

2017-01-31

## Fråga-svar

### Azerbajdzjan. Våld mot kvinnor, skilsmässa, myndighetsskydd

#### Fråga

- Myndighetsskydd för våldsutsatta kvinnor.
- I fall av skilsmässa, anses våld i hemmet fortfarande av myndigheterna vara ett privat problem eller finns myndighetsskydd att tillgå? Behöver kvinnan ha stöd av sin familj i sådana lägen?

#### Svar

[Committee against Torture](#) (2015-02-02), s. 18-23, presenterar i en rapport den lagstiftning som finns och vilken nationell utveckling som skett de senaste åren för att erbjuda kvinnor skydd mot våld.

Organization for Security and Co-operation in Europe gör i rapporten [Domestic Violence Cases in the Justice System of Azerbaijan](#) (2013) en genomgång av det juridiska ramverket som reglerar myndighetsskydd för kvinnor utsatta för våld i hemmet.

En något äldre rapport av flera ickestatliga organisationer samlade under projektet Gender Association Symmetry, [Women Access to Justice in Azerbaijan Report](#) (2011), har analyserat kvinnors svårigheter i att få skydd.

Human Rights Committee (2016-11-16):

16. The Committee remains concerned that cases of sexual violence and domestic violence in particular remain high, are often tolerated and are underreported because of a culture of silence. It is further concerned that: (a) enforcement of existing legislation is limited; (b)

courts reportedly systematically use reconciliatory measures for first-time offenders without considering the victim's opinion or safety; (c) sexual harassment is not effectively prohibited; and (d) the provision of assistance services to victims of violence is mainly delegated to non-governmental organizations (NGOs), with limited State involvement (arts. 2, 3, 7 and 26). (s. 4)

US Department of State (2016-04-13):

The law establishes a framework for the investigation of domestic violence complaints, defines a process to issue restraining orders, and calls for the establishment of a shelter and rehabilitation center for victims. Some critics of the domestic violence law asserted that a lack of clear implementing guidelines reduced its effectiveness. Female members of the Milli Mejlis and the head of the State Committee for Family, Women, and Children Affairs (SCFWCA) increased their activities against domestic violence. The committee conducted public awareness campaigns and worked to improve the socioeconomic situation of victims of domestic violence. Media coverage of domestic violence also began to raise awareness of the problem.

Women had limited recourse against assaults by their husbands or others, particularly in rural areas.

The government and an independent NGO each ran a shelter providing assistance and counseling to victims of trafficking and domestic violence.

Committee against Torture (2016-01-27):

The Committee appreciates the information provided on different measures designed to address violence against women, but remains concerned about reports of cases of violence against women and regrets the lack of statistical information on the overall number of complaints of domestic violence reported and the number of investigations, convictions and punishments meted out for acts of violence against women. The Committee is further concerned about reports that law enforcement officers are dismissive of women's complaints of such violence and that there are inadequate facilities available for women victims of violence in the State party. It is also concerned at the insufficient number of safe shelters for victims of domestic violence and at reports that one of the few shelters in Baku has recently been closed (s. 7)

Committee on the Elimination of Discrimination against Women (2015-03-12):

22. The Committee welcomes the information provided by the State party's delegation concerning the current consideration by the Cabinet of Ministers of the national strategy and the national action plan on the prevention of domestic violence, and the establishment

of an online database on violence against women. The Committee remains concerned, however, at:

- (a) The lack of implementation of the Law on the Prevention of Domestic Violence, as reflected by the modest number of cases reported and long-term and short-term protection orders issued;
- (b) The lack of systematic collection of data on domestic violence;
- (c) The limited number of support and referral centres for victims of domestic violence, which are mainly run by non-governmental organizations;
- (d) The small number (currently only three) of State-funded shelters for women who are victims of domestic violence, under the authority of the Ministry of Social Affairs and Labour Protection;
- (e) The delay in the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. (s. 6)

#### UN Human Rights Council (2014-06-18):

13. According to the survey, and as confirmed through interviews with survivors, the women who sought State assistance and services, or who left home at least for one night, suffered from increased violence and were concerned for their own and their children's safety. (s. 5)

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31. The Special Rapporteur notes that the right of access to justice and to justice itself for women is seriously compromised, due to a range of factors. The first challenge lies in the significant underreporting of cases of violence against women to the police. Victims are very often reluctant to report, due, inter alia, to the fact that violence against women has been normalized, and even sometimes accepted, by the women themselves, but also due to the responses of authorities who promote notions of family unity, shame and stigma. The authorities, including Family Support Centres and the police, prefer not to intervene as they consider violence against women a private matter that should be solved within the family. Cases of violence tend therefore not to be prosecuted in most instances, protection orders are not granted and divorce is not easily accessible, even when requested due to violence in the marriage. (s. 9)

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46. The Special Rapporteur noted the low divorce rate in Azerbaijan (1.2 per 1,000 people annually in 2012 according to information provided by the State). Reportedly both men and women try to avoid divorce, which is considered to be a socially undesirable resolution of marital tensions and conflicts. Where it does occur, women suffer greater social stigma and are usually blamed for the failure of the marriage. (s. 12)

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Throughout her visit, the Special Rapporteur was not informed of any protection order issued by local authorities. (s. 16)

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77. The Special Rapporteur was informed that instead of being provided with proper redress, women victims of violence are re-victimized and exposed to further risk of violence through the intervention of the family, the community or the authorities as a result of out-of-court settlements. Judges are particularly reluctant to grant divorces and often encourage both parties to seek reconciliation instead of ensuring effective redress to women survivors of domestic violence. (s. 18)

[Rapporten går på sida 15-17](#) in på olika sorters myndighetsskydd tillgängliga för kvinnor utsatta för våld i hemmet.

Institute for War and Peace Reporting (2016-04-26):

Experts say that current legislation does not go far enough to protect women.

Mehriban Zeynalova, who chairs the women's NGO Clean World, said that the 2010 law on prevention of domestic violence focused only on preventive measures.

Provisions dealing with actual incidents of domestic violence have not been fully worked out. (See also New Law to Tackle Domestic Assault in Azerbaijan).

Other forms of abuse remain ill-defined, she continued. Psychological or sexual and economic violence went unpunished because it was harder to prove.

"On questions of sexual violence, women practically never turn to law enforcement authorities, especially if it is about family. Sexual violence in the family is taken somewhat for granted," Zeynalova concluded.

The Civil Procedural Code enables 30-day restraining orders to be issued to protect of domestic violence victims, but they are very difficult to obtain.

Institute for War and Peace Reporting (2014-02-14):

Zeynalova says negative social attitudes and police failing to take proper action combine to make a bad situation worse.

"The stereotypical view is that violence within the family is a matter for that family alone," Zeynalova explained. "So instead of protecting someone who's fled her home, they return her to that family. This is the cause of these tragedies," she said.

Among the 720 women who sought help from Zeynalova's group last year was a 33-year-old from Shamkir district in northwestern Azerbaijan.

She told IWPR how her mother pressured her into marrying a cousin, who left her five years later and went off to Russia.

"My family sent me to him three times, and every time he sent me back. Officially we're still married because my family won't let me apply for a divorce," she said.

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Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

## Källförteckning

(alla källor hämtade 2017-01-23)

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