuring their safety and rehabilitation;
- coordinating support for the *National Plan of Action*; and
- coordinating allocated resources.

In order to achieve these goals, the plan establishes a new position, the National Coordinator, who is responsible for the general implementation of the plan, identifies

and maintains contacts with participants, coordinates assistance provided by relevant state and non-governmental institutions, provides information to the relevant authorities, and conducts regular meetings with participants, and other related functions.

Also, the *National Plan of Action* stipulates the creation of the Special Police Anti-Trafficking Squad, which is to be an efficient and necessary mechanism for combating trafficking. The staff of the Squad will undergo special training. The Squad is to perform the following tasks:

- ensuring the security of victims and suspected victims;
- referring victims to professional assistance;
- centralizing and protecting information; and
- combating human trafficking using specially trained police.

The Special Police Anti-Trafficking Squad shall be directly subordinate to the National Coordinator. Law enforcement authorities combating human trafficking shall appoint an officer to act as a co-coordinator and maintain relations with the Special Police Anti-Trafficking Squad. In turn, the Special Police Anti-Trafficking Squad shall build relations with anti-trafficking law-enforcement authorities in foreign countries via the National Coordinator.

A unique database shall be created for the registration and use of information collected in the course of the investigation of crimes related to human trafficking.

The plan also requires the creation of a shelter for victims and a helpline. The secure accommodation for victims will have the following conditions:

- a properly secured building with appropriate living conditions;
- access to a telephone;
- access to medical care;
- the possibility of legal assistance;
- the availability of a translator;
- a separate area for conversation; and
- confidentiality for the shelter client.

Persons placed in the accommodation should be treated as victims or potential victims. Service or assistance to the persons in the shelter will be provided by specially trained NGOs.

The plan also stipulates awareness raising activities at the educational institutions by all participants of the plan.

However, the *National Plan of Action to Combat Trafficking in Human Beings* does not list any concrete partners for the newly established bodies. Further, the plan does not implement a gender-sensitive approach and is aimed at assistance to both women and men, without engendered differences in approaches. The *National Plan* does not provide any deadlines or a budget for its implementation.

There are no official reports on implementation of the *National Plan of Action to Combat Trafficking in Human Beings*; however, it should be noted that major activities have been implemented:

- The Special Police Anti-Trafficking Squad was established, but renamed as the Department on Combating Trafficking in Human Beings.
- The Deputy Minister of Internal Affairs was appointed as the National Coordinator.
- In September 2006, a shelter and hotline for trafficking victims was opened in Baku.
- According to the Press Center of the Ministry of Internal Affairs, in the first half of 2006, the Department on Combating Trafficking in Human Beings registered 231 appeals concerning trafficking, 26 victims of trafficking were rescued, and eight organized criminal groups were identified.¹¹

For the first time in 2004, Azerbaijani consular officers began to report potential trafficking cases to international organizations. The government implemented preventive efforts for populations vulnerable to trafficking and funded the construction of permanent housing for internally displaced persons. The government continued its communication with neighboring governments on transnational crime issues, including trafficking in persons.

The *State Programme on Poverty Reduction and Economic Development (2003–2005)* (SPPRED) is the main policy document aimed at achieving the Millennium Development Goals. It contains a chapter on ‘Gender Policy’ that mentions the issue of violence against women. The program’s main activities are to “[a]dopt and implement international conventions related to the human trade, as well as women and child trafficking; provide medical, psychological and other kinds of consultation to women subjected to domestic violence and violence during the military aggression and to offer legal advice to them.”¹²

¹¹ Day.az Information Agency, www.day.az/news/society/55097.html. Consulted on October 20, 2006.

¹² *State Programme on Poverty Reduction and Economic Development 2003–2005* (2003: p. 104) Baku. See at: www.un-az.org/undp/Poverty/prspen.pdf. Consulted on October 20, 2006.

The *Action Plan*, which was developed as a complementary mechanism to SPPRED, specifies only one task that is aimed at combating violence against women, i.e.,: “[s]olving the problems of illegal migrants and preventing human trafficking and human trade.” More concretely, it specifies the development and implementation of an action plan and the introduction of a repatriation program. The parties responsible for its implementation include the Cabinet of Ministers of the Azerbaijan Republic, the Ministry of Labour and Social Protection of the Population, the Ministry of Economic Development, the Ministry of Internal Affairs, the Ministry of Justice, and the International Organization for Migration. No additional funding, however, was allocated.

In 2005, a *Progress Report* on the implementation of the program for 2003–2004 was published. The main findings of the report were the followings:

- Although the Constitution of Azerbaijan, legislative acts and international treaties guarantee protection from violence against women, these documents are not always applied in practice.
- Regular official data on gender-based violence is not available, and the main reason for this is that victims are unlikely to turn to law enforcement for help. The only source of information is that from international organizations that gather data and carry out studies in Azerbaijan.
- Women’s NGOs in Azerbaijan are the only providers of assistance to victims of violence; however, all of them are based in Baku and are not accessible to women from other regions.
- The occupation of 20 percent of Azerbaijan’s territory and the existence of almost one million IDPs and refugees in Azerbaijan leads to significant economic and physical insecurities for men and women. Women and children, however, constitute the majority of IDPs and the refugee population. Their problems have been addressed by the UNIFEM project, “Women in the South Caucasus for Conflict Prevention and Peace Building,” which promotes increased engagement of women in the peace-building process.
- Trafficking in human beings is a new problem for Azerbaijan. Although no statistical data is available, evidence suggests an increase in trafficking for sexual exploitation within the last few years. This issue is addressed by the government through the adoption of international documents aimed at combating trafficking in human beings and the adoption of the *National Plan of Action to Combat Trafficking*.¹³

¹³ *State Programme on Poverty Reduction and Economic Development Progress Report for 2003–2004*. See at: www.un-az.org/undp/SPRED_declaration. Consulted on 20 October, 2006.

On June 20, 2005, the President of Azerbaijan established a State Commission responsible for working out the new SPPRED for 2006–2015. The new program includes measures aiming to combat gender-based violence.

1.3 State monitoring of existing legislation and policies

There are no systematic state review mechanisms in Azerbaijan.

1.4 State budget earmarked for combating violence against women

There is no line item in the state budget set aside for combating any forms of violence against women. There are no special line items in the budgets of law enforcement bodies for the fight against violence against women.

The state budget has allocated money only for the State Committee on Family, Women and Children, which constitutes approximately 0.0065 percent of the total state budget.¹⁴

The budgets of all municipalities in Azerbaijan are created and controlled at the local level by municipal councils. There are no strict, centralized regulations on the division of municipal expenditures, including the allocation of funds to fight violence against women. Article 8 of the Law of the Azerbaijan Republic on the Basis of Municipal Finance contains a general statement prescribing that “expenses for financing social protection, social and economic development, and ecological programs can be determined by local budgets.”

There is no amount set aside by the state authorities to support NGOs working in the field of violence against women.

1.5 State financing system to compensate victims

There is no state financing system to compensate victims in Azerbaijan. However, in 2006 the Cabinet of Ministers adopted a decision to provide victims of trafficking with allowance equal to 30 nominal financial units for the period of reintegration.

¹⁴ Decree of the President of the Republic of Azerbaijan on the Implementation of Law on the State Budget for 2006.

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

The last concluding observations of the UN CEDAW Committee for Azerbaijan were issued in May 1998. The main recommendations expressed by the committee included:

- incorporation of a definition of discrimination in the Constitution or in the laws, and incorporation of mechanisms to strengthen the prosecution of discriminatory practices against women;
- elaboration of a national plan of action for the implementation of the Platform for Action adopted in Beijing, and close cooperation with NGOs working in the field of human rights to enhance gender awareness and promote campaigns to combat traditional stereotypes regarding the roles of women and men;
- revision of legislation relating to the exploitation and trafficking of women so as to eliminate discriminatory provisions found in such legislation;
- provision of adequate information to protect refugee and migrant women from traffickers and from others who seek to exploit women for the purposes of prostitution; and
- assessment of the prevalence of all forms of violence against women in Azerbaijan and introduction of programs and measures to combat this problem and support the efforts of NGOs.

In response to the recommendations expressed by CEDAW, the state took several steps:

- The definition of discrimination is still not incorporated in the Constitution or domestic legislation. However, the draft Law on Gender Equality, prepared by the former State Committee on Women's Issues, incorporates such a definition. The draft law is currently being considered in the National Parliament "Milli Majlis," and second hearings took place in May 2006.
- The *National Plan of Action* based on the Beijing Platform for Action was approved for 2000–2005. The plan has expired, however, and no other documents have been developed to replace it.
- Legislation relating to trafficking in women was enhanced by the *National Plan of Action to Combat Trafficking in Human Beings* and the Law on Fighting Human Trafficking.
- Trainings and education for women at risk were provided mainly by NGOs and the office of the International Organization for Migration in Azerbaijan. Currently, the *National Plan of Action* stipulates awareness-raising activities in

educational institutions at all levels. No concrete steps, however, have been implemented to date.

- The former State Committee on Women's Issues, in cooperation with UNDP, conducted a gender assessment of the situation in Azerbaijan. Part of the study concerned gender-based violence. The results of the report have not been published yet. No other concrete steps to prevent and combat violence against women have been implemented to date.

Azerbaijan has submitted its *Consolidated Second and Third Reports to the CEDAW Committee* in 2005 on the status of its implementation of the treaty. The report is to be considered during CEDAW's 37th Session at the United Nations Headquarters in New York from January 15, 2007 to February 2, 2007.¹⁵

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

The rational legislation prohibits any form of violence and provides adequate sanctions if it occurs.

The Constitution was adopted in 1995 and provides equal rights of women and men before the law and court. It also states that every person shall have equal rights and freedoms, irrespective of race, nationality, religion, sex, origin, property status, social position, convictions, or affiliations with political parties, trade union organizations and social unities. Limitations on recognition of rights and freedoms because of race, nationality, social status, language origin, convictions and religion shall be prohibited (Article 25).

In accordance with Article 154 of the Criminal Code, which was adopted on December 30, 1999 and entered into force on September 1, 2000, violations of the gender equality rights of nationals that undermine the rights and legitimate interests of nationals are punishable by a fine between 100 and 500 nominal financial units¹⁶ or by a corrective labor term of up to one year.

¹⁵ *Combined Second and Third Periodic Reports of State Party Azerbaijan*, see at www.un.org/womenwatch/daw/cedaw/37sess.htm. Consulted on October 20, 2006.

¹⁶ According to Section II. 4. note 1 of the Law on Changes and Amendments to Some Legislative Acts of the Republic of Azerbaijan in Connection with Combating Corruption (April 7, 2006), the "nominal financial unit is equal to 1.1 new manats ~ 1 euro".

The same acts committed by persons acting in an official capacity are punishable by a fine between 500 and 1,000 nominal financial units, by corrective labor for up to two years, or by a prison term of up to two years, with or without forfeiture of the right to hold certain posts or engage in certain activities for up to three years.

On October 10, 2006, the Law on Guarantees of Gender Equality passed its third reading in the parliament.¹⁷ The purpose of this law is to provide equal opportunities for men and women in the political, economic, social, cultural and other fields of public life, and eliminate all forms of discrimination based on gender. The law, besides clearly prohibiting all forms of gender discrimination, mentions permissible types of “positive discrimination” with respect to women, provides for guarantees of equal rights and equal opportunities as regards the civil service, entrepreneurship, job placement, remuneration, property rights, education, consumer rights and other matters, and also establishes a procedure for reviewing complaints of violations of gender equality and liability for such violations.

