

<b>Country</b>	<b>Azerbaijan</b>
<b>SIGI 2019 Category</b>	<b>Low</b>
<b>SIGI Value 2019</b>	<b>29%</b>

<b>Discrimination in the family</b>	<b>28%</b>	
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	9%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	50%
	Female to male ratio of time spent on unpaid care work	2.9
	Legal framework on inheritance	0%
	Legal framework on divorce	25%

<b>Restricted physical integrity</b>	<b>43%</b>	
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	28%
	Prevalence of domestic violence against women (lifetime)	14%
	Sex ratio at birth (natural =105)	115.2
	Legal framework on reproductive rights	0%
	Female population with unmet needs for family planning	15%

<b>Restricted access to productive and financial resources</b>	<b>21%</b>	
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	22%
	Share of managers (male)	65%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	0%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	25%
	Share of account holders (male)	51%

<b>Restricted civil liberties</b>	<b>21%</b>	
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	67%
	Legal framework on political participation	25%
	Share of the population that believes men are better political leaders than women	70%
	Percentage of male MP's	83%
	Legal framework on access to justice	25%
	Share of women declaring lack of confidence in the justice system	42%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

The Republic of Azerbaijan is governed under an extended presidential power (Freedom House, 2017). Movements of internally displaced persons in Azerbaijan are a result of the armed conflict in and around the Nagorno-Karabakh region, which was ended by a 1994 ceasefire (still in place today) (Human Rights Council, 2015). The situation of internally displaced communities continues to be a current concern (Human Rights Council, 2015).

## **1. Discrimination in the family**

### **a) Overarching legal framework for marriage**

The law is based on the free consent of a woman and a man to enter into marriage (Family Code, art. 11). Forcing an adult woman to marry is a criminal offense under article 176.1 of the Criminal Code and is punishable by imprisonment of up to two years or a fine. The law does not provide for official registration of all marriages and partnerships including customary/religious marriages or informal or de-facto unions and informal or de-facto unions are not regulated by law.

UNFPA (2014) reports that the State and religious leaders formed an agreement so that when enacting a religious marriage, it would be mandatory for the bride and the groom to show a civil marriage and a birth certificate. However, UNFPA (2014) further reports that this is rarely enforced and religious marriage ceremony are usually performed without checking the age or the marriage registration certificate.

The CEDAW Committee (2015) emphasises the prevalence of unregistered religious marriage in Azerbaijan and the detrimental effect this has on women's rights and their legal protection. In addition to the religious marriage (kabin), reports show that temporary marriage (sighe) is a continuing practice despite its legal prohibition (Human Rights Committee, 2016).

### **b) Child marriage**

The legal age of marriage for women and men is 18 years (Family Code, art. 10). A derogation to marry one year prior the legal age can be granted by the local body of the executive power of the place of residence of the persons wishing to marry (Family Code, art. 10). The Criminal Code includes increased penalties of imprisonment of up to four years and a fine for forcing a girl below the legal age to marry (Criminal Code, art. 176. 2). Anyone facilitating a marriage of an individual who is under the minimum age of marriage can be charged under the Criminal Code (art. 176). Education and awareness-raising campaigns have been led by the State Committee for Family, Women and Children's Affairs, the Office of the Commissioner for Human Rights, international organisations and local civil society organisations (Human Rights Council, 2014).

The Special Rapporteur on Violence against Women notes the prevalence of early and forced marriages in Azerbaijan (Human Rights Council, 2014). Reasons invoked for early marriage are the parents' concern for the daughter's future, traditions and customs and the girls' own wish (Human Rights Council, 2014). However, it is reported that most early marriages take place against the girl's will or under parental pressure (Human Rights Council, 2014). The Special Rapporteur further

emphasises the links between early marriages and the risk of domestic violence, marital rape and early pregnancies as well as the effect on the rights to health and education (Human Rights Council, 2014). The complicity of religious leaders and parents as well as the prevalence of unregistered religious marriages contribute to the persistence of the practice of early and forced marriage (Human Rights Council, 2014).

