**Response of the Commissioner for Human Rights (Ombudsman)**

**of the Republic of Azerbaijan to the Questionnaire**

**on deprivation of liberty of women and girls**

In our country, crimes against property are the main causes for women coming into conflict with the law. Offenses related to the preparation, production, acquisition, storage, transportation, transfer of drugs, psychotropic substances or their precursors are also widespread. Crimes against public moral (involving to prostitution, maintenance of prostitution house) and causing of harm to health are part of this. The reasons ofcommitting such crimes are different. The greediness, family conflicts, social problems are main reasons for committing such crimes.

The analysis shows that, some of the convicted women in penitentiary institutions are victims of domestic violence. Elimination of circumstances causing violence and fight against it are among the issues under constant attention of the Commissioner. Thus, the Commissioner organizes various activities related to the protection of the rights of victims of violence, including the rights of women and children, the protection of a healthy family environment, enlightenment and submits proposals to improve the legislation and institutional mechanisms.

On February 10, 2017, the President of the Republic of Azerbaijan signed an Order on "Expansion of application of alternative punishment and procedural compulsory measures not related to improvement of activity in the penitentiary sphere, humanization of penal policy and isolation from society". Based on the requirements of this decree, a number of changes have been made in the criminal and criminal procedure legislation, sanctions not related to decriminalization and deprivation of liberty were established in the relevant norms. As a result, a significant number of prisoners, including women, gained the opportunity to be released from penitentiary institutions. Particularly property-related offenses (fraud and etc.) are covered by the scope of the impact that arises from this order. That decree became a new step in terms of the sustainability of human rights enforcement reforms.

The Order is essentially comprehensive, involving fundamental principles of human rights and freedoms, and strategic, new and complex approaches, fundamental change and co-operation in terms of ensuring the right to liberty. This approach requires the state to recognize the dignity of a person as a social value, the responsibility of everyone before society and others in terms of ensuring the rights and freedoms, and the inadmissibility of interference with the right to liberty.

Women prisoners were also benefited from this Order. Thus, the punishment of many of them were soften, several women were released.

There are no special restrictions and difficulties in women’s access to justice in our country. The growth in the number of advocacy services, advocates, and legal counseling services in the country, especially during the last year, has provided greater access to the judiciary. The number of women prisoners in the country has decreased for the last 10 years.

Women prisoners benefit from all kinds of medical service without any obstacle. When necessary, they are placed in the medical institutions of penitentiary service or, when required, in civil hospitals. These services are acceptable for all women prisoners.

The country is fighting against trafficking in human beings and National Action Plan on Combating Trafficking in Human Beings was adopted. Main Department on Combating Trafficking in Human Beings was established under the Ministry of Internal Affairs in order to effectively execute the tasks indicated in the National Action Plan, ensure the security of victims of trafficking in human beings, provide the victims of trafficking in human beings with professional aid, summarize and store trafficking in persons related information in a single center and to ensure that experienced and specially trained and equipped police officers combat trafficking in persons.

Earlier in the country, cases of abduction of young girls in order to get married were widespread. After defining by the criminal law of such acts as kidnapping, abduction of girls decreased. This should be noted that women belonging to a less socially-protected part of the population are more victims of trafficking in human beings.

There is no specific risks of detention and confinement encountered by women on the move in context of asylum seeking, internal displacement and migratory processess.

The National Preventive Group conducts regular visits to the detention centers for illegal migrants and detention conditions are monitored. The criminal legislation displays humanistic approach to pregnant women and women with minor children.

The newly amended article 79.1 of the Criminal Code of the Republic of Azerbaijan states that, *to condemned pregnant women and women having children in the age up to fourteen years, except condemned who is imprisoned for the term from above five years for minor serious and serious crimes against the individual, a court can defer serving of punishment before achievement by the child of age fourteen.* This should be noted that before making this amendment to the legislation with the proposal of the Ombudsman, postponing of serving of punishment were applied towards women having children in the age up to eight years.

Women deprived of liberty for serious crimes or especially serious crimes can hold their children up to three years old nearby at special conditions. After 3 years old, these children are given on to relatives, an if there is none, they are placed to state institutions.

Within the framework of National Preventive Mechanism functions, the Ombudsman regularly holds “Open Door” day at Prison No. 4 for women convicts. During these events the Ombudsman conducts legal-awareness meeting with participation of convicts and the administration. Later on female prisoners are received in private, their applications and appeals are considered. Along with these, issues in the appeals related to investigations, decriminalization of offences and other criminal and civil-law relations of prisoners are responded in accordance with the legislation; their rights, requirement of the legislation regarding the pardoning and Ombudsman’s competences are explained to them.