



GENDER ASSOCIATION SYMMETRY



Gender Recommendations for Strengthening Access to Justice

I. Introduction

The recommendations have been developed in accordance with the Azerbaijan Republic obligations to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, UN Beijing Declaration and Platform for Action, UN Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice and in report “Women Access to Justice in Azerbaijan” conducted by Gender Association Symmetry within the Partnership Project “Women’s NGO Coalition and Women Access to Justice” with KARAT Coalition supported by OXFAM NOVIB as well as reflected on other reports, studies and materials by different agencies, academics and NGOs in the field of access to justice and gender equality.

The recommendations are aimed at providing *de jure* and *de facto* equality between women and men. They do not give preferential treatment to women but are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence, are redressed.

The recommendations specifically acknowledge the need of active implementation policy of a gender perspective into the mainstream of all National law and legislation programs, initiatives especially related to gender-based violence, achieving gender equality, equal and fair access to justice, and establishing the gender balance. The Recommendations should be applied as guidelines with a view to furthering their fair and effective implementation.

Goals:

- 1) Strengthening access to justice for women and men;
- 2) Rising gender sensitivity and responsibility of judges, lawyers and jurists in order to ensure greater accountability and increased professionalism;
- 3) Reducing gender discrimination and gender-based violence in public and private spheres.

Obstacles:

- The government has not undertaken adequate measures to eliminate gender discrimination;
- International standards and norms are not yet sufficiently implemented in legal practice;
- State has not reviewed its legislation according to Equal Rights and Opportunities and Domestic Violence and elaborated effective mechanisms to implement them;
- There are no national action plan and allocated budget to implement gender laws and acts
- Domestic violence law has unclear description of responsible for the implementation organs and punishment mechanisms, particularly regarding orders.
- There are no indicators of economical and psychological violence among approved indicators of State Statistical Committee;
- Government officials, legislators and legal professionals are often unaware of antidiscrimination provisions in national and international law;
- There is little understanding of the concepts of “gender”, “gender discrimination”, “gender equality” and “gender based violence” among legal professionals and general public;
- The government supports the stereotyped notion about primary female childrearing role;
- Judges, legislators, government officials, lawyers, jurists and the general public largely perceive domestic violence as a private matter;
- The State does not provide sufficient legal services for victims of gender-based violence and other related issues and does not offer the comprehensive assistance that is required;
- The number of victims receiving legal aid is very low;
- High law schools gender curricula requires improvement
- There is lacking in collecting gender statistic and database in judiciary system, conducting gender examination and gender research of court practice.
- There is a lack of legal service provision *specifically* for women survivors of violence that is easily accessible, tangible and affordable, and that allows for advice, consultation, and subsequent legal support through the court process.
- There are no permanently working shelters in Azerbaijan for women who need to escape from a violent situation.
- Women applying to state health clinics are not assured anonymous consultation due to the legal requirement of police reporting;
- There is no guarantee of the confidentiality that may exist in a court

- There are only few NGOs exist that offer direct psychological assistance to survivors of violence against women, and it is not clear on the qualifications, experience or expertise of many of those providing these services
- Women rarely apply to courts, police due to fear of public rumors, lack of financial sources, lack of awareness in their rights and how to access justice at national level as well as practical hurdles to using courts and corruption;
- There are lack of information about available public juridical service for women
- There are lack of women in police system, particularly working with domestic violence issues

General recommendations

- Integrate gender perspective as a cross-cutting issue into all programs related to justice systems;
- Invite gender experts to attend the work groups and expert meetings to help integrate the gender perspective into national legislation;
- Promote establishing better linkages between social, educational, medical and legal services, federal and municipal authorities, NGOs, experts, academics, and general public on the one hand and courts, advocates and jurists on the other hand;
- Develop community cooperation of local professionals worked in the field of gender-related issues, including domestic violence prevention and intervention, and legal, education, social and health care, to coordinate and collaborate all national efforts on implementing gender considerations;
- Cooperate and collaborate at the regional levels with relevant entities to prevent violence against women and to promote measures to effectively bring perpetrators to justice, through mechanisms of international cooperation and assistance in accordance with national law.
- Capacity Building programs on gender mainstreaming policy development should be initiated for state workers of different rank and fields, especially responsible for the implementation of gender laws to ensure effectiveness of laws and implementation of state programs
- Holistic programs on women access to justice, in collaboration with Government offices, should be implemented to ensure women across all regions of Azerbaijan have the necessary response services, including juridical aid, crisis centers and shelters provision, hotlines, training and awareness programs.
- Exchange with gender data and information among State and civil society sectors should be supported and moderated, particularly reflective of crimes against women and any pursuant judicial actions to allow multi-year tracking of case response, and the change of the status of women in Azerbaijan in general.
- Capacity building and professional trainings on women rights should be delivered for Relevant Government offices, members of the police force and other workers of judiciary system to raise

their attention, emphasize their role and increase responsibility to issues relevant to implementation of gender laws and encourage them to be proactive in cooperation with civil society actors and community members.

