Final Justice Gender Strategy and Action Plan

Under Contract B.4/1.0-CS

FOR CONSULTING SERVICES

JUDICIAL SERVICES AND SMART INFRASTRUCTURE PROJECT AZERBAIJAN

Overcoming Gender Barries in Justice Professions:

(i) development of a Justice Sector Gender Strategy and Action Plan publicly available on the MoJ website; (ii) conducting consultations/seminars/workshops with relevant stakeholders; (iii) recommendations for public dissemination after finalisation of the Justice Sector Gender Strategy and Action Plan.

November, 2018
PART I - INTRODUCTION

1.1 Country Context

1.2 Developing a Gender Strategy and Action Plan for the Justice Sector

1.3 Overview of Main Findings

PART II - JUSTICE SECTOR GENDER STRATEGY

2.1. Section A: Legal Framework

2.2. Section B: Institutional Framework

2.3. Section C: Capacity-building activities

2.4. Section D: Public Awareness

2.5. Section E: Monitoring and Evaluation

APPENDIX A - INTERNATIONAL BEST PRACTICES IN SELECTED COUNTRIES

APPENDIX B - ANNOTATED COMMENTARY & BIBLIOGRAPHY ON THE PRACTICABILITY OF INTRODUCING QUOTAS IN THE JUSTICE SECTOR

PART III - ACTION PLAN
PART 0: EXECUTIVE SUMMARY

Women remain significantly underrepresented in the Justice Professions in Azerbaijan. For instance, as of 2016, only 12% of the country's professional judges were women, the lowest proportion in Europe. Gender equilibrium in a number of other justice professions (prosecutors, police, and bailiffs) is even more unbalanced.

This report contains the outline of a proposed Strategy to achieve gender balance in the Justice Sector and consists of 14 recommendations, followed by an Action Plan.

Recommendation 1: Framework Measures for the Judiciary
Disproportionately low numbers of women amongst judges
Actions: Adopt international recommendations to increase female participation in the judiciary and consider introducing quotas.

Recommendation 2: Paid paternity leaves
Labour legislation does not provide for paid paternity leaves
Actions: introduce into labour code option of paternity leaves (for everyone)

Recommendation 3: Maternity leaves for the judiciary
Judges are not entitled to maternity leaves
Actions: entitle judges to maternity leaves

Recommendation 4: Definition of gender discrimination
Legal Definition of gender discrimination is too narrow
Actions: extend definition of prohibited gender discrimination to cover indirect discrimination

Recommendation 5: Diversity for Prosecutors & Ministry of Justice Employees
Disproportionately low numbers of women in several other professions of the justice sector
Actions: introduce minimum requirements for gender diversity during selection of candidates for the relevant positions

Recommendation 6: Establish gender focal points
Lack of contact and resource persons that promote and implement gender equality in justice sector
**Actions:** establish and support gender focal points in the justice sector with sufficient mandate and resources

**Recommendation 7:** Sensitize and educate human resources personnel on gender issues
Lack of gender mainstreaming policies and gender sensitivity of human resources personnel in the justice professions
**Actions:** adopt rules of ethical conduct for civil servants related to gender discrimination

**Recommendation 8:** Mechanisms for workload safeguards for legal professionals
Increased work burden amongst legal professionals
**Actions Introduce human resource policies in justice professions that enforce workload safeguards for women**

**Recommendation 9:** Gender equality capacity building activities for practicing legal professionals
Lack of thorough knowledge about gender equality in the legal sector
**Actions:** awareness raising and specialized trainings on gender equality throughout the justice sector

**Recommendation 10:** Generalised capacity building activities in rural areas
Barriers faced in women’s access and evolution in (any) profession in rural areas
**Actions:** Awareness raising and specialised trainings on promoting women’s employment for the general population in rural areas

**Recommendation 11:** Sensitise Law school Faculty and students on gender balance initiatives
Lack of awareness and knowledge on the situation of gender imbalance in law students
**Actions:** Provide positive reinforcement for girls wishing to enter the justice professions after their law studies

**Recommendation 12:** Promote a positive image of women in the legal profession
High level of gender based stereotypes within legal professions
**Actions:** Organise awareness raising campaigns in order to enhance a positive image of women in the legal profession and create social role models

**Recommendation 13:** Create gender equality interaction database
Lack of independently verifiable information on gender disaggregated data, gender statistics and analysis

**Actions:** Develop a gender equality database for interaction to include gender analysis information, initiatives, communication programmes

**Recommendation 14:** Continuous Evaluation Framework and Improvement of the Justice Gender Strategy and Action Plan
Lack of follow-up of many worthy initiatives (such as the one currently presented) diminishes their impact and effectiveness

**Actions:** Annual Review of attainment of the proposed Action Plan goals and publication in the MoJ website
PART I: INTRODUCTION

1.1 Country Context

Azerbaijan supports gender equality and is committed to international norms on gender equality and to women’s human rights. The Government of Azerbaijan (GoA) has declared gender equality in its Constitution (adopted in November 1995) and laws, including the Law on Guarantees of Gender Equality (adopted in October 2006).\(^1\) This act defines gender-based discrimination, and establishes that any distinction or preference that restricts or prevents the equal realization of rights on the basis of sex is gender-based discrimination (Art.2-4). It also provides for the adoption of special measures to accelerate de facto equality for women, and also for some measures of positive discrimination in favour of women in certain areas. Specifically, Art.25 stipulates, “men and women possess equal rights and liberties”.

After the adoption of the above-mentioned law ‘On Guarantees of Gender Equality’, amendments were made to other statutes to make these correspond to the Gender Equality Law. Firstly, the Law ‘On non-governmental organizations’ (public unions and foundations) was amended to stipulate that membership to non-governmental organizations must be based on equal terms for women and men, and that equal opportunities must be created to facilitate the process of acquiring membership (except in the case of NGOs which focus on the protection of the rights of either men or women). The second act is the Law ‘On Political Parties’ which specifies that membership to political parties must be based on equal opportunities for women and men.

Furthermore, the Labour Code of 1 February 1999 stipulates that ‘discrimination amongst employees is not permitted on the basis of gender or other factors unrelated to the aptitude for work, professional skills and job performance of the employees, or in

\(^1\) The adoption of the Law on Gender Equality in 2006 was the outcome of a process of strengthening the legal and policy framework in Azerbaijan to eliminate discrimination against women. The first document, the Order ‘On Increasing Women’s Role in Azerbaijan’ was signed on 14 January 1998 by the President of the Azerbaijan. The Order established obligations to prepare plans to strengthen women’s social protection, including of refugee and IDP women. At the same date, two years later, on 6 March 2000, the President signed the decree ‘Implementation of Women Policy in the Republic of Azerbaijan’. The objective of this document was to improve the protection of women’s rights, including by means of reviewing existing legislation and bringing these in line with gender equality norms, especially with respect to the representation of women in decision-making positions. The Decree also confirmed the obligation of the State Committee for Women Affairs to submit annual reports on the implementation of this Decree to the Cabinet of Ministers.
order to establish privileges and benefits or directly or indirectly limit rights on the basis of these factors’ (Art.16). The Employment Act of 2 July 2001 reconfirms this in its sixth article, as one of the main aims of the State employment policy is to ensure that all citizens have equal opportunities to exercise the right to work and to freely choose their employment.

Azerbaijan is also member of the various gender equality oriented international instruments (conventions) that have direct impact on Azerbaijan: Art.12-2 of the Constitution stipulates that the human rights and freedoms enshrined in the constitution shall be applied in line with the international obligations of the Government. It is noteworthy that the international treaties the country is a party to are considered a part of its domestic legislation according to the Constitution (Art.148) and in case of any discrepancies between the provisions of national legislation (excluding the Constitution and the acts adopted by referendum) and the international provisions, the latter should prevail (Ibid, Art.151). Azerbaijan has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1995 and submits reports to relevant agencies on the implementation of the Convention. Besides, the country committed to achieve the Millennium Development Goals as outlined in the 2000 Millennium Declaration.

In the UN Gender Inequality Index, Azerbaijan was ranked number 68 out of 188 countries in 2015. According to the recent gender equality survey conducted by the World Economic Forum in 2016, Azerbaijan was placed in 86th place out of 144 countries, rising up from rank 96 of 145 in the previous year.

The representation of women in the National Parliament has increased from 10.5% (13 women out of 125 members) in the 2005 elections to 16.8% in the elections of 2015 (21 women out of 125 members). More men hold civil servant positions than women in Azerbaijan. In the meantime, gender-based projects and awareness-raising campaigns implemented in the recent years have resulted in the increase of women’s

---

3 There were 20 female MPs elected in the parliamentary election of 2010. Thus, the upwards trend appears to have stalled in recent years.
representation at the municipality level from 4% in 1999 to 26.5% in 2009 and then 35% in 2014\textsuperscript{4}.

1.2 Development and Methodology of the Gender Strategy & Action Plan for the Justice Sector

This Strategy Report seeks to overcome gender-based barriers to the increased employment of women in the justice sector of Azerbaijan. This objective has been achieved by ensuring that the current professional environment in the country is systematically analysed and scientifically understood, that the present organisational and regulatory issues are meticulously studied and assessed, that comparative European and international good practices have been diligently considered and conclusions drawn.

The Report at hand therefore consists of a comprehensive and self-reinforcing recommendations package (Part II) and includes an outline Action Plan, to provide a general framework for the design of implementation of the suggested modernisation activities (Part III).

