

Improving Women's Access to Justice in Azerbaijan

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Unfortunately, violence against women remains a common occurrence worldwide. Therefore, improving women's access to justice is key to advancing gender equality in any country. In Azerbaijan, although some important steps have been taken in recent years, there is still much road to travel to ensure that the justice system optimally protects women and girls. This IDD analytical policy brief will provide a brief overview of the current legislation and initiatives before recommending improvements and solutions toward advancing women's access to justice.

In general, there are two main ways to improve women's access to justice: educational reform (or initiatives) and judicial reform. Childhood education for both boys and girls on women's rights and gender equality is crucial to remove harmful inherited stereotypes that contribute to generational cycles of violence against women. However, educational initiatives targeted at adults are also beneficial, as they have a two-fold benefit. First, educating women allows them to more fully understand their rights and provides them with greater knowledge on how to access the legal system and how it can support them. Secondly, educating men can help to untangle biases and stereotypes that may lead to violence against women. Regarding the judicial system, reform is needed to remove gender bias, both within written legislation and within judicial staff.

Educational Reforms and Initiatives

Universities such as ADA, Khazar, and Baku State have made commendable strides in including courses and modules on gender studies and facilitating roundtables and seminars on gender equality. Moreover, Baku State University published a curriculum on "Gender Equality in Public Service" in conjunction with the State Committee for Family, Women, and Children Affairs, the State Examination Centre, and the German Society for International Cooperation. ADA University's Strategic Plan indicates a commitment

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to ensure an “environment of inclusiveness and true diversity” that explicitly includes non-discrimination on the basis of, inter alia, gender. These advancements are essential to advancing knowledge on gender equality within higher education, and further such measures should be undertaken and encouraged.

However, it is also vital to deliver gender education in primary and secondary schools within Azerbaijan to change the next generation’s mindset before they reach adulthood, so as to provide long-term sustainable development in gender equality. This accords with Goal 5 of the Sustainable Development Goals (“Achieve Gender Equality and Empower All Women and Girls”), which was adopted in the UN General Assembly as part of the flagship 2030 Agenda for Sustainable Development.

In 2020, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) issued a list of suggestions and questions for Azerbaijan. Within this, it was recommended that Azerbaijani schools should evaluate all school textbooks and revise them to remove gender stereotypes. This is critical as, while seemingly innocent, even subtle stereotypes that reinforce sexism and misogyny within educational materials may become deeply ingrained as children see them as reliable sources of information. For example, according to a Global Education Monitoring Report by UNESCO, women and girls are underrepresented in school textbooks worldwide, or when they are featured, they typically play a secondary or supportive role to the male lead in the story or example, which can lead to a normalization of male dominance.

The same CEDAW publication also suggested the introduction of systematic and comprehensive education on women’s rights and gender equality in school curricula and noted the need to train teachers at all levels of education. Teachers need to be able to challenge students’ gender stereotypes and biases and to recognize and address their own. Moreover, while the revision of textbooks helps to remove ingrained gender stereotypes, direct education on gender equality is needed to consolidate this, especially for older children, as they become more perceptive to outside influences.

Another move toward gender equality in Azerbaijan is the acknowledgement of the UN-sponsored HeForShe campaign, which invites men to “stand in solidarity with women to create a bold, visible, and united force for gender equality.” In July 2022, the Young European Ambassadors (YEAs) in Azerbaijan joined the campaign intending to promote gender equality in Azerbaijan. However, more can be done. The HeForShe website lists their “champions,” several high-ranking men in governmental, corporate, non-profit, and academic roles worldwide, and Azerbaijani men in similar roles should be encouraged to join the campaign. If men at the top of their fields proudly showcase their support for gender equality, it should work to normalize these attitudes for other men and shows women that their rights are acknowledged. A clear message of solidarity among Azerbaijan’s most prominent men shows that violence and discrimination against women and girls is not tolerated.

However, the adoption of the HeForShe campaign is not enough. A July 2022 report by CEDAW suggested raising awareness on fatherhood in Azerbaijan by promoting ideals of shared parental and household duties, reducing male-dominant conceptions, and advancing equal rights for women within the home. This could be achieved through media and advertisement campaigns, showing fathers in more direct roles, such as cleaning, cooking, and looking after young children. It was further suggested that this should be complemented with an amendment to the labor code to offer fathers 14 days of paid paternity leave.