- Available information and data relevant to women rights violations should be widely disseminated to assist NGOs, government and other major players in Azerbaijan to conceptualize the scope of the problems and effectively response to them.
- Donors should pay more attention to establishment and sustainability of women crisis centers and shelters providing free juridical aid. Otherwise, without these centers implementation of gender laws will not be sustainable and women would stay unsupported and vulnerable due to lack of other available service providers.
- Awareness raising campaigns explaining essentials of gender laws and other gender concepts should be initiated across all Azerbaijan regions
- Women rights programs including gender monitoring and planning as well as analytical reports writing should be initiated for lawyers and community members and activists
- Lobby government to engage more women in jobs relevant for the implementation of gender laws particularly in police, courts and prosecution offices
- Lobby policy changes and establishment of necessary mechanisms for the implementation of legislation and improvement of women access to justice
- Lobby necessary gender law reforms
- Deliver more women rights trainings for rural women and men
- Provide annual monitoring on availability of justice services for women, their effectiveness and violations of women rights.

Special Recommendations

Judicial Training

- Develop and institutionalize gender component (especially gender discrimination and protecting against gender violence issues) into the training programs for all judiciary staff;

Judicial exchanges

- Organize and facilitate study tours to countries where gender laws, particularly domestic violence law are successfully implemented for judiciary, courts and lawyers;

Public Awareness

- Hold trainings, seminars and roundtables for legal professionals on best practices and international standards in specialized topics such as gender theory and methodology, gender law, gender equality, gender international and national mechanisms of human rights protection (including complaint mechanisms of United Nations, Council of Europe, and European Union), domestic violence and gender discrimination, stereotypes and prejudices, juvenile justice. For example, with assistance of the Interights – the International Centre for the Legal Protection of Human Rights that focuses on the strategic litigation in the field of domestic violence against women;
- Include ethic and psychological aspects concerning interaction of the justices of the peace and court users into the legal literacy seminars content;
- Develop and broadly disseminate information on the different gender legal issues and the availability of legal mechanisms, in addition to information about participating in criminal, civil and administrative proceedings and the scheduling, progress and ultimate disposition of the proceedings;
- Develop and implement outreach programs and offer information to general public about gender roles, the human rights of women/men and the social, health, legal and economic aspects of gender-based violence, in order to empower women to protect themselves against all forms of violence;
- Develop gender-related resources for the judiciary on the actual issues.

Access to Justice

- Investigate access to justice for women/ men of different ages, capacities, ethnic backgrounds, disability, *etc.*
- Examine the treatment of cases involving domestic violence in the justices of the peace courts and the level of awareness and knowledge of gender-related legal issues and gender discrimination among the judiciary;
- Conduct case studies in the field of gender-based violence and include them into the legal curriculums;
- Collect gender disaggregated information;
- Spread widely information from the data collection and research analysis on gender-related issues;
- Carry out regular gender examination of Azerbaijani legislation, draft laws, regulations and court decisions;
- Conduct crime surveys including monitoring of the court statistic and court proceedings on gender-based violence (*Judicial Response to Domestic Violence: Access to Justice for Female and Male People*);
- Monitor and issue annual reports on the incidence of violence against women and children and available protection mechanisms;

- Collect and analyze information from women-lawyers about their experience with discrimination they or their women clients in the judicial system;
- Integrate a gender perspective into *pro bono* legal service practice;
- Incorporate gender perspective into alternative dispute resolution program such as: dialogue, negotiation, mediation, and other similar mechanisms.

Court Administration

- Develop model court protocols and standards for case strategy on domestic violence cases.

Legal Ethics

- Develop guiding ethical recommendations on interviewing domestic violence victims/witnesses for advocates and judges;
- Prepare a gender section for a model ethic curriculum for law students;
- Develop separate resource materials on gender issues in the areas of legal ethics and discipline;
- Develop a training course component on gender in ethics and discipline that addresses issues of gender equality, gender stereotypes and prejudices, and gender-based violence and discrimination.

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Judicial Discipline and Regulation

- Include a gender component in the program of conference on judicial self-governance (participants will include leadership of Azerbaijani judiciary, U.S. and European experts).

Publications and Informational Support

- Translate and publish separated legal materials on gender-based violence and gender discrimination;
- Use Internet technologies to disseminate online information on gender legal issues to assist legal professionals in raising their gender awareness and enhance the legal literacy of general public. Electronic information should include complaint forms, instructions, books, researches, statistics, brochures, Azerbaijani legal codes, FAQ, lists of bodies, services, institutions and NGO coalitions, *etc.*