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Fighting Domestic Violence

Pro Bono Initiative

Europe

In association with



Azerbaijan

Domestic Violence Legislation



“Azerbaijan adopted the Domestic Violence Law in 2010, but it has been poorly to minimally implemented.”

Azerbaijan

1 Legal provisions

1.1 What are the relevant statutes and codes?

The Law on the Prevention of Domestic Violence 2010 ("**Domestic Violence Law**")¹ is relevant in this regard.

Article 148 of the Constitution of Azerbaijan ("**Constitution**") states that international treaties to which Azerbaijan is a party are an integral part of the legislative system of Azerbaijan.

As per the Norwegian Helsinki Committee report of 2021 titled "Gender Based Violence in Azerbaijan 2020,"² Azerbaijan is a party to international human rights treaties, including the following:

- Convention on the Rights of the Child
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Azerbaijan has also ratified regional treaties including the European Convention on Human Rights and the European Social Charter (revised).

Articles 25 and 31 of the Constitution provide for equality, freedom of movement and the right to a safe life; Article 34.2 addresses the right to marriage (concluded based on voluntary consent); Article 34.4 recognizes the equality of a husband and wife; Article 38 provides the right to social protection; Article 60 provides for the protection of rights and freedoms; and Article 46 provides for the right to the protection of honor and dignity.

On 24 June 2011, a law was adopted to amend the Code of Civil Procedure. Along with the new amendments, Chapter 40.1 of the Code of Civil Procedure regulates the process of issuing a long-term security order to a victim of domestic violence.

Article 158 of the Administrative Procedure Code puts in place liability for violating legislation on the prevention of domestic violence. Article 157 of the Administrative Violation Code allows the application of penalties in cases of domestic violence involving physical violence. The Law of the Republic of Azerbaijan has approved this.³

1.2 What is the controlling case law?

Azerbaijan adopted the Domestic Violence Law in 2010, but it has been poorly to minimally implemented. Requirements under the law (including resources for victims) are not being met.

1.3 What are the specific parts of the court system that address domestic violence?

The Ministry of Justice provides training on the Domestic Violence Law, but there is a concern that judges still lack sufficient knowledge or consult the law when handling cases.

1.4 What types of proceedings (civil or criminal), submissions or orders can a domestic violence victim sue/begin against an abuser?

The Domestic Violence Law foresees a system of both short-term and long-term protection for victims of domestic violence. If an act of domestic violence is not overtly criminal, a victim should obtain protection.

2 Introduction: framework guiding domestic violence law

2.1 Are there civil and criminal legal remedies for domestic violence victims?

Criminal remedies

The Criminal Procedural Code has no provisions that deal with victims of domestic violence specifically. If complaints of domestic violence involve criminal behavior, it is dealt with in the same manner defined by the application of criminal procedure legislation.⁴

Rape and other actions connected to sexual violence are punishable by imprisonment from 10 years to up to life in prison.⁵

Civil remedies

Article 9.0.3 of the Domestic Violence Law states, "One may apply to a state authority to bring a person to 'administrative account.'"

Protection orders

Article 10 of the Domestic Violence Law states, "A short-term or long-term protective order may be obtained."

Article 11 of the Domestic Violence Law states the following:

If the complaint does not amount to criminal responsibility but infringes on the rights of the victims, a relevant executive authority may serve a written warning and issue a short-term protective order to the victim. The warning will be issued within 24 hours and the protective order will be issued immediately and last for 30 days.

Disregard for the short-term protective order may result in a long-term protective order, which lasts for between 30 days and 180 days.

2.2 Is domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

Section 3.0.1 of the Domestic Violence Law includes as a main principle of preventing domestic violence the "provision of basic human rights and freedoms to everyone as stipulated by the Constitution of the Republic of Azerbaijan and the legislation of the Republic of Azerbaijan."

