

Answers of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan to the Questions of the Special Rapporteur on the Human Rights of Migrants on Good practices and initiatives of gender-responsive migration legislation, policies, and practices

1. How do/es the country/ies on which your organization is working define “gender responsiveness”?

Gender equality is an integral part of human rights and democracy and it is no coincidence that the Azerbaijani Government pays special attention to ensuring gender equality in the country.

The state gender policy is pursued in four key areas. These are: formation, improvement and development of the normative-legal base for gender equality, subjection of normative-legal acts to gender expertise, the development and implementation of state programs to ensure gender equality and promote the promotion of gender equality culture.

In order to achieve gender equality in Azerbaijan, measures have been realized in line with international standards and relevant decisions have been adopted.

Gender law was given a push by enshrining the gender issues in our Constitution adopted on November 12, 1995.

Azerbaijan has joined significant international documents in this field, including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol.

In order to implement gender policy the State Committee for Women’s Issues was established by the Decree of the President of the Republic of Azerbaijan of January 14, 1998 (the State Committee for Family, Women and Children Affairs since February 6, 2006). The Committee is the central executive body responsible for the implementation of state policy regarding the family, women and children.

The Ombudsman Institution, established by the Constitutional Law of the Republic of Azerbaijan “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” adopted by the Milli Mejlis of the Republic of Azerbaijan on December 28, 2001, plays an important role in improving the relevant legal framework in the field of provision of gender equality, studying international experience, conduction of awareness activities targeted at raising legal knowledge of citizens, raising leadership skills for women. The Commissioner pays attention to existing

problems in the direction of implementation of gender policy and efficient provision of women's rights, puts forward proposals and recommendations before relevant bodies.

The Law of the Republic of Azerbaijan "On gender equality" dated October 10, 2006, can be considered as the most important document adopted in the field of gender in the Republic of Azerbaijan after the Constitution. Under this law, state carries out the measures with the purpose to eliminate all forms of discrimination based on gender affiliation, to create equal opportunities for men and women, to prevent the domination of representatives of one sex in government management and decision-making, and to make amendments to some legislative acts.

Another law supporting and not allowing inequality and violence is the Law on the Prevention of Domestic Violence adopted on June 22, 2010. The law is aimed at prevention domestic violence, as well as rehabilitation victims from the negative legal, medical and social consequences of violence and providing legal and social assistance for them. Despite, the law does not state that its main goal is to protect women from domestic violence; however, it is clear that in most cases, it is women who become victims of violence.

Alongside with a number of normative and legal acts, the "Azerbaijan 2020: Look into the Future" Development Concept, approved by the Decree of the President of the Republic of Azerbaijan dated December 29, 2012, also envisages in the state policy undertaking the measures to ensure gender equality in the country and prevention of gender-based violence and this is being implemented through the relevant state programs.

In the independent Republic of Azerbaijan, national legislation provides the equality of women, promotes discrimination, and the state policy on gender issues is aimed at the realization of equal opportunities for women. Nowadays, our country has been successfully defining national priority targets and indicators.

The gender analysis of the legislation is carried out and the legislation is improved within the framework of gender equality. Government institutions, civil society and the private sector work jointly in order to eliminate gender inequality.

Gender-sensitive programs and national action plans are developed taking into consideration the specific needs of men and women. Thus, often, to achieve goals that are common to men and women, completely different means are needed, therefore, studies are conducted on gender issues, taking into account the peculiarities of the Azerbaijani culture, for understanding the necessity to change gender relations and increase the gender sensitivity of society.

2. Please provide information on any existing or forthcoming good practices or initiatives of gender-responsive migration legislation, policies or practices in the country/ies your organization is working on.

According to Article 75 of the Migration Code of the Republic of Azerbaijan, except the cases envisaged by the Labour Code of the Republic of Azerbaijan (privileges applicable towards women, persons with disabilities, persons under 18 and also those in need of social protection), same conditions related with employment defined by legislation for the citizens of the Republic of Azerbaijan is applied to labour migrants and payments for their labor activities are carried out in a way defined by the legislation for citizens of the Republic of Azerbaijan.

According to Article 13 of the Labor Code, foreign citizens and stateless persons shall enjoy the same labor rights and have the same obligations following to these rights as the citizens of the Republic of Azerbaijan.

3. Please indicate any challenges and/or obstacles in the implementation of gender responsive migration legislation and/or policies?

According to Article 75 of the Migration Code of the Republic of Azerbaijan Foreigners and stateless persons are equal before the law and courts of the Republic of Azerbaijan regardless of their property or social conditions, race, nationality, gender, language, religion, type and character of his/her activity and other cases.

4. Based on the experience accumulated with these interventions so far; as well as the lessons learned, what would have to be done differently to maximize the gender responsive impact of these interventions?

The Ombudsman Institution carried out close cooperation with the State Migration Service in this direction; joint trainings are conducted in the educational-training center of the Service and one of the main topics here embraces gender issues as well. Thus, referring to the international documents, the participants are given knowledge on gender responsive specificities and practical issues are being discussed.

5. What support could other stakeholders (other than governments) provide to make migration policies, legislation, and practices more gender responsive?

With the purpose to increase the effectiveness of measures undertaken in this direction, the coordination issues should be paid special attention at and migrants' needs and interest should be taken into account in the issues related to them, the forwarded initiatives should be in compliance with innovative approaches.