The best achievement with regard to laws against violence against women is the adoption of the Law on Fighting Human Trafficking adopted on June 28, 2005 by the Parliament of Azerbaijan. This law determines the legal and organizational bases for the prevention of human trafficking, fighting human trafficking, and the legal status of victims of human trafficking. The law also regulates issues of protection for victims of human trafficking and rendering assistance to them. This law clarifies concepts such as human trafficking, human exploitation, forced labour, sexual exploitation, slavery, practices similar to slavery, human traffickers, victims of human trafficking, potential victims of human trafficking and others in the first chapter and article. The law defines the role of the National Coordinator for Trafficking, the basis of cooperation among authorities and assistance and protection measures for victims of trafficking, as well.

There are no restraining, protection or barring orders in the legal system.

A working group was established to draft a law on domestic violence and it was expected to present a final version by the end of 2006.

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

There are certain articles in the criminal legislation of Azerbaijan related to domestic violence and other forms of violence against women, including rape, human trafficking and prostitution.

¹⁷ The president has signed the decree enacting the law on December 1, 2006. See at http://gender-az.org/shablon_en.shtml?doc/en/news/01_12_2006_01.

Domestic violence is addressed by the general provisions on physical violence in the Criminal Code. Article 125 states that threats, cruel treatment or systematic humiliation leading to suicide or an attempted suicide of a person who is materially, officially or in any other way dependent, is punishable by imprisonment from three to seven years. Articles 126, 127 and 128 address different degrees of deliberate infliction of bodily harm resulting in different degrees of health disorders and disabilities. Article 133 addresses the infliction of physical or psychological suffering by systematic beatings or violent acts, but in fact it does not address psychological violence, which often takes place in Azerbaijani families.

According to Article 149(1) of the Criminal Code, rape, sexual intercourse by use of force or threats of use of force towards the victim or third persons, or by using the helpless state of a victim, is punishable by imprisonment from four to eight years. According to Article 149(2), rape is punishable by imprisonment from five to ten years if it was committed by a group of persons, it results in a venereal disease, the victim was under the age of 18 years and this was clear to the rapist, the victim was threatened with death or grievous bodily harm, it was committed with special cruelty, or was committed repeatedly. According to Article 149(3), rape, that results in the death of a victim, infects the victim with HIV, or has been committed against a person under the age of 14 years, is punishable by imprisonment from eight to fifteen years.

Article 150 addresses violent actions of a sexual nature. In accordance with Article 150(1), sodomy or other acts of a sexual nature, obtained through the use of violence or threats thereof against the victim (male or female) or other persons, or through use of a helpless condition of the victim (male or female) is punished by imprisonment from three to five years. If the same actions are committed by a group of persons, by a group with a premeditated conspiracy, or by an organized group; *and* result in a victim's (male or female) infection with venereal disease, are committed knowingly against a minor, are carried out with particular cruelty against the victim (male or female) or against other individuals, or are committed repeatedly, such actions are punishable by imprisonment from five to eight years. If violent actions of a sexual nature negligently leads to the death of the victim (male or female), or results in the infection of the victim with HIV or other serious consequences, or is committed knowingly against a person under the age of 14 years is punishable by imprisonment for a term of eight to fifteen years.

Article 151 addresses coercion to engage in acts of a sexual nature. Coercion of a person to engage in sexual relations, sodomy or committing other acts of a sexual nature through threat of destruction, damage or withdrawal of property or through the use of material or other dependency of the victim (male or female) is punishable by a fine of five hundred up to one thousand nominal financial units, corrective work for a term of up to two years, or imprisonment for a term of up to three years.

According to Article 152 of the Criminal Code, sexual relations or other acts of a sexual nature, committed by a person who has reached 18 years of age, with a person who he or she knows has not yet reached 16 years of age, is punished by restriction of freedom or imprisonment for up to three years.

The kidnapping of brides, which is still in practice in the rural regions of Azerbaijan, is often accompanied by rape. Kidnapping is punishable, according to Article 144(1), by imprisonment of five to ten years. If the same action is committed: against two or more persons, against a pregnant woman whose pregnancy is known to the kidnappers, by a group of persons, by a group with a premeditated conspiracy, by an organized group or criminal organization, with the use of violence that puts the life or health of the victim in danger, with the application of a weapon or subjects used as a weapon, upon mercenary direction, or by order, it is punishable by imprisonment for a term of eight to twelve years.

The acts addressed by Articles 144(1) and 144(2) of the Criminal Code, committed against minors or which, by negligence, bring about the death of the victim or other serious consequences, are punishable by imprisonment for a term of ten to fifteen years. However, there is also a note in this Article which states that if the perpetrator voluntarily releases the kidnapped person, then he or she will be released from the criminal liability if his or her actions do not meet the elements of another crime.

According to Article 153, depraved acts, carried out without the use of force against a person who the perpetrator knows has not attained the age of fourteen years, is punishable by a fine of five hundred to one thousand nominal financial units, by corrective work for a term of up to two years, restriction of freedom for a term of up to two years, or imprisonment for a term of up to two years.

Women engaged in prostitution are not liable for criminal charges. The organization, maintenance of a house for prostitution or the granting of premises for the purpose of prostitution, however, is punishable under Article 244 of the Criminal Code by public work for a term of 200 to 240 hours, corrective work for a term of up to two years, or imprisonment for a term of up to three years.

Article 171 of the Criminal Code criminalizes the forcing of a person under eighteen years of age into prostitution or other immoral acts. Article 243 renders punishment for forcing of a person into prostitution by using threats of violence, blackmail, destruction or damage of property or by fraud if such an action is committed with mercenary motives. Enforced prostitution is punished by a fine or corrective labor of 160–200 hours or by imprisonment for a period of up to three years.

Some progress has been made in regard to human trafficking legislation and prevention. Among these measures are the recent changes to the Criminal Code, which now classifies trafficking in women as a separate offence with specific criminal liability.

In accordance with Article 144(1), human trafficking is punishable by five to ten years of imprisonment with confiscation of property. The same acts committed against two or more persons; against an underage person; against a pregnant woman, whose pregnancy is known to her kidnappers; by a group with a premeditated conspiracy or by an organized group or criminal organization; by someone who uses his position of authority; with the use of violence which places the life or health of the victim in danger; torture of the victim or treating the victim without mercy, or humiliating him; or using the organs or other parts of the body is punishable by eight to twelve years of imprisonment with confiscation of property. If the actions mentioned in Articles 144(1)(1) and 144(1)(2) result in the death of the victim or other serious consequences through negligence, then it is punishable by ten to fifteen years' imprisonment with confiscation of property.

In addition to the changes to the Criminal Code, a Presidential Decree was issued in May 2004, ordering all governmental bodies to implement the Azerbaijan *National Action Plan on the Prevention of Trafficking*. The decree also appointed the Deputy Minister of Internal Affairs as the National Coordinator for Trafficking. The National Plan, for the first time, stipulates recognition of victims of human trafficking as "aggrieved persons" and calls for the adoption of normative acts to ensure their safety and rights.

Article 46 of the Constitution states that no one shall be subjected to torture and torment, inhuman treatment or punishment, or the humiliation of human dignity. Article 31 states that everyone has the right to live in safety. Except for cases envisaged by law, it is prohibited to infringe on any person's life, physical and spiritual health, property, and living premises, or to commit acts of violence. Article 133 of the Criminal Code on torture refers to the infliction of physical or mental suffering through systematic beatings or any other type of violence. State violence is another form of torture, as stated in Article 133(3), is the carrying out of such acts "by, or at the bidding of, officials taking advantage of their official position with a view to extorting information from persons or forcing them to make confessions, or with the aim of punishing them for actions which they have committed or are suspected of having committed."

There are no provisions in either the Code of Administrative Violations or the Criminal Code to specifically address sexual harassment. Article 151, however, addresses conduct similar to harassment in that it prohibits coercion of a person to engage in sexual relations, sodomy or other acts of a sexual nature through threat of destruction, damage or withdrawal of property or through the use of the material or other dependency of the victim (male or female). Such acts are punishable by a fine of five hundred to one thousand nominal financial units, corrective work for a term of up to two years, or imprisonment for a term of up to three years.

Sexual harassment is better addressed by the Law on Guarantees of Gender Equality, which provides a definition of and prohibits sexual harassment. It also prohibits pressure against a victim of sexual harassment and provides for compensation for the victim, all of which is to be done in accordance with legislation of the Republic of Azerbaijan. As the Law was adopted recently, in October 2006, no corresponding changes have been made yet to the Code of Administrative Violations to specify punishment for this offence.

On January 6, 2004, Azerbaijan ratified the European Social Charter (Revised). Article 26 of the Charter (on “the right to dignity at work”) requires the States Parties, with a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work. It also requires States Parties to take all appropriate measures to protect workers from such conduct. Thus, proposals on amending the Labor Code have been drawn up accordingly and submitted to the Office of the President of the Republic of Azerbaijan to bring it in line with the requirements of the European Social Charter.

The practice of killing in the name of honor is common in Azerbaijan; however, honor killings are not regulated as a separate offense in the current legislation. Unfortunately, there are no studies that demonstrate that in practice courts consider the ‘name of honor’ as an alleviating factor. To some extent, killings in the name of honor are perceived as a taboo subject, and there have been no projects aimed at combating this practice by NGOs.

Illegal artificial impregnation, implantation of an embryo and medical sterilization are regulated by Article 136 of the Criminal Code and are punished by up to three years’ imprisonment. Pre-natal sex selection is legal, but it is a major problem, as preference is given to boys. According to Arif Veliev, Chief of the State Statistics Committee of the Republic of Azerbaijan, the number of baby girls born in recent years has decreased as a result of selective abortion and is now at about 45 percent (compared to previous percentages of baby girls which were greater than the percentage of baby boys).¹⁸ No concrete steps have been taken, however, to address this issue.

2.2.2 Criminal procedures and prosecution

In general, all cases are treated equally and considered in accordance under the order established by the legislation.

¹⁸ Fifty-five percent of newborns in Azerbaijan are boys. *Day.az News Agency*, September 19, 2005. See at www.day.az/news/society/31564.html. Consulted on October 24, 2006.

Article 48 of the Code of Criminal Procedure addresses the quick execution of criminal prosecutions. According to Article 48.1, execution of a criminal prosecution by an interrogator, investigator, prosecutor and the court must be started and ended in accordance with the terms established in the code so that:

48.1.1 Acquisition and investigation of evidence is provided in a timely manner;

48.1.2 Persons do not wait an unreasonable amount of time to hear the charges and receive a review of their cases and restoration of their rights.

The police are required to investigate and register all reported cases in accordance with Article 38 of the Code of Criminal Procedure.

Police and prosecutors do not require an official petition/appeal from the victim to start the investigation procedure in the following cases, as stipulated in Article 37.5 of the Code of Criminal Procedure:

- a crime that touches the interests of government and society;
- a crime committed by a state representative or other officials of state bodies, or a crime committed against them;
- a crime committed against a pregnant woman or old and helpless person;
- a crime committed under pressure, by force or against a person who is dependent upon the one committing crime; and
- a crime committed by an incapable person or a person who is not of an age to be criminally culpable or a crime committed against such a person.

A specific accusation made in the prosecution of crimes in the interests of public order¹⁹ cannot be stopped even if the defendant has reconciled with victim, except in the case stipulated by Article 73 of the Criminal Code. Article 73 on the release from criminal liability in connection with reconciliation with the victim states that “the person, who has committed a crime for the first time, not representing major public danger, can be released from criminal liability if he has reconciled with the victim and has compensated the victim or removed the cause of harm.”

Article 15 groups crimes into four categories, and defines the maximum punishment for each category. According to Article 15(2) crimes that do not represent major public danger, are those deliberate and negligent actions that are punished by the Penal Code either with a maximum of two years of imprisonment or a punishment other than imprisonment.