UNFPA (2014) assesses that there are several factors explaining the increase of early marriage in Azerbaijan in the last decade. One of them is the traditional role assigned to women in society, namely to marry, to care for the house and to be mothers (UNFPA, 2014). Family honour and the purity of the bride is also an important component contributing to early marriage (UNFPA, 2014). The general context of economic uncertainty also drives certain families to marry their daughters young to avoid an additional economic burden in the home (UNFPA, 2014). Early marriage is deemed to be commonly accepted within society and rarely challenged (UNFPA, 2014). The UNFPA (2014) additionally reports that in some cases bride abduction is still practised, despite being legally considered a criminal offense under article 144.1 of the Criminal Code.

### **c) Household responsibilities**

The Family Code provides married women the same rights as married men to be recognised as the head of household and to choose where to live (art. 29). Additionally, women and men share the same rights to be the legal guardians of their children and they hold the same rights and responsibilities towards their children during marriage (Family Code, art. 29). The Constitution recognises the parents as the legal guardians of their children (art. 17). Additionally, the Constitution recognises the right of everyone to freely choose their place of residence (art. 18).

Reports show that women are often under the obligation to tell their husband or partner when they leave the house (Human Rights Council, 2014). Additionally, disobeying the husband or failing to mention going out to the husband has been asserted as a justified cause for physical abuse (Human Rights Council, 2014).

Discriminatory representations of women's roles and responsibilities are prevalent in Azerbaijan and gender stereotypes continue to exercise pressure on women's role especially within the home regarding domestic chores and child rearing obligations (Human Rights Council, 2014). Patriarchal attitudes and the notion of preserving the family honour governs obligations put on women and girls (Human Rights Committee, 2016).

### **d) Divorce**

The law provides women with the same rights as men to initiate divorce and the same requirements to finalise a divorce or annulment (Family Code, art. 20 & 21). When the spouses don't have minor children in common, divorce is executed in the appropriate body of the executive power (Family Code, art. 17). Divorce is available upon juridical decision by mutual consent or by request of one of the spouse when the spouses have minor children in common (Family Code, art. 20 & 21). Divorce by mutual consent is granted without concern for the motives of separation (Family Code, art. 21). Upon application of one of the spouse, the court has to determine the impossibility of joint residence or the preservation of the family and can appoint a period for conciliation during three months (Family Code, art. 20). This last point may be detrimental to women's rights in cases of family abuse.

Additionally, the law provides women with the same rights as men to the legal guardians of their children after divorce and the same rights and responsibilities with regards to their children after divorce (Family Code, art. 22). Spouses can submit an agreement regarding where the children will live for the court to review (Family Code, art. 22). The court will decide with whom the children will live and the amount of alimony if there is no agreement or if the proposed agreement is against the child's best interest (Family Code, art. 22).

There is a low divorce rate in Azerbaijan, as it is reported to be socially undesirable (Human Rights Council, 2014). Nonetheless, in case of a divorce, it is reported that women suffer disproportionately from social stigma (Human Rights Council, 2014). Additionally, divorce can be difficult to obtain in court, even in cases of domestic violence (Human Rights Council, 2014).

### **e) Inheritance**

The law provides daughters with the same rights as sons to inherit land and non-land assets (Civil Code, art. 1159). The law provides female surviving spouses with the same rights as male surviving spouses to inherit land and non-land assets (Civil Code, art. 1159). Women have the same right as men to make a will (Civil Code, art. 1166). There is no legal discrimination regarding inheritance and there are no practices that may restrict these rights.

## **2. Restricted physical integrity**

### **a) Violence against women**

There is no law specifically addressing violence against women and there is no national action plan on violence against women.

The Special Rapporteur on Violence against Women reports that gender-based violence is prevalent in Azerbaijan due notably to “the persistence of patriarchal social norms, deeply-rooted gender stereotypes and misconceptions, as well as customary practices that are harmful to women” (Human Rights Council, 2014: 3). Additionally, the Special Rapporteur on Violence against Women notes the lack or limited implementation of laws related to violence against women and stresses that impunity seems to be prevalent regarding crimes against women (Human Rights Council, 2014).