As per the Norwegian Helsinki Committee report of 2021 titled "Gender Based Violence in Azerbaijan 2020,"⁶ Azerbaijan signed on to supranational conventions, including the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995 and its Optional Protocol. The CEDAW requirement states to "take due diligence actions to prevent, investigate punish and provide remedies for human rights violations."

Azerbaijan is also party to international human rights treaties, including the following:

- Convention on the Rights of the Child
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- European Convention on Human Rights
- European Social Charter (revised)

2.3 Has your country signed and ratified the Council of Europe's Istanbul Convention (2011) preventing and combating violence against women and domestic violence (CETS No. 210)?

No, Azerbaijan has not signed or ratified the Council of Europe's Istanbul Convention (2011) preventing and combating violence against women and domestic violence (CETS No. 210).⁷

2.4 If it has ratified the Istanbul Convention, how has this convention been implemented into national law?

N/A — Azerbaijan has not signed or ratified the Istanbul Convention.⁸

2.5 If it has not ratified or signed the Istanbul Convention, is it envisaged that your country will do so?

According to news reports from April 2021, the potential ratification of the Istanbul Convention is a contentious issue. Turkey's withdrawal from the convention in 2021 complicates the issue, given Azerbaijan's close ties to Turkey. Conservatives in Azerbaijan have argued that Azerbaijan should not join the convention and should follow Turkey. Previously in 2013 and 2014, government officials had indicated that they were considering signing the convention.⁹

2.6 If it has ratified the 1979 Convention, how has the recommendations part of General Comment No. 35 been implemented into national law?

Azerbaijan has ratified the 1979 CEDAW.

Research has not indicated whether the recommendations of General Comment No. 35 have been implemented into national law.

Reports on Azerbaijan from the United Nations Committee on the Elimination of Discrimination Against Women indicate that Azerbaijan has made positive progress in implementing laws to eliminate discrimination against women, but it has work to do in implementing and enforcing such laws.¹⁰

2.7 If the 1979 Convention has not been ratified or signed, is it envisaged that your country will do so?

N/A

3 Similarities and differences in terminology

Term	Definition
Domestic violence	This can be defined as the deliberate infliction of physical and moral damage by persons to others (covered under this law) caused by abuse of close relative relations or current or past cohabitation. ¹¹
Stalking	This can be defined as when a person or a group of people adopt a pattern of behavior that leaves another person feeling fearful, harassed or anxious. ¹²
Harassment	This can be defined as any behavior, whether physical, verbal, written or otherwise that is unwanted and unwelcome, and that may offend or humiliate an individual. ¹³
Victim	An "aggrieved person" can be defined as a person who has suffered physically or morally as a result of the deliberate actions against him/her, by a member of a person's family living together, a close relative, a person cohabiting in an informal marriage or a person who has previously cohabited with him/her. ¹⁴
Abuser	This can be defined as someone who treats another person in a cruel, violent or unfair way or someone who uses something in a way that is harmful or morally wrong. ¹⁵
Civil protection order	This can be defined as denoting an act of limitations applied on the contingent actions of the person who committed domestic violence against the aggrieved person. ¹⁶
Causes of action	This can be defined as a set of predefined factual elements that allow for legal remedy. The factual elements needed for a specific cause of action can come from a constitution, statute, judicial precedent or administrative regulation. ¹⁷
Marital rape	This can be defined as rape committed by the person to whom the victim is married. Spousal rape is illegal, but observers state that the police do not effectively investigate such claims. The Criminal Code does not exclude marital rape from its definition of rape. ¹⁸

3.1 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

Term	Definition
Domestic psychological violence	This denotes the deliberate use of psychological pressure or actions aimed at producing an intolerable psychological situation.
Domestic application of illegal limitations of economic character	These are actions by persons toward each other aimed at the deprivation of the right to own, dispose of or use property, or obtain income, or at creating, sustaining and abusing the situation of economic dependency.
Prevention of domestic violence	These are legal, social and deterrent measures performed to remove the threat of domestic violence.
Protected persons	Victims of domestic violence may be classified as "protected persons" according to the definition set forth in Article 3.2 of the Law on State Protection of Persons Taking Part in Criminal Procedure. As such, they would be entitled to a host of security measures.

