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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo**

### **Addendum**

### **Mission to Azerbaijan: comments by the State on the report of the Special Rapporteur\***

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## **Comments of the Government of the Republic of Azerbaijan to the report of Ms. Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences on her visit to Azerbaijan 26 November-5 December 2013**

### **Regarding paragraph 6 of Chapter II:**

1. Number of the reported cases of domestic violence has been decreasing over the recent years. 2043 cases were registered in 2011, 1514 in 2012 and 713 in 2013.

### **Regarding Paragraph 8 of Chapter II:**

2. It is not clear for the Government of Azerbaijan the reasons behind the re-drafting of the first sentence of the paragraph. The reference has been made to the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan in the advanced unedited version of the report while in the final version of the report the language of this sentence has been changed. This is not acceptable for Azerbaijan.

3. Armed conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the internationally recognized territory of Azerbaijan by Armenia and made approximately one out of every eight persons in the country an internally displaced person. As a result of the conflict, 20,000 people were killed, 50,000 people were wounded or became disabled, and about 5,000 Azerbaijanis are still missing. The unique historical and cultural monuments of Azerbaijan have been destroyed in the occupied territories.

### **Regarding Paragraph 15 of Chapter II:**

4. According to the State Statistical Committee, the number of early marriages in 2011 was 5138, 295 in 2012, 229 in 2013. The reason for decreasing in number of early marriages is amendments to the Family Code which determines the age of consent to marriage to 18 years for boys and girls. It should be noted that the number of children born from mothers aged 15-17 in 2011 was 4392, 3236 in 2012, 2855 in 2013.

### **Regarding Paragraph 18 of Chapter II:**

5. According to the statistical data on ratio at birth from the Statistical Committee from 1990-2010, the sex ratio at birth varied between 105-106 males to 100 females in early 1980s while these figures started to increase over the years and reached **114 male to 100 female** in 1998 with a minor decline observed in recent years. The official statistic data are 120 male to 100 female.

### **Regarding Paragraph 21 of Chapter II:**

6. Persons, including women who are recognized as guilty in commitment of a crime receive punishments within the limits provided for by appropriate articles of the special section of the Criminal Code of Azerbaijan.

### **Regarding Paragraph 22 of Chapter II:**

7. Currently only one girl juvenile offender serves a prison sentence in women's prison No. 4. Despite the fact that a girl juvenile offender is kept with adult women she is provided with necessary conditions, as well as security measures envisaged in the legislation.

**Regarding Paragraph 24 of Chapter II:**

8. Cabinet of Ministers approved the following with regard to the fight against human trafficking:
  - i. Rules of National Referral Mechanism for the victims of human trafficking;
  - ii. Rules (indicators) for identification of the victims of human trafficking.
9. With a view to building and developing mutual relations with NGOs the Ministry of Internal Affairs signed the Memorandum of Understanding with NGOs Coalition on the fight against human trafficking which contains 45 NGOs.
10. In 2010 Azerbaijan joined the Council of Europe Convention on Action against Trafficking in Human Beings.
11. Third National Action Plan on the Struggle against Human Trafficking in the Republic of Azerbaijan for 2014-2018 was prepared and submitted to the President of the Republic of Azerbaijan.

**Regarding Paragraph 32 of Chapter III:**

12. The Law on Prevention of Domestic Violence of the Republic of Azerbaijan enshrines articles regarding provision of victims with legal assistance by state.
13. The Regional legal advisory services centers were established across the country with the aim of awareness of low-income population of the country on their civil rights and expanding their access to free legal assistance services.
14. The Legal Clinic was established at the Academy of Justice in the framework of the Facility Program on Reforms in Judiciary implemented by the Ministry of Justice jointly with the European Commission in order to provide free legal assistance to low-income population.

**Regarding Paragraph 33 of Chapter III:**

15. Registration of NGOs is regulated by Laws of the Republic of Azerbaijan on Non-Governmental Organizations and on State Registration and State Register of Legal Entities. These laws were developed in cooperation with international experts and reviewed by the Council of Europe.
16. According to the Law on State Registration and State Register of Legal Entities relevant documents required for registration are to be submitted to the Ministry of Justice for consideration. The Ministry within 30 days reviews their compliance with legislation of the country. The list of documents required for registration is clearly defined in the Law. The Law also clearly defines cases on refusal from registration.
17. Legislation envisages no cases of restriction or coercion on state registration of NGOs as legal entities for their functioning.
18. According to the Law of the Republic of Azerbaijan on Non-Governmental Organizations NGOs submit annual financial report to the Ministry of Finance no later than 1 April each year.
19. The Government attaches great importance to the improvement of civil society institutions. The Presidential Order dated 27 July 2007 approved the Concept of the State Support to Non-Governmental Organizations. The Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan was established upon the Presidential Decree dated 13 December 2007.