¹⁹ Mentioned in Articles 127, 128, 129(2), 130(2), 131(1) 132–134, 142(1) 149(1), 150(1), 151, 156–158, 163, 175–177(1), 178(1), 179(1), 184(1), 186(1), 187(1), 190(1), 197 and 201(1) of the Criminal Code.

There is only one general aggravating circumstance applying to all criminal offenses applicable here, stipulated in Article 61(1)(7) (when the victim was pregnant and this could be obviously to the perpetrator, or when the victim was a juvenile). In accordance with Article 37(5) of the Code of Criminal Procedure, some of the factors required for prosecution in the public interest include when the crime is committed against a pregnant woman or committed under pressure, by force or against a person who is dependent upon the one who is committing the crime or when the crime is committed by or against person without legal capacity or a person below the age of criminal responsibility.

2.2.3 Special provisions in the defense of children

Azerbaijan ratified the Convention on the Rights of the Child by Decree No. 236 of June 21, 1992, which entered into force on August 13, 1992. According to the Constitution, international conventions apply even if they contradict local legislation.

According to the Law on the Rights of the Child, the state must ensure the protection of the rights of the child. Article 5 of the Law on Commission on Minors and the Protection of the Rights of Children stipulates that children are entitled to protection against any type of abuse or physical, inhuman and degrading treatment. The law establishes local commissions on minors' affairs and the protections of their rights. In accordance with Article 114 of the Family Code, the protection of children's rights and interests becomes the responsibility of the relevant executive agency (the commissions) if the children's parents pass away, have their parental rights terminated or restricted, or other similar situations occur.

There is a separate chapter (Chapter 22) in the criminal legislation, which contains some articles that address "Crimes against Minors and Family Regulations." The chapter includes the following relevant articles:

- Article 170 on "Involvement of a minor in criminal activity";
- Article 171 on "Involvement of a minor in prostitution or the commission of immoral actions";
- Article 172 on "Substitution of another's child";
- Article 173 on "Sale of minors";
- Article 174 on "Illegal adoption";
- Article 175 on "Disclosure of secret on adoption"; and
- Article 176 on "Malicious evasion from rendering assistance to children or parents".

Furthermore, Article 152 regulates sexual relations and other acts of sexual nature with a person who has not yet attained the age of 16 years;²⁰ and Article 153 depraved actions.²¹

There are also some other provisions in different sections and chapters of the Criminal Code in regard to children. For example, Article 121, states that the deliberate murder of a newborn child by the mother at the time of or directly after birth shall be punished by imprisonment for up to three years.

2.3 Applicable provisions in civil and family law for cases of violence against women

Victims may obtain compensation for pecuniary and non-pecuniary damages according to the Civil Code or to the Law on Obligation and Contract, based on the harm suffered. The compensation is regulated by the Code of Civil Procedure²² and Code of Criminal Procedure.²³

Article 59 of the Code of Criminal Procedure states that the victim, or the individual who, as a result of the violation, suffered moral or physical harm or property damage, and his representative, have the right to submit evidence, file petitions, be informed of all particulars from the moment the preliminary investigation begins, participate in the court examination, lodge challenges, and file complaints regarding the actions of the person conducting the inquiry, the investigating officer, the prosecutor or the court, as well as against the sentence, the court's findings and the rulings of people's judges.

A person suffering material harm as a result of a crime has the right, in the course of criminal proceedings, to file a civil suit to be tried jointly with the criminal case against the accused or the persons bearing material responsibility for the actions of the accused (Article 51). The grounds for instituting criminal proceedings include:

- a statement by a citizen;

²⁰ Sexual relations or other actions of sexual nature, committed by a person who has reached 18, with the person who is wittingly known as person who has not reached 16 is punished by restriction of freedom for the term of up to three years or imprisonment on the same term.

²¹ Depraving actions, carried out without application of force against the person, with the person who is wittingly known as person who has not reached age of 14 is punished by fine of five hundred up to one thousand nominal financial unit, or by corrective works for the term of up to two years, or restriction of freedom for the term of up to two years, or imprisonment for the term of up to two years.

²² Articles 36(6), 148, 158(6), 222(2).

²³ The whole Chapter XX, Articles 189–191.

- a report from a trade union or other social organization;
- a report of a company, institution or organization or of an official;
- a report published in the press;
- an admission of guilt; and
- immediate discovery by the prosecutor, investigator, body of inquiry or court of circumstances indicating that a crime has been committed (Article 104).

There are no special procedural provisions in divorce, child custody, regulation of custody etc. in the case of domestic violence.

According to Article 10 of the Family Code, a person can enter into marital relations only after reaching marriageable age, which is seventeen years for women and eighteen years for men. In extreme cases, with parental consent, the marriageable age can be reduced but by no more than one year. However, families overcome this obstacle through the religious marriage of *'kabin'*. Sexual intercourse or activity with a minor under the age of sixteen years is punishable with imprisonment of up to three years (Criminal Code, Article 152). There are no known cases, however, where this provision has been used to prosecute a man who married an underage girl.

Questions relating to the rights and responsibilities of parents with regard to the upbringing and development of their children are addressed by Articles 66, 67, 68 and 69 of the Family Code, which stipulate, among others, that parental rights may not be exercised in a manner contrary to the interests of the child (Article 68). One or both parents may lose their parental rights if it is determined that they neglect their responsibilities in the upbringing of their children or abuse their parental rights, behave cruelly towards their children, exert bad influence on their children through amoral or antisocial conduct, or are chronic alcoholics or drug abusers (Article 74).

Azerbaijan adopted the Law on the Rights of the Child on May 19, 1998. The law was prepared in accordance with international documents. According to Article 28 of the law, the government protects the children from all kinds of exploitation, as well as the effects of dangerous, unhealthy and hard work using social, legal, economical, medical

and educational methods. According to the law, the state must ensure the protection of the rights of the child. The parents are the representatives of the child.²⁴

Under this law, the child has the right to appeal to the appropriate executive body should his/her rights be violated. Article 12 of the law determines parental rights and duties specifically with regard to the education, upbringing and protection of their children. Parents can, under Article 64, be deprived of their parental rights if they are found to be treating their children inappropriately, e.g. by physical or psychological harm. Article 72 provides for the immediate removal of the child from parental guardianship if the health or life of a child is found to be in danger.

Article 5 of the Law on Commission on Minors and the Protection of the Rights of Children stipulates that children are entitled to protection against any type of abuse or physical, inhuman and degrading treatment. The law establishes local Commissions on Minors' Affairs and the Protection of Rights. In accordance with Article 114 of the Family Code, and in accordance with this law, the protection of children's rights and interests becomes a responsibility of the competent executive agency (the commissions) in the event that the parents die, have their parental rights removed or restricted, and other similar situations.

The Commissions on Minors' Affairs and the Protection of Rights operate on the municipal level and are considered a part of the local Executive Committees. The commissions have various responsibilities according to the law, but in practice they are too under-staffed to implement all of their duties. The commissions consider cases of minors reported to them. Usually, only the most severe cases are discussed. The

²⁴ The President of the Republic signed two Optional Protocols to the Convention on the Rights of the Child: "Involvement of children in armed conflicts" and "Sale of children, child prostitution and child pornography" at the UN Millennium Summit held on September 6–8, 2000. In 1993 the Republic signed the Universal Declaration on Survival, Protection and Development of Children. The legislative acts on children's rights which were adopted by the Republic are the following: Law on the Rights of the Child, dated May 19, 1998; Law on Social Protection of Children Deprived of Parental Care, or those who Lost their Parents, dated June 22, 1999; Law on Confirmation of Statute of Commissions on Child Issues and Protection, dated May 31, 2002; Law on Nutrition of Infants and Young Children, dated June 17, 2003; Decree of President on Supplementary Measures for Assistance to the Families with Four or More Children, dated January 10, 1992; Order of President on Increasing of the Amount of Payment for those who are on Partly-Paid Maternity Leave, dated January 18, 2001; Order of President on Peace Culture in the Republic of Azerbaijan and Holding of an International Decade (2001–2010) against Torture in Respect of Children, dated July 4, 2001; Decree of the Government on Measures of Improvement of Social Protection of Children Deprived of Parental Care or those who Lost Their Parents, dated November 7, 2001; and Decree of the Government on Plan of Measures in Connection with Solving Problems of Abandoned and Street Children, dated April 14, 2003.

commissions can decide on alternative placement for the child in institutions and punishment for the parents. By law, the commission may invite the child to appear in front of them during the decision meeting.

In regard to child custody and visitation, according to the Family Code, the court will make child custody decisions based on the child's best interests. In making the custody determination, the court will consider all relevant factors, which may include any acts of domestic violence. The parent living separately from the children has visitation rights and the right to participate in their upbringing. If both parents cannot agree on a visitation schedule, the court will generally set the schedule for the non-custodial parent. The parent with whom the children live is not entitled to prevent the other parent from contacting the children and participating in their upbringing (Article 70). There are no concrete provisions in the legislation that imposes restrictions on visitation rights.

The Labor Code addresses issues such as employment of children, duration of their working day, protection of the interests of youth in employment and labor activity, etc. The Civil Code addresses issues such as the protection of children's interests and the definition of age of maturity.

2.4 Victim protection and protection of witnesses

Although there is no special law on the protection of witnesses, there is a Law on State Protection of Persons Participating in Criminal Proceedings.²⁵

This Law defines the measures stipulating the provision of security and social protection for victims, witnesses in criminal cases and other persons participating in the criminal proceedings. These security measures are applied in cases where the provision of security for the aforementioned persons through other means is not possible.

If the victims and witnesses are not willing to participate in an open hearing to retain the privacy of their family and personal lives, the court can conduct a closed court hearing.²⁶

Article 14 of the Law on State Protection of Persons Participating in Criminal Proceedings addresses the use of closed court hearings for protected persons. When a closed hearing is required for the security of protected persons, as issued by a decision of the court (judge), the closed hearing is allowed in accordance with procedures stipulated under criminal procedural legislation. For the questioning of protected

²⁵ Law No. 585-IQ; Baku, December 11, 1998.

²⁶ Article 27 of the Code of Criminal Procedure.

persons without the presence of the defendant, the decision of the court (judge) shall be applied. Based on the same reasons, the defendant can be questioned separately.

Article 11 of the Law on State Protection of Persons Participating in Criminal Proceedings addresses the “Secrecy of Information on the Protected Person.” In accordance with that article and through a decision of the relevant bodies, the enquiry service under the automatic telephone system, passport or visa registration service, or other relevant referral services can be temporarily or fully prohibited from providing information on the place of residence or other data about the protected persons. In exceptional situations and in connection with the undertaking of a criminal or civil case, such information can be provided to pre-trial bodies or the court, in the manner provided for in the legislation.

Article 175 of the Criminal Code creates criminal responsibility for those who disclose confidential information on adoption against the adopter’s will. The act must be committed by either a person who is obliged to keep confidential the fact of adoption in accordance with his service or professional position, or a person who discloses such information out of self-interest, revenge or other immoral reason. The crime is punishable by a fine of one hundred to five hundred nominal financial units, public work for 160 to 240 hours, corrective work for a term of up to one year, or imprisonment for a term of six months with or without deprivation of the right to hold certain posts or engage in certain activities for a maximum term of three years.

Article 365 of the Code of Administrative Violations addresses the confidentiality of case information on administrative violations. This information can be made public only through the decision of a judge, authorised official who executes the case, and the victim, if such information could have an impact on the victim’s personal interests.

There are no special provisions on cases of violence against children. There is, however, a general rule established by Article 11 of the Law on State Protection of Persons Participating in Criminal Proceedings, which addresses the confidentiality of information on protected persons.

