

**Citizens' Labor Rights Protection League
Clean World public union Aid to Women**

**Submission to The Committee on the Elimination of Discrimination
against Women (CEDAW)**

The submission was worked out by basing on the list of issues about Azerbaijan adopted at the closed meeting of the UN Committee on Elimination of Discrimination against Women during its 60-th pre-session dated July 21-25, 2014.

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Stereotypes and harmful practices

6. The Committee, in its previous concluding observations (CEDAW/C/AZE/CO/4, para. 19), expressed concern about the existence of deep-rooted patriarchal attitudes and stereotypes regarding the roles of women and men in the family and in society, which were a root cause of the disadvantaged position of women in political life, the labour market, education and other areas. Please provide information on the monitoring of the implementation of current and other measures aimed at eliminating the persistent patriarchal attitudes and deep-rooted stereotypes regarding the roles of women and men in the family and in society. Please also provide information on measures taken to combat stereotypes that foment attitudes towards son preference and in turn contribute to the scourge of sex-selective abortion in the State party (para. 126). Please provide information on measures taken to remove gender stereotypes from textbooks and educational materials and to address the stereotypical portrayal of women in the media.

Clean World public union Aid to Women conducted the survey in 250 families by covering 0.02% of total families (approximately more than 1 million, 800 thousands) at the 9 regions of Azerbaijan with the purpose of learning the influence of the customs and traditions to the realization of the women's rights. At the same time 20 persons having direct or indirect relations with the families answered the questions of the experts. The issue of being of the national customs and traditions as one of the main reasons for the violence against women and girls was the main aspect of the survey.

People attracted to the survey answered to the questions connected with their agreeing, or not agreeing to the proverbs agitating violence. The fact that most women attracted to survey agreed with the proverbs justifying the violence demonstrated that there are serious problems in this sphere.

From this point of view measures taken in the legislative layer and development of the administrative control mechanisms is not effective enough. The results of the survey will be used for the determination of the obstacles for the development of women as the citizen and reasons creating these obstacles and carrying out necessary institutional activities in this direction.

The following conclusions were come as a result of the conducted survey:

1. Our national customs and traditions from one hand protect the family institute, and from another hand stimulate the violence within the families and result with the development of the discrimination relations against women and girls in the families.
2. There are some points in the national folk samples like proverbs, phrases, elegies and other folklore that are agitating more controlling of girls than boys and limiting the freedom of girls.
3. As a result of the purposeful enlightening activities carried out recently in many families the attitude to women was changed and women realized their rights and freedoms.
4. Unfortunately the physical, psychological and other types of violence against women and girls are still used.
5. In many conservative, fanatic proverbs and traditions stimulate not taking into account the opinion of girls when marrying and girls facing pressure and forcing to marry by their parents and close relatives.
6. From one hand socio-political difficulties faced by some people, and from another hand there is need in the using woman labor for the sake of the family, in many families they base on the proverbs that agitate the limiting of women's rights and are misusing them to limit the rights of women.

7. It is stated that research has been carried out into early/child marriage and presentations on the findings made in many regions through 40 focus groups (para. 27).

Please provide more information on those findings, including data disaggregated by sex, ethnic group and region. Please also provide information on the specific measures taken to combat early/child marriage, in particular among internally displaced persons in the State party.

Although the improvement of the legislation to prevent early marriages (in reality early marrying off) is successful, in practice this problem is unsolved. In spite of this the statistics in this sphere is decreasing.

According to statistics the number of children born by mothers of 15-17 years old in Azerbaijan was in 2009 3538, in 2010 4103, in 2011 4392, but in 2012 it was decreased to 3236 and in 2013 to 2855.

According to the reports of UNFPA about early marriages 11.3% of girls married before 18 years old in Azerbaijan are uneducated. Only 26% of these girls have the primary education. Only 11% of them have secondary, or higher education. According to the report in 2000-2011 about 12.2% of marriages were with girls under the age of majority.

In some regions of Azerbaijan the process of marrying off their girls in early ages is continuing. The solution of the problem requires complex approaches. First of all it is necessary to organize the arrangements for educating people and solution of the social problems. In the centers of the regions state bodies together with the NGOs carry out enlightening activities, but in rural villages the unawareness of people still continues.

