

**Submission from the civic organization Call for Healthy Lifestyle for consideration at the 44th session of the Committee on the Elimination of Discrimination Against Women (CEDAW)
Concerns facing Women Drug Users and Sex Workers in Azerbaijan**

July 2009

Report Summary

Widespread discrimination of women who are members of vulnerable groups still occurs in Azerbaijan. Women engaged in sex work often have their rights violated, including their sexual and reproductive rights. Women who engage in sex work and women who use drugs in some cases experience neglect and ignorance by some physicians, policemen and society in general. Moreover, the existence of these vulnerable groups of women is not mentioned in government reports.

We **recommend** that the Committee on the Elimination of Discrimination Against Women examine the situation of the implementation of CEDAW in relation to women sex workers and drug users in Azerbaijan, and issue a set of special recommendations in this regard to the Government of the Republic of Azerbaijan.

The Republic of Azerbaijan has still failed to pass a law on domestic violence, despite a two-year-long parliamentary discussion of the law. During the discussion period, members of the Parliament voiced opinions against passing of the law, which contradict the very principles of the Convention, to which Republic of Azerbaijan is a signatory.

We **recommend** that the Republic of Azerbaijan immediately adopt the law on domestic violence, taking into consideration comments from the nongovernmental sector, and establishes a network of crisis centers for survivors of domestic and sexual violence.

Though sex workers, women drug users and pregnant do not undergo compulsory HIV testing and other types of medical examinations, positive dynamic of HIV and other STI's spreading is alarming for NGOs and government as well. The nongovernmental sector is the sole provider of voluntary medical and other services to these groups of women. The government of Azerbaijan has to press strong efforts to remedy this situation through developing of mechanisms of providing support and care to these vulnerable groups.

We **recommend** that medical and other types of services for women from vulnerable groups are expanded with government support.

Introduction

Since the Committee last considered the situation of Azerbaijan in 2007, the Republic of Azerbaijan has enacted a number of legislative and regulatory articles designed to eliminate discrimination against women. Regardless, discriminatory actions continue against particular groups of women—acts of violence and discrimination against women engaged in sex work and women drug users often remain unknown and unpunished. As long as violations continue against women in these groups, it will be impossible to fully eliminate discrimination against women in Azerbaijan. Furthermore, on the governmental level, the existence of sex workers as a group is not recognized. Meanwhile, estimates indicate that there are more than 300,000 injecting drug users living in Azerbaijan, representing 5.21% of people ages 15-64.¹ Official statistics also show that 2% of those currently registered as drug abusers are women;² however, the actual number is likely much higher—no official estimates have been done. Similarly, there is no proper estimate of the number of female sex workers.

The civic organization Call for a Healthy Lifestyle brings together 24 organizations that provide a variety of services to vulnerable groups, including women drug users and sex workers.

Article 1. Defining Discrimination

Women who engage in sex work in the Republic of Azerbaijan are not able to realize their rights, such as sexual and reproductive rights.

Recommendation 1. The Committee on the Elimination of Discrimination against Women should examine the situation regarding the implementation of CEDAW in relation to sex workers in Azerbaijan, and issue special recommendations in this regard to the Government of the Republic of Azerbaijan.

Article 2 Essential Legal Measures for the Elimination of Discrimination

In the Republic of Azerbaijan, the law requires extraction of a fine from any person delivering sexual services for money, which the police use as justification for raids against women and regularly arrest women engaged in sex work. Public condemnation of prostitution forces women providing sexual services to conceal their status and prevents them from making complaints against the policemen violating their rights, getting an education or receiving medical care and social and legal assistance, and also makes them easy prey in the eyes of the police.

Recommendation 2. The government of Azerbaijan should repeal the law requiring a fine for provision of sexual services; eliminating this law would decrease the abuse of authority by police. Furthermore, the Ministry of Interior establish a special body dedicated to the prosecution of police employees exceeding their authority and committing acts of violence against the public in general and vulnerable women in particular.