4 Protection for domestic violence victims and relief granted

4.1 Civil protection orders

4.1.1 Are there civil protection orders available to victims of domestic abuse?

Yes, Article 10 of the Domestic Violence Law outlines both short-term and long-term protective orders.

A short-term protective order may forbid a person who has committed domestic violence from committing violence again, searching for an aggrieved person and taking actions causing nuisance to an aggrieved person.

According to this law, an executive authority may issue short-term protective orders if an act of domestic violence does not lead to criminal charges but violates the rights and legal interests of an individual.¹⁹

A long-term protective order may include rules for a person associated with domestic violence on communicating with his/her underage children, rules for accommodation or property, terms for covering medical or legal expenses and information on rules for not complying with the protective order.

According to Article 12.1 of the Domestic Violence Law, if a person charged with domestic violence disregards the requirements of a short-term protective order, the aggrieved person is entitled to apply for a long-term protective order.

4.1.2 Who can petition for civil protection orders?

Under the Domestic Violence Law, it is unclear whether anyone other than the victim can petition for a protective order. However, there seems to be a process where organizations and family members of the victim can enter a complaint to launch an examination, which may in turn result in a protective order.

Under Article 6 ("Examination of Complaints about Domestic Violence"), a list of grounds is considered when conducting an examination related to domestic violence. The grounds include a complaint made by an aggrieved person or their family members, a petition received from governmental and nongovernmental organizations, and complaints received by guardian or foster care organizations or support centers. Therefore, it seems like many individuals can make complaints regarding an instance of domestic abuse. These complaints are then used as grounds to launch an examination by the relevant executive authority or committee.

It seems that (when looking at Article 7 and Article 8) the law is broken up by actions the state must take dependent on whether there has been criminal action. Domestic violence is not a criminal act in itself under the Criminal Code. Rather, domestic law relies on the abuser being charged with other crimes in the Criminal Code.²⁰

Under Article 8 (when a criminal code violation is not involved), it is the state's duty to assist in issuing short-term protective orders. Therefore, in theory, when an examination is opened by any of the above individuals or organizations, it is the duty of the state to protect the victim by issuing a protective order.

However, it is important to note that under Article 6.3 of the Domestic Violence Law, complaints to the state related to domestic violence are only reviewed with the consent of the victim or the victim's representative if the complaint does not outline that an enumerated crime has taken place (not domestic violence).

4.1.3 Are there temporary custody of a child or child support orders?

According to Article 10.3.1 of the Domestic Violence Law, a long-term protective order may include rules on the charged abuser communicating with his/her underage children. In theory, this may include temporary custody agreements for those children, although we have not been able to locate practical evidence that this has happened.

In addition, according to Article 9.0.2, one can make a request to the court for the termination or restriction of the parental rights of a person who has committed actions associated with domestic violence in the manner established by law.

In addition, the Family Code states that parents can be deprived of their parental rights if acts related to domestic violence are committed against their children.²¹

4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

Article 10.3.2 of the Domestic Violence Law seems to allow a long-term protective order to force an abuser to move out.

The law provides that a long-term protective order can include "rules for the use of accommodation or shared property." This can be interpreted to include an order for the abuser to move out of the shared property; however, there is a trend of over concern for offenders where authorities may be reluctant to order offenders out of their homes due to property rights.

Further, a short-term protective order seems to provide for protection from an abuser by ordering them to stay away from places that the victim frequents. Articles 10.2.2 and 10.2.3 of Domestic Violence Law prohibit an abuser from searching for and causing nuisance to an aggrieved person.

4.1.5 Are there any other types of emergency, preventive and civil protection orders?

No other type of protective order is provided for in the Domestic Violence Law.