Unemployment in the villages and lack of infrastructure for organizing leisure are the factors influencing early marriages. Early marriages have negative effect not only to the physical health, but also to the mental health. One of the main reasons of ignoring education is early marriages. In some cases girls don't even finish the compulsory education. As a result of this in some regions of the country the education indexes of girls are decreasing.

Maleyka Abbaszade, chair of the State Commission for the Admission of the Students mentioned that girls are deprived of the education rights in some rural regions: "There are some regions of Azerbaijan where the gender balance of the graduates of the secondary schools is seriously violated. Especially in the Southern regions this distinction is felt seriously. In the Southern regions only 10% of the graduates of the secondary schools that are applying for the higher education are girls. It means that our girls are deprived of the education rights in the early ages. Last year there were totally 479 graduates who applied for higher education in Yardimli region and only 45 of them were girls. In Lerik there were only 81 girls out of 469¹."

Unfortunately this index is getting worse from year to year. One of the main reasons for this is early marriages. Of course State Committee for the Family, Women and Children Problems, Ministry of Education, local executive and municipality bodies and NGOs are carrying out different administrative and enlightening activities to liquidate not attendance of classes by girls. But at present the cases of not attending the classes among girls in the regions are observed. Another factor for this is the negative influence of the religious fanatics.

Violence against women

8. It is indicated that, further to the Committee's previous recommendations, the State party adopted a law on the prevention of domestic violence and in 2008 EDAW/C/AZE/Q/5 14-58317 3/5 conducted a special national survey on the prevalence, root causes and consequences of violence against women (paras. 29-30). Please provide detailed information on results of the survey and the measures being taken to address violence against women. Please also provide information on the challenges and successes in the implementation of the national strategy for combating domestic violence (para. 31). Please indicate the steps

¹Source: <http://www.xalqcebhesi.az/news.php?id=4362>

taken to review the legal definition of rape in the Criminal Code with a view to basing it on lack of consent rather than on use of force.

Society does not have information about document on “National Strategy on fighting against domestic violence”. There is no information at the official web page of the National Strategy about events organized about National Strategy and implementation of it. The strategic directions of the prevention of the domestic violence were determined by the “Azerbaijan 2020: review to the future” Development Concept” confirmed by the decree of the President of Azerbaijan Republic dated December 29, 2012. The issue of the ensuring gender equality will be kept in the focus and appropriate steps will be taken to solve the problem. The main directions of the state policy about it are taking measures to prevent the gender based violence cases, providing men and women with equal opportunities in the labor market, advancement of women in the career and develop the chances for women to get higher positions².

9. According to information received, the State party promotes mediation and reconciliation rather than prosecution in matters falling under the Prevention of Domestic Violence Act. Please provide data on the number of protection orders issued and complaints, prosecutions and convictions with regard to domestic violence since the adoption of the law (para. 29). Please provide information on the availability of follow-up data on those orders, the percentage of orders violated, the percentage of orders leading to prosecution and the outcome of prosecutions. Please also provide information on the number of shelters in the State party and the nature of their funding.

Problems during making protection order

There are serious problems in providing the long term protection orders by the courts. Not solution of the problem prevents from the development of the practice on providing the long term protection orders by the courts.

According to the Article 11.3 of the Law on “Prevention of the Domestic Violence” *“Not following of the short term protection order by the people committing domestic violence can be the base to provide the long term protection order”*.

At the Article 12.1 of the same law it is stated that *“In case of not following the warning by the person committed domestic violence, the victims of violence, or appropriate executive power body has the right to apply to court for the provision of the long term protection order”*.