¹ Mathers, BM., Degenhardt, L., Phillips, B., Wiessing, L., Hickman, M., Strathdee, S.A., et al., for the 2007 Reference Group on Injecting Drug Use. Global Epidemiology of injecting drug use and HIV among people who inject drugs: A systematic review. *The Lancet*: 372. published online, 24 September 2008

² Republican Narcological Dispensary data reported to UNODC, 2007

Article 4. Adoption of Special Measures To Protect Motherhood

Women may experience serious negative consequences if they test positive and their status is disclosed. Testing, like any other medical intervention, must occur only with the consent of the woman herself; doctors should be instructed to explain to women the importance of such testing; however they should not be allowed to force women to undergo testing, and any views they express should take the form of recommendations.

There are also instances of disclosure of status of people infected with the Human Immunodeficiency Virus (HIV). For women, disclosure of HIV status is a particularly blatant violation, since, due to persisting stereotypes it can entail irrevocable consequences for their family and personal life and for the future of their children. While healthcare workers, media and other persons involved are, according to the law,³ to be held accountable for disclosure of information about HIV-positive individuals, no system for responding to such cases exists, and no administrative or criminal charges have been brought to date in cases of disclosure. Notoriously, in July 2007 the status of an HIV-positive 16-year-old girl became known to journalists and was the subject of a sensational media campaign that disclosed the name, whereabouts and status of this young woman without her consent. The absence of systems to hold violators accountable for such crimes gives journalists and other responsible parties impunity from prosecution.

Recommendation 3. The government of Azerbaijan should put in place more stringent penalties for disclosing HIV-positive status. Prosecute people who participate in and are responsible for the disclosure of HIV status.

Article 5. Eradicate Stereotypes and Prejudices Surrounding the Roles of Men and Women

A draft law on domestic violence has been in development for the past two years and is yet to be adopted by the Parliament of the Republic of Azerbaijan. Furthermore, during these past years, many members of the Parliament publically and vehemently opposed adoption of such a law, claiming that the Azerbaijani national mentality precludes family issues from being under the purview of courts of law. Consideration of these types of arguments and delaying adoption of the law go against the principles of the Convention.

The absence of the law that would prohibit all forms of domestic violence allows violence against women to go unpunished. Due to stereotypes surrounding their choice of work and behavior, women engaged in sex work and women who use drugs are particularly vulnerable to the most barbaric forms of domestic violence. According to an independent study⁴ conducted by NGO Clean World among 150 women who use drugs and engage in sex work in five cities of Azerbaijan, 75% of women belonging to these vulnerable groups are regularly subjected to various forms of domestic violence and 85% of them avoid reporting incidents to the police, out of fear and a firm belief that they will not achieve justice and will instead be blamed for what happened.

³ HIV/AIDS Prevention in the Republic of Azerbaijan. Article 18.

⁴ Situational assessment of risk for HIV-infection among women who use drugs and engage in sex work. NGO Clean World. Baku, 2008.

The government of Azerbaijan, which has accepted a certain responsibility for defending the rights of women by ratifying the Convention, is not sufficiently actualizing its commitment. In January 2007, in accordance with a decree by the Cabinet of Ministers, a "Multifaceted Republic-Wide Program to Fight the Daily Manifestations of Violence in a Democratic Society" was adopted. In order to effectively realize this Program an Action Plan, the creation of a country-wide network of crisis centers was envisioned. However, there are still no crisis centers or other government services to help survivors of domestic violence. There are hotlines and trust points for victims of human trafficking, however such services are not being offered to the victims of domestic and sexual violence.

Recommendation 4. The government of Azerbaijan should expeditiously adopt a law on domestic violence that takes into account recommendations by nongovernmental organizations. Furthermore, the government should create crisis centers, emergency medical services, and hotlines for emergency assistance to women who have survived any form of domestic or sexual violence, including members of vulnerable groups.

Article 6. Traffic in Women and Prostitution

Lack of protection on the part of the government, and existing laws that mandate fines for providing sexual services, create conditions for exploitation of sex workers. The police are particularly culpable, as they extract fines and exploit the vulnerability of sex workers to public condemnation and violence from clients and family members. The main reason study respondents (45%) cited for refusing to seek legal assistance when their rights are violated is corruption in the courts and law enforcement.⁵ Furthermore, 22% stated that they do not turn to the police when their rights have been violated since on their mind the police are often the main violators of these rights.⁶ And it leads to impunity of policemen who violate the rights of women from vulnerable groups although law and normative acts of Azerbaijan Republic provide administrative and criminal sanction for violating of such rights.