4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

The Domestic Violence Law applies to the following:

- Article 4.0.1: close family members (husband, wife, parents, children, grandmothers, grandfathers, grandchildren, siblings, stepbrothers and stepsisters, adoptive parents and adoptees) and other relatives living jointly
- Article 4.0.2: formerly married couples cohabiting or living separately after the dissolution of marriage
- Article 4.0.3: individuals appointed guardians or foster parents, as well as persons under guardianship or in foster care
- Article 4.0.4: men and women cohabiting in informal marriages, as well as close relatives living jointly with persons cohabiting in informal marriages

The duties of the state under the Domestic Violence Law include the following:

- Article 8.0.7: taking actions to protect the rights and legal interests of juveniles suffering from domestic violence

4.1.7 Are there different types of civil protection orders, e.g., for a short-term period?

Yes, Article 10 of the Domestic Violence Law provides for both a long-term and a short-term protective order.

Article 10.1-10.23 of the Domestic Violence Law states the following:

A short-term protective order may forbid a person who has committed domestic violence from committing violence again, search for an aggrieved person, and take actions causing nuisance to an aggrieved person.

Article 10.3- 10.3.4 of the Domestic Violence Law states the following:

A long-term protective order may include rules for the communication of a person associated with domestic violence with their under-age children, rules for accommodation or property, terms for covering medical or legal expenses, and information on rules for non-compliance with the protective order.

According to experts, the main issue with long-term protective orders is that they are rarely obtained.

4.1.8 Are *ex parte* orders permitted without the aggressor being present?

No, *ex parte* orders are not provided for in the Domestic Violence Law.

4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

The Domestic Violence Law does not provide for any emergency orders. Short-term protective orders are issued within 24 hours of an application according to Article 11.2.

According to the same law, short-term protective orders seem to only protect the "aggrieved person," which is defined in Article 1.0.2 as follows:

A person who has suffered physically or morally as a result of the deliberate actions against him/her ... by a member of person's family living together, a close relative, a person cohabiting in an informal marriage or a person previously cohabitated with him/her.

4.1.10 How long do the orders last?

According to Article 11.2 of the Domestic Violence Law, a short-term protective order is issued for a period of 30 days.

According to Article 12.2 of the Domestic Violence Law, a long-term protective order is effective for a period of 30 days to 180 days.

A short-term protective order must be provided within 24 hours from the date of the application by the local executive authorities. A long-term protective order, issued for a six-month period, is issued based on the local court's decision. If an abuser does not comply with a short-term

protective order's requirements, the court will pass a resolution within three days to extend the order up to six months.

4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographic information, e.g., police reports, convictions, etc.

According to the Baku Research Institute, seven people in Azerbaijan were given a protective order in 2017. Three of them were short term and four were long term.

The Baku Research Institute is a nonprofit think tank that was launched by independent experts aiming to provide a local and international audience with analysis, opinion, surveys and research on a variety of issues in Azerbaijan — [link to website](#).

More generally, the Borgen Project (a nonprofit addressing issues of poverty) issued a blog in 2020 that addresses nongovernmental organizations, domestic violence and women's rights in which it cites that, on average, women report only 44 rapes nationally per year, although estimates are higher. It is believed that others go unreported because of "societal condemnations of victims of rape" — [link to website](#).

Short-term protective orders are rarely effective because the responsibility of issuing the orders does not lie with law enforcement but with the local executive authorities, which are local committees charged with handling noncriminal matters²² — [link to website](#).

According to the Norwegian Helsinki Committee, there has been an increase in the number of reported cases, as follows:

Although the official statistics are rarely reliable, even they acknowledged the growth in numbers, for example in 2017 the state reported that of the total 1,031 victims of domestic violence crimes perpetrated in 2016 in Azerbaijan, a great majority, approximately 807, were women. In 2018 these numbers were 915 women victims of domestic violence of 1,221 registered cases. The numbers of rape victims increased from 20 to 38 and then to 23 from 2016-2018 accordingly.