20. Azerbaijan 2020: Look into the Future” Development Concept also envisages provisions regarding development of civil society institutions.

21. According to the Presidential Decree of 20 November 2013 on “Measures to improve the provision non-governmental organizations with electronic services” a new electronic information system “Individual electronic window” was established for the purpose of mutual exchange of data with state agencies, provision of corresponding reports in electronic form, and implementation of other electronic services.

22. The number of NGOs has growing in the country. In 2014 out of 3945 registered non-commercial entities 2956 were NGOs. Also offices of 111 foreign NGOs were registered in the country.

**Regarding Paragraph 41 of Chapter III:**

23. Textbooks are distributed to students free of charge in primary and secondary schools in Azerbaijan.

24. There were no clear facts regarding bribery cases in primary and secondary schools.

**Regarding Paragraph 42 of Chapter III:**

25. Reports prepared by the State Students Admission Commission contain facts on girls’ higher scores in education. In 2012-2013 47.2 percent of those pursuing a Bachelor’s degree were women. In 2012 56.19 percent of those pursuing Master’s Degree were women.

26. In 2012-2013 28.5 percent of those studying abroad on the basis of intergovernmental agreements and 29.2 percent of those studying in the framework of the State Program on Education of Azerbaijani Youth Abroad were women.

27. In the year 2009-2010 at the doctorate level the proportion of female students was 48.24 percent. In the year 2009-2010 at the doctorate level the number of female students was 523 out of 1148. This figure for 2012-2013 was 989 out of 2012. The 29 percent of those studying at doctorate level abroad in the framework of the State Program on Education of Azerbaijani Youth Abroad was women.

28. There were no clear facts regarding dropout cases among girls.

29. According to the results of Census of Population held in 2009, literacy rate for both urban and rural areas of the country constitute 99.7 and 99.9 percent respectively for female and male.

**Regarding Section B and C of Chapter III:**

30. Employment rate for women is 48.3 percent, while for men is 51.7 percent. Unemployment rate for country is 5 percent, 5.9 percent for women, and 4 percent for men. This figure in urban areas is 7 and 4.9 percent for women and men respectively and in rural areas 4.9 and 3.1 percent for women and men respectively.

31. “The Employment Strategy of the Republic of Azerbaijan for 2006-2015” and “The State Program on implementation of Employment Strategy for 2011-2015” reflects measures regarding increasing competitiveness of women in labor market, promotion of entrepreneurship among women, vocational training of women job seekers, etc.

32. In 2011 the Psycho-social Rehabilitation Center was established for child victims of violence and crimes with the view of prevention violence against children and rehabilitation of children, victims of violence.

33. Temporary shelter is functioning within the Center for ensuring security of children who are victims of physical, psychological and sexual violence.

34. The Support Center for women and children was established in Sumgait in the framework of the project conducted by the Ministry of Labor and Social Protection of Population (MLSPP) and the specialized NGO. In the Center on the basis of needs assessment of women and children individual development program is developed for them.

35. MLSPP developed Action Plan on social protection and provision with legal assistance of victims of domestic violence, as well as prevention of causes of domestic violence.

36. Taking into account the importance of ensuring victims of domestic violence with legal, medical, psychological and social assistance in Baku and in the regions, the proposal on establishment of new support centers in Baku and Ganja was included to the State Program on social economic development of regions of the Republic of Azerbaijan for 2014-2018.

**Regarding Paragraph 55 of Chapter IV:**

37. “The Complex Program of the Republic of Azerbaijan on combating daily violence in democratic society” approved by Cabinet of Ministers in 2007 envisages preventive measures.

**Regarding Paragraph 59 of Chapter IV:**

38. The President issued Decrees dated October 1, 2010 and November 24, 2011 on application of Law on Prevention of Domestic Violence and defined a state body responsible for implementation of the Law.

39. With regard to the implementation of the Law on Prevention of Domestic Violence the Cabinet of Ministers approved:

- i. Guidelines for preventive registration of those who committed domestic violence and educational and preventive work with them;
- ii. Guidelines for an offender registry and databank;
- iii. Guidelines for reviewing complaints which do not contain criminal elements;
- iv. Guidelines for activities of support centers for victims of domestic violence;
- v. Guidelines for accreditation procedures for non-governmental support centers for victims of domestic violence.