The Gender Strategy and Action Plan for the Justice Sector has been developed and tailored to the specific environment and needs of Azerbaijan, by a team of highly specialised and experienced experts. It has been buttressed by carefully scrutiny of prevailing models and in concreto examples of European and international practices in the key areas of Human Resources policies and management to overcome gender-based barriers. The Strategy proposes changes and amendments to the legislative, regulatory and institutional framework to support reforms as well as ancillary relevant actions.\textsuperscript{5}

\textsuperscript{4} AZSTAT, 2015.
\textsuperscript{5} A previous iteration of this report contained a Recommendation for abolishing the current militaris\textsuperscript{ed} hierarchy structure of ancillary justice professions (prosecutors, bailiffs, forensic department, medical services etc.) and supplanting it with a purely civil structure. This recommendation was withdrawn after encountering indications of potential resistance to its acceptance, which would signify that the system is not ready to adopt such a measure. Expert opinion indicates that such a measure would contribute appreciably to the removal of a covert, indirect barrier to enhanced female representation in these ancillary professions. Such a reform would also bring Azerbaijan in line with long-established European practices in the administration of justice by relinquishing this vestige of old Soviet practice.
Methodologically, the Gender Strategy and Action Plan for the Justice Sector is based on the following specific points:

- A review, analysis and assessment of the current legislative, regulatory and institutional framework in Azerbaijan to help identify actions: a) to overcome gender-based barriers to employment for women who want to follow justice and legal professions and b) to strengthen HR policies and HR management to overcome such barriers;

- An exhaustive scrutiny of over two hundred items of published research on the matter of gender parity strategies in general and in justice professions in particular (Appendix B);

- Incorporation of capacity building tools to improve current capacity building / training programs for justice professionals in order to address training and sensitisation needs on gender issues for justice professionals;

- Over 70 face-to-face and written semi-structured interviews in the field with government officials, justice professionals and other stakeholders;

- A SPSS survey where the findings of the interviews have been categorised and statistically analysed;

- 2 large-scale Workshops (Baku & Ganja) with a broad array of counterparts and stakeholders that have gathered input incorporated into the drafting of the Justice Sector Gender Strategy and Action Plan;

- Comparative analysis of European and international good practices, the deductions of which were tailored to the specific recommendations in Part II of this report;

- An overview of the solutions adopted in selected countries, which have faced a problem with gender disparity in the justice sector, is presented in Appendix A;

- Awareness raising and popularising of certain findings of this report amongst current legal professionals and law students.
1.3. Overview of Main Findings

The judicial system has undergone several major changes since Azerbaijan achieved independence in 1991. The nature and organisation of legal work have also changed. After the collapse of the Soviet Union many Russian-speaking minorities left the country, causing a dearth of qualified legal professionals (both male and female) in different spheres of judicial system. Therefore, women's growing presence in the legal system at the end of 1990s and beginning of 2000 occurred as part of the changing institutional and legal context.

As a rule, the status and opportunities of women in the labour market in the country is significantly inferior compared to men. A majority of management positions both in the public and private sectors are held by men, whereas women are represented more in subordinate positions\(^6\). There are several reasons for that. One is connected to the patriarchal attitude towards women in Azeri society, the view that women should be connected only with their family and deal with household issues and that they should not be active in social and political activities where there are other men\(^7\). Another reason is connected with family obligations. Women are busy taking care of the family and children, and they don't have enough time for social activities. Lack of child and healthcare facilities is one of the biggest challenges in gaining access to adequate services in most of the rural regions of the country. The lack of childcare facilities forces women to remain at home and perpetuates their exclusion from the job market. In spite of measures and programmes undertaken recently to improve gender equality in Azerbaijan, a significant discrepancy between legislation and its implementation remains,\(^8\) and gender mainstreaming is not accurately aligned with measures carried out in the country. Women are not represented at the decision-making level. For instance, amongst the heads of 39 ministries and state committees there is only one

---

\(^6\) FAO Gender Assessment in agriculture and rural development, 2014. Azerbaijan.


\(^8\) The latest report submitted by Azerbaijan to the UN Committee on the Elimination of Discrimination against Women in 2015, states that progress on gender equality has been achieved since the last periodic report in 2009 in the areas of legislative reforms and improvement of institutional and policy framework. However, the Committee is concerned that there is still "no national plan of action to promote gender equality and to address the gaps between de jure and de facto equality." It has stated that there is discrimination wherein women are mainly involved in informal and low (or unpaid) jobs compared to men; "the absence of women’s rights and gender equality as mandatory subjects in school curricula and in professional training for teachers"
woman, whilst in Parliament, there are only 21 women MPs in a total of 125 representatives.

As of 2016, 12% of the country's professional judges were women, the lowest proportion in Europe.

**Table 1: Sex distribution of judges in Azerbaijan in 2016**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number, persons</th>
<th>Sex distribution (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Women</td>
<td>Men</td>
</tr>
<tr>
<td>2015</td>
<td>62</td>
<td>451</td>
</tr>
<tr>
<td>2016</td>
<td>61</td>
<td>444</td>
</tr>
</tbody>
</table>

This compares very unfavourably with the worldwide trend for the increase in the number of women in the judiciary. In many countries, more than half of law students are female, and 2016 data shows that women in OECD countries make up more than 54% of professional judges. Percentage of female magistrates in Latvia and Greece are a staggering 80% and 76%, whilst even neighbouring Turkey has 37% professional judges, three times more than the percentage in Azerbaijan.

---

9 The Head of the State Committee for Family, Women and Children.
Significantly, data obtained allows the presumption that women are even less represented in other justice professions such as police officers, prosecutors, bailiffs and enforcement agents. According to official statistics there are only 5% female prosecutors in Azerbaijan. Instead, women are mainly represented at the administrative level of the judicial system as clerks, secretaries, and court registrars. This can be explained as these jobs are more attractive to women because they offer regular (or flexible) hours, require less interaction with clients and represent less stress work environment with a higher presence of other females.

A central finding of this Report has been that the Azeri legal system contains no direct restrictions contributing to the existing gender disparity in justice professions. The conclusion follows that the main reasons of insufficient female representation in the justice sector seem to remain beyond the regulatory framework: negative perception of female careerists in the society; woman’s traditional responsibility for domestic work and childcare; the low popularity of legal professions amongst female students in the past; and the legacy of parochial prejudice against women appear to be the main socio-

---

11 European judicial systems Efficiency and quality of justice, CEPEJ STUDIES No. 23 (Edition 2016).
cultural dynamics creating a significant gender imbalance in the justice professions of Azerbaijan.

It is envisaged that adoption of the present Recommendations package and appurtenant Action Plan will drastically contribute to addressing the question of gender imbalance in the justice professions of Azerbaijan, over the predicted timeframe of the following decade (2019-2029).
PART II: JUSTICE SECTOR GENDER STRATEGY

2.1. Section A: Legal Framework

**Recommendation 1: Framework Measures for the Judiciary**

**Identification of the problem:** Disproportionately low numbers of women among judges

**Actions:** Consider adoption of existing international recommendations to increase female participations in the judiciary. Consider introducing quotas.

The *UN Convention on the Elimination of All Forms of Discrimination against Women* provides for the positive obligation of member states to adopt “temporary special measures” to improve substantive equality between men and women in the workplace.\(^\text{12}\)

According to the State Statistical Committee, amongst 513 judges in Azerbaijan in 2015 only 62 were women; whilst in 2016 from 505 judges only 61 were women, i.e. only 12%.\(^\text{13}\) There are no reliable statistics concerning the percentage of women in other justice sector services, such as prosecutorial service or advocates.

The “State Programme for Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015”\(^\text{14}\), provided in Section on “Support for Gender Equality”, that participation of women in the decision-making process should be increased by the end of 2015, and that in particular “level of participation of women in the judiciary” should become 16%.

In spite of this, the Committee on the Elimination of Discrimination against Women in its “Concluding observations on the fifth periodic report of Azerbaijan”\(^\text{15}\) notes the

---

\(^{12}\) Article 4, *Convention on the Elimination of All Forms of Discrimination against Women*.


\(^{14}\) Approved by Ordinance №. 3043 of the President of the Republic of Azerbaijan 15 September 2008.

\(^{15}\) CEDAW/C/AZE/CO/5, available at [http://undocs.org/CEDAW/C/AZE/CO/5](http://undocs.org/CEDAW/C/AZE/CO/5), para 19.
inadequacy of current measures undertaken by Azerbaijan and recommends that the country “adopt temporary special measures, including quotas” in order to “accelerate the achievement of substantive equality between women and men”.

The Azeri State Programme mentioned above merely established a target, whilst the CEDAW recommends establishing quotas, which would entail changes to legislation on nomination and selection of candidates to judicial posts. Currently none of the laws governing the appointment of magistrates in Azerbaijan foresees either a principle of equal representation of men and women amongst magistrates, or any reserved percentage for women.

Moreover, Art. III.1.ii. of the 2015 OECD Recommendation of the Council on Gender Equality in Public Life envisages the introduction of measures, as appropriate, to enable equal access to opportunities in senior public service and judicial appointments such as disclosure requirements, target setting or quotas, while ensuring a transparent and merit-based approach in judicial and senior public sector appointments through open competition, clear recruitment standards and wide vacancy advertisement;

As it can be seen, both CEDAW and OECD recommend quotas as an appropriate measure to enhance sex-balanced representation in the justice professions. A number of countries have already undertaken these recommendations, some with very impressive results over the last years (Appendix A).

Currently Article 93 of the Law “On Courts and Judges” lists requirements to candidates for the judicial posts, according to which “judges may be citizens of the Republic of Azerbaijan who are not younger than 30 years of age, have the right to vote, have a higher legal education and have at least 5 years of experience in the legal profession.\footnote{Whilst the age restriction of 30 years has been removed from the Constitution, it remains in the first sentence of the Article 93 of the law «On Courts and Judges»: it should be removed on amendment for reasons of clarity and uniformity.}

According to the Article 93-3 of the Law “On Courts and Judges”, candidates for the position of judges are selected on the basis of written and oral examinations.\footnote{For the election of candidates, these examinations are organised by the Judicial Selection Committee. The Judicial Selection Committee evaluates the results of the examinations. Candidates who successfully pass the exams are then transferred to the stage of long-term training. After the completion of the training phase, each candidate is assessed. The evaluation of candidates}
Judicial-Legal Council, in accordance with the number of vacant positions of judges, nominates candidates for the position of a judge for the appointment by the President of the Republic.\(^{18}\) It is suggested to include a provision that “equal representation of men and women amongst judges shall be strived for in the process of selection and nomination of candidates for vacant judicial posts”.