There are no concrete provisions in the law about service providers dealing with violence against women cases, but they may be addressed by the Law on State Protection of Persons Participating in Criminal Proceedings. According to this law, the following are considered protected persons:

- persons who informed the law enforcement agency of the crime or participated in the exposure, prevention or detection of a crime;
- persons who are considered a victim under the criminal case, their authorized representatives, special prosecutors or their representatives;
- suspected or accused persons and their attorneys and representatives;

- civil plaintiffs, civil respondents, and their legal representatives and representatives;
- witnesses; and
- experts, specialists, translators and witnesses.

Security measures can also be provided for close relatives of the protected persons in the event that influence is exerted on close relatives to put pressure on the protected persons.

In general, it is considered an aggravating circumstance if a crime is committed against a person or his close relatives in connection with the implementation of a service activity or the performance of the public debt.²⁷

2.5 Legal assistance and representation for the victims of violence against women

The government does not fund free legal aid for violence against women victims, although there are some NGOs running such projects. Provision of legal aid is stipulated in Article 61 of the Constitution, which states that everyone has the right to obtain qualified legal advice. In specific cases as provided by law, legal advice shall be rendered free and at the government's expense. Every citizen has the right to a lawyer's advice from the moment of detention, arrest or accusation of a crime by the competent state bodies.

Article 19(1) of the Code of Criminal Procedure states that “during the criminal procedure, the interrogator, investigator, prosecutor or court shall adopt measures to protect the right of the victim, suspect and defendant to obtain qualified legal aid.” According to Article 19(4)(1), the authority implementing the criminal procedure shall provide the rights for the suspect and defendant persons to access to a defense lawyer from the moment of apprehension, arrest, before the first questioning as a suspect or from the moment of announcement of the accusation to the defendant.

The Legal Clinics of Azerbaijan University, Western University, and Legal Advice Centre of ABA/CEELI provide free legal aid. They provide legal counseling, as well as legal representation. USAID provides funding for these services. It is possible for victims involved in the procedures to access legal representation and assistance by public or private organizations if they demand or make such a request.

²⁷ Article 61(1)(8) of the Criminal Code.

2.6 Providing information for victims about their rights, obligations, and the services available

Chapter IV, Articles 19–20 of the Law on State Protection of Persons Participating in Criminal Proceedings addresses the rights and responsibilities of protected persons and authorities providing the security.

Protected persons have the following rights:

- to receive information on security measures, which will be provided for them;
- to apply for the provision of security measures or for their cancellation;
- to require authorities providing the security to supply other measures in addition to those already provided, as stipulated under this law, or to cancel any of the supplied measures; and
- to file a claim with the prosecutor's office or court (judge) against unlawful decisions or actions of authorized officers implementing the security measures.

Authorities providing security shall have the following responsibilities:

- upon the receipt of information about illegal actions committed against the protected persons, respond and apply immediately for the removal of such cases;
- provide protection to life, health, housing and property of the protected persons via provision of security measures as provided by this law; and
- in a timely manner, inform the protected person on decisions adopted in relation to the change or cancellation of security measures.

Although this law was adopted in 1998, it has never been applied in practice.

2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning

N/A

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

Following the adoption of the *National Plan of Action on Women's Issues* on March 6, 2000, for the period 2000–2005, the Ministry of Internal Affairs issued Order No. 2/25 on the Implementation of the Fourth Provision “Women and Violence” of the *National Plan* and distributed it to all police stations in Azerbaijan. The order stipulates the strengthening of activities to prevent crimes and all forms of violence against women, as well as discrimination based on race, nationality, religion, social affiliation, and regional background. The activities in this regard were evaluated quarterly.

According to the Decree of the President on the Enforcement of the Activities to Prevent Acts against Social Security dated August 16, 2001, the Ministry of Internal Affairs prepared Activities Plan No. 1/7 based on Directive No. 45. This plan stipulates the strengthening of the investigation of crimes, including crimes against women, their sexual exploitation and trade, and other crimes, as well as the identification and detection of people who commit such crimes to hold them accountable as prescribed by the Law.

As the activities set forth in the *National Plan of Action on Women's Issues* expired in 2005, the Ministry of Internal Affairs continued its activities within the framework of Activities Plan No. 1/7.

Police office records are based on an internal methodology used nationwide and include the following sections: type of crime; personalities of the victim and violator; description of the crime; motive; genders of the violator and victim; age group of the violator and victim; type of relationship between the violator and victim; and previous acts of violence.

There are no special guidelines that regulate the hearing and treatment of the victim, and they take place in accordance with the general regulations. Thus, in police offices, there is a special Code of Behavior, adopted by Order No. 130 of the Ministry of Interior on April 8, 2005, that regulates how police officers should implement their duties and treat citizens. According to the code, all citizens should be treated equally, and the police should perform everything to protect life, health, law and liberties.²⁸

²⁸ Data were provided upon request.

No data is available for other law enforcement professions, and no responses were provided to official requests.

3.2 Legal regulations of inter-agency cooperation

There are no legal requirements for coordinated, multi-agency work for fighting violence against women. However, some agencies have internal documents and regulations related to the issue. For example, according to the Resolution No. 09/62 of the General Prosecutor of Azerbaijan Republic adopted on June 27, 2005, on Cooperation between Prosecutor's Bodies, Mass Media, and NGOs, the listed agencies should join their efforts in the protection of human rights and freedoms. Such efforts include press conferences, joint seminars and roundtables for representatives of mass media and human rights organizations at least once every three months. However, this document addresses human rights in general without any specific reference to violence against women. It also does not contain any provisions for multi-agency cooperation among the state bodies.

3.3 Medium- and long-term coordinated action plans for the different professions

There are no medium- and long-term coordinated action plans in the field of violence against women. The activities plan for implementation of the Decree on Enforcement of the Activities to Prevent Acts against Social Security just briefly mentions violence against women.

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

There are no systematic mechanisms to involve NGOs in the drafting, design, implementation and evaluation of laws and policies. Currently there is no forum or official cooperation between government officials and NGOs either. At present, cooperation takes place on an *ad hoc* basis. This includes cooperation between NGOs involved in anti-trafficking and the Department on Trafficking of the Ministry of Internal Affairs.

However, international organizations have sought to push governmental and non-governmental organizations to cooperate. For example, the OSCE office in Baku and ABA/CEELI brought representatives of legislative and executive bodies, lawyers and representatives of international and national non-governmental organizations together

to discuss the draft Law on Gender Equality. The group developed recommendations, which were forwarded to members of Parliament.²⁹

To support the work of the State Committee on Women's Issues and the implementation of the *NPA on Women's Issues*, an Intersectoral Council was established. The council is composed of Focal Points (see Section 4) and representatives of women's NGOs. However, the Intersectoral Council has not met regularly and has had no meetings since 2003.

In 2006, within the framework of the project "Role of Police in Protection of Women from Domestic Violence," the Ministry of Internal Affairs cooperated with the NGO Symmetry. Within this project, a joint working group of representatives of the Ministry of Internal Affairs and Symmetry was established and held its first meeting on June 2, 2006. The project is funded by the Office for Democratic Institutions and Human Rights–OSCE. The main goal of the project was to strengthen preventive measures in combating violence against women in Azerbaijan.

3.5 Leading NGOs working in the field of violence against women in the country

Different sources present different statistics on the number of NGOs working in the field of gender equality in Azerbaijan. The number ranges from fifty to more than one hundred organizations that have either registered or submitted registration documents to the Ministry of Justice.

The following is a list of the main NGOs dealing with violence against women issues:

NGO	Main profile	Source of funding
Azerbaijan Gender Association Symmetry	Gender equality, protection of women's rights, reproductive health	UNDP, OXFAM, UNFPA, OSCE/ODIHR, ISAR
Azerbaijan Women Mejlis Sevil	Protection of women's rights, prevention of violence against women, protection of socially vulnerable women	UNDP, UNIFEM, Azerbaijan Cabinet of Ministers
AREAT Social Research Center	Research/trainings on gender issues	Eurasia Foundation, ISAR, BP-AMOCO, OSI

²⁹ See: www.osce.org/item/19203.html. Published in *OSCE Office in Baku Organizes Expert Discussion of Azerbaijan Gender Equality Law*.

Society for the Protection of Women's Rights named after D. Aliyeva	Protection of women's rights, protection of socially vulnerable women, research on women's rights	UN, ISAR, US Embassy, Embassy of the Great Britain, OSI
Gender and Human Rights Research Union	Research/trainings on gender issues	UN, OSI
Gender Research Center	Research/trainings on gender issues	OSI, OXFAM, UNDP
Young Lawyer's Union	Awareness-raising activities on women's rights	OSI, OSCE
Humanitarian Association of Jewish Women	Provides medical and psychological help to women and protects rights of Jewish women	OSI, UN, BP-AMOCO
Azerbaijan Gender Information Center	Promotes informational technologies as a tool to protect women and combat violence against women	OSI, UNIFEM, ISAR, AzEurotel
Women's Association for Rational Development	Awareness-raising activities on women's rights	Global Fund for Women
Women's Crisis Center	Provides medical and psychological assistance to victims of violence	Embassies of the U.S., Norway, Great Britain; Statoil Company
Women in Civil Society	Awareness-raising activities on women's rights	OSI, Helsinki Civil Assembly
Azerbaijan Feminist Group	Awareness-raising activities on women's rights	Mama Cash, Central European University Budapest
Association Family and Society	Medical and psychological assistance to victims of violence	UNICEF, IMC
Clean World Public Union	Prevention of violence against women, trafficking. Awareness-raising activities	OSI, OSCE, Mama Cash, John Hopkins University Foundation, US Embassy
Yuva Humanitarian Center	Awareness-raising activities on women's rights	Mama Cash, Central European University Budapest, UNHCR, OSI
Shams Young Women Center	Programs targeting young women, medical and psychological assistance	OXFAM
Azerbaijan Women and Development Center	Protection of socially vulnerable women, research on women's rights, reproductive health	USAID, UNICEF, UNFPA, IOM, ISAR

List of experts in the field of violence against women:

- Kamilla Dadasheva, leader of the NGO Symmetry;
- Mehriban Zeynalova, leader of the NGO Clean World;
- Vefa Saleh, coordinator of the NGO Clean World;
- Matanet Azizova, director of the Women's Crisis Center;
- Yelena Kasumova, chief coordinator of the Gender Information Center, leader of the NGO AREAT;
- Novella Jafarova, leader of the NGO Society for the Protection of Women's Rights named after D. Aliyeva;
- Oksana Azimova, chief of Department on Women's Rights in the Young Lawyer's Union;
- Tarana Seidova, leader of the NGO Shams; and
- Rena Tahirova, leader of the NGO Yuva.

The Azerbaijan Gender Information Center has created a database of projects that relate to gender problems and are conducted by local NGOs. The database contains information about 262 projects in Azerbaijan that are conducted by 68 NGOs, beginning from 1997. Not many of the NGOs, however, are involved in projects dealing with the issue of violence against women. According to the database, only 19 percent of the conducted projects targeted the problem of domestic violence and trafficking.

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

The Special Unit for Combating Trafficking in Human Beings was created within the structure of the Ministry of Internal Affairs.