40. The Government of Azerbaijan improved legislative framework on violence against women and as a result, cases of domestic violence are decreasing.

**Regarding Paragraph 67 of Chapter IV:**

41. In order to prevent crimes, as well as domestic violence in time and to take operative measures, the “102” service call center, “Hot Line”, “Safe City” services covering all cities and regions of the republic began to operate. E-mail address was created in the Ministry of Internal Affairs and “hot line” was given to use.

42. As the result, in 2011-2013, 4122 applications related to domestic violence were received by the Ministry of Internal Affairs.

**Regarding Paragraph 68 of Chapter IV:**

43. In 2014 7 non-state Support Centers were accredited by a Commission established in the Ministry of Labor and Social Protection of Population in order to render a social service for victims of domestic violence. The Centers aim at:

- i. Preventing violence, its legal, medical and social outcomes;
- ii. Social protection of victims of domestic violence;
- iii. Providing them with legal assistance;
- iv. Eliminating cases causing domestic violence.

**Regarding Paragraph 70 of Chapter IV:**

44. The majority (50 woman judges out of 65) of woman judges working in the courts are involved in the criminal proceedings.

45. There was considerable decrease in the dynamics of the crimes committed against women in last 3 years. 6705 unlawful acts were registered in 2011, 5478 in 2012 and 4654 in 2013.

46. Currently 2361 women work in the authorities of internal affairs of the Republic of Azerbaijan.

**Regarding Paragraph 71 of Chapter IV:**

47. The Cabinet of Minister's Decision number 46 dated 24 February, 2012 envisages that in case of absence of elements of compositions of crime, complaints on domestic violence are investigated by local executive authorities.

48. The Presidential Decrees dated 1 October 2010 and 24 November 2011 define state bodies responsible for the implementation of the Law on Prevention of Domestic Violence.

**Regarding Paragraph 72 of Chapter IV:**

49. According to Article 322.1.13 of the Criminal Procedural Code of Azerbaijan the president of the court explains to each victim his/her rights and duties.

**Regarding Paragraph 73 of Chapter IV:**

50. According to the Ethic Code of Judicial Conduct approved by the decision of the Judicial Legal Council of the Republic of Azerbaijan on June 22, 2007 a judge shall perform judicial duties on the basis of principle of equality of treatment for everyone (defenders, prosecutors, witnesses and etc.) before the law and court, without bias or prejudice towards any party to the proceedings. Judge shall avoid expressing thoughts about race, sex, religion and nation and other type of discrimination.

**Regarding Paragraph 77 of Chapter IV:**

51. According to the Family Code dissolution of marriage is executed juridical by, if the court determines that further joint residence of the spouses and preservation of the family are impossible.

52. If there is an absence of a permission of one of the sides for a marriage breakup court has a right to suspend a judgment with appointing a period for conciliation during 3 months. If there is no conciliation or if spouses (one of them) insist on a marriage breakup, breakup of a marriage is carried out by the court.

53. According to the Civil Procedural Code court shall be under an obligation to suggest parties to end dispute through amicable agreement.

54. 10277 claims out of 10462 on dissolution of marriage were allowed by courts in 2013.

**Regarding Paragraph 84 of Chapter V:**

55. Special Rapporteur's opinion "the desire for a political resolution to the occupation of land and the need for the voluntary return as preferred solution must be respected, but not to the detriment of women's development" is not acceptable for the Government of Azerbaijan. The occupation of Azerbaijani territories by Armenia and as a result, the expulsion of IDP women from the occupied lands have severely damaged their development. The most efficient and durable way for creating more acceptable situation for IDP women should be the end of occupation and ensuring their return to homelands.

**The statistics on domestic violence ( family conflicts)**

	2007	2008	2009	2010	2011	2012	2013
The total registered cases of crimes against women	3851	4370	4696	4489	4280	3218	1803
The total registered cases of crimes against minors (girls)	85	103	129	82	103	75	51
The total registered cases of crimes due to family conflicts and domestic violence	874	1596	1543	1512	2043	1514	713
The number of cases of crimes against women	837	1551	1506	1471	1955	1467	686
The number of cases of	37	45	37	41	88	47	27

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violence

Kidnapping	18	18	11	7	16	19	14
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Including marriage by abduction	17	17	10	6	16	18	11
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Children abduction	7	10	8	4	8	10	5
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Including marriage by abduction	6	8	5	3	8	10	3
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