**Actions:**

- Espouse measures to assist implementation of the CEDAW recommendations;
- Adopt 2015 OECD Recommendation of the Council on Gender Equality in Public Life;
- Include a commitment on equal representation in Article 93-3 of the law “On Courts and Judges”;
- Consider the introduction of quotas in the judiciary, following the successful results in a number of other countries with gender disparity (see Appendix A).

**Recommendation 2: Paid Paternity Leaves**

**Identification of the problem:** Labour legislation does not provide for paid paternity leaves.

**Actions:** Introduce into labour code option of paid paternity leaves (for everyone).

The Council of Europe’s *Recommendation No. R(96)5 of the Committee of Ministers to Member States on Reconciling Work and Family Life* suggests that:

The fathers of newly born children should also be allowed a short period of leave to be with their families. In addition, both the father and the mother should have the right to take parental leave during a period to be determined by the national authorities without losing either their employment or any related rights provided for in social protection or

\(^{18}\) Article 16 of the law «On Judicial-Legal Council».
employment regulations. The possibility should exist for such parental leave to be taken part-time and to be shared between parents.

The Labour Code of Azerbaijan provides for a maternity leave of total 126 calendar days (70 days before childbirth and 56 days after the childbirth). The Labour Code provides for 14 calendar days of unpaid leave in one working year for “husbands whose wives are on leave in connection with childbirth”.

It is recommended to enact paid paternal leave, including in the period following the birth of a child. As women bear the brunt of childbirth and its recovery period, the corresponding leave is not to be considered as preferential treatment. On the other hand, providing for paternal leave will contribute to the social acceptance of the important role of fathers in the care of children and will help to dispel negative cultural stereotypes detrimental to gender equality.

The absence of paid paternal leave reinforces the stereotype that women should be mothers, and men should be breadwinners and workers. As the Committee on the Elimination of Discrimination against Women notes, States are required to “take steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, and of stereotyped roles for men and women.”

Furthermore, paid paternal leave for fathers facilitates a more equitable division of efforts between men and women by promoting involvement of both parents in raising a child. Women of childbearing age are less likely to be employed because employers wish to avoid the costs associated with pregnancy and the corresponding maternity leave. In order to generate real interest amongst employers in hiring more women, equal

---

20 Article 130 (b), Labour Code.
involvement of fathers and mothers in childcare should be not a mere aspiration, but should be ensured by law. The availability of paid paternity leave distributes the cost of pregnancy and childcare for the employer amongst both male and female employees.

Introducing a possibility for paid paternal leave (albeit for a shorter period than for women) in the Labour Code of Azerbaijan would help level the employment opportunities of men and women, including within the justice sector.

**Actions:**

- Introduce a 30-day paid paternal leave option in the Labour Code (Articles 125 and 126 or 130.b).

**Recommendation 3: Maternity Leaves for the Judiciary**

**Identification of the problem:** Judges are not entitled to maternity leaves

**Actions:**entitle judges to maternity leaves.

Provisions of the Labour Code on maternity and adoption-related leaves do not apply to the judiciary, who are exempt from the provisions of the Labour Code. All other women, except judges, are entitled to 126 calendar days maternity leaves (extendable to 140 days), and 56 days calendar days leave when women adopt a child.

The leaves and social security of judges are guaranteed in the law “On Courts and Judges”, according to which all judges are entitled to 40 days paid leave. However, the act does not provide for maternity leaves (or leaves related to the adoption of a child). The law “On Courts and Judges” establishes 30 as the minimum age for entering the judiciary, which is obviously a childbearing age for women.

---

23 Article 6(b) of the Labour Code of the Republic of Azerbaijan, (“This Code does not apply to the following persons:...b) judges of courts....”). Labour Code provisions on leaves apply to public servants in general (by virtue of Articles 34 and 19.0.4 of the law «On State Service” № 926-IQ, 21 July 2000), as well as to special categories of public servants, such as prosecution service (by virtue of Articles 2.3 and 3.3 of the law «On Service in the Prosecution Organs”, № 167-IIQ, 29 June 2001).


26 Article 93, law «On Courts and Judges”, № 310-IQ (10 June 1997). Whilst the constitutional amendment of 2016 removed the 30 years old minimum age for judges from the Constitution, it still persists in the Article 93 of the law “on courts and judges.”
By omitting the entitlement to maternity leave for judges, the law “On Courts and Judges” forces women to face a difficult choice between becoming a mother or becoming a judge, which contributes to a lower number of women magistrates in the country.

**Actions:**

- Introduce maternity leave for female judiciary in the law “On Courts and Judges” similar to the Article 125 of the Labour Code;
- Introduce an adoption-related leave in the law “On Courts and Judges” similar to the Article 126 of the Labour Code.

**Recommendation 4: Definition of Gender Discrimination**

**Identification of the problem:** Legal Definition of gender discrimination is too narrow

**Actions:** extend definition of prohibited gender discrimination to cover indirect discrimination.

The Republic of Azerbaijan has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women, and according to the Constitution, the international treaties ratified by Azerbaijan are “an integral part of the legislative system” of Azerbaijan. International treaties prevail over the laws of Azerbaijan (with the exception of the Constitution and acts adopted by referendum).

The definition of gender discrimination in the law “On Guarantees of Gender (male and female) Equality” is narrower than the definition provided in the Convention, as it does not encompass indirect discrimination. Azerbaijani law defines gender discrimination as “sexual harassment, any distinction, exclusion or advantage that limits or denies equal enjoyment of rights on the basis of sex”. On the other hand, the Convention also

---

27 Decision of Milli Majlis № 1074 (30 June 1995).
28 Constitution, Article 148.2.
29 Constitution, Article 151.
30 Article 2.0.4, Law «On Guarantees of Gender (male and female) Equality», № 150-IIIQ (10 October 2006).
prohibits “any distinction, exclusion or restriction made on the basis of sex which has
the effect or purpose of” discriminating based on gender.\textsuperscript{31}

According to the Committee on the Elimination of Discrimination against Women\textsuperscript{32}:

Indirect discrimination against women occurs when a law, policy, programme or practice
appears to be neutral as it relates to men and women, but has a discriminatory effect in
practice on women, because pre-existing inequalities are not addressed by the
apparently neutral measure. Moreover, indirect discrimination can exacerbate existing
inequalities owing to a failure to recognise structural and historical patterns of
discrimination and unequal power relationships between women and men.

In other words, state parties ought to take measures to combat not only direct
discrimination, but \textit{also take measures beyond gender-neutral laws and policies with a
view to achieving substantive equality between men and women.}

As the Committee notes\textsuperscript{33}:

Formal equality may be achieved by adopting gender-neutral laws and policies, which
on their face treat women and men equally. Substantive equality can be achieved only
when the States parties examine the application and effects of laws and policies and
ensure that they provide for equality in fact, accounting for women’s disadvantage or
exclusion.

\textit{Indirect discrimination} would take place when an employer makes a decision or
implements a policy that treats everyone equally, but in practice disadvantages women.
These may include, for instance, policies related to granting leaves,\textsuperscript{34} such as those

\begin{footnotesize}
\textsuperscript{31} Article 1, The Convention on the Elimination of all Forms of Discrimination against Women.
\textsuperscript{32} Committee on the Elimination of Discrimination against Women, General Recommendation No. 28 on the Core Obligations of
\textsuperscript{33} Committee on the Elimination of Discrimination against Women, General recommendation on article 16 of the Convention on the
Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their
dissolution), CEDAW/C/GC/29 (30 October 2013), para 8.
\textsuperscript{34} One example of an ostensibly neutral provision is the provision of the law “on courts and judges” mentioned in Recommendation
3 of this report, according to which both men and women judges are entitled to 40 days paid annual leave without distinction,
which as elaborated above disadvantages women who should be entitled to a longer maternity leave.
\end{footnotesize}
connected to responsibilities towards young children, or related to gender sensitive questions asked during interviews (“do you plan to become a mother again”).

**Actions:**

- Extend the definition of gender discrimination in domestic legislation to cover indirect discrimination against women;
- Introduce into law definition of direct and indirect discrimination;
- Proposed definition to Article 2.0.4 of the law “on gender equality” – “sexual harassment, any distinction, exclusion or advantage that limits or denies, or has the effect or purpose of limiting or denying equal enjoyment of rights on the basis of sex”
2.2. Section B: Institutional Framework

Recommendation 5: Diversity for Prosecutors and Ministry of Justice Employees

Identification of the problem: Disproportionately low numbers of women in several other professions of the justice sector

Actions: introduce minimum requirements for gender diversity during selection of candidates for positions in the prosecution service and the Ministry of Justice

In order to ensure gender diversity in both the Prosecution service and the Ministry of Justice (MoJ) sector, it is suggested that measures are taken during the appointment stage that require from the relevant competition commissions to consider gender equality when selecting candidates for work in the relevant authorities. The appointment to prosecutorial service and MoJ employees both envisage competition commissions that conduct competitive examination and evaluation of candidates for work and appointment to service. Nevertheless, the existing recruitment rules do not oblige relevant competition commissions to consider gender diversity as a criterion when selecting candidates who passed the competitive examination.

Based on the premise that the ratio of female prosecutors in Azerbaijan is lower than magistrates (i.e. less than 12%), this would place Azerbaijan in significant disparity with every state in the EU, where two of every three prosecutors are female!35

It is suggested that such a measure be introduced for both Prosecutorial service and MoJ employee recruitment procedures.

The Prosecutorial service is regulated by the Constitution and the law “On Prosecutor’s Office.”36 Persons wishing to be admitted to the prosecutorial service must apply to the Prosecutor General’s Office, where documents are checked “in accordance with the

35 Ranging from 40.1% in Italy up to 80.9% in Cyprus. European Parliament, Mapping the Representation of Women and Men in Legal Professions, JURI: Strasbourg, 2017.