According to the *National Plan of Action to Combat Trafficking in Human Beings*, the Deputy Minister of Internal Affairs was appointed the National Coordinator, responsible for implementation of the *National Plan of Action*. On May 19, 2005, by order of the Minister of Internal Affairs, the Department on Combating Trafficking in Human Beings was established. The department, which is under the direct command of the Head Office of the Ministry of Internal Affairs, performs functions as the investigatory and operational body to prevent human trafficking, investigate criminal offenses and protect victims of trafficking. As the coordinating body for the helpline,

shelter for trafficking victims and cooperation among NGOs, the department performs the following duties:

- identifying human and child trafficking, illegal transportation of persons abroad, involvement in illegal labor, slavery, and other crimes as determined by legislation;
- taking measures to refund damages caused by criminal acts;
- gathering and maintaining information about human trafficking to store in a database;
- preventing and identifying human trafficking, identification of the persons organizing and committing such crimes, protection of the life, health, rights, and freedoms of victims or potential victims of human trafficking;
- taking measures for the protection of victims prior to repatriation and during their reintegration into society;
- placing of victims or potential victims in secured shelters and protection of them in the shelters;
- communicating with victims or potential victims of human trafficking and providing them with professional aid;
- conducting preliminary investigation of cases of victims or potential victims in the secured shelter (if necessary, in the presence of persons providing legal assistance to them);
- taking corresponding measures for the purposes of educating communities about the dangers caused by human trafficking and illegal migration; and
- preventing and registering transnational, interregional human trafficking, based on international conventions and agreements, cooperation with international organizations and the police agencies of foreign countries through the exchange of information and experience.

The new staff of the department was selected through a process that included testing, with the participation of the OSCE–Baku office, the International Organization for Migration, the U.S. Embassy, and NGO representatives. The total number of staff is eleven persons. There is no special training required for the staff. The members of the Ministry of Internal Affairs, however, participated in seminars on trafficking in the Russian Federation, Turkey, Austria, Italy, Georgia and Kazakhstan. Also, with the support of the U.S. Department of Justice within the International Training and Assistance Program against International Crimes, members of the Department on Combating Trafficking in Human Beings received recommendations on how to effectively fight human trafficking.

There are no special units or responsible people in the police stations to deal with cases of violence against women. However, in some cases, if a victim insists, she can be heard by a female officer. In total, there are about 600 female officers in Azerbaijan and, according to the data provided upon request, the Ministry of Internal Affairs performs activities to attract more women to these services through advertisements in newspapers and interviews.³⁰

5. AVAILABLE SERVICES

5.1 Shelters

At present, there are no shelters to serve victims of rape or domestic violence in Azerbaijan. The only available NGO shelter primarily serves victims of trafficking and migrant women.

The only one shelter for victims of trafficking operates upon the personal initiative of the leader of the NGO Clean World and is funded by that organization, without any financial support from government or international organizations. The shelter is located in two private houses close to the organization's office in Baku. The number of places available in the shelter totals fourteen; six in the first house and eight in the other house.³¹ The number of places in the shelter was raised in January 2006, and the second house was rented after the NGO had to place thirty people in a shelter designed for eight people in 2005. Still, operators of the center claim that sometimes they have to locate more than fourteen people. Victims usually are directed to the shelter by international NGOs, for example, the International Organization for Migration.

As the shelter is designed for victims of trafficking, there are no waiting lists. Placement is free of charge. The shelter does not provide immediate help. As the NGO operates the shelter on a volunteer basis, it does not employ special staff, but only volunteers and staff who work on NGO projects unrelated to the shelter. As the shelter does not have special personnel to provide assistance to the victims, they have agreements with other NGOs and volunteer professionals (gynecologists and lawyers) and refer victims for private consultation to these other resources.

³⁰ Women and girls are encouraged to apply to the police service. They are given preference during selection procedures. (Ministry of Internal Affairs, data provided on request). However, according to the official website of the Ministry of Internal Affairs in 2005 out of the total 54 people accepted for police service on middle and higher rank positions, only 3 were women.

³¹ The total number of inhabitants in Baku is about 2.5 million.

The services are primarily available for immigrant women and deported women of Azeri citizenship; however, there were a few cases when shelter was provided to victims of domestic violence and to male immigrants. The shelter does not have any codes of conduct or any other special provisions.

The NGO Clean World registers residents of the shelter. In total, the shelter has provided accommodation to sixty-five people since 2005. From January to August 2006, twenty-four persons applied for assistance. Throughout its entire period of operation, shelter has been provided to seven victims of domestic violence. The shelter does not have any special facilities for dealing with children; however, it provides assistance to women with small children. This year, two women migrants from Iran and Iraq, along with three children each, were sheltered at the house.

There are no fixed terms for the duration of stay for victims, and in some cases, the stay can last for several months.

The NGO does not create any in-depth reports or analysis of the cases. Sometimes, the leader of the NGO provides journalists with information about trafficking cases, while respecting the privacy of the victim.

At present, as the government began operations of a new shelter for victims of trafficking, the leader of Clean World, Mehriban Zeynalova, disclosed their plans to reorganize shelters and serve only victims of domestic violence in the future.

Another shelter for trafficking victims was opened in Baku on October 10, 2006 by the government. It is in a newly renovated three-story building, and there are a total of twelve personnel in the shelter. The financial support and technical procurement of the shelter is covered from the state budget. The shelter can provide assistance to forty-five victims of trafficking. The victims are provided with psychological, medical, social, legal, and financial aid. The shelter also has special facilities to host women with children.

5.2 Hotlines

The NGO Clean World has a hotline for victims of trafficking, which was established upon the initiative of the Department to Combat Trafficking in Human Beings in January 2006. The registration of the hotline through the telephone system was covered by the government. No additional funds, however, were provided by the government for its operation, and the NGO must pay a monthly fee for the operation of the phone line; the sum is less than one US dollar per month. Since beginning its operations, the hotline has received thirty phone calls from Azeri citizens, the majority of whom request more information on how not to become a victim of trafficking before leaving for work abroad. Other applicants ask for help to find relatives, who

they think have become trapped in the trafficking business. Only a few calls were from victims requesting help. The calls from Baku are free of charge, but callers from other regions are charged a regular fee per minute.

The Department on Combating Trafficking in Human Beings has recently established a new hotline for trafficking victims within a newly opened shelter. The cost for the hotline's operation will be covered by the government.

The hotline operates from 9 a.m. to 12 p.m. six days per week. The phone line is operated by three people, including one psychologist and two social workers, who have completed psychological coursework. The staff has not received any training on how to operate the hotline. But, prior to starting its operation, the Director of the NGO developed regulations for the operation of the hotline, which includes information on how to treat victims.

The NGO Clean World registers the number of phone calls. There have been thirty phone calls to date. Clean World does not, however, develop any in-depth reports or analysis of the cases.

The Azerbaijan Women Crises Center has an operational hotline, which was established in 2001. From 2001 until June 1, 2006, the center received 6,749 calls from women. The hotline is available free of charge, primarily for victims of domestic violence. The hotline operates from 1 p.m. to 6 p.m. on business days; there is one operator, who received training on how to operate a hotline from abroad. The operator provides social advice over the telephone and invites the victim, if necessary, to visit the center for legal assistance. There are no codes or regulations. There are no reports or analyses. Previously, the hotline was supported by the Embassies of the U.S., Norway, and Great Britain; currently, the hotline operates without any financial support.

In other regions, there was only one hotline, which was established in Ganja for a period of one month in 2003 under the NGO Women in Civil Society. It received financial support from the Helsinki Civil Assembly. Its funding was cut.

The Public Union Initiative for Development opened its Crisis Hotline in April 2006. This hotline functions 24 hours per day and renders confidential and immediate psychological help to young people. The hotline does not specifically target violence against women victims, but according to the register, 79 percent of callers are women who experienced physical, sexual or emotional violence. The project is funded by the Global Initiative in Psychiatry (Hilversum, Netherlands).

5.3 Crisis intervention centers

There is only one crisis center, which was opened in 2001 by the NGO Azerbaijan Women for Peace and Democracy in the Southern Caucasus with financial support from Embassies of the U.S., Norway, and Great Britain. Currently, the center also receives financial support from the Statoil Company. However, financial resources are not directed primarily to the operation of the center, but are provided within the project “Gender Education through Mass Media.”

The Center covers all forms of violence against women and provides all services free of charge. It also provided assistance to immigrant women, for example, refugees from Chechnya. From November 2001 to June 1, 2006, 5,843 women visited the Women’s Crisis Center and received the necessary assistance.

As the center does not have direct financing, it has serious financial shortages that affect the number of personnel. Currently, the center has two full-time employees (a director and an assistant) and four volunteers (two lawyers, a gynecologist and the hotline operator). One of the lawyers works from 2 p.m. to 5 p.m. on Mondays, Wednesdays and Fridays, and the other lawyer provides assistance on a case-by-cases basis. The gynecologist used to have her working hours in the center, but now accepts patients at her primary place of employment free of charge.

None of the staff members received any special training, but the director of the center claims to be a tutor for them, who teaches them not only to be professionals in their work, but also psychologists. The center does not have any codes or regulations. It also does not issue any analyses or reports. The center does not have any special conditions for the treatment of children.

It should be noted that there is no program for the protection and rehabilitation of rape victims, and there are no specialized departments that deal with sex crimes.

5.4 Intervention programs for the perpetrators

Intervention programs for the perpetrators do not operate in the country.

5.5 Other victim support services

There were no other services provided to victims.

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs

The school curriculum of Azerbaijan has two related subjects for primary and secondary school students:

- “Knowing the World” classes from the first to third grades;
- “Person and Society” classes from the eighth to eleventh grades.

Both classes are aimed at providing schoolchildren with knowledge about civil society and teaching them how to become good citizens. For example, classes on “Person and Society” include topics on Society, Human Rights, Rights of Children, Democracy, and Global Problems. There are no references to the issue of violence against women in these curricula. The curriculum “Person and Society” includes topics on “Legal Equality and Discrimination” and “Motherhood and Women’s Issues.”³²

Nevertheless, these classes present a traditional approach to gender roles. According to the expert Gulnara Efendiyeva the teaching methodology of these courses does not require a gender-sensitive approach, and presentation of the material is very much dependent on the skills and world vision of the teachers.

There are no sex education programs. The school curriculum includes two-hour lectures during biology classes that depict male and female genitalia and the process of conception. This lecture has a scientific perspective and does not incorporate issues of gender equality and mutual respect. Traditional stereotypes that prevail in society prevent open discussion about sex in school auditoriums. Sometimes, teachers encourage schoolchildren to read the lecture provided in the textbook at home and skip the in-class seminar discussion on the topic.

Since 2001 OSI has launched and provides support to the program “Empowering Education.” The program is aimed at schoolchildren and teachers to promote civil values, concepts of non-violence and gender sensitivity. The program included a series of trainings for schoolteachers and a joint summer school for schoolchildren and teachers. From 2001 until 2006, the program had more than 2,000 direct beneficiaries both from the capital and regions of Azerbaijan.

The program uses a special methodology based on interactive activities which is constantly developed and revised based on practices. The program incorporates

³² *Thematic Plan: History, Person and Society, Bases of the Constitution of the Republic of Azerbaijan for the 2005–2006 school years* (2005) Baku: ‘Chashioglu’ Publishing House.

modules on Violence in Society and Gender Equality. According to Program Coordinator Gulnara Efendiyeva, the program “Empowering Education” has encountered a number of problems toward its implementation, including:

- negotiation with each particular school director in order to incorporate this program into the school curriculum as mandatory or elective classes;
- receiving approval from the Ministry of Education and its local departments for introduction of the course at each school; and
- lack of teachers who can incorporate a gender-sensitive approach in teaching.

In order to address the last problem, the program “Empowering Education” is now negotiating the introduction of a special course at the State Pedagogic University for future teachers to promote interactive methodologies and a gender-sensitive approach.