[UN Global Database for Azerbaijan](#)

4.2 Steps for receiving a protective order

4.2.1 What documentation is needed to obtain a civil protection order?

It is not entirely clear. However, it appears that there must be "evidence of physical violence" because "[i]f there are only light injuries, [the case] will not be considered." The victim's family must also support the prosecution, as the authorities primarily see domestic violence as a family issue.

4.2.2 Does the victim need to attend a hearing?

N/A

4.2.3 Can you request remedies?

It is not entirely clear. The law allows the police to issue warnings to domestic violence offenders. Reconciliation seems to be the main goal, as family preservation is the prevailing priority.²³

The State Committee for Family, Women and Children Affairs states that part of its intent is to promote services to provide psychological and social support to families.²⁴

It is reported that women who seek police protection are often ridiculed and forced to reconcile with their abusive husbands.²⁵

4.2.4 Are there time limits?

Yes. There are short-term (30 days) and long-term (30 days to 180 days) protective orders. However, a long-term order is predicated on the prior issuance and violation of a short-term order, and the authorities rarely issue short-term protective orders.²⁶

4.2.5 Are there different rules in emergencies?

N/A

4.3 Judicial discretion

4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

According to Articles 5.1 and 7.0.7 of the Domestic Violence Law, a judge has discretion in granting a civil protection order for a crime-related domestic violence incident.²⁷

It is unclear what discretion judges have regarding civil protection orders for incidents that are not considered crime-related. These short-term civil protection orders may be issued by the executive authorities and the local committees that handle noncriminal matters, and that may apply to the court for long-term civil protection orders.

However, a long-term civil protection order may only be issued after a short-term civil protection order is issued. Long-term civil protection orders are rarely issued due to societal attitudes. Further, cooperation between judges, prosecutors and the police is lacking, and there is no referral system. Indeed, a case might not appear before a judge. Courts issued three long-term civil protection orders in 2013.

According to one expert, "judges lack sufficient knowledge on how to implement the Domestic Violence Law." Furthermore, "judges often fail to consult the Law when adjudicating cases, despite Justice Ministry trainings."

4.3.2 Are there age limits on who can obtain orders?

None is specified. However, in light of Article 10.3.1 of the Domestic Violence Law, it appears that orders may be obtained on behalf of underage children if the alleged abuser is their parent.

4.4 Restitution and remedies available to victims

4.4.1 Can victims obtain reimbursement for costs and restitution paid?

It is unclear for short-term civil protection orders. According to Article 19 of the Domestic Violence Law, public support centers may provide legal and medical assistance, and assist with social allowances (Article 19.2.4). The local self-government authorities and nongovernmental organizations (Article 19.4) may establish these centers.

According to Article 10.3.3 of the Domestic Violence Law, a long-term civil protection order may include "terms for covering expenses related to medical and legal assistance rendered to an aggrieved person by a person who has committed domestic violence."

Article 14 of the Domestic Violence Law states that legal assistance to a victim should include assistance at public expense.

4.4.2 Can they recover wages and profits lost?

It is not entirely clear.

4.4.3 Is a separate civil process required?

N/A

5 Prosecutorial considerations

5.1 Police procedures

5.1.1 When do the police get involved in domestic disputes or legal actions?

If complaints do not contain information about the crimes that are alleged to have been committed, the relevant executive authority reviews the complaint rather than the police.²⁸

The police will examine the relevant documents in the following instances:

- upon a complaint by an aggrieved person or a family member
- upon a petition from a government authority or another nongovernmental organization or institution
- if the complaint does not involve a crime, consent is needed from the victim or legal representative²⁹

5.1.2 What circumstances affect law firm involvement?

Article 8 of the Domestic Violence Law states that legal assistance is to be provided to the victim "as necessary." Article 14 of the Domestic Violence Law states that legal assistance to a victim should include legal assistance at public expense. Article 19 of the Domestic Violence Law calls for the establishment of public support centers, which are to provide legal assistance to victims.

