

LAW OF THE AZERBAIJAN REPUBLIC **of June 22, 2010 No. 1058-IIIQ**

On prevention of domestic violence

(as amended on 08-10-2019)

This Law establishes and regulates the events held in the direction of prevention of the violence committed by the abuses of the close related relations, the current or former cohabitation generated by it negative legal, medical and social consequences, social protection, providing with legal assistance persons which were affected by domestic violence, and also elimination of the circumstances leading to domestic violence.

Chapter I. General provisions

Article 1. Basic concepts

1.0. The basic concepts used in this Law have the following values:

1.0.1. domestic violence - intentional causing physical or moral harm each other persons to whom this Law, by abuse of the close related relations, the current or former cohabitation extends;

1.0.2. person which was affected by domestic violence (further the injured person) - person to whom physical or moral harm as a result of the actions provided by articles 1.0.3-1.0.6 of this Law and intentionally committed concerning it jointly the family member living with it, the close relative, person with whom it does not consist in legal marriage or with which jointly lived earlier is done;

1.0.3. physical abuse on the household soil - intentional rendering by persons to whom operation of this Law, physical impact at each other, that is violation of safety using violence, beating, damnification to health, causing sufferings, restriction of right to liberty extends;

1.0.4. mental violence on the household soil - intentional rendering by persons to whom operation of this Law, mental impact at each other or implementation of the actions directed to creation of intolerable mental situation extends;

1.0.5. application of illegal restrictions of economic nature on the household soil - actions of persons to whom operation of this Law extends, directed to deprivation of each other finding in their property, the order or use of property, the income, creation of economic dependence, maintenance of such dependence or abuse of it;

1.0.6. sexual violence on the household soil - coercion by persons to whom operation of this Law, each other to actions of sexual nature contrary to their will extends;

1.0.7. prevention of domestic violence - the legal, social and precautionary events held for the purpose of elimination of danger of domestic violence;

1.0.8. the centers of the help - the government and non-state institutions created for the purpose of rendering legal, medical, psychological, public and other assistance to injured persons;

1.0.9. the security order - the act of the restrictions applied to actions which person who committed domestic violence concerning injured person can make.

Article 2. Legislation of the Azerbaijan Republic on prevention of domestic violence

The legislation of the Azerbaijan Republic on prevention of domestic violence consists of [the Constitution](#) of the Azerbaijan Republic, international treaties which participant is the Azerbaijan Republic, this Law and other regulatory legal acts.

Article 3. The basic principles in the sphere of prevention of domestic violence

3.0. The basic principles of prevention of domestic violence consist in the following:

3.0.1. providing for everyone the basic rights and freedoms of man and citizen provided [by the Constitution](#) of the Azerbaijan Republic and the legislation of the Azerbaijan Republic;

3.0.2. prohibition of discrimination against women;

3.0.3. inadmissibility of intervention in private and family life of everyone, the cases except for set by the legislation and limits;

3.0.4. maintaining confidentiality for the purpose of protection of mystery of private and family life;

3.0.5. recovery of the violated rights of injured persons;

3.0.6. mutual cooperation of state bodies and non-state structures in the sphere of prevention of domestic violence.

Article 4. Persons to whom operation of this Law extends

4.0. This Law extends to the following faces:

4.0.1. the family members who are close relatives (the spouses/spouse, parents, children, grandmothers, grandfathers, grandsons, the family and stepbrothers and sisters, usinovitel and the adopted persons) and also other rostvennik in case of cohabitation;

4.0.2. the former spouses living after scrap rastorzheniye together or separately;

4.0.3. the physical persons designated by guardians or custodians and also persons over whom guardianship or custody is established;

4.0.4. the man and the woman living jointly without the conclusion of legal marriage, and also relatives, close to them, jointly living.

Chapter II. Claim treatment procedure about domestic violence

Article 5. The state bodies considering claims about domestic violence

5.1. In the presence in claims about domestic violence of data on the committed or preparing crimes, these claims are considered according to the procedure, established by the criminal procedure legislation.

5.2. In case of absence in the claim about domestic violence of signs of actus reus, this claim is considered by relevant organs of the executive authority. In case of absence in the claim about domestic violence of signs of actus reus, the procedure for consideration of the claim is established by relevant organ of the executive authority.

Article 6. Investigation of claims about domestic violence

6.1. Can be the reasons of conducting investigation on domestic violence:

6.1.1. claim of the most injured person or members of his family;

6.1.2. the addresses which arrived from physical persons or legal entities, state bodies and local government bodies, including educational institutions and healthcare institutions, non-governmental organizations, mass media.

6.2. Officials of state bodies and local government bodies, the commissions on cases of minors and protection of their rights, guardianship and custody bodies, educational institutions and healthcare institutions, the centers of the help represent the complaints about making of domestic violence received by them when implementing the service duties to relevant organs of the executive authority, the stipulated in Clause 5 these Laws.

6.3. In case of absence in the claim about domestic violence of signs of actus reus, this claim is investigated only in case of the consent of injured person or his legal representative.

Article 7. The actions which are subject to accomplishment along with criminal prosecution by consideration of the claims connected with domestic violence, according to the procedure, established by the criminal procedure legislation

7.0. Along with the tasks established by the legislation in connection with the implementation of criminal prosecution, actions which are subject to accomplishment after confirmation of data on domestic violence are:

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