### **b) Domestic violence**

The Law on Prevention of Domestic Violence covers physical, psychological, economic and sexual abuse (art. 1). The Law covers a broad range of relationships within the family, including close family members and relatives living jointly, formerly married couples, individuals appointed guardians or foster parents, and women and men cohabitating in informal marriages as well as close relatives living jointly with persons cohabitating in informal marriages (art. 4).

The Law differentiates between complaints related to criminal offenses which are reviewed under the appropriate criminal and procedural legislation and complaints not related to criminal offenses which are reviewed by relevant executive authorities (art. 5). When complaints include an element of a criminal offense, it falls under the Criminal Code under offenses such as deliberate murder (art. 120) which is punishable of imprisonment of 7 to 12 years; deliberate causing of serious harm to health (art. 126) punishable of imprisonment from 3 to 8 years; battery (art. 132) sanctioned by a fine, public

works or corrective works; torture (art. 133) punishable of imprisonment of up to 3 years; threat to murder or causing of serious harm to health (art. 134) sanctioned by restriction of freedom for up to 2 years or imprisonment of up to 2 years; kidnapping (art. 144) punishable of imprisonment of 5 to 10 years; insult (art. 148) sanctioned by a fine, public works, or corrective works; rape (art. 149) punishable by imprisonment of 4 to 8 years; violent actions of sexual nature (art. 150) punishable of imprisonment of 3 to 5 years. Increased penalties are included for criminal offenses with aggravating circumstances.

The Law provides for measures to be taken in cases the complaint relates to the criminal and procedural legislation, including ensuring prevention of violence, its non-recurrence and security of the victim, registration with preventive purposes of persons who have committed domestic violence and conducting of educational work with them as well as establishing a protective order if necessary (art. 7, 8 & 10).

In cases where the complaint is not deemed to be of criminal nature, the Law provides for the following measures to be taken: serve a warning to the person who has committed actions associated with domestic violence, apply to the court for termination or restriction of parental rights, apply to relevant courts for instance for administrative offenses, grant a protective order if necessary and inform the concerned persons of services available to victims (art. 9).

In terms of preventive actions, the Law stipulates three types of actions, namely legal actions (examination of cases of domestic violence and calling to account those who have committed domestic violence, collection of statistical data, criminal prosecution of domestic violence cases, ...), social actions (provision at public expense of temporary shelter, legal and medical assistance and socially-oriented measures, ...), and informative actions (raising awareness of negative legal, medical and social consequences of domestic violence to the public and other public education activities, ...) (art. 13). The Law plans for the establishment of free of charge support centres, which shall provide legal and medical assistance, assist in finding employment and vocational training, psychological support, assist in administrative tasks, provide emergency shelter, organise support groups and deliver information (art. 19). The Law does not mandate for the creation of a help line. Additionally, the Law envisages the creation of a domestic violence databank to gather information on occurrence of domestic violence cases, individuals who complained to state bodies, information on offenders, court orders (art. 18). Guidelines are also issued for professionals on certain measures established by the Law.

The Special Rapporteur on Violence against Women stresses that the Law on Prevention of Domestic Violence does not stipulate which offenses will be considered for criminal prosecution and which will not (Human Rights Council, 2014). This can lead to legal confusion in the interpretation of the Law (Human Rights Council, 2014).

Furthermore, in two instances, the Law refers to assisting in the normalisation of relations between parties and in families (art. 7 & 8). Specifically, article 7 provides that the measures to be taken shall include assisting in the normalisation of relations between parties and resumption of family affairs during the period of examination along with duties related to prosecution; article 8 stipulates that when the complaint is not related to a criminal procedure the duties of the state shall include assisting in the normalization of relations between parties and resumption of family affairs. While the Law does

not mention mediation or conciliation, these articles leave a space for legal interpretation encouraging mediation or conciliation, as stressed by the Special Rapporteur on Violence against Women (Human Rights Council, 2014). Additionally, the Criminal Code includes a provision stipulating that a first-time offender can be released from criminal liability if there is reconciliation with the victim (art. 73). The Special Rapporteur on Violence against Women notes that courts often resort to the reconciliation remedies and there is evidence that judges and prosecutors display discriminatory and patriarchal attitudes towards women in cases of domestic violence (Human Rights Council, 2014).