5.2 Standard of proof

5.2.1 Is proof required by any legal means?

N/A

5.2.2 Are there any requirements regarding evidence and documents?

N/A

5.2.3 Is proof "beyond a reasonable doubt" required?

N/A

5.2.4 Is the standard of proof different for *ex parte* orders?

N/A

5.3 Affirmative defenses

5.3.1 Are affirmative defenses available to the accused?

Articles 36-40 of the Criminal Code cover the defenses available to accused persons.

The relevant potential defense is the "necessary defense" as set out in Article 36 of the Criminal Code. This allows the "necessary defense" to be a defense for a crime where harm is caused to a

person for the protection of life, health and rights of the defending person or other persons. The necessary defense is only allowed for actions that are appropriately proportional to the nature, degree and danger.

Other defenses should not be available as they apply in cases where harm is caused to objects or where harm is caused to a person to prevent new crimes.

Additionally, Article 21 of the Criminal Code provides that a person who is in a condition of diminished responsibility and who could not realize the actual nature and public danger of their acts due to chronic mental illness, timed infringement of mental activity, dementia or another mental illness will not be subject to criminal liability.³⁰

5.3.2 Is willful intent required?

N/A

5.3.3 Are false accusations punishable for the victim?

N/A

5.3.4 How is consent discussed in the law?

The consent of the alleged victim or their legal representative is required to investigate an allegation of domestic violence if the "complaint" of domestic violence does not contain "elements of composition of crime" (Article 6.3 of the Criminal Code). In other words, consent will not be relevant if the required components of the crime are present (Article 5.2 of the Criminal Code).

5.3.5 Is self-defense or insanity a defense?

Please see Section 5.3.1 for a discussion on the "necessary defense" and the defense of diminished responsibility.

Additionally, Article 22 of the Criminal Code provides that a person who is in a condition of "mental frustration" at the time of the crime and could not fully realize the actual nature and public danger of their acts will still be subject to criminal liability; but it provides that the accused's mental frustration should be taken into account when assigning punishment.³¹

5.4 Witness status

5.4.1 What is a witness's duty to testify honestly and completely?

For domestic violence issues in the criminal court, Article 297.1 of the Criminal Code may apply. This article imposes penalties, including fines and imprisonment, where false testimonies are given. However, an exception may absolve a person from criminal liability where their false testimony relates to certain close relatives.

Any person who gives a false testimony under duress will not be subject to criminal liability.³²

5.4.2 Who may abstain from testifying in certain situations?

N/A

5.4.3 What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?

N/A

5.4.4 Are there any laws that provide special protections to children who are testifying in domestic violence proceedings?

None specified.

5.4.5 Can children be called upon to testify?

N/A

5.4.6 What is the effect of a child victim on the charges against the offender?

N/A

5.5 Penalties and sentencing; penalty enhancements

5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

Article 20 of the Domestic Violence Law states that persons who violate this law will be liable "in the manner established by law," but no specific penalty or sentencing is specified.

However, the Domestic Violence Law provides a basis for when criminal action may be initiated. A person may be brought to criminal or administrative account if the crime related to domestic violence is defined in criminal procedural legislation. This would only occur if the body examining the complaint determines that the crime is defined in criminal procedural legislation and it refers the matter to the competent authority (Article 9.0.3 of the Domestic Violence Law).

If criminal procedural legislation applies, other possible consequences may be as follows:

- (a) issuing a written warning of non-recurrence within 24 hours of the submission of an application and providing an explanation of their responsibility under law where the action of the person does not amount to "criminal responsibility" (Article 9.0.1 of the Domestic Violence Law)
- (b) terminating or restricting parental rights (Article 9.0.2 of the Domestic Violence Law)

5.5.2 Are there criminal penalties?

N/A

5.5.3 What is the result of a violation of an existing order for protection?

Not complying with a protective order is punishable in accordance with the legislation dealing with not complying with court orders (Article 10.4 of the Domestic Violence Law).