36 Law «On Prosecutor’s Office», № 767-IQ (7 December 1999). The General Prosecutor is appointed and dismissed by the President with the consent of Milli Majlis (Parliament), whilst his deputies and some high-ranking prosecutors are appointed and dismissed by the President with the proposal of the General Prosecutor. Territorial and specialized prosecutors are appointed and dismissed by the General Prosecutor with the consent of the President (Article 133 of the Constitution).
procedure established by the Prosecutor General”. 37 Candidates must pass competitive examination with conducted with publicity and transparency. The competition consists of qualifying examinations and interviews. 38 Regulations “On rules for conducting competition for candidates to the prosecution service” were adopted by a decree of the President of Azerbaijan in 2001.39 40

The special law “On the passage of service in the organs of justice”41 regulates a category of ministry of justice service men who have special ranks in the ministry. It applies to employees of the penitentiary service, forensic expertise, medical services, publishing services, and other departments that occupy posts for which special ranks are provided.42 This law also governs employment and service of bailiffs.43

Persons wishing to be accepted for service in the justice organs apply to the Ministry of Justice that checks the documents that they submit.44 Candidates who apply for admission to the service in the justice bodies and whose documents are accepted must pass the competition or interview in a public environment with transparency. The competition consists of a qualification exam and an interview. 45 The rules of the competition and interview are determined by the President46.

Actions

- amend the regulations “On rules for conducting competition for candidates to the prosecution service” by introducing a requirement for the competition commission

37 Candidates who successfully pass the competition for admission to the prosecutor’s office for the first time are involved in compulsory education in the educational and scientific institution of the relevant executive authority. Internship or completely free the employee from it. At the end of the internship period, the employee undergoes certification. Article 29, Law “on Prosecutor’s Office”, № 767-IQ (7 December 1999).
38 Article 4, Law «On the passage of service in the prosecutor’s office”, № 167-IIQ (29 June 2001)
39 Decree № 509 (19 June 2001) «On approving Regulations «On rules for conducting competition for candidates to the prosecution service.”
40 Articles 2 and 3 of the Regulations «On rules for conducting competition for candidates to the prosecution service.”
46 The regulations are rather brief and provide for the establishment of competition commission consisting of 7 members by the General Prosecutor’s Office who conduct the competition. Furthermore, the General Prosecutor decides on the admission of candidates to the competition and other issues arising from organizing and conducting competition. Decree № 673 (13 December 2007), «On adopting the Regulations «On the rules for conducting interviews and competition for the candidates to the positions in the justice organs” and on amendments to certain decrees of the President of the Republic of Azerbaijan”.
to nominate for appointment to prosecutorial service at least one-third of the representatives of either gender;

- amend the regulations “On rules for conducting competition for the candidates to the positions in the justice organs” by introducing a requirement for the Competition Commission to nominate for appointment at least one-third of the representatives of either gender.

**Recommendation 6: Establish Gender Focal Points**

**Identification of the problem:** Lack of contact and resource persons that promote and implement gender equality in justice sector

**Actions:** Establish and support gender focal points in the justice sector with sufficient mandate and resources

In 2000, the President of the Republic of Azerbaijan signed a decree “On Implementation of State Policy towards Women”\(^ {47} \) that aims to secure equality of men and women before the law on “in particular, to ensure required level of representation of women in the public administration system”.\(^ {48} \) Following this decree, the Cabinet of Ministers adopted Decision № 176 (2000)\(^ {49} \) implementing its provisions, that amongst other things orders to “appoint persons dealing with women’s issues in accordance with gender policy requirements within the frameworks of internal resources in Ministries, Committees, Companies, Trusts and other state owned enterprises and organizations.”

However, laws and regulations concerning justice sector authorities (Ministry of Justice, Judicial-Legal Council, Office of the Prosecutor, Collegium of Advocates) currently do not envisage a function of a Gender Focal Point (GFP), either as a full-time position or as a part-time function.

---

\(^ {47} \) Decree № 289 (6 March 2000).

\(^ {48} \) The decree orders to “ensure equal representation of women at managerial level in all state bodies of the Republic of Azerbaijan, taking into account the type of their activity” and also assigns the State Statistical Committee together with the State Committee for Women's Issues “to prepare statistical information regarding women's status in the country that meets international standards”, amongst other things.

\(^ {49} \) Cabinet of Ministers Decision № 176 (26 September 2000) “on implementation of the Decree № 289 from 6 March 2000 of the President of the Republic of Azerbaijan «On implementation of state policy towards women.»
It is recommended that such a GFP be introduced and elaborated in order to promote gender mainstreaming within the relevant authorities, provide advice and support to officials, servicemen and employees, to develop tools and methods (such as guidelines), raise awareness, to monitor and report on gender discrimination and equality.

Establishment of GFPs is an important component of raising awareness about gender concerns and gender mainstreaming. For example, several United Nations Peacekeeping Missions established gender focal points in order to sensitise correctional personnel to gender issues. The OECD Development Assistance Committee in assessing security system institutions emphasises relevance of adequate human resources, such as “a gender focal point or an equal opportunities office” that would support gender mainstreaming.

The World Development Report 2012 points out those sex-equality mechanisms frequently establish gender focal points in enforcement agencies, whose responsibilities include “being liaisons for case referrals, repositories of technical expertise, implementers of gender work and catalysts for change”. The report emphasises, however, that “designating gender focal points by itself does not lead to better enforcement without giving them sufficient political mandate, influence, capacity and resources”.

**Actions:**

- Introduce, publicise and explain the role of Gender Focal Points at the Ministry of Justice, Judicial-Legal Council, Office of the Prosecutor, Collegium of Advocates;
- Endow Gender Focal Points with adequate mandate and sufficient resources to implement their functions.

---


**Recommendation 7:** Sensitise and Educate Human Resources Personnel on Gender issues

**Identification of the problem:** Lack of gender mainstreaming policies and gender sensitivity of human resources personnel in the justice professions

**Actions:** adopt rules of ethical conduct for civil servants related to gender discrimination

The Committee on the Elimination of Discrimination against Women recommends to member states to establish “codes of conduct for public officials to ensure respect for the principles of equality and non-discrimination”.\(^\text{53}\) Such a code of conduct would be applicable to public servants in the justice sector, as well as special categories of public service, such as prosecutorial service.

Whilst there is a generic law on ethical behaviour of public servants, it is limited to a nonspecific non-discrimination provision that lists “gender” amongst the impermissible grounds for discrimination.\(^\text{54}\) However, it does not instruct nor educate justice sector employees and public servants on issues of gender discrimination and harassment. Similarly, the “Code of Ethical Behaviour of Judges” adopted by the judicial-legal council merely prohibits gender-based discrimination amongst other grounds, and mentions that breaches of the requirements of the Code shall be taken into account when evaluating the activities of a judge.\(^\text{55}\)

Provisions on ethical conduct should complement national action plans adopted and implemented by the government, reported in the fifth periodic report of Azerbaijan to


\(^{54}\) Article 11.1, law on “rules of ethical behaviour of state servants” № 352-IIIQ, (31 May 2007).

CEDAW.\textsuperscript{56} Currently the laws\textsuperscript{57} and regulations\textsuperscript{58} applicable to justice sector employment and civil service in Azerbaijan, do not envisage rules or checklists concerning sensitizing the employees and public servants to the issues of gender discrimination and harassment. Furthermore, they lack a suitable enforcement mechanism, such as disciplinary procedures for registering and investigating claims of gender discrimination and harassment.

It is therefore recommended to amend the rules of ethical behaviour of state servants and include provisions concerning gender discrimination, and that would be applicable to employees and public servants in the justice sector, as well as to judges.

As of now, the Code of Administrative Offenses establishes a fine for officials only (in the amount of 1,500 to 2,500 AZN) for “pressuring or persecuting an employee who complained of sexual harassment of employer or a superior”.\textsuperscript{59} However, penalties are most effective when complementary to prevention; thus, the amendment of the rules of conduct would further sensitize the employees and civil servants in the justice sector to gender equality.

Ensuring that the justice sector environment is friendly towards women is a crucial step towards increasing female participation and achieving substantive gender equality in the workplace. Having a shared understanding and clear definitions of what constitutes an impermissible and unethical behaviour would be a positive step in this direction.

**Actions:**

- Develop provisions for ethical conduct of public servants and employees in the justice sector concerning issues of gender discrimination and harassment.

\textsuperscript{56}CEDAW/C/AZE/5, available at http://undocs.org/CEDAW/C/AZE/5.

\textsuperscript{57}Such as the law on “rules of ethical behaviour of state servants” № 352-IIQ, (31 May 2007); law «On courts and judges” № 310-IQ (10 June 1997); law “on judicial-legal council” № 818-IIQ (28 December 2004); law «On prosecutor’s office” № 767-IQ (7 December 1999), law “on advocates and advocacy”; № 783-IIQ (28 December 1999); law «On service in the prosecutor’s office” № 167-IIQ (29 June 2001); law «On civil service”, № 926-IIQ (21 July 2000)

\textsuperscript{58}Such as, e.g., Rules of selection of candidates that are not judges to the vacant judicial positions, approved by 11 March 2005 decision of the Judicial-Legal Council; Rules on conducting competitions and interviews for admissions to the service in the justice organs, adopted by Decision of the Collegium of the Ministry of Justice 1-N (12 August 2011); Regulations of the human resources department of the ministry of justice, www.justice.gov.az/view/template/assets/docs/kadr.pdf

\textsuperscript{59}Article 205 of the Code of the Administrative Offenses.
• Establish disciplinary procedures for registering and investigating claims of gender discrimination and harassment.

Recommendation 8: Mechanism for Workload Safeguards for Legal Professionals

Identification of the problem: Increased work burden amongst legal professionals

Actions: Introduce human resource policies in justice professions that enforce workload safeguards for women

The stakeholders’ survey and analysis has revealed that one of the main issues was the workload of legal professionals. Those who practice law know how it feels to be overloaded with work. The judges and lawyers need to think about their cases, files and clients constantly, even after work hours, with correspondingly negative impact on their social and family life. This was an issue mentioned both by male and female legal professionals.

However, increased workload affects women more than men, a fact acknowledged in various provisions of the Labour Code of Azerbaijan. Thus, certain categories of women are entitled for shorter working hours, for example, pregnant women and women with a child under 1.5 years of age may reduce the working week to 36 hours (rather than 40). Furthermore, pregnant women and women with a child up to 14 years, or a child with disabilities, are entitled to part-time work, the duration and the time of operation of part-time work being established by a mutual agreement of the employee and employer.