So provision of the long term protection order is the next procedure after the provision of the short term protection order. According to the requirement of the law the short term protection order should be applied. As the rules of provision of the short term protection order were not confirmed during the period after the adoption of the law, provision of the long term protection order could not be applied as the measure to prevent domestic violence. But in the court practice of the country there are some cases about provision of the long term protection order by the courts. In the report on “Cases connected with the Domestic Violence in the Court System of Azerbaijan” prepared in 2013 by the Supremacy of the Law and Human Rights Section of the OSCE Baku Office it is mentioned that “The working group that carried out the monitoring of the courts did not get information about the case on provision of the long term protection order by the court verdict on the base of the provision of the short term protection order by local executive power body and violation of the requirements of the provided short term protection order. But according to the information got by the working group conducting the monitoring of the courts from the NGO assisting to the victims of the domestic violence there was only one

²“Decree of the President of Azerbaijan Republic about confirming “Azerbaijan 2020: review to the future” Development Concept”. Baku, December 29, 2012. Source: <http://www.president.az/articles/7022>

case when the long term protection order was provided after the violation of the warning by the police and that organization assisted to get the long term protection order. The initiative of the NGO and court about providing of the long term protection order is appreciated. However, full application of the existing law about giving the authority to the local executive power body to provide the short term protection order can give opportunity for the victims of domestic violence to get long term and short term protection orders clearly and transparently”³.

Existing problems in assisting (providing with shelters) to the victims of domestic violence

In the Article 13 of the “Law on preventing domestic violence” the types of the measures on preventing domestic violence are described. One of these measures is called social character measures. According to the Article 13.1.2 of the law “social character measures are the steps to social protection of the victims, including providing them with the temporary shelters, delivering free (paid by the state) legal and medical aids to them and other social arrangements”. On April 25, 2012 the Cabinet of Ministers of the Azerbaijan Republic adopted the “**Rules of the activities of the assistance centers to the victims of domestic violence**” and “**Rules of the accreditation of the non-state assistance centers to the victims of the domestic violence**” with the purpose of ensuring the implementation of the 1.6 section of the Decree # 331 of the President of Azerbaijan Republic dated October 01, 2010 about applying the Law of Azerbaijan Republic on “Preventing domestic violence”.

In the Article 1.2 of the rules it is mentioned that “*Assistance centers are state and non-state institutions established with the purpose of providing the victims of violence (later on victims) with the legal, medical, mental, social and other assistance*”

According to the rules the State assistance centers are organized by the Ministry of Labor and Social Protection of Population and financial sources for the centers are state budget and other sources determined by the law. Assistance centers have the status of legal entity.

In spite of all the above mentioned the network of the Assistance Centers was not established in Azerbaijan.

According to the information of the Clean World public union Aid to Women there are family and children centers in 11 regions attached to the state bodies and they are established by the State Committee on Family, Children and Women’s Problems. Some centers were designed as the shelters, but they are not operating as the shelters. The samples for them are centers in Saatli, region, Goygol region, and Lankaran region. These centers only deliver legal and psychological assistance to people. Some of them are quite active. There is no shelter in Azerbaijan for the men victims of domestic violence.

Clean World public union Aid to Women and Azerbaijan Children Union established the shelter for children victims of domestic violence. The period of staying at the shelter could last till a year depending on the needs of the victims.

Clean World public union Aid to Women and some other NGOs were accredited at the Ministry of Labor and Social Protection of Population to establish and manage the “Non-state assistance centers” for the victims of domestic violence.

Ministry of Labor and Social Protection of Population plans to organize the “State assistance centers for the victims of domestic violence” in 8 regions of Azerbaijan. Ministry stated that these centers will be given to NGOs for the management in accordance with the social orders. On September 17, 2014 Ministry of Labor and Social Protection of Population and Council for the State Support to NGOs signed the Memorandum about cooperation. One of the conditions of the Memorandum is the cooperating with the Council when passing to the NGOs the management of the assistance centers to be established in the future (organizing different events

³Cases connected with the Domestic Violence in the Court System of Azerbaijan. Supremacy of the Law and Human Rights Section of the OSCE Baku Office. December 2013.

to develop the potential of the NGOs in the appropriate sphere, participation in the tender and so on).