The Special Rapporteur on Violence against Women highlights that physical, sexual and psychological abuse in the family is usually tolerated (Human Rights Council, 2014). Based on data collected in 2008, women respondents cited jealousy as the main cause of intimate partner violence and some respondents found violence justified when the woman was unfaithful, went out without informing her husband or when the wife disobeyed her husband (Human Rights Council, 2014). The most common form of sexual abuse that was reported was forced intercourse and the most common forms of emotional abuse includes insults, belittling and intimidation (Human Rights Council, 2014). A number of factors cultivate intimate partner violence such as early marriage, absence of official marriage registration, economic problems and alcohol abuse (Human Rights Council, 2014). Internally displaced women (due to the Nagorno-Karabakh conflict) face increased vulnerability to intimate partner violence (Human Rights Council, 2014). Respondents also indicated experiencing sexual abuse as children by family members or male friends of the family (Human Rights Council, 2014). Women mostly remain silent about domestic violence and seldom seek assistance to public institutions due to fear of retaliation and escalation of violence, shame and stigma, mistrust in the judicial system, fear of not being believed and fear of ending the relationship or losing the children (Human Rights Council, 2014). Additionally, women reported that when they left the home for the night to seek shelter, they faced increased violence and feared for their safety or their children's safety (Human Rights Council, 2014).

The CEDAW Committee (2015) highlights the low number of prosecution for cases of domestic violence, the lack of systematic collection of data on domestic violence and the limited access and poor functioning of services for victims of domestic violence. Centres for victims of domestic violence mainly function under NGO authority and there is a limited number of state-funded shelters (CEDAW, 2015). The lack of funding and unsuitable premises for shelters were identified as limitations to ensuring the protection of women victims of violence (Human Rights Council, 2014).

### **c) Rape**

Sexual violence is covered in the Criminal Code, under article 108 which defines sexual violence as rape, compulsion to prostitution, compulsory sterilisation or other acts of sexual violence, punishable of imprisonment of up to 15 years or life imprisonment. Sexual violence is also addressed under article 150 of the Criminal Code and defined as actions of sexual nature, punishable by imprisonment of three to five years. Rape is considered a criminal offense under article 149 of the Criminal Code and is liable to imprisonment from four to eight years.

Increased penalties of imprisonment of up to 15 years for aggravated forms of rape and sexual violence are included in the Criminal Code, including rape and sexual violence committed by a group of persons, resulting in infection of a venereal disease, when the victim is a minor, when it is

committed with a threat of murder or serious harm or with cruelty, or when it is committed repeatedly as well as if the victim dies, is infected with HIV or is under 14 years old (art. 149 & 150).

The law is not based on lack of consent. Rape and sexual violence are considered when violence or the threat of it is used against the victims (or persons related to the victim) or by taking advantage of the victim's helpless condition (Criminal Code, art. 149 & 150). Article 151 stipulates that coercion into actions of sexual nature with the threat of destruction or damage to property is punished by a fine, or corrective work or imprisonment of up to three years.

The legal framework does not address marital rape. Nonetheless, there is no indication that a wife cannot file a complaint. However, it is reported that marital rape is considered a taboo in Azerbaijan and a problem to be dealt only in the family sphere (Advocates for Human Rights, 2014).

The legal framework does not provide for the prevention of sexual violence nor for assistance to victims of sexual violence, including medical support, legal assistance, awareness-raising and education campaigns and capacity-building for professionals who may deal with sexual violence.

There is a lack of information on sexual violence in Azerbaijan, but it is believed that following the same patterns of domestic violence, sexual violence is highly underreported and victims fear shame, stigma and reprisal. Additionally, patriarchal attitudes towards gender-based violence commit women victims of sexual violence to silence.