There are further conditions on the employment of women, for example, pregnant women and women with a child under the age of three may not be employed to work at night, overtime, on weekends, as well as on a business trip. Furthermore, pregnant

---

60 E.g. Aladdin Jafarov, Chairman of Nizami District Court of Baku and Chairman of the General Association of Court Judges: "one the reasons that women are less represented in judicial system, is their domestic and childcare workload". Personal interview, 2018.
61 Nigar Rasulbekova, Judge of the Supreme Court, stated that by the time she was promoted to be a judge, she didn’t realise how much work and responsibility it is going to take. She also noted that there are too many cases per judge (average 100 cases) hence female judges are not able to handle both work and domestic load.
63 Article 94 of the Labour Code.
64 Article 242.1 of the Labour Code.
women and women with children under the age of 1.5 years old are entitled to a reduced production rate (workload) and to a transfer to an easier work whilst retaining an average salary for the main position.  

As noted in the Recommendation 3, however, provisions of the Labour Code do not apply to judges.  

It is recommended that the workload safeguards be extended to women magistrates as well, in order to achieve substantive gender equality within the judiciary. The workload safeguards established in the Labour Code are necessary in order to ensure that the heavy workloads do not disproportionately affect women and indirectly discriminate against them.

In order to make the workloads effective, it is furthermore recommended that the Judicial Legal Council should consider substantive gender equality when evaluating the performance of judges. Thus when evaluating the performance of female magistrates, the methodology of evaluation should take into consideration that whilst women would have managed a less heavy workload or taken advantage of reduced hours (in cases mentioned above), they are not less entitled to a positive evaluation.

The Labour Code protections mentioned above are applicable to both the prosecutorial service and the service in the ministry of justice. However, the Regulations of the Human Resources Department of the Ministry of Justice do not contain any policies regarding protection of women from overtime, work at night or in weekends, part-time work, shorter working hours, or reduced workload. It is therefore recommended to introduce policies and procedures enforcing Labour Code workload safeguards in the human resources regulations of the Prosecutorial service and the Ministry of Justice.

Actions:

- Extend workload safeguards for women provided for in the Labour Code to judges;

---

66 Article 6(b) of the Labour Code.
67 According to Article 13 of the “Law on Judicial-Legal Council” № 818-IIQ (24 December 2004) the Council itself determines the procedure and methodology of evaluation of the work of judges, but as of now no such rules or criteria are available.
70 Adopted by the Order No. 7-T (07.03.2007) of the Minister of Justice, available at www.justice.gov.az/view/template/assets/docs/kadr.pdf.
• Adopt policy (rules) for performance evaluation of judges by the Judicial Legal Council that accommodates gender equality;
• Introduce human resources policies in the Ministry of Justice service that enforce workload safeguards for women provided for in the Labour Code;
• Introduce human resources policies in the prosecution service that enforce workload safeguards for women provided for in the Labour Code.
2.3. Section C: Capacity-building activities

Recommendation 9: Gender Equality Capacity Building Activities for Practicing Legal Professionals

Identification of the problem: Lack of thorough knowledge about gender equality in the legal sector

Actions: awareness raising and specialised trainings on gender equality for members of the justice professions

Training on women’s rights about existing domestic laws and international standards is informative and useful in attaining a level of awareness currently lacking in Azerbaijan. A special curriculum on gender equality practices directed to change the attitude of legal professionals -including judges and prosecutors- about women and their role in family and society could encourage gender education amongst practicing lawyers. It is also important to include a module in gender protection law in the curriculum at law faculties, so as to instruct the next generation of lawyers about current approaches to such issues. A similar module could be included into the curriculum of the initial training course for candidate-judges at the Academy of Justice.

These customised seminars and capacity building for lawyers, judges, government officials, law professors, bailiffs and prosecutors will contribute toward the development of societies that can uphold and assert equality between the sexes. Gender trainings will advance better mutual understanding in society, foster female careers and enhance their legal status in the country. Furthermore, women’s rights capacity building activities will advocate for policy reforms to implement gender parity provisions in laws and the constitution.

Actions:

- Series of trainings on various aspects of gender equality legislation including international conventions, women representation in social and political life for law students, candidate-judges and legal professionals in general to be conducted;
Specifically: identification of certain gaps in relation to educating lawyers and judges on women’s rights and information sharing between relevant entities is suggested; Following a training needs analysis assessment, capacity-building activities through in-service training program are to be provided to staff from different sectors, taking also into account examples of international best practices.

**Recommendation 10: Generalised Capacity Building Activities in Rural Areas**

**Identification of the problem:** Barriers faced in women’s access and evolution in (any) profession in rural areas

**Actions:** Awareness raising and specialised training on promoting women’s employment for the general population in rural areas

In most sectors and for a variety of reasons rural women are at a disadvantaged position compared to their kin living in urban regions. Women in rural areas often excluded from participation in social and political life, and in decision-making processes. They are often overburdened by household responsibilities in addition to their involvement in agricultural activities. The barriers in rural areas faced by female magistrates are similar to those encountered in other areas of public life. In addition to challenges in balancing work/life commitments, persisting gender stereotypes, lack of professional development opportunities and gender bias in promotions, stringent requirements for judicial appointments and selection methods tend to impede women in rural areas from working in the legal sector and to ascending to higher positions. The main purpose of these specialised activities would be to identify key issues and challenges as well as quotas on certain legal professions and specialties for the purpose of promoting women’s employment and developing women decision-makers and actors in the justice sector. Such training will advocate for proactive invitation of women to apply for jobs in the legal sector.

These events will be open to the public and can be organised at the premises of local authorities in the regions, or in collaboration with civil society organisations.
Actions:

- Specialised trainings and awareness raising networks should be organised in the regions of Azerbaijan. The regions can represent various geographical parts of the country; initial target regions would be Ganja, Quba and Lenkoran\(^{71,72}\).
- Preparation and dissemination of relevant training materials (presentations, manuals) for increasing gender awareness;
- Invite distinguished lecturers and panellists to the events.

\(^{71}\) Lenkoran - southern region on border with Iran, Islamic and conservative traditions are strong in the region, https://www.gender-az.org

\(^{72}\) In addition from the analysis of judicial portal no women judges represented in southern regions courts, https://courts.gov.az
2.4. Section D: Public Awareness

**Recommendation 11**: Sensitise Law School Faculty and Students on Gender Balance Initiatives

**Identification of the problem**: Lack of awareness and knowledge on the situation of gender imbalance in justice professions and what are the main gender stereotypes for women and men employment in justice system amongst Law faculty and students

**Actions**: Workshops, presentations and lectures to provide positive reinforcement for girls wishing to enter the justice professions after their law studies

In the beginning of the new millennium, women began entering in large numbers Azeri universities for law training, either as undergraduates or as postgraduates, and the number of female qualified lawyers started to rise. Previously, the majority of students at Law faculty were male; hence, nowadays more men are represented amongst all justice professions. However, the trend has been now reversed and at present about 55% of all new law students are female.

Nonetheless, even though females now represent more than half of the Law Faculty student population in Azerbaijan, it is still a small minority of these that eventually make law as their career. Even then, women prefer to join as employees or partners firms of Advocates or notaries, rather than starting private practice of their own or working in courts or police system.

The practice of criminal law and law enforcement is often associated with masculinity and this reflects the preconceived images and stereotypes of the people working in these areas. Implicit gender bias based on prevailing gender stereotypes. This includes for instance that men are presumed to be competent whilst women often have to prove their competence over and over again. Women also often face the stereotypes that link motherhood with lack of commitment to a career.
A number of informal lectures and discussions at law schools and the justice academy with the intention of raising awareness of the situation of gender imbalance in the justice professions and the purpose of providing to young women career benefits should be organised.\textsuperscript{73} This intervention is expected to bring about definite long-term fruit, as it will be targeting women at a crucial period when they have not yet taken the decision to abandon professional activity in their lives.

**Actions**

- Conduct regular gender awareness workshops, round tables and lectures for Law school faculty and students
- Dissemination of relevant informative materials (presentations, booklets) for increasing gender awareness in Universities
- Invite outside lecturers to provide workshops on gender awareness both for Law Faculty and their students.

**Recommendation 12: Promote a Positive Public Image of Women in the Legal Profession**

**Identification of the problem:** High level of gender-based stereotypes within and about the legal professions

**Actions:** Organisation of awareness raising and media events in order to enhance a positive image of women in the legal profession and create social role models for young women and girls aspiring to follow such a career

Awareness raising on combating gender based stereotypes, popularisation of the legal profession with the purpose of providing to young women career impetus and suitable female role models to emulate should be conducted amongst the general public, as well as amongst current legal professionals and students (as per Recommendation 11) by introducing the best examples and best practices of Azerbaijan and other countries,

\textsuperscript{73} Interestingly, 58\% of law lecturers and students either are not aware or believe there exist no cultural, social and economic barriers or gender stereotypes for women and men employment in the justice system.
along with acknowledgement and presentation of famous and influential women lawyers.

The survey findings conducted for this project revealed that the barriers to women’s full and equal participation in the justice professions are predominantly due to:

- the persistence of gender stereotypes, including gender bias (often unconscious) in recruitment, selection and promotion processes;
- patriarchal stereotypes regarding the traditional role of women and men in the family and in society;
- the difficulties in reconciling work and non-work/family responsibilities, becoming more aggravated in circumstances where a long hours culture is an accepted way of working;
- low popularity of legal studies amongst female undergraduates in the past compared to today;
- lack of visibility of female role models in the most senior positions in the judicial professions.

This Recommendation seeks to address this last phenomenon, by promoting the image of dynamic, successful and charismatic female lawyers through different media (newspaper & TV interviews, documentaries, TV spots, electronic social media). At the same time, an Azeri-produced TV serial featuring a socially well-adjusted, personally alluring and professionally vigorous female lawyer –along the lines of similar productions in the West⁷⁴- would be of tremendous value, both in order to shift local socio-cultural expectations towards women in the justice sector, as well as to motivate aspiring law graduands in Azerbaijan to realise their career goals by providing a –now sorely lacking- role-model they can identify with information.