With support from OSI, the initiative group behind the program “Empowering Education” is now implementing a gender expertise review of school textbooks. The revision of the textbooks for the course “Knowing the World” showed a stereotypical image of ‘man’ as a leader in the social sphere. The textbook presents a variety of males in male-dominated professions (as a soldier, policemen, tailor, tractor operator, sportsman, tool-maker, operator, turner, etc.), and men hold all power-related positions (the director of a school, president, etc.). On the other hand, women in the textbook are presented only as housewives, teachers, librarians, cleaners, cooks, and doctors. The narrative in the textbook is presented from the perspective of a boy. The pictures that complement the story depict the boy’s mother as a housewife, who accompanies the child to school, cooks meals and cleans the house. The father works outside the home and gets home to rest. So, the textbook presents a traditional division of the social sphere into public and private, where the public sphere is a male realm, and women are limited to the private sphere. The textbook “Knowing the World” was prepared by four men – doctors of teaching science. According to the group of experts – including two male professors and two female teachers – reviewing the textbook, the main conclusion is that male authors transpose gender stereotypes and the power hierarchy of masculine and feminine qualities in the textbook.³³

6.2 Mandatory and other training programs for future professionals

There are no mandatory training programs for future professionals on violence against women. The Ministry of Education did not respond to the official request for information. NGOs usually do not organize trainings for future professionals, as it requires cooperation with educational institutions and permission from the Ministry of Education.

³³ Data provided upon request.

6.3 Mandatory and other training programs for practicing professionals

There are no mandatory trainings programs for practicing professionals on violence against women.

Trainings for policemen were conducted within the project “Role of Police in Protection of Women from Domestic Violence.” Three-day trainings were organized from June 28 to 30, 2006 for all Deputy Chiefs of the Regional Police Offices (25 people). Trainers came from the NGO Symmetry and the OSCE–Warsaw office. The next series of trainings within this project took place in July 2006 in the four regions of Azerbaijan: Ganja, Gabala, Guba, and Sheki. The total number of participants in the regional trainings included 120 police officers. In addition, trainings involved thirty-five officers of the prosecutor’s office and forty judges. A total of 300 people benefited from the trainings. Within the same project, a group of policemen received training on domestic violence in the Austrian Police Academy from November to December 2006.³⁴

According to the coordinator of the NGO Symmetry, Kamilla Dadashova, the training included a description of domestic violence, international statistics, international legal standards, information about the experience of combating violence in Austria, and the thematic role of police, prosecutors and judges. Future plans of Symmetry include trainings for medical workers.

Similar training programs were organized by the OSCE Department on Human Rights and Democratic Institutions, the NGO Symmetry, and the UN Population Fund in 2002. These training sessions are organized within projects and are funded by international organizations – which makes them unsustainable and dependent on external funding.

There are no training programs available for police officers in handling rape cases in a sensitive manner.

6.4 Gender equality issues in higher education curricula and human rights programs

The Azerbaijan Gender Research Center developed fifteen curricula that deal with the issue of gender equality and their corresponding lectures for primary humanitarian universities. The syllabi were approved by the Ministry of Education of the Republic of Azerbaijan, and 300 copies were published, printed, and distributed to all higher educational institutions of Azerbaijan. The source of funding for these projects was OSI.

³⁴ Data provided upon request.

However, out of a total of forty-two higher institutions in Azerbaijan, gender studies courses were introduced into the curriculum of only five universities: Baku State University, Academy of Public Administration under the President of the Republic of Azerbaijan, Baku Slavic University, Western University and Khazar University. The first three higher institutions have the status of state institutes, whereas the latter two are private universities.

Below is a table listing all the courses and names of the authors.

No.	Course	The authors
1.	<i>Gender Aspects in the History of Azerbaijan</i>	Farida Mamedova – corresponding member of the National Azerbaijan Academy of Sciences, the doctor of historical sciences Ulvija Gadzhiev – younger scientific employee of the National Azerbaijan Academy of Sciences
2.	<i>Gender Aspects in Political Sciences</i>	Magjiba Aliyeva – senior teacher of political sciences and political management faculty of the Academy of the Government management under the President of the Azerbaijan Republic, candidate of historical sciences Fidan Orduxanova – political scientist
3.	<i>Gender Aspects in Philosophy</i>	Anar Azimov – chief of the Department “East–West” Oriental Studies Institute of the National Azerbaijan Academy of Sciences, candidate of philosophy
4.	<i>Gender Sociology</i>	Akif Axundov – senior lecturer in the faculty of humanitarian disciplines of Western University, candidate of philosophy
5.	<i>Gender and Culture</i>	Fidan Faradjeva – senior lecturer in the philosophy faculty of the Baku State University, candidate of philosophy
6.	<i>Psychological Aspects of Gender Problematics</i>	Nagina Abbaszade – teacher in the faculty of political science of the Western University, post-graduate student at Azerbaijan State Pedagogical University
7.	<i>Gender Aspect in Economical Theory</i>	Eleonora Ibragimova – managing faculty economy, marketing and management the Western University, candidate of economic sciences
8.	<i>Legal Aspects of Gender Research</i>	Elmira Gadjeva – managing faculty of the law the Western University jurisprudence sciences
9.	<i>Gender Aspects of Employment in the Population of Azerbaijan Republic</i>	Gulara Sulejmanova – senior lecturer of department economy, marketing and management of the Western University, candidate of economical sciences
10.	<i>Gender and Philology</i>	Sabina Gafaorva – senior lecturer, dean of faculty of the English philology of the Western University, candidate of philological sciences
11.	<i>Gender and Conflict Workshop</i>	Magjiba Alieva – senior teacher of political sciences and political management faculty of the Academy of the Government management under the President of the Azerbaijan Republic, candidate of historical sciences
12.	<i>Gender and Journalism</i>	Zaur Babayev – senior teacher on the theory and practice of journalism faculty of the Baku State University
13.	<i>Gender and Art Criticism</i>	Leili Gulieva – senior lecturer, philosophy faculty of Azerbaijan State Pedagogical University, candidate of philosophy
14.	<i>Gender and Anthropology</i>	Fidan Faradjeva – senior lecturer of philosophy faculty of the Baku State University, candidate of philosophy
15.	<i>Gender and Ecology</i>	Saida Gurbanova – senior lecturer of economy, marketing and management faculty of Western University Lala Bayramova – senior teacher of environmental protection faculty of the Baku State University

None of the listed programs has any direct reference to the issue of violence against women. An evaluation of the curricula and courses of lectures was provided in the Catalogue of Resources of Gender Education, published in 2006 by the Azerbaijan Gender Information Center (with funding from OSI).

While the introduction of gender equality as such into the higher education curriculum is a positive development, the implemented programs have serious shortcomings. Although the course lectures were developed within the project *Interdisciplinary Programs for Gender Education in the Higher Educational System in Azerbaijan*, they are not based on interdisciplinary principles, but incorporate gender studies within the confines of the given discipline(s).

Some of the lecture courses tend to overcome the only failure of all other disciplinary readers – the lack of women. This can be found in the lecture course on “Gender and history,” where the author has done great work in restoring accounts on women’s lives in the history of Azerbaijan. However, it remains unclear for the reader why these women’s lives have been invisible for such a long period of teaching history as a discipline.

In some of the lecture courses, the legitimacy of feminist scholars is still questioned. For example, in the reader on “Gender and philosophy,” the author discusses the problems of the reality and matter, and object and subject, within the philosophical school of reason based on the traditional dichotomies of ‘masculine’ and ‘feminine.’³⁵

Beginning in 1998, a course on human rights was included in the Police Academy of the Republic of Azerbaijan. The course lasts forty-four hours and includes all international and regional documents on women’s human rights.³⁶

³⁵ For example, he tends to equate maleness with reason and rationality, whereas femininity with irrationality and emotions. The lecture course does neither present students any alternative philosophical accounts and the only female philosopher referred to is Simone de Beauvoir. The author does not consider feminism either as a school worthy of any studies as he presents its definition as follows: “Feminism is as old an endeavor as time to impose on persons certain social roles originated in the distorted perceptions about his biological essence.” Besides this strong essentialist approach the author seems to lack gender sensitivity as he refers to the subject of examination (‘person’ or ‘individual’) using only masculine pronouns. In *Catalogue of the Resources of Gender Education* (Baku: Azerbaijan Gender Information Center, 2006), pp. 126–127.

³⁶ Data provided upon request.

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

The Law of Azerbaijan Republic on Mass Media entered into force on December 7, 1999. In 2004, the National Parliament adopted amendments to the law. The law does not contain any special provisions on violence against women or the portrayal of women. Article 10 of the law prohibits the dissemination of information that discredits a citizen or group of citizens, based on their gender, religion, position, social affiliation and political connections. The law also prohibits the publication and dissemination of pornographic materials. The law does not specify any sanctions for violation of its provisions.

7.2 Guidelines and codes of conduct for media professionals

There are no obligatory special codes of conduct for media professionals. However, prior to the elections, a group of journalists in March 2003 developed a Code of Professional Ethics of Journalists in Azerbaijan, which is of an advisory nature. The code does not contain any special provisions with regard to violence against women. Provision 4.1 stipulates that a “[j]ournalist should not insult people on the bases of their nation, gender, race, profession, religion, place of origin or residence [and] should not offend people for their views.”

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

Monitoring implementation of the Law on Mass Media was performed by the Ministry of Print and Information in 2000. In 2003, the National Council on Television and Radio Broadcasting was established, which is a non-governmental, independent body responsible for implementation of the law. There are no known cases related to violence against women in the work of council.

7.4 Training programs for media professionals on violence against women

The eighteen-lecture compulsory course, “Gender and Journalism” is offered at the Baku State University for future journalists. The course, however, does not address a wide range of topics that are related to issues of violence against women; it only provides analyses of an article on trafficking published in local newspaper. Moreover, the textbook for these lecture courses are of an ambiguous character. For example, on the one hand,

the author talks about the enforcement of gender stereotypes through gender-insensitive articles or advertisements, and gives concrete examples of the subversive potential of the mass media. At the beginning of the textbook, however, the author contradicts himself when it comes to the discussion of biological and social aspects of gender roles. He discusses the brain differences of men and women as discovered by the American neurologist Roger Gorsky at the California University in Los Angeles and comes to the conclusion that nature had assigned different tasks for men and women embodied in their brain structure. The author claims that “[i]nnovation in all businesses is a male mission,” whereas “women can lead the solution of already known tasks to perfection.”³⁷

There are training programs for journalists held on an *ad hoc* basis. For example, from March to April 2003, the Media Diversity Institute³⁸ deployed a broadcast media consultant to work with television producers in Armenia, Azerbaijan and Georgia on diversity content in the South Caucasus television magazine programme “Crossroads.” According to participant Kenan Guluzadeh, the program included topics on violence against women and how to create programs based on this issue. This training was held in Tbilisi, Georgia, with the support of the European Community and the Netherlands Ministry of Foreign Affairs.

The participants of the training will be able to implement lessons learned while developing news and programs for television magazine Crossroads. For example, in 2006, “Internews–Azerbaijan” filmed a documentary about CEDAW, its history, and the value of the document in the protection of women’s rights through interviews of women experts in the field.

7.5 Media activity in raising the awareness of the general public of violence against women

The media publishes information about cases of violence against women on a case-by-case basis. This information is usually published in newspapers and websites of the news agencies, usually in the criminal chronicles. It mainly relates to the problem of trafficking. The media usually publishes information provided by state agencies, NGOs and interviews with people dealing with the issue of violence against women.

The only published media that is dedicated to women’s issues is the special monthly attachment “Femina” to the Saturday newspaper *Zerkalo*. The attachment discusses

³⁷ Z. K. Babayev “Course of Lectures: Gender and Journalism,” Baku, 2005, p. 81.

³⁸ Media Diversity Institute is a London-based charity organization that works in the conflict regions where news media have played a destructive role in exacerbating ethnic and religious conflicts and violations of human and minority rights. Website of the organization: www.media-diversity.org.

issues of gender equality and presents materials related to violence against women, usually of an educational character.