Moreover, the CEDAW report also recommended raising awareness in the community to destigmatize women seeking justice. A 2011 report by the Gender Association Symmetry in partnership with the Karat Coalition connected women's reduced access to justice with a lack of trust in authorities, an unwillingness to involve others, and a poor knowledge of the law and their rights. This suggests that educating women is vital, especially women living in rural areas. As of 2021, ten Azerbaijan-based NGOs have undergone accreditation to provide social services for domestic violence victims. However, these are primarily located in Baku, Ganja, and Sumgayit—the three biggest cities in Azerbaijan. This leaves women in rural areas of the country without the necessary support to help them access justice in this field. Finding ways to implement educational programs on women's rights in rural areas and to financially support local NGOs to expand into rural areas should be undertaken. Similarly, there are currently only four shelters for women operating in Azerbaijan, all of which have small capacities. Azerbaijan's government implemented a National Action Plan (NAP) on the prevention of domestic violence in November 2020, with providing victims with care centers and shelters listed as one of its core aims. It is therefore to be expected that Azerbaijan will increase the number of women's shelters, especially in rural areas where women are often more isolated from the justice system.

The launch of “Hotline 860” in December 2020 has also been influential in improving women's access to justice. The initiative, the first of its kind in Azerbaijan, allows women experiencing domestic violence to receive free legal advice and psychological support from anywhere in the country by calling the hotline. This is a vital albeit partial solution to the problems of rural women who do not have local access to structured support. Moreover, the anonymity of a hotline conversation can be less intimidating and overwhelming for victims of domestic violence than going to the police or a lawyer. This hotline conforms with the measures required by Azerbaijan's 2010 Law on the Prevention of Domestic Violence, which was adopted based upon a report by the State Committee for Family, Women, and Children Affairs with the support of the UN Population Fund (the report notes the need to educate and support victims of domestic violence). However, still more is required to fulfil the law's commitment to educate perpetrators on women's rights. In the UK, for instance, the “Respect Hotline” provides anonymous and confidential support to perpetrators of domestic violence to help them understand and change their behavior; something similar could be adopted in Azerbaijan.

Judicial Reforms

The Respect Hotline’s website highlights an important message: “couples therapy, mediation, anger management, or individual counselling for the abuse are not safe interventions if your relationship is abusive.” This aligns with the CEDAW’s concern about the prioritization of reconciliation and mediation in cases of domestic violence in Azerbaijan. The 2010 Law on Domestic Violence stipulates “assistance in the normalizing of relations” as one of the duties of the police and court system. This strategy was further reinforced in the 2019 Law on Mediation, which mandates that opposing parties must participate in mediation before petitioning the court, including in divorce disputes, regardless of whether domestic violence was involved.

However, an EU-Council of Europe (CoE) joint project titled Improving Women’s Access to Justice, which was adopted by Azerbaijan in 2015, recommends prohibiting mandatory dispute resolution through mediation and reconciliation, and this advice should be followed. As stated by the Respect Hotline, “if your partner is receiving support to change, you might feel under pressure to give the relationship another chance.” While perpetrators should be provided with training courses and information on why their behavior is wrong and how to stop, women’s autonomy is affected if this is paired with mandatory reconciliation strategies. Pressure from not only their spouse but from the police and other officials can adversely influence a woman’s choice. This is counter-intuitive to improving women’s access to justice. It requires courage to leave abusive situations and seek help from the legal system. If the legal system then pressures women to stay with their alleged abusers, it will discourage them from seeking help again in the future. Moreover, while reconciliation may be seen as beneficial in keeping families together and avoiding high divorce rates, it fails to account for power dynamics in male-female relationships. A 2015 report by CEDAW recommended prohibiting mediation in cases of violence against women, including domestic violence, as, according to the 2010 Handbook for Legislation on Violence Against Women by the UN Department of Economic and Social Affairs Division for the Advancement of Women (DAW/DESA), mediation “removes cases from judicial scrutiny, presumes that both parties have equal bargaining power, reflects an assumption that both parties are equally at fault for violence, and reduces offender accountability.” This advice was modified by CEDAW in 2017, stating that mediation and conciliation should be “strictly regulated” and only allowed when a specialized team ensures the free and informed consent of the victims and assesses that there are no indicators of further harm to victims or their family members. This updated recommendation acknowledges the cultural realities that lead to a preference for mediation while still considering how this practice can be harmful to women.

Moreover, a preference for gender-neutral policies and programs has been noted in Azerbaijan, which may result in inadequate protection of women. A training manual for judges and prosecutors created by the EU/CoE project defines the term “gender-sensitive” as considering the specifics of women and men and their experiences and

needs in social, cultural, economic, and political contexts, while what the report calls a “gender-blind” approach fails to recognize these. Gender-neutral or gender-blind policies assume that men and women are equal, an optimistic outlook that unfortunately does not reflect the situation on the ground since men and women have different assigned ‘roles’ within society. In 2022, CEDAW recommended that Azerbaijan adopt gender-sensitive policies, legislation, and staff training. Specifically, the document indicated that parliament should provide clear anti-discrimination legislation covering direct and indirect discrimination against women in public and private spheres and strengthen capacity-building in justice and legal professionals on how to apply and use this.