In addition, the creation and support of associations/unions of women lawyers would be essential in the efforts to advance the role of women in legal professions. These associations can serve a source of training and education, as well of promotion of legal

⁷⁴ Examples of what would create a sensible role-model for young female law students can be found in the TV serials ‘The Good Wife’ (USA), ‘This Life’(UK), ‘Suits’ (USA).
professions amongst women. The associations could raise awareness of legal vacancies amongst their members, support applications from female candidates and assist candidates’ positions. Furthermore, the senior women judges and lawyers can play an important role in encouraging younger women to get promoted to judicial positions and enhance a positive image of legal profession. Such networks provide opportunity for learning, exchange, reflection on challenges faced and identification of support mechanisms. It is important to also present live (as in non-fictional) female role models, in order to raise the visibility of women within the judicial system.

Finally, social media tools have been mentioned (by questionnaire respondents) as a supplementary way to communicate with stakeholders and impart information. Social media sites can be effectively used to spread the information on legal professions and gender related facts. Involving the social media provides the opportunity to engage with diverse group of stakeholders and individuals. The social media tools are easy manageable and allow to share links, texts, videos, etc. In addition, the social media platforms can create and provide access to join professional legal networks.

**Actions:**

- Promote the notion of successful female lawyers through media productions (such as an Azeri-produced television serial);
- Identify female lawyer role models and endorse them through different media (newspaper & TV interviews, documentaries, TV spots, electronic social media);
- Create and promote women legal professional associations and unions;
- Create online social media platforms for sharing information and awareness raising.
2.5. Section E: Monitoring and Evaluation

Recommendation 13: Create Gender Equality Interaction database

Identification of the problem: Lack of a gender equality database that contains information on gender-disaggregated data, gender statistics and analysis

Actions: Development of a gender equality database for interaction to include gender analysis information, initiatives, communication programs, to assist legal professionals

There is a lack on gender disaggregated information and analysis within the Ministry of Justice and its institutions. The MoJ’s website and Unified Judicial portal do not contain gender related data. Although currently the gender data is being collected through the courts within the other initiatives / projects of the JSSIP, the data cannot be extracted and correlated with other statistics and the website doesn’t permit such queries yet.

Therefore it is recommended to create a gender equality interaction database/dataspace, which will be available online for external use and search. The database will be a unified comprehensive source to collect information on gender statistics, the percentage of women and men in particular field/ profession, the incidents of women that have faced discrimination in the legal profession, categorisation of cases in Baku city and rural areas, etc. The database will enable access to time-series gender data by searching for indicators, creating a query or downloading all gender indicators. In addition it will help to disseminate gender data availability and allow researchers of other countries to examine indicators on gender equality.

The database will be a useful tool in implementation of gender mainstreaming strategies in the legal sector. For a successful gender mainstreaming, staff members of the Ministry of Justice should have up to date knowledge and awareness on gender issues

75 https://courts.gov.az/en/courts/All_0
and statistics. In many cases the civil servants have the feeling that gender consideration is important, but do not really know how to research it further or how to include its parameters when drafting policy briefs and programmes.

The database will be updated regularly by adding relevant new information and can be used to support the works of the Ministry of Justice and its institutions.

**Actions:**

- Collect and systematise gender data;
- Create a database, upload and update information to the database;
- Share and provide access to the dataspace amongst legal professionals and the public, both locally and internationally.

**Recommendation 14: Continues Monitoring and Evaluation Framework and Improvement of the Justice Gender Strategy and Action Plan**

**Identification of the problem:** Lack of follow-up of many worthy initiatives (such as the one currently presented) diminishes their impact and effectiveness

**Actions:** Annual Review of attainment of the proposed Action Plan goals and publication in the MoJ website

An important part of every cogent Gender Strategy is the ability to track changes that occur in the sphere of gender discrimination in the legal sector. For this purpose, relevant information should be accumulated in the official statistics system which in turn will require a principal review of statistic data collection system at the State Statistics Committee (SSC). The SSC formed a statistical base on many gender indicators. It is done in accordance with international requirements under support of UN agencies, bilateral contacts with the countries having developed statistical systems.

The lack of consistent information about the extent of gender discrimination limits our ability to respond to the problem. Higher quality and more timely data have the potential to be of use to a wide audience, including policy makers, aspiring lawyers and service providers.
More importantly, a major hindrance in the effectiveness of Reports such as this one, is the absence of follow-up in their implementation modalities, a short time after they are produced. This has been a bane of several worthy (and expensive) initiatives around the world, whereby lack of political will, diminished interest, complacency, bureaucratic inertia or deficient dissemination of findings has severely diminished their overall impact and effectiveness.

The efficacy of the Gender Strategy and Action Plan at hand will be monitored annually by the responsible unit under the MoJ whose main objective will be to review progress on the development and finalisation of the National Strategy. For this purpose, a monitoring and evaluation framework that will serve to scrutinize the progress of implementation of the objectives and measures of the Strategy and assess its cross-organisational strategic impact to ensure maximum system efficiency and effectiveness will be developed.

Monitoring and progress reports on the Strategy Recommendations & Action Plan should be submitted on semi-annual and annual basis. It is expected that—as a result of this continuous monitoring—certain adjustment to the Action Plan will be made during the process of its implementation. In this way, progress will be assessed and a foundation for future national work on the subject of Gender Equality in the Justice Professions will be provided.

**Action:**

- Take appropriate measures on the monitoring and evaluation of the Gender Strategy recommendations of this Report;
- Meticulously implement the present Action plan and introduce any necessary revisions during the process of its implementation;
- Publish monitoring and progress reports on semi-annual and annual basis at the same area of the MoJ website where this Justice Gender Strategy and Action Plan will be available.
APPENDIX A:

INTERNATIONAL BEST PRACTICES IN SELECTED COUNTRIES

1. BELGIUM

Judiciary

Even though in Belgium there was no disparity in the overall gender distribution of magistrates at all in 2014 (that year, females were 53% and 47% at the courts of First Instance and Appeal, respectively), the Belgian Parliament passed a Bill that introduced a sex quota in the composition of the Belgian Constitutional Court. It requires the Court to be composed of at least a third of judges of each sex. This requirement would not enter into force immediately, but only once the Court is in fact composed of at least one third of female judges. In the meantime, a judge of the underrepresented sex has been appointed every time that the two preceding appointments have not increased the number of judges of this underrepresented sex. For example, if women remain unrepresented on the Court and the next two appointees are men, the third appointment will have to be a woman, until the minimum of 1/3 is reached.

Justice Gender Strategy and Quotas

Article 11bis of the Belgian Constitution stipulates that no executive shall comprise but members of one sex, which actually comes down to a gender quotas imposing a minimum of one member of each sex in each executive. This applies to all governing levels, from the federal down to the municipal one. The 2002 parity clause was included in the Constitution to provide a legal basis for the gender quotas that were being asked for by civil society. Although there have been some challenges against individual sex-disparity quotas, the Constitutional Court has never struck down any gender quota legislation.

---

In Belgium, gender quotas tend to be imposed by law/decree, which seems to increase their effectiveness as compared to voluntary measures actors adopt themselves. The type of sanction going hand in hand with the gender quotas further stimulates the effectiveness of gender quotas.\textsuperscript{77} The sanction consists in all cases of a rejection of the list of candidates not complying with the quotas rules. Since this sanction excludes parties from participating in the elections, the sanction is not only one easy to adopt and apply, but also a very efficient one. Given the fact that the Belgian electoral system is a very proportional list system, but with a huge range of district magnitude, the effectiveness of the gender quotas is furthermore due to the placement mandates for top positions on each list. When it comes to the other gender quotas, the Belgian case shows that such measures seem to have more effect the more far-reaching the sanctions are. Finally, Belgium is a consensus democracy building upon the convocational logic that integrates social groups into processes of decision-making, characterised by a segmented pluralism. This logic definitely helped the women’s movement activists in making its claim politically plausible. While the process of adopting gender quotas was a long one, spread over several decades, and the initial resistance to gender quotas huge, as well as the need for women’s increased participation in public life and decision-making not recognised, overall the relevance of having women participate in these matters is no longer put in question. And even though quotas are still put in question by some actors, women elected after the introduction of such quotas are not necessarily stigmatised.

\textit{Legal Professions}

There is extensive representation of females in justice professions in Belgium, therefore no additional strategy is currently in need of implementation: according to 2014 figures, 56.6\% of prosecutors in first instance, 35.4\% prosecutors in second instance, 75\% of MoJ staff, 32\% of notaries and 62\% of law students were female.\textsuperscript{78}

\textsuperscript{77} Meier, Legal Struggles and Political Mobilization around Gender Quotas in Europe, September 2014, Florence.
\textsuperscript{78} European Parliament, Mapping the Representation of Women and Men in Legal Professions, JURI: Strasbourg, 2017.
2. JORDAN

Judiciary

Even though the first woman judge was appointed to the Jordanian judiciary in 1995, by 2011 the number of female magistrates had risen to 107, representing 12.5 per cent of all judges. In 2014 the ratio had risen to 18%\(^{79}\), and more recent reports indicate that these numbers have since increased further and there are expectations that the trend will continue over the coming years, as a result of the significantly growing proportion of women enrolled in the Institute of Judicial Studies. By extrapolation of the trend the current estimate is that one-quarter of the judiciary in Jordan is female.

Justice Gender Strategy and Quotas

Much of this progress appears to be the result of targeted Government policy decisions and related measures. In 2005 the Ministry of Justice commenced a range of new initiatives seeking to increase the representation of women within the judiciary.\(^{80}\) These included the establishment of *minimum quotas* (15 per cent) for admission of female candidates to the Institute of Judicial Studies,\(^{81}\) and the establishment of funds both to support women judges' participation in training and research visits and to benefit female judicial students. These moves to advance women’s representation within the judiciary have been accompanied by the introduction of *hard quotas* in recent years related to women’s political representation, including the reservation of 15 parliamentary seats out of 150 for women and the imposition of a 25 per cent quota for women’s representation in municipal councils.\(^{82}\)

---

81 “Substantive Equality and Non-Discrimination in Jordan: Shadow report submitted to CEDAW Committee at the 51st session”, February 2012.
Legal Professions

Women in other legal professions are facing challenges but there is progress being made. There is a high number of female law students in Jordan, 20 per cent of current women lawyers have been permitted to become Union’s members National Lawyers’ Union, the professional body for Jordanian lawyers; only two women have ever been elected to the Union’s board since its establishment in 1950. Meanwhile of the eleven member Bar Association Council only one member is a woman. Finally, data from 2011 indicate that at that time there were no women notaries in Jordan.