The Women's Crisis Center within the project "Gender Education through Mass Media," was implemented with the financial assistance of the Company Statoil. It publishes questions received through the hotline and answers to them through experts every week in the newspaper *Novoye Vremya* (New Times). The newspaper regularly provides the NGO a half-page space. The range of questions includes psychological, legal and social concerns.

The participation of the media in campaigns, whether they can provide space or conduct an interview, or just report about the event, depends mainly on the message of the event and the organizers. Generally, the media has always expressed its willingness to publish about the "16 Days of Activism against Gender-Based Violence."

7.6 Analyses on violence against women in the media

In 2003, the Azerbaijan Gender Information Center conducted the monitoring study, "Violence against Women."³⁹ This research was carried out by analyzing the content of five popular newspapers; in total 114 articles were analyzed. The main findings of the monitoring are:

- Violence cases reported by the press prevail in the capital Baku (50.8 percent), followed by other big towns in the regions of Azerbaijan (Sumgait, Ganja, Lenkoran, Migechaur, Ali-Bayramli, etc).
- Newspapers tend to write about already committed acts of violence rather than preventing the acts of violence (1.7 percent).
- Articles mainly cover physical violence (34.95 percent), followed by sexual (30.89 percent), economic (19.51 percent), and psychological violence (14.65 percent).
- Regarding the perpetrators' profiles, the largest group is comprised of husbands and partners (46.06 percent), followed by multiple perpetrators (17.58 percent), bosses, colleagues (12.12 percent), close or distant relatives (11.52 percent), acquaintances (6.67 percent), ex-husbands (5.45 percent), and boyfriends (0.61 percent). The media did not report on cases involving categories such as 'stranger', 'relationship unknown', or 'unknown perpetrator'.
- More than half of all acts of violence were committed in the victim's home.

³⁹ Azerbaijan Gender Information Center (2003) *Monitoring Violence against Women*. See at: www.gender-az.org/shablon_ru.shtml?doc/ru/library/reserch/monitoring. Consulted on October 22, 2006.

- The analysis showed that the media prefers to write about cases at the status of “investigation” (60 percent), followed by “indictment” (25 percent), and “verdict” (15 percent).

The NGO Clean World conducts regular monitoring of the national press. The monitoring was previously carried out with support from Mama Cash and now is conducted with Clean World’s own funds. It issued a report in April 2006, which covered the period from March 2005 until March 2006. The main finding of the report is that mass media reported more cases of violence against women compared to the previous year.⁴⁰ From March 2004 to March 2005, the mass media reported 85 cases of violence against women, whereas it reported 145 over the same period the following year.

The main findings of the recent report can be presented in the following chart:

Causes of incidents	Number of cases	Murdered	Injured
Total number of women who faced violence against women reported in the press	145	97	48
a) jealousy	84	55	29
b) household problems	50	38	12
Acts of violence committed by women	11	4	7

Another report published by this organization, *Gender Monitoring of Government and Independent Press in Azerbaijan*, evaluates two newspapers from these sectors. It concluded that women’s faces in the newspapers are almost invisible, especially in the pro-government newspaper (the newspaper space is divided between 93 percent men and seven percent women) compared to the “independent” press (84 percent men and 16 percent women). Women are mentioned in the articles that deal with public health, culture or education. The most popular woman on the newspaper pages is First Lady Mehriban Aliyeva, known for her charity work.⁴¹

⁴⁰ NGO Clean World (2006) *Research: Local Mass Media Coverage as Indicates Increase of Domestic Violence*. See at www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/Zorakiliq_2.doc. Consulted on October 22, 2006.

⁴¹ Report was sent by e-mail.

8. AWARENESS RAISING

8.1 Campaigns on violence against women

The biggest campaigns in the country take place during the global “16 Days of Activism against Gender-Based Violence.” The most widespread campaigns were conducted in 2001–2002 by a coordinating committee with financial support of OSI and Women’s Aid International. The following years, NGOs conducted self-funded events without centralized coordination.

The campaign in 2001 joined all sectors of civil society, from individuals to institutions, including the State Committee on Women’s Issues and mass media, in promoting efforts to combat violence against women. The campaign was highlighted by a number of newspapers, radio stations and television channels in Russian and Azerbaijani languages. The list of events included, for example:

1. a press conference to launch the “16 Days” in 2001;
2. a roundtable with students from the Azerbaijan State University and a presentation of the Telephone of Trust (Hotline) for victims of violence;
3. free legal and psychological consultations for victims of gender violence;
4. a seminar on the “Empowerment of Young Refugees or IDPs (Internally Displaced Persons)” and a workshop on domestic violence;
5. an interactive discussion with the Alliance of Women and Youth NGOs for Children’s Rights, Peace and Development, the theme of which was “fighting gender-based violence”;
6. a roundtable entitled, “Trafficking in women. What we can do to protect our women”;
7. a concluding conference held on Human Rights Day, on December 10;
8. a radio social announcement on gender violence and the “16 Days Campaign” as well as special radio programs produced by the “ARAZ” State Radio Channel;
9. the publication and distribution of the 2001 “16 Days Poster” countrywide; and
10. special television programs.⁴²

No reports were published providing an assessment and effectiveness of the campaigns. However, the fact that almost all NGO-participants included a celebration of these

⁴² See “16 Days Activisms against Gender-Based Violence. Caucasus” at www.womenaid.org/16days/english/calendar2001.html. Consulted on October 22, 2006.

days in their annual schedule and involved mass media in discussions made this campaign self-sustaining.

The other “16 Days Campaigns” followed a similar pattern and included public events (conferences and round tables) and publications in mass media.

8.2 Conferences and other awareness raising, information, and prevention programs

With support from international donors, women’s NGOs have organized a number of conferences on gender issues since 2000. However, none of them dealt with the issue of violence against women directly. For example, Coalition 1325, created by women activists for greater involvement of women in the peace process, held three national conferences. The second conference had the theme, “From Constitutional Rights to Equal Opportunities for Women” and was dedicated to gender equality issues, whereas the other two conferences focused on women in conflict resolution.

The dissolved State Committee on Women Issues was also the organizer of a number of conferences, for example, the national conference “Ten Years after Beijing: Achievements, Challenges and Perspectives” in June 2005. It also organized a national conference on CEDAW in December 2005. The sources of funding for these conferences were international donors, including UNIFEM, OSCE, and ABA/CEELI. In April 2005, the State Committee on Women’s Issues, with financial support from ADB, organized the conference “Gender Mainstreaming in Poverty Reduction Strategies.” The conference was regional and brought together representatives from government and civil society from Central and East Asia (Kazakhstan, Tajikistan, Kyrgyzstan, Uzbekistan, Mongolia, and China).

8.3 Information materials for the victims about their rights and the services they can seek help

The Women’s Crisis Center published a series of brochures and booklets for victims of violence that included:

- Booklets entitled “Sexual Violence” and “Domestic Violence” printed on colored paper, A4 size present general information for women on what is violence and how to prevent it; they also list all relevant NGOs, where women can apply for assistance. Circulation is not specified as the booklets were reprinted several times since 2000. The source of funding is Westminster Foundation for Democracy (UK).

- “What Every Woman Should Know” is a brochure of 42 pages that includes information about women’s rights, domestic violence, sexual violence and sexual harassment. The brochure also lists all relevant NGOs where women can apply for assistance. The circulation is 10,000. The source of funding is the Norwegian Embassy in Baku.
- The brochure “Trafficking in Human Beings” (42 pages) was printed in 2005. It provides information about trafficking and the rights of victims of trafficking. Circulation is 2,000. The source of funding is the Embassy of the United States in Baku.
- The brochure “Women’s Rights in Azerbaijan Legislation” (28 pages) is a collection of selected articles from national legislation. Circulation is 3,500. The source of funding is ABA/CEELI and USAID.

The NGO Clean World is publishing informational packages related to trafficking in human beings. For example, with support provided by USAID, the organization published the informational package “Stop Trafficking” that includes three booklets on marriage, education abroad and work. Also, the booklets “Trafficking in Human Beings: Myth or Reality,” “The Ticket for Your Safety,” and the brochure “Passport for Your Safety” were published in 2005. The publications are distributed free of charge to visitors at conferences and at airports. The NGO also organized a one-time distribution of the booklets among taxi drivers in Baku.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

There were several studies conducted in the field of violence against women by local NGOs. Among them are:

- Social Union for Human Rights Clean World (2005) *Family Violence: Is There Any Guarantee for Our Safety?* (electronic publication: www.gender-az.org/shablon_en.shtml?doc/en/development/violence/family), self-funded;
- Leyla Yanus, Zahila Tahirova, Elmira Alakbarova (2004) *Violence against Women in Azerbaijan* (electronic publication: www.omct.org/pdf/vaw/2004/azerbaijan_cescr33rd.pdf), funded by World Organisation Against Torture (OMCT);

- Social Union for Human Rights Clean World (2004) *Survey: Victims of Trafficking in Azerbaijan*, funded by Johns Hopkins University (not published);
- Rufat Guliyev (2001) *Research on Domestic Violence against Women: Ways to Combat It* (Baku: Azerbaijanian Sociological Association, Azerneshr), source of funding: OSI;
- AREAT (2001) *Gender Research on Violence against Women* (Baku), joint project with the Georgian NGO Women and Society, funded by ISAR Fund;
- Symmetry (1998) *Women and Violence* (Baku: Sada publishing house), funded by UNDP.

The results of the surveys that were part of the listed research present a unified picture. For example, in *Gender Research on Violence against Women* by AREAT, 40 percent of women claimed that they experience violence at home, and only 11 percent of them divorced to escape the violence.⁴³

In *Research on Domestic Violence against Women: Ways to Combat It* by Rufat Guliyev, 34 percent of women-participants experienced domestic violence, and 18 percent of women did not want to answer this question. At the same time, the majority of women (51.8 percent) do not apply for assistance anywhere, 24.7 percent seek help from family members, 9.6 percent from neighbors, 3.8 percent from a doctor, 2.2 percent from the police and 1.9 percent from court; and 6 percent of women refused to answer the question. Women do not want to apply for help from law enforcement bodies for these reasons: family members will negatively evaluate this (29.1 percent); it will be a shame if someone knows about it (26.8 percent); a perception that neither the court; nor police can provide protection (25.3 percent); the reporting goes against traditions and customary law (15.9 percent); and 2.9 percent of women could not answer the question.⁴⁴

The authors of *Violence against Women in Azerbaijan* arrived at the same conclusion: “In Azerbaijan, it is not accepted ‘to seek solutions for family problems outside of the family or household’. Moreover, it is not acceptable or encouraged for women/girls to refer themselves to the police in the case of abuse by a husband, brother or father. The complaint to the police will be badly perceived not only by her family, relatives, and

⁴³ AREAT (2001) *Gender Research on Violence against Women* (Baku: AREAT), p. 22.