#### **d) Sexual harassment**

Sexual harassment is addressed in the legal framework under article 4 of the Law on Gender Equality. Civil remedies are available to victims of sexual harassment (Law on Gender Equality, art. 17). No criminal penalties for sexual harassment is included in the legal framework. Additionally, the Law on Gender Equality only takes into account sexual harassment in the workplace or within service relations (art. 2). Educational establishments, sporting establishments, public places and cyber harassment are not covered.

The Special Rapporteur on Violence against Women notes that women did not report sexual harassment as a concern in Azerbaijan, maybe because it is hidden or not recognised as a form of violence (Human Rights Council, 2014). Additionally, reports show that women are unaware of their rights and that there is a prevalent social tolerance to sexual harassment in the workplace (Advocates for Human Rights, 2014).

#### **e) Female genital mutilation**

There is no law addressing female genital mutilation. Female genital mutilation does not represent a practice of concern in Azerbaijan.

#### **f) Abortion**

The Law on Protection of Public Health stipulates that abortion on request is available up to 12 weeks of pregnancy (art. 30). No approval is necessary to obtain an abortion within 12 weeks. Abortions can be allowed past twelve weeks for social and medical reasons; the list of reasons allowing an abortion past 12 weeks is decided by the relevant authorities (art. 30).

The Special Rapporteur on Violence against Women stresses that prenatal sex selection persists in Azerbaijan and is largely discriminatory to girls (Human Rights Council, 2014). Azerbaijan is believed to have the second highest sex selective abortion rate in the world (Human Rights Council, 2014). “Cultural biases placing greater value on sons than daughters, as well as economic concerns (such as, for example, the perception that male children are more likely to provide financial support in the future) can lead to sex-selective abortions” (Human Rights Council, 2014: 6).

### *More*

The Special Rapporteur on Violence against Women reports that Azerbaijan is a country of origin and transit for human trafficking, mainly for sexual exploitation and forced labour (Human Rights Council, 2014). It appears that despite the Government’s efforts, human trafficking of women and girls persists and represents a growing phenomenon (Human Rights Council, 2014).

Furthermore, the Special Rapporteur on Violence against Women also reports on internally displaced populations (who were mainly displaced during the 1990s) (Human Rights Council, 2014). Women and girls living in internally displaced communities face many barriers in their everyday lives, such as access to housing, resources and adequate services and infrastructures as well as multiple forms of violence and discrimination, including domestic violence, early marriages and sexual harassment (Human Rights Council, 2014). The CEDAW Committee (2015) raises the issue that internally displaced women and girls are also vulnerable to labour exploitation and trafficking.

## **3. Restricted access to productive and financial resources**

### **a) Secure access to land and assets**

Regarding land, property and other non-land assets, the law provides married women with the same rights as married men to own, use, make decisions and use as collateral (Family Code, art. 32). Additionally, unmarried women are granted the same rights as unmarried men to own, use, make decisions and use as collateral land, property and other non-land assets (Constitution, art. 29). The same rights are granted to women and men after divorce or separation in that regard as well (Family Code, art. 37). Regarding marital property, spouses have equal rights to administer (Family Code, art. 33). The Civil Code provides for joint or shared ownership with no restrictions regarding spouses (art. 213).

The CEDAW Committee (2015) stresses the marginalisation of rural women due to limited access to land and related resources as well as services, childcare facilities and shelters for victims of domestic violence. Rural women face barriers in participating in the economic, political and public life, as well as decision-making processes at the local level (CEDAW, 2015).

### **b) Secure access to formal financial resources**

The law provides married women with the same rights as married men to open a bank account at a formal financial institution and married/unmarried women are granted the same rights as married/unmarried men to obtain credit (World Bank, 2016).

The CEDAW Committee highlights that women “are exposed to many difficulties in gaining access to credit owing to traditional stereotypes of the role of women as supplementary earner, lack of appropriate skills and institutional barriers that discourage women from taking out bank loans” (CEDAW, 2015: 10).