3. TUNISIA

Judiciary

The first woman judge was appointed in Tunisia in 1966. Since then, the number of women judges has risen steadily and figures from 2008 indicate that the overall representation of women in the judiciary in Tunisia had reached over thirty per cent. The latest (2018) data shows a significant representation: women made up 40 percent of those entering the judiciary.

Justice Gender Strategy and Quotas

The gains are due in part to a rise in the number of women studying law and political science. In view of the high percentages in the justice professions, no specific gender parity strategy remains in place. Prior to 2011, the government itself had set itself a priority for increasing the percentage of women in justice professions, without setting strict quotas. Decades-long activism on behalf of the Tunisian MoJ paid off by the increase in numbers mentioned previously.

87 Proceedings of ICJ Tunis Colloquium on Women in the Judiciary in the MENA Region, November 2013.
4. TANZANIA

Judiciary

In recent years there has been a significant increase in women's representation in the judiciary in Tanzania. Women now comprise more than half of all magistrates and approximately 56 per cent of Court of Appeal and High Court judges.\(^\text{88}\)

*Justice Gender Strategy and Quotas*

In large part, this progress has been the result of concerted government policy, which has also sought to increase women’s representation in political bodies, including through the introduction of a 30 per cent quota for women's election to the National Assembly, and a 33.3 per cent quota for local authority seats.\(^\text{89}\)

Already in 2002, *gender quotas* were introduced in the land courts, a special court system set up by the government to settle land conflicts, as part of Government measures to counteract discriminatory customary practices connected with women’s rights to land. Legislation provides that, "each Tribunal shall consist of not less than four nor more than eight members of whom three shall be women."\(^\text{90}\) It also provides for a quota of three out of seven women to be appointed as assessors to District Land and Housing Tribunal, and as members of the Village Council.\(^\text{91}\)

5. UGANDA

Judiciary

Already by 2013, women comprised 39 per cent of all judges in Uganda and 33 per cent of all Supreme Court and High Court judges.\(^\text{92}\) Efforts towards gender equality are also made at the most senior leadership level, with the general practice being that, when the Chief Justice is a man, the Deputy Chief Justice is a woman, and when the Principal


\(^{89}\) Constitution of Tanzania, Article 66(1)(b).

\(^{90}\) Courts Land Disputes Settlements Act No 2 of 2002, Article 11.

\(^{91}\) Ibid.

Judge is a man, the Chief Registrar is a woman. In 2013, 12 out of 28 nominations to the Supreme Court, Court of Appeal and High Court, were women.93

Justice Gender Strategy and Quotas

A new constitution was enacted in 1995 with gender related provisions being included. Uganda’s Constitution guarantees the right of women to equal treatment with men, including equal opportunities in political, economic and social activities. It provides for affirmative action to redress the imbalances between the sexes created by history, tradition or custom, and prohibits all laws, cultures, customs and traditions which are against the dignity, welfare or interest of women, or which undermine their status.94 Advancements in women’s representation in the judiciary appear to have been matched by increases in women’s political representation. For example, following the 2016 elections, women held 37 per cent of parliamentary seats.

Regarding quotas, specific legislative provisions govern women’s representation in (a) sub-county land tribunals, the Land Commission, Land District Boards & Committees, and (b) Local Council Courts, where two out of the five members of the town, division and sub-county courts must be women and where the positions of chair and vice-chair must alternate between genders.

Legal Professions

Affirmative action in politics, law and education has yielded great success. A number of achievements have been registered ranging from primary schooling to representation of women at the university law faculty level, to the number of female advocates.95 The country actively conforms to the articles of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) which ensures the equal participation of women in public life. Uganda has adopted a Justice Gender Strategy already in 2012.96

---

93 Kuhimbisa, “President names new Judges”, in Justice Law & Order Sector, 13 May 2013.
6. KENYA

Judiciary

In 2017, 53% of Chief Magistrates, 40% of Senior Principle Magistrates, 35% of Principle Magistrates, 44% of Senior Resident Magistrates, and 59% of Resident Magistrate are women.97 There are 56 female Judges (39%) and 86 male Judges in 2017, as opposed to 40 female and 104 male in 2012.98 The number of male and female Magistrates on the other hand stands at 230 and 216 respectively which is a near 50-50 balance.

Justice Gender Strategy and Quotas

This progress is attributed to concerted civil society advocacy that resulted in explicit legal and policy commitments to advance women’s equal representation.

The Kenyan Constitution of 2010 establishes affirmative action as a constitutional requirement and introduces a hard quota of “not more than two-thirds” of all elective or appointive bodies, including the judiciary, shall be of the same gender, providing for ways to address past discrimination.99 In addition to this general measure, the 2010 Constitution also includes provisions specific to women’s participation in the judiciary, mandating that at least three women be included in the eleven-member Judicial Services Commission, the body responsible for the appointment and removal of judges and judicial officers100 and requiring that in the performance of its functions, including the recommendation of candidates for appointment to the judiciary, the Commission be guided by need to promote gender equality.101

99 Kenya Constitution 2010, Art 27. Para (6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. […]
100 Idem, Art 171.
101 Idem, Art. 172.
The Const, Art 27 *quota* is applicable to all government appointments; therefore there are at least 33% women as prosecutors, bailiffs, police, advocates, clerks, correctional officers, etc. These Constitutional provisions have had a visible effect since their adoption. A number of constitutional petitions to the courts have been successful in situations when the civic society has perceived that the two-thirds rule has been infringed.\(^\text{102}\)

APPENDIX B:

ANNOTATED COMMENTARY & BIBLIOGRAPHY ON THE PRACTICABILITY OF INTRODUCING QUOTAS IN THE JUSTICE SECTOR

1. With reference to international best practices regarding the introduction and implementation of gender quotas, the Project Team has considered a sizeable amount of international norms, comparative literature and peer-reviewed research regarding international best practices on gender quotas, prior to affirming its recommendations.

2. Gender quotas are generally accepted to be an efficient measure in order to improve sex-ratio professional inequalities in a controlled, measurable and unequivocal


manner. It has been the Project's understanding that the Strategy Report to be adopted by the MoJ reflects the Government's genuine concern about this continued disparity and underlines its resoluteness to take decisive action to address it, as opposed to merely present a bunch of generic measures with no actionable or sanctionable potential, which —on their own— may only contribute marginally towards the goal of decreasing gender disparity.

3. As to the effectiveness of quotas and their application in international practice, both generally and in particular within the justice professions

a. The introduction and application of gender quotas in high-level cadres as a means to redress gender imbalances in environments that ought to be considered representative of the society as a whole has overwhelming support internationally, and is considered a *sine qua non* parameter in the armoury of best practices throughout the world. It should be noted that this is not only agreed upon by representatives of liberal western countries, but it is equally applicable in numerous states which rank equal or lower than Azerbaijan in general social progress indicators, as well as some directly neighbouring countries.

---


b. In what regards justice professions in particular, studies over the last half-century unanimously suggest that affirmative action in the form of gender quotas is an effective short- and medium-term measure to increase representation of women in all these professions, including the judiciary. Moreover, according to a recent study by the European Parliament, quotas in the legal profession and judiciary in the particular are viewed as an efficient, effective and equitable tool for bridging the gender imbalance and ensuring representation of women in the relevant professions. The study refers to quotas in such international courts as the International Criminal Court and the European Court


of Human Rights, as well as their implementation in various member states of the European Union, such as Belgium (outlined in Appendix A, supra).

4. Concerning the necessity to increase the currently low number of judges and maintain an equitable workload
   a. Schematically, the quotas as potentially envisaged would be designed neither to reduce nor to increase their number, but will help instead to ensure that the representation of women in the justice professions will improve. In other words, the gender ratio is going to be affected, but not the overall number of judges.
   b. In context, the imposition of quotas has been shown to increase, rather than decrease overall prospective applicant numbers in several countries, as talented and appropriately qualified women who were excluding themselves from the process fearing that they would never manage to be appointed, can heretofore feel much more confident to apply, in view of the existing minimum representation rules.
   c. There is no recognisable effect of the recommended measures on the workload of justice professions or on the access of citizens to justice. Workload distribution of magistrates does not correlate to their gender ratio.

5. As for increasing women’s representation in the prosecution service
   a. Even though official data on prosecutor gender distribution was impossible to procure, there are empirical indicators that seem to point towards a significant

---

gender imbalance in this sector which is higher than that amongst magistrates (i.e. less than 12% of prosecutors are women).

b. The prospect of introducing a form of quotas for prosecutors\textsuperscript{135} is certainly "culturally possible",\textsuperscript{136} and residually, the purpose of the suggested measure\textsuperscript{137} is to help remedy this harmful stereotype.\textsuperscript{138} Furthermore, it is difficult to discern how the increase of women in the prosecution service is contrary to the practical needs of the prosecutorial service.\textsuperscript{139} It seems redundant to point out examples of successful women prosecutors in the world (suffice it to refer to the current chief prosecutor of the International Criminal Court).\textsuperscript{140} If anything, the ideal situation would be to extend such quotas to all\textsuperscript{141} justice professions\textsuperscript{142} in Azerbaijan, a recommendation that the Team has so far refrained from formulating.