Trafficking in women and exploitation of prostitution

10. Key challenges identified by the State party in the area of trafficking in women focus on the need for efficiency in the criminal justice system in investigating, prosecuting and sanctioning traffickers and to increase the understanding of officials of the gender dimensions of human trafficking (para. 35). Please provide information on the specific measures being implemented to tackle those challenges. Please indicate the time frame and the priority being accorded to efforts to combat trafficking. Please explain the specific efforts made to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international trafficking networks (para. 37).

As a result of the operating-retrieval measures 238 criminal facts were registered and 80 out of them were connected with trafficking (17 criminal cases), 4 forced labor (4 criminal cases), 73 attraction to prostitution, 68 keeping brothels, 3 attracting minors to prostitution or other immoral actions, 4 illegal dissemination of the pornographic materials or goods, and 6 forcing to the sexual character actions. 17 persons (14 women and 3 men) were prosecuted for trafficking and 56 persons were defined as the victims of trafficking (41 women and 15 men). During the reporting period as a result of the operating-retrieval measures 17 human traffickers were announced as wanted and 5 of them were caught and persecuted.

During 2009-2013 years 400 facts on human trafficking and forced labor were registered and 174 human traffickers were persecuted and 263 victims of trafficking were determined. During the last 5 years 174 human traffickers were sentenced by the first stage courts of Azerbaijan Republic. The above mentioned are the official statistics. Unfortunately there are problems during punishment by the courts after the operating-retrieval measures. From this point of view only cases sentencing by the courts are included in the official reports.

11. It is indicated that the State party has taken measures that address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labour in order to eliminate trafficking in women (para. 37). Please provide detailed information on those specific measures and the progress made in eliminating trafficking in women for prostitution and forced labour.

The "hotline" of the Senior Department on Fighting Against Trafficking in Human is operating relatively effective. The activities on informing and enlightening are intensified. In this sphere the appropriate bodies of the Azerbaijani Government (Senior Department on Fighting Against Trafficking in Human, State Migration Service and others) maintain comprehensive cooperation with the international organizations, including International Organization for Migration (IOM) and local NGOs. As a result of organizing enlightening events, trainings for increasing the potential of the law-enforcement bodies, preparation of the social advertisements, publishing the pamphlets and their mass dissemination in the regions the information and knowledge of the population and law-enforcement bodies on the subject were increased. But all the conducted activities were not effective in terms of preventing trafficking in human in general. From 2004 till 2010 the trafficking in human in Azerbaijan was connected with the sexual exploitation. During 2010 and 2013 the trafficking in human was recognized as the forced labor, or labor exploitation. Another important point during 2010-2013 years was that Azerbaijan Republic was transformed from the country of origin to the country of appointment. There is no information

about other forms of the trafficking in human like home slavery, surrogate mothers, trafficking in children, or exploitation of child labor and conditions for all these in Azerbaijan. International institutions on fighting against trafficking in human recommend learning the reasons for the origination of the problem and cases creating opportunity for the trafficking as the main factors increasing the effectiveness of fighting against trafficking in human. In spite of the mentioned facts and international recommendations Azerbaijan Republic has not carried out concrete investigations about mentioned issues (defining the reasons for the origination of the problem and determination of the cases creating opportunity for trafficking in human) and has not sounded valuable recommendations to prevent the reasons of the problem of trafficking in human⁴.

12. It is stated that shelters and centres to assist victims of human trafficking have been created as special establishments to ensure the protection of victims (para. 45 (c)). Please provide information on the number of additional shelters created and those already in existence in the State party, as well as on the nature of their funding. What specific measures have been taken to improve the implementation of the policy framework on the national referral mechanism to combat human trafficking?

Assistance to the victims of trafficking in human

There is one state shelter serving to the victims of trafficking in human and it was established in November 2006. The shelter mainly provides to the victims temporary accommodation, rehabilitation and security. The shelter has special security and is for 46 victims. The building is 3 stored. The first floor is meant for the staff and serves as the sports hall, laundry and place for having a rest and so on for the victims. The building has good infrastructure. The second floor is meant for women victims. The third floor is for children victims of trafficking and they have the classrooms and play rooms there. Recently men victims of trafficking are also staying in the shelter.