### c) Workplace rights

Article 16 of the Labour Code mandates non-discrimination on the basis of sex in employment, including recruitment, hiring and termination. The Law on Gender Equality additionally mandates non-discrimination in job advertisements, selection criteria, terms and conditions, promotions, training and assignments (art. 7 & 10). Furthermore, the Law on Gender Equality mandates equal remuneration for work of equal value (art. 9). The Constitution guarantees the right of every person to choose a profession or work or to register a business (art. 35 & 59). Furthermore, the Labour Code specifies that a person who is subjected to discrimination in employment may seek recourse in a court of law (art. 16).

Some provisions in the Labour Code are discriminatory towards women, notably the prohibition regarding women from entering certain professions, in particular labour intensive jobs, in hazardous workplaces and in underground tunnels, mines and other underground work (art. 241). Night work, overtime work or work on weekend as well as on holiday or on a day-off, or business trip are forbidden for pregnant women or women with children under the age of three (art. 242).

Maternity leave of 18 weeks is available to mothers with full wages (Labour Code, art. 125). The legal framework does not include paid paternity leave or parental leave. Unpaid paternity leave is available for fathers for 14 days, when their wives are on maternity leave (Labour Code, art. 130).

The Government has launched initiatives aimed at improving women’s inclusion in the economy, such as the development of child care facilities or programmes to help women entrepreneurs (Human Rights Council, 2014).

However, women remain marginalised from decision-making and managerial positions in the private sector and tend to obtain lower-paying jobs (Human Rights Council, 2014). Segregation in the labour market is prevalent in Azerbaijan, with women being concentrated in professions that are considered feminine, such as education or social work (Human Rights Council, 2014). The CEDAW Committee (2015) stresses that women are often relegated to informal and low-paid jobs and highlights the persistence of the gender pay gap, the lack of childcare facilities and the lower pension benefits available to women.

The Committee on Economic, Social and Cultural Rights (2013) notes the few opportunities available to women in the job market and the lack of measures taken to prevent discrimination towards women, notably with regards to their marital status and plans for children. Additionally, the Committee (2013) highlights the legal age difference for women and men regarding retirement.

Internally displaced women are marginalised from the labour market and from participation in the economic life (Human Rights Council, 2014). The CEDAW Committee (2015) highlights that internally displaced women endure poor conditions of living, high unemployment rates and a lack of income-generating opportunities.

## 4. Restricted Civil liberties

### a) Citizenship rights

The law provides married and unmarried women with the same rights as married and unmarried men to acquire nationality (Law on Citizenship, art. 11). Women, irrespective of their marital status, may change and retain their nationality on the same basis as men (Law on Citizenship, art. 7). Married women can confer their nationality to their spouse as married men (Law on Citizenship, art. 7 & 14). Women and men are provided with the same rights to confer nationality to their children (Law on Citizenship, art. 11).

Married and unmarried women can register the birth of their children on the same basis as married and unmarried men (Family Code, art. 166). Delayed registration of birth is permitted by the law, only for parents or relatives with valid reasons.

Additionally, married and unmarried women are provided with the same rights as married and unmarried men to apply for identity cards and passports (Law on Exit from the Country, Entry into the Country and Passports, art. 8). The Law further provides women with the same rights as men to acquire passports and other travel documents for their minor children (art. 4). The Constitution guarantees the right to freedom, i.e. to freely move within the country and to travel outside Azerbaijan (art. 18).

There is no legal discrimination regarding citizenship rights and there are no practices that may restrict these rights.

### b) Voting

Married and unmarried women are provided with the same rights as married and unmarried men to vote, according to the article 3 of the Electoral Code and article 56 of the Constitution. There is no legal discrimination regarding voting rights and there are no practices that may restrict these rights.