6. In Azerbaijan, gender quotas

a. Have been applied since the USSR period in relation to the number of women in political positions and the election of legislators.\textsuperscript{143} Since Soviet times quotas have been regarded as the only solution to gender equality in the workplace' since it is a strict, mandatory measure and usually includes penalties for non-compliance, it is

\textsuperscript{137} A very interested analysis is presented by some researchers who maintain that a predominantly oil-based economy is correlated with low penetration of females in a state’s professional life: Norris, P. (2012). Perhaps petroleum perpetuates patriarchy?. A response and critique to Ross. Norris, P. (2011, March), Mecca or oil? Why Arab states lag in gender equality. In global cultural changes conference, University of California (Vol. 11): UCLA.
non-negotiable and is enforced by an external body. (European Parliament, 2017:36).

b. In the post-Soviet term, the main social argument in favour of the introduction and application of the quota system in the Azeri society is that it can tackle the “dual status” of Azerbaijani women. According to researchers in Azerbaijan, females can be self-confident, emancipated, and independent at their working position and in the public sphere, and at the same time they are absolutely submissive and dependent on the men who are members of their domestic community. Women, both in their social and professional life need quotas in order to address existing imbalances and to be able to improve their position and achieve their targets.

c. As outlined in Appendix A, within the judicial professions there is a wide range of models of quota systems, which can be adapted and tailored to the needs of different jurisdictions. This potential flexibility of quota arrangements are seen as an advantage. Quotas can operate at the application stage of a selection process, the short-listing stage, and also as a means of quality control. They can also be increased or decreased over time in order to account for changing situations, to demonstrate that they are proportional, and only to be used as long as a persistent disadvantage of either sex exists. In practice, quotas are not new for the judiciary (geographical or religious quotas are accepted).

145 Azerbaijan Gender Information Centre, 2018. (ibid.)
PART III: NATIONAL ACTION PLAN
## NATIONAL ACTION PLAN (2018-2025)

<table>
<thead>
<tr>
<th>Recommendations</th>
<th>Activities</th>
<th>Responsible Governmental Bodies</th>
<th>Implementation time</th>
<th>Indicators</th>
</tr>
</thead>
</table>
| **1. Framework Measures for the Judiciary** | • Espouse measures to assist implementation of the CEDAW recommendations  
• Adopt 2015 OECD Recommendation of the Council on Gender Equality in Public Life  
• Include a commitment on equal representation in Article 93-3 of the law “On courts and judges”  
• Consider the introduction of quotas in the judiciary, following the successful results in a number of other countries with gender disparity (see Appendix A) | Milli Majlis                     | 2020-2025            | • Amendments to the Article 93-3 of the law “on courts and justice” and Article 16 of the law “on the judicial legal council”.  
• Introduction of new framework rules to adopt measures ensconced in CEDAW and 2015 OECD recommendations, including quotas, as appropriate.                                                                                                                                                                                                 |
| **2. Introduction of paternity leaves** | • Introduce a 30-day paid paternal leave in the Labour Code (Articles 125 and 126, or 130.b).                                                       | Milli Majlis                     | 2019 – 2020            | • Amendment to Labour Code                                                                                                                                                                                                                                                                                                                                 |


3. Maternity leaves for the judiciary
   - Introduce a maternity leave for women judges in the law “on courts and judges” similar to the Article 125 of the Labour Code
   - Introduce an adoption-related leave in the law “On courts and judges” similar to the Article 126 of the Labour Code
   - Milli Majlis
   - 2019 – 2020
   - Amendments to the law “On courts and judges”

4. Extend definition of gender discrimination
   - Extend the definition of gender discrimination (Article 2.0.4, law “on guarantees of gender (male and female) equality”) to cover indirect discrimination against women
   - Introduce into law definition of direct and indirect discrimination
   - Proposed definition – “sexual harassment, any distinction, exclusion or advantage that limits or denies, or has the effect or purpose of limiting or denying equal enjoyment of rights on the basis of sex”
   - Milli Majlis
   - 2019 – 2021
   - Amendment to the Article 2.0.4 of the law “on guarantees of gender equality”
<table>
<thead>
<tr>
<th>5. Require consideration of gender equality when appointing candidates to the Prosecution service and service in the Ministry of Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Introduce requirement for considering gender diversity in selecting candidates for the work in the prosecution service and the work in the Ministry of justice</td>
</tr>
<tr>
<td>• President of the Republic</td>
</tr>
<tr>
<td>• Prosecutor-General’s Office</td>
</tr>
<tr>
<td>• Ministry of Justice</td>
</tr>
<tr>
<td>2020-2024 to be established</td>
</tr>
<tr>
<td>Ongoing implementation</td>
</tr>
<tr>
<td>• Amendments to the “Regulations “On the rules for conducting interviews and competition for the candidates to the positions in the justice organs” adopted by Decree № 673 (13 December 2007)</td>
</tr>
<tr>
<td>• Amendments to “Regulations “On rules for conducting competition for candidates to the prosecution service” adopted by Decree № 509 (19 June 2001)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>7. Sensitise and educate human resources with regard to gender issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Develop provisions for ethical conduct of public servants and employees in the justice sector concerning issues of gender discrimination and harassment.</td>
</tr>
<tr>
<td></td>
<td>• Establish disciplinary procedures for registering and investigating claims of gender discrimination and harassment.</td>
</tr>
<tr>
<td></td>
<td>• Milli Majlis</td>
</tr>
<tr>
<td></td>
<td>• Judicial-Legal Council</td>
</tr>
<tr>
<td></td>
<td>2020 – 2021</td>
</tr>
<tr>
<td></td>
<td>• Amendments to law on “Rules of ethical behaviour of state servants”</td>
</tr>
<tr>
<td></td>
<td>• Amendments to the “Code of Ethical Conduct of Judges”</td>
</tr>
<tr>
<td>8. Provide mechanisms for workload safeguards for legal professionals</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>• Extend workload safeguards for women provided for in the Labour Code to judges</td>
<td></td>
</tr>
<tr>
<td>• Adopt policy (rules) for performance evaluation of judges by the Judicial Legal Council that accommodates gender equality</td>
<td></td>
</tr>
<tr>
<td>• Introduce human resources policies in the Ministry of Justice service that enforce workload safeguards for women provided for in the Labour Code</td>
<td></td>
</tr>
<tr>
<td>• Introduce human resources policies in the prosecution service that enforce workload safeguards for women provided for in the Labour Code</td>
<td></td>
</tr>
<tr>
<td>Ministry of Justice</td>
<td></td>
</tr>
<tr>
<td>Judicial-Legal Council</td>
<td></td>
</tr>
<tr>
<td>Office of Prosecutor-General</td>
<td></td>
</tr>
<tr>
<td>2021 – 2025</td>
<td></td>
</tr>
<tr>
<td>• Amend human resources regulations of the Ministry of Justice</td>
<td></td>
</tr>
<tr>
<td>• Amend human resources regulations of the Prosecutor’s Office</td>
<td></td>
</tr>
<tr>
<td>• Amend law “on courts and judges” to extend workload safeguards for women provided for in the Labour Code to judges</td>
<td></td>
</tr>
<tr>
<td>• Adopt rules for performance evaluation of judges by the Judicial Legal Council that accommodate gender equality</td>
<td></td>
</tr>
</tbody>
</table>
| 9. Gender equality capacity building activities for legal professionals | • Awareness raising and specialised trainings on women’s rights. | • MoJ
• Academy of Justice | 2020 to be initiated (ongoing action) | • Appropriate Training curricula
• List of participants of the capacity building events
• Professional tutors to deliver the trainings |
|---|---|---|---|---|
| 10. Generalised capacity building activities in rural areas | • Awareness raising and specialised trainings on promoting women’s employment in the legal and justice sectors. | • Ministry of Justice
• Local Authorities | 2019-2028 | • Training materials tailor made to the needs of each rural area
• Number and type of people attended capacity building activities |
| 11. Sensitise law school faculty and students on gender balance initiatives | • Conducting regular based workshops and lectures for Law school faculty and students
• Dissemination of relevant informative materials (presentations, booklets) for increasing gender awareness | • MoJ
• Law Schools of the universities
• Justice Academy | 2019-2025 | • Number of lectures and workshops provided
• Number of informative materials distributed
• Number of students and teachers attended the lectures and workshops |
12. **Promote a positive image of women in the legal profession and combat gender based stereotypes**

- Invite distinctive lecturers/presenters to provide workshops on gender awareness;
- Promote the notion of successful female lawyers through media productions (such as an Azeri-produced television serial);
- Identify female lawyer role models and endorse them through different media (newspaper & TV interviews, documentaries, TV spots, electronic social media);
- Create and promote women legal professional associations and unions;
- Create online social media platforms for sharing information and awareness raising.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Body</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>the MoJ</td>
<td>2020-2029</td>
</tr>
<tr>
<td></td>
<td>Judicial-Legal Council</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office of the Prosecutor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Collegium of Advocates</td>
<td></td>
</tr>
</tbody>
</table>

13. **To create gender equality interaction**

- Collect and systematise gender data

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Body</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MoJ</td>
<td>2019-2022</td>
</tr>
</tbody>
</table>

- Number of awareness raising events organised
- Number of legal professionals and students reached by the awareness raising events
- Number of social media tools created/used for awareness raising
- Number of women judges and women lawyers associations/unions created
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Create a database, upload and update information to the database</td>
<td>• Take appropriate measures on the monitoring and evaluation of the Gender Strategy recommendations of this Report;</td>
</tr>
<tr>
<td>• Share and provide access to the database amongst legal professionals</td>
<td>• Meticulously implement the present Action plan and introduce any necessary revisions during the process of its implementation;</td>
</tr>
<tr>
<td></td>
<td>• Publish monitoring and progress reports on semi-annual and annual basis at the same area of the MoJ website where this Justice Gender Strategy and Action Plan will be available.</td>
</tr>
<tr>
<td></td>
<td>• Develop monitoring and evaluation framework for assessing cross-organisational strategic impact to ensure maximum system effectiveness.</td>
</tr>
</tbody>
</table>

| to be developed | • A gender equality interaction database/ dataspace is created and shared amongst relevant institutions. |
| (on going action) | | |

| MoJ | • Monitoring and Evaluation Framework/ Matrix |
| 2019-2030 | • Monitoring and Progress reports to be submitted on a semi-annual and annual basis |
| | • Published at the MoJ website |
• Implement and make additions to the Action plan in the process of its implementation.