⁴⁴ Rufat Guliyev (2001) *Research on Domestic Violence against Women: Ways to Combat It* (Baku: Azerbaijani Sociological Association, Azerneshr), pp. 46–48.

the public, but also by the representatives of authority and by policemen to whom the woman would refer herself.”⁴⁵

In *Family violence: is there any guarantee for our safety?* Clean World claims that the number of cases of women killed by intimate partners within a year surpassed the number of women who died in accidents (65 percent and 35 percent respectively).⁴⁶

Early marriages are a big issue in Azerbaijan, which attracted the attention of local NGOs and the State Committee on Family, Women and Children’s Issues. The Representative of the Empowering Education Program in Azerbaijan, Malahat Murshudlu, presented the results of a survey conducted in the six regions of Azerbaijan among parents of girls who dropped out of school. The survey discovered that the main reason for dropouts was early marriage.⁴⁷

Comprehensive research involving 7,668 women in Azerbaijan was conducted by USAID in 2001. The report, *Reproductive Health Survey Azerbaijan* focused on the problem of reproductive health, but tackled the issue of domestic violence, as well. According to the survey’s results, 30 percent of currently/previously married women reported verbal abuse, 20 percent reported physical violence and 10 percent reported sexual violence perpetrated by their partner or ex-partner at some point during their lives. At the same time, only one percent of women abused by their intimate partners reported the case to the police or talked to a health provider, and less than one percent sought legal assistance.⁴⁸

The Women’s Rights Monitoring Group of the Human Rights Center of Azerbaijan carried out research on domestic violence in six Azerbaijani regions. The results showed that 35.3 percent of women had been subjected to violence by their male relatives, 21.3 percent believed that men did not respect women’s opinions, 20.2 percent of women

⁴⁵ Leyla Yanus, Zahila Tahirova, Elmira Alakbarova (2004) *Violence against Women in Azerbaijan* (electronic publication: www.omct.org/pdf/vaw/2004/azerbaijan_cescr33rd.pdf). Consulted on October 22, 2006.

⁴⁶ Social Union for Human Rights Clean World (2005) *Family violence: is there any guarantee for our safety?* (electronic publication: www.gender-az.org/shablon_en.shtml?doc/en/development/violence/family). Consulted on October 22, 2006.

⁴⁷ Roundtable “Violence against Women and Its Influence on Girls Education,” see at www.stopvaw.org/Round_Table_Violence_against_Women_and_Its_Influence_on_Girls_Education2.html. Consulted on October 22, 2006.

⁴⁸ USAID (2001) *Reproductive Health Survey Azerbaijan*, see at www.dec.org/pdf_docs/PNACT158.pdf. Consulted on October 22, 2006.

complained of moral humiliation, and 19.8 percent of women were under the physical influence of men.⁴⁹

A survey by the International Rescue Committee was conducted in 2004 in the refugee communities of Azerbaijan. The results of the survey showed that: “[o]f the 73 married women, 43 percent reported intimate partner violence in their current relationship, with 26 percent reporting psychological violence, 33 percent reporting physical violence, and 15 percent reporting the occurrence of marital rape [...]. Not surprisingly there were reporting overlaps between the three types of violence. Of interest, 74 percent of women reporting violence in their current relationships report witnessing abuse as children between their parents. Sadly, 32 percent of married women reporting intimate partner violence also reported violence perpetrated against them from other blood or in-law family members.”⁵⁰

There is only one study that deals with the issue of sexual harassment. It was conducted in 2001 by Azerbaijan Sociological Association. Among 2,013 women, 37 percent of women respondents said they had never been sexually harassed, 13 percent admitted open harassment, and 42 percent reported hidden harassment. As for perpetrators, the most common perpetrators on the list were the employer (35 percent) and co-worker (26 percent).⁵¹

A 2002 report by the International Organization for Migration found that Azerbaijan is both a source country and a transit country for trafficking. About 900 Azerbaijani women were detained in UAE on suspicion of involvement in prostitution in 2001 and the first three months of 2002. Seven hundred fifty Azerbaijani women were deported from Turkey for “prostitution” between 1996 and 1999. Another indicator that trafficking in persons in the country might be increasing is the number of missing persons: there were 1,079 people registered as missing in 1999, 1,183 in 2000, and 1,209 in 2001. The alarming fact is that almost every fifth missing person is a child

⁴⁹ International Helsinki Federation of Human Rights (2003) *Human Rights in the OSCE Region: Europe, Central Asia and North America (Events of 2002)*, see at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&cd_id=1322.

⁵⁰ International Rescue Committee (2004) *Violence and Women in Azerbaijan* (<http://intranet.theirc.org/docs/IRC%20Azerbaijan%20VAW%20Assessment%20June%202004%20English.pdf>; p. 27.) Consulted on October 22, 2006.

⁵¹ Women in Development (WID) IQC (2004) *Gender Assessment for USAID/Caucasus/Azerbaijan*, see at www.gender-az.org/doc/en/development/assessment.pdf. Consulted on October 22, 2006.

under the age of eighteen, and approximately 60 percent of the total number of missing persons are women.⁵²

9.2 Violence against women on the agenda of research centers dealing with equality issues

There are three major research centers in Azerbaijan that work on gender equality: the Gender Studies Center within Western University, the Social Research Center AREAT and the Gender and Human Rights Research Union. None of them view the issue of violence against women, however, as a priority field in their research. Only AREAT conducted research on violence against women in 2001 and media monitoring on violence against women in 2003. The centers rely on different sources of funding primarily from international donor organizations.

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

There are no common statistical indicators developed by the state to evaluate the scale of violence against women. The Ministry of Internal Affairs performs registration of cases of violence against women and stores them in the general data bank. This information is then coded and sent to the State Statistics Committee twice a year.

For example, in the first half of 2006, more than 1,900 crimes were registered based on motives of jealousy, quarrels and other domestic problems. As a result of these crimes, 1,983 women, out of whom 35 were minors, were registered as victims of violence. In the first half of 2006, eighty-five incidents related to sexual assault were registered. Out of the eighty-five, eleven were rapes or attempts to rape, and seventy-four were incidents of forcing into prostitution. As a result, fifty-three perpetrators were convicted.⁵³

⁵² International Organization for Migration (2002) *Shattered Dreams: Report on Trafficking in Persons in Azerbaijan*, see at www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/studies_and_reports/Azerbaijan_Report.PDF. Consulted on October 22, 2006.

⁵³ Data were provided upon request.

The records on violence against women cases made in the police office include the collection of the following data in accordance with the nationwide system for registration:

- type of crime;
- personalities of the victim and violator;
- description of the crime;
- motive;
- genders of the violator and victim;
- age group of the violator and victim;
- type of relationship between the violator and victim; and
- previous acts of violence.⁵⁴

No data is available for other institutions and agencies, as no reply was provided to the official request. There are no published annual reports by the ministries. The only statistics available for the general public is the number of cases of rape provided in the *Statistics Yearbook* by the State Committee on Statistics. The report does not differentiate domestic violence as a separate offense and classifies it under the section of ‘intentional heavy body injures’; this section is gender-disaggregated, but does not specify the relationship between the perpetrator and victim. The detailed specific data on violence against women can be received through official requests to the corresponding authorities.

No data is available on police and court statistics on procedures regarding violence against women, initiated procedures, convictions and sanctions, as no reply was provided to the official request.

There are no genetic data banks for cases of sexual violence. However, the general data bank in the Ministry of Internal Affairs helps to distinguish perpetrators who have been already sentenced in the past or held accountable for similar crimes.⁵⁵

10.2 NGO statistics on violence against women

The more reliable statistics on different forms of violence against women in Azerbaijan are provided in the reports of international organizations. For more information see Section 9.

⁵⁴ Data were provided upon request.

⁵⁵ Information was provided upon request.

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

There are some domestic violence cases before the Ombudsman.

The authorities from the State Committee on Child, Woman and Family Problems, which was created recently by Presidential decree, stated that it had not yet received any such case, but the majority of cases deal with the non-execution of court decisions.

There are no such cases before the Constitutional Court, and there were no cases of violence against women before the international forums.

11.2 Published court decisions, case studies, and analyses of case law

None of the court cases were published. There are no guiding principles, recommendations, or decisions for judges on how to deal with cases of violence against women or its different forms. There are no case studies or analyses of the case law in the field either.

12. RECOMMENDATIONS TO THE GOVERNMENT

- Adopt legislation that criminalizes domestic violence and sexual harassment, and provides a definition for these criminal acts, and establishes corresponding penalties;
- Create a new *National Plan of Action on Women's Issues* that would address the issue of gender equality in the country and allocate a budget and human resources for its implementation, as well as assign tasks and deadlines to responsible bodies;
- Create the *National Plan of Action to Combat Violence against Women* and allocate a budget and human resources for its implementation, as well as assign tasks and deadlines to responsible bodies;
- Allocate financial resources to ensure availability of crises centers and shelters where victims of domestic violence are provided with safe lodging and necessary assistance;
- Establish a coordination mechanism that will unite law enforcement agencies, NGOs and international organizations in order to improve the orchestration of joint efforts in the field of violence against women in Azerbaijan, share

experiences and best practices, as well as identify gaps and joint efforts to address these issues;

- Provide trainings to future law enforcement officials and judges regarding the serious and criminal nature of violence against women, including domestic violence, sexual harassment and sexual assault;
- Support regular training programs for law enforcement professions on violence against women to sensitize them on how to approach victims of violence and provide them with on-hand assistance;
- Set up common statistical indicators, collect comparative statistical data disaggregated by sex and make reports available for general public;
- Support a national awareness campaign on violence against women with the participation of the educational institutions, law enforcement bodies, NGOs and mass media;
- Conduct a nation-wide campaign on raising gender-sensitivity and attracting attention to issues of violence against women that are still perceived as a taboo subject in Azerbaijan; and
- Take into account the results of the gender expertise review of the school textbooks and revise these textbooks to make their content more gender-sensitive and to include topics on violence against women and mutual respect.

ANNEXES

Annex A. List of laws and regulations screened

Civil Code

Code of Civil Procedure

Code of Criminal Procedure

Constitution of the Republic of Azerbaijan

Criminal Code, December 30, 1999. Entered into force on September 1, 2000

Family Code, 2000

Law No 585-IQ on State Protection of Persons Participating in Criminal Proceedings,
December 11, 1998

Law on Changes and Amendments to Some Legislative Acts of the Republic of Azerbaijan in
Connection with Combating Corruption, April 7, 2006

Law on Commission on Minors and the Protection of the Rights of Children

Law on Fighting Human Trafficking, June 28, 2005

Law on Guarantees of Gender Equality, October 10, 2006

Law on Mass Media, December 7, 1999

Law on the Basis of Municipal Finance

Decree No. 236 on the Ratification of the Convention on the Rights of the Child, June 21,
1992, entered into force on August 13, 1992

Decree of the President of the Republic of Azerbaijan on the implementation of the Law on the
State Budget of the Azerbaijan Republic for 2006.
www.maliyye.gov.az/index.php?lang=en&mod=main&id=49, Consulted on October 20,
2006

Decree of the President of the Republic of Azerbaijan on the Statutes of the State Committee
on Family, Women and Children, August 9, 2006

Decree of the President on the Enforcement of the Activities to Prevent Acts against Social
Security, August 16, 2001

Order No. 130 of the Ministry of Interior on the Code of Behavior of the Police, April 8, 2005

Order No. 2/25 of the Ministry of Internal Affairs on the Implementation of the Fourth Provision of the National Plan on Women's Issues for the period 2000–2005, March 6, 2000

Resolution No. 09/62 of the General Prosecutor of Azerbaijan Republic on Cooperation between Prosecutor's Bodies, Mass Media, and NGOs, June 27, 2005

Resolution No. 446 of the Ministry of Internal Affairs on the Rules for Competition to the Service to the Middle and High Rank Positions, October 15, 2005

Annex B. List of documents and books consulted

Combined Second and Third Periodic Reports of State Party Azerbaijan, see at www.un.org/womenwatch/daw/cedaw/37sess.htm. Consulted on October 20, 2006

National Plan of Action on Women's Issues for 2000–2005

National Plan of Action to Combat Trafficking in Human Beings in the Republic of Azerbaijan, adopted in May 2004

State Program on Poverty Reduction and Economic Development (2003–2005) (SPPRED)

Activities Plan No. 1/7 of the Ministry of Internal Affairs

AREAT (2001) *Gender Research on Violence against Women* (Baku: AREAT).

Azerbaijan Gender Information Center (2003) *Monitoring Violence against Women* (www.gender-az.org/shablon_ru.shtml?doc/ru/library/research/monitoring).

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