### c) Political voice

The Constitution grants women with the same rights as men to hold public office and political office, in the legislature, the executive and the judiciary (art. 85, 100 & 126). There are no quotas to promote women's political participation at the national or local level. The CEDAW Committee (2015) reports that at the local level, there is a presidential special order on appointment of women to the position of deputy heads of executive power in the regions. Additionally, the Law on Gender Equality aims to ensure gender equality by eliminating all forms of gender discrimination and creating equal opportunities for female and male participation in political, economic, social, cultural and other fields of social life (art. 1). Furthermore, the Law provides for the establishment of positive actions in that aim (art. 3).

The Government, in an effort to include women within peacebuilding processes, has established the Regional Congress of South Caucasian Women (CEDAW, 2015). There was an increase of women's participation in positions at the municipal level in 2014 (CEDAW, 2015). It is reported additionally that women in the National Assembly increased by 17% following the most recent election (Human Rights Committee, 2016). However, women remain underrepresented in the political sphere, at all levels

including elective offices, decision-making positions in the Government, legislative bodies as well as within the judiciary (Human Rights Council, 2014). Discriminatory attitudes, occupational segregation and gender stereotypes within Azerbaijani society contribute to perpetuating gender structural inequalities which impede on women's access to the political sphere (Advocates for Human Rights, 2014).

#### **d) Access to justice**

The law provides married and unmarried women with the capacity as married and unmarried men to be sued and to sue, as the Constitution recognises the equality of all citizens before the law and before the courts (art. 25). Women's testimony carry the same evidentiary weight in court as men's in all types of court cases, and irrespective of marital status (Constitution, art. 25). Additionally, the law includes elements to ensure that women are able to exercise their rights to sue, such as the Constitution which guarantees the right to every person to benefit of legal assistance, which shall be at the expense of the State in appropriate cases (art. 61). Further, the particular interests of women and girls are inter alia taken into account, such as the provision that allows hearing of court cases to be done behind closed doors if there is a necessity of keeping secrecy of personal or family life events (Constitution, art. 127).

The State Committee for Family, Women and Children's Affairs is the dedicated body to implement measures regarding gender equality. It has the mandate to monitor the compliance of international human rights instruments with national legislation and to promote gender mainstreaming within national policies, programmes and action plans. It is reported that the activities of the State Committee for Family, Women and Children's Affairs focuses on training of public servants on gender equality issues, research on gender-related issues, the promotion of data collection, and the organisation of workshops and conferences (Human Rights Council, 2014). However, the CEDAW Committee (2015) notes that the gender focal points in government institutions are not present at decision-making levels and are unsystematically deployed in all regions.

The Special Rapporteur on Violence against Women emphasises that women face many barriers in accessing justice due notably to underreporting of cases of violence against women, a high social tolerance towards gender-based violence, the inadequate response of the authorities that vehicle concepts of family unity, shame and stigma and the use of inappropriate language by judges and prosecutors (Human Rights Council, 2014). Violence against women is conceived as a private matter to be dealt within the family (Human Rights Council, 2014). Reconciliation remedies are often used in court to solve gender-based violence cases, notably through the reconciliation provision of the Criminal Code whereby a first-time offender can be discharged if he/she reconciles with the victim (art. 73).

Additionally, it is reported that "deeply-rooted patriarchal attitudes regarding cases of violence against women by police, judicial officers, other relevant civil servants as well as community leaders and families, contributed significantly to the underreporting of cases" (Human Rights Council, 2014: 17). It results that justice is rarely enforced as there is few prosecution of cases of violence against women, protection orders are not systematically granted and women have difficulties obtaining divorce even in cases of domestic violence (Human Rights Council, 2014). Other barriers impacting women's access to justice is the lack of knowledge of the laws on gender equality and domestic

violence by the judges and the lack of access to affordable or free of charge legal aid (Human Rights Council, 2014).

Additionally, reports show that NGOs and human rights defenders are often the victims of intimidation, harassment and reprisals for their activities and face scrutiny from the authorities (Human Rights Council, 2014). The CEDAW Committee (2015) expresses concern over legislative restrictions affecting non-governmental and civil society organisations which would constraint their activities, in particular women's organisations. This limits women's access to information, justice, assistance and enjoyment of human rights.

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