The period of staying in the shelter is 1 month. This period can be prolonged in special situations. For children the period is 2 months. The shelter has social workers and psychologist. The rights of the victims are protected by the NGOs. During the reintegration period according to the desire of the victims, they can be directed to the shelters established by the NGOs. The number of the non-state shelters for the victims of trafficking in human is not big. There are non-state shelters in Ganja for women victims established by “Tamas” Public Union (2003), in Baku for women established by Clean World public union Aid to Women (2002) and for children Azerbaijan Children Union (2010). Although there is non-state shelter for men victims of trafficking established by the Azerbaijan Migration Center (2012), but it is not operating at present.

During the recent years the issue of the implementation of the National Direction Mechanism (NDM) about victims of trafficking in human has been kept in focus and on January 17, 2013 the meeting of the Interdepartmental Commission was held with the chairmanship of the National Coordinator at the Ministry of Internal Affairs. On May 10, 2013 the Regional Rehabilitation-Reintegration Center was established in Ganja attached to “Tamas” Public Union with the initiative of Center for Assistance to the Victims of Trafficking in Human operating attached to the Ministry of Labor and Social Protection of Population with the financial support of Azerbaijani Office of the International Organization for Migration. The Center provides the appropriate services for the victims of violence and trafficking, potential victims of trafficking in human in the region and was positive step towards realization of the NDM.

⁴Problem of trafficking in human – evaluation of the situation in the country and outer influences. Clean World public union Aid to Women. Baku 2014. Prepared with the support of the Council for the State Support to NGOs attached to the President of Azerbaijan Republic.

Recommendations⁵

1. Establishment of the different character temporary accommodation shelters and assistance centers for the victims of trafficking in the regions of Azerbaijan is important for the more effective realization of the social rehabilitation and reintegration of the victims of trafficking.
2. Council for the State Support to NGOs attached to the President of Azerbaijan Republic should provide regular support to the local NGOs for increasing the effectiveness of the activities of local NGOs working on the assisting to the victims of trafficking in human, their social rehabilitation and reintegration.
3. Simplifying the procedures of giving permission to the alien victims of trafficking to temporary live and work in Azerbaijan.
4. Trainings should be conducted among the representatives of the law-enforcement and court bodies for assisting to the victims of the trafficking in human to raise the civil action for requiring the payment of the damages and compensation.
5. As the issue of entering into force of the giving compensations to the victims of violence after the end of the court and law reforms or adoption of the appropriate law is indefinite in the Law of Azerbaijan Republic on confirming, entering into force and legal regulations of the Criminal Procedure Code of Azerbaijan Republic this issue should be reconsidered and optimized in the adequate form.
6. The issue of the adequacy of the amount of the compensation paid to the victims of trafficking during the reintegration period should be discussed by the appropriate structures for the effective realization of the social reintegration of the victims of trafficking.
7. The shelter should make a petition to the Ministry of Labor and Social Protection of the Population for providing the victims of trafficking with the addressed social aid during their stay in the shelters.
8. The procedures of the acknowledgment of the fatherhood and adoption to the childhood should be made harder and be under regular control, as well as monitoring of these cases should be carried out regularly.
9. For ensuring the effectiveness of the reintegration of the victims of trafficking the appropriate structures should discuss making changes in the appropriate normative acts and laws of Azerbaijan Republic about making tax concessions to the legal entities and individuals that provide the victims of trafficking with the jobs and giving small loans to the victims of trafficking who is going to start small business.
10. Again analyzing the existing legislation about trafficking for preventing trafficking in human and especially children and make harder the procedure of adoption to the childhood.
11. In the law on “Fighting against trafficking in human” and Article 144.1 of the Criminal Code of Azerbaijan Republic it is mentioned that during taking tissues or organs the donor must give written agreement about it without any force⁶. The mechanisms of finding out forcing, or outer influences to the donor are not mentioned in the law. For this reason and for preventing the traffickers to use this for their purposes the legislation should be improved in this direction.

⁵Suggested by Clean World public union Aid to Women.

⁶Law of Azerbaijan Republic on “Transplantation of the human body and (or) tissue”, Baku, October 28, 1999, № 726-IQ, Article 12