Furthermore, building upon the CEDAW recommendations, training should be provided to members of the judiciary to raise awareness of and remove gender biases within the staff. Systematic and structured courses should be mandatory, with regular refresher courses to consolidate knowledge and include new research, developments, and techniques for improving women’s access to justice. The Baker McKenzie Research Hub has suggested that, although Azerbaijan’s Ministry of Justice provides training on the Domestic Violence Law, judges may still lack sufficient knowledge on issues such as domestic violence and addressing this should be a priority in ensuring that the justice system adequately protects women. Similarly, a 2017 EU-CoE training manual for judges and prosecutors contains a vital section on stereotypes and myths. The document stipulates that common stereotypes like “men should be the heads of the household” or “men are better decisionmakers” can influence law enforcement and the judiciary to prioritize male testimony, aims, and explanations in dealing with cases. Therefore, specific training on the harmfulness of these stereotypes should be undertaken.

In 2020, the State Committee for Family, Women, and Children Affairs launched an EU-funded program titled “Strengthening the Capacity of State Bodies and Local Level Referral Mechanisms to Provide Safety and Support to the Victims of Domestic Violence,” with Lithuania and Austria acting as the project’s partners. The project provides training courses for law enforcement officials, prosecution authorities, and relevant health sector staff targeted at helping victims and rehabilitating perpetrators. As a result, over 1,400 Azerbaijani police officers have been sent to train in foreign countries by the CoE, the OSCE, and other multilateral institutions of which Azerbaijan is a member. Expanding this project would be beneficial in improving women’s access to justice. The provision of additional seminars in Azerbaijan on the topics covered in the aforementioned courses, held by those who attended them, would increase engagement and further disseminate the knowledge among relevant officials.

The EU-CoE project on improving women’s access to justice has provided various useful publications on employment covering aspects such as the promotion of paternity

leave (the importance of which was discussed earlier) and the underrepresentation of women in the judiciary. The State Committee for Family, Women, and Children Affairs has held meetings to discuss ways to increase the number of women employed in law enforcement and the justice system. And the statistics reflect this. According to the State Statistical Committee of the Republic of Azerbaijan, in 2015, 88 percent of judges were male, and only 12 percent were women. However, in 2021, 83 percent were male, and 17 percent were female. This is commendable, and this trend should continue to rise. This is especially hopeful considering the 2022 CEDAW observations, which noted that in 2015, a decree on the State Program for the Socioeconomic Development of the Regions of Azerbaijan was issued, which included provisions to develop women-owned businesses and vocational training. Moreover, the Employment Strategy 2019-2030 promotes inclusive employment and enumerates steps to reduce unemployment in women. This shows a clear trajectory toward female employment in many sectors and regions of the country, which will undoubtedly improve women's financial, social, and cultural autonomy. Crucially, an increase in female law enforcement and judiciary staff will advance women's access to justice in Azerbaijan and should continue to be supported and encouraged by the government.

Summary of Recommendations

The following may be understood to constitute a summary of the recommendations contained in this IDD paper:

- Encourage gender studies modules, courses, seminars, and roundtables at universities.
- Revise school educational materials to remove gender stereotypes and biases.
- Provide systematic and structured gender equality education at schools.
- Educate teachers on gender equality.
- Encourage the adoption of the HeForShe campaign among high-ranking officials in Azerbaijan's governmental, corporate, NGO, and education sectors.
- Financially support media and advertising campaigns that raise awareness for the normalization of shared household and parental duties.
- Financially support local NGOs to operate in rural areas and provide training programs for women and men living in these areas.
- Establish a hotline similar to the UK's "Respect Hotline" to educate perpetrators of domestic violence on how to change their behavior
- Prohibit mandatory reconciliation in domestic disputes where violence has occurred.
- Update legislation to be more gender-sensitive.
- Implement anti-discrimination legislation to better protect women from discrimination in public and private spheres.
- Provide law enforcement and judiciary staff with regular, structured courses and subsequent refresher courses on gender equality, gender sensitivity, and the harmfulness of stereotypes.

- Encourage collaboration with external partners on training courses and disseminate this knowledge among the relevant staff.
- Continue to encourage women's employment through financing women-owned businesses and vocational training.
- Prioritize increasing the number of women working in law enforcement and the judiciary.