



WOMEN'S PARLIAMENT

**SHADOW REPORT
TO THE CEDAW COMMITTEE
ON**

AZERBAIJAN

**from Women's Association
for Rational Development
(WARD)**

EQUAL RIGHTS!

EQUAL POWER!

EQUAL OPPORTUNITIES!

EQUAL APPROACH!

EQUAL CONDITIONS!

EQUAL PARTICIPATION!

January 2015

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AZERBAIJAN**

This Shadow Report was elaborated within the framework of the project "Creation of Women's Parliament in Azerbaijan" implemented by Women's Association for Rational Development (WARD) with the financial support of the United Nations Democracy Fund (UNDEF).

The Women's Parliament, consisting of 25 women leaders from 6 various thematic sectors, was created specifically for the purpose to research, make analysis and report on the women's rights situation in Azerbaijan.

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About WARD

Women's Association for Rational Development (WARD) was created in 2002 by a group of active women, who were united with the MISSION to contribute to the development of Azerbaijan through women's empowerment and equal participation. WARD is a non-governmental, non-political and non-profit women's organization, which was registered by the Ministry of Justice in 2005.

WARD's mission is based on the faith that full democracy, justice and development cannot be reached if there is any distinction, exclusion or restriction made on the basis of gender, age, religion, ethnicity and affiliation.

This Shadow Report was elaborated within the framework of the project "Creation of Women's Parliament in Azerbaijan" implemented with the financial support of the United Nations Democracy Fund (UNDEF). The Women's Parliament, consisting of 25 women leaders from 6 various thematic sectors, was created specifically for the purpose to research, make analysis and report on the women's rights situation in Azerbaijan.

The project (2010-2012) was implemented in compliance with 2009-2012 Action Plan of WARD, which put Gender Equality Program, Healthcare Program and Capacity-Building Program in priority.

INTRODUCTION

Although in the recent years Azerbaijan made significant steps to comply with CEDAW obligations and standards, still many efforts are needed to reach the visible progress on the situation when women are equal citizens enjoying all fundamental rights and freedoms provided by the law.

Regardless of numerous efforts undertaken to address gender-based discrimination and increase of the status of women in the country, the gender disparities exist in most sectors, undermining women's equal opportunities and equal access to justice. Additionally, new types of female disadvantages, such as early marriage, trafficking in women, violence against women, re-emergence of traditional, patriarchal beliefs and practices, and health related risks have emerged.

To change this situation, strong measures should also be taken to strengthen women's social, economic, legal and political status. The special measures regarding full implementation of the adopted domestic laws, modification of remaining discriminatory legal clauses, strategic planning of the actions, capacity-building of officials, law-enforcement and judiciary, elimination of patriarchal attitudes in society are needed.

Full implementation of the CEDAW Convention requires participation of the related stakeholders, such as NGOs, academic institutions, mass media outlets and international organizations in planning and realization of the state initiatives.

Only under these conditions, it is possible to have the situation when women have equal rights, equal opportunities and equal access to justice, prosperity and power.

EXECUTIVE SUMMARY OF RECOMMENDATIONS

Article 1. Definition of "discrimination against women"

No recommendations.

Article 2. Obligations of State parties to eliminate discrimination

- To elaborate working mechanisms and take special measures for implementation of the enacted and amended laws to address discrimination in general and high number of cases of domestic violence and early/forced marriages in particular as well as to increase women's access to justice;
- To work out the overall 4-year National Action Plan on Women's Issues, which would coincide with the CEDAW 4-year reporting cycle, that can be a valuable strategic planning tool as well as monitoring and evaluation mechanism for implementation of the CEDAW-concluding observations and recommendations;
- To attract the representatives of non-governmental organizations to the process of elaboration of the National Action