5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

The Domestic Violence Law does not prescribe incarceration or liberty restrictions. Article 9 of the Domestic Violence Law states that a person found violating the law may be referred to the relevant authority for criminal prosecution or administrative action.

Generally, the law focuses on social support for the victim and building awareness about domestic violence.

Social support focuses on medical aid, accommodation at a support care center for women and children, and support with education or vocational training (Article 15 of the Domestic Violence Law).

Awareness-building measures focus on engaging in "discipline-preventive work" with the violator, disseminating a variety of information relating to domestic violence and promoting family relations (Article 16 of the Domestic Violence Law).

5.6 Post-release restrictions

5.6.1 Does the law notify the victim of the offender's release from custody?

Articles 277.4 and 281.1 of the Criminal Procedure Code require criminal investigators to inform the victim and the victim's representatives of any decision to suspend criminal proceedings.

The Criminal Procedure Code also requires the victim to be notified of court proceedings and judgments as set out in Articles 292.2, 298.1, 300.4.1, 358.1.1 and 418.

The law does not specifically have a provision requiring a notification of the offender's release from custody.³³

6 Special issues

6.1 Battered woman syndrome

- 6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered woman syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)**

Research appears to indicate that the Azerbaijani legal system does not explicitly recognize battered woman syndrome as an affirmative defense to crimes. Article 36 of the Criminal Code allows the "necessary defense" to be a defense for crime where harm is caused to a person for the protection of life, health and rights of the defending person or other persons. It may be possible for lawyers to present evidence of battered woman syndrome or other domestic abuse as proof that the woman acted in necessary defense. However, the requirements for necessary defense (actions appropriate to the nature, degree and danger) apply.³⁴

6.2 Domestic violence in the workplace

- 6.2.1 Can courts issue orders to protect employees suffering from domestic violence?**

N/A

- 6.2.2 Can departure be deemed "for good cause" if related to domestic violence?**

N/A

- 6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?**

N/A

6.3 Immigration

- 6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents of your country from using immigration laws to perpetrate domestic violence against their spouse?**

N/A

- 6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?**

N/A

6.3.3 Does domestic violence law discuss asylum accessibility?

N/A

6.4 Armed forces

6.4.1 Can a victim seek a military protective order if the abuser is in active military?

N/A

6.5 Child custody and child/spousal support

6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

N/A

6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

N/A

6.6 Housing rights of domestic violence victims

6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

N/A

6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

N/A

6.6.3 Can an order exclude the abuser from the residence?

N/A

6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

N/A

Endnotes

- ¹ <https://www.legislationline.org/documents/id/16419>.
- ² <https://reports.nhc.no/gender-based-violence-in-Azerbaijan-2020/14/sec/5#report-top>.
- ³ https://e--qanun-az.translate.google.com/framework/32184?_x_tr_sch=http&_x_tr_sl=az&_x_tr_tl=en&_x_tr_hl=ru&_x_tr_pto=nui,elem.
- ⁴ Domestic Violence Cases in the Justice System of Azerbaijan, p. 17.
- ⁵ Article 108 of the Criminal Code: <https://www.legislationline.org/documents/action/popup/id/8875>.
- ⁶ <https://reports.nhc.no/gender-based-violence-in-Azerbaijan-2020/14/sec/5#report-top>.
- ⁷ <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?module=signatures-by-treaty&treatynum=210>.
- ⁸ <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?module=signatures-by-treaty&treatynum=210>.
- ⁹ <https://eurasianet.org/azerbaijan-follows-turkeys-lead-in-rejecting-domestic-violence-law>.
- ¹⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=11&ctl00_PlaceHolderMain_radResultsGridChangePage=5.
- ¹¹ <https://www.legislationline.org/documents/id/16419>.
- ¹² <https://www.osarcc.org.uk/resources-information/types-of-abuse/stalking/>.
- ¹³ <https://publiclegalinfo.com/harassment/>.
- ¹⁴ <https://www.legislationline.org/documents/id/16419>.
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