Article 7. Political and Public Life

Women engaged in sex work and women who use drugs are left out of the process of making decisions that have an immediate impact on their lives and the lives of their families and children. For example, official reports include no mention whatsoever of women who are members of these vulnerable groups; sex workers and women who use drugs are not included in the development of laws and national programs and do not have opportunities to collaborate with the Committee on Women's and Children's Affairs. At present, nongovernmental organizations are the only agencies providing assistance to sex workers and women who use drugs.

Recommendation 5. The government of Azerbaijan should include representatives from community groups of sex workers in national forums for discussions of issues impacting their rights. Governmental structures, such as the Committee on Women's and Children's Affairs, with the participation of nongovernmental organizations and grassroots organizations of women representing the communities of sex workers and drug users, should conduct a large-scale

⁵ Ibid.

⁶ Ibid.

assessment of the needs of women from vulnerable groups and develop a special strategy aimed at expanding medical and social services for them, as well as eliminating all forms of discrimination against them. The government should regularly include mention of these groups in relevant reports.

Article 12. Health Care and Family Planning

Women engaged in sex work and women who use drugs regularly confront discrimination from representatives of medical facilities and are forced to hide the nature of their work and behavior from doctors, which limits their access to information about protecting their health. This is especially concerning, because these two groups face disproportionately high rates of HIV. According to UNAIDS, 13% of injecting drug users in the capital, Baku, were found to be HIV positive, while the HIV prevalence rate among female sex workers is 9%.⁷ Out of fear of having their status as a sex worker or drug user disclosed, many women in these groups avoid seeking health care except in emergencies: 40% reported only turning to medical services due to labor and pregnancy, 15.8% only for urgent care.⁸

Furthermore, the practice of conducting police raids, where police arrest sex workers and bring them to medical facilities for mandatory testing for HIV and sexually transmitted infections (STIs), still exists in Azerbaijan. For example, at the end of last year, raids were conducted that led to 58 female sex workers being detained and subjected to mandatory medical examinations. Such measures further undermine women's trust in medical establishments, thereby inhibiting their access to medical services. Despite the existing National Strategy for HIV/AIDS in 2008-2012, which supports programs that operate in accordance with the principle of harm reduction for vulnerable groups, access to essential medical services is limited for women. Harm reduction programs carried out under the Global Fund to Fight AIDS, Tuberculosis, and Malaria operate in only five regions of the country and do not receive government funding. Government-run medical facilities do not provide such services as counseling and informing women about preventing STIs and HIV. HIV treatment is also limited for women from vulnerable groups who live outside the capital, though yearly incidence rates continue to increase.⁹

Recommendation 6. The government of Azerbaijan should establish a commission to monitor discrimination against women in health care facilities, in particular women from vulnerable groups. Establish a system of friendly clinics and support projects to work with women from vulnerable groups within the framework of the national budget.

Recommendation 7. The government of Azerbaijan should instruct the Ministry of Internal Affairs to discontinue and widely discourage the practice of law-enforcement raids. The Ministry of Health and Ministry of Internal Affairs should train law enforcement personnel in working with vulnerable groups within the framework of the National HIV/AIDS Strategy.

⁷ UNAIDS. AIDS epidemic update 2007. Geneva: UNAIDS and WHO, 2007.

⁸ Situational assessment of risk for HIV-infection among women who use drugs and engage in sex work. NGO Clean World. Baku, 2008.

⁹ UNAIDS. AIDS epidemic update 2007. Geneva: UNAIDS and WHO, 2007.

Conclusions

It is clear that the legislation and practice governing women's rights in Azerbaijan, especially the rights of women from vulnerable groups, are still not in complete line with the ratified Convention on Elimination of all forms of Discrimination Against Women.

The issues listed in this report call for immediate response. We invite the Committee to review the evidence presented in this report and make particular recommendations to the government of the Republic of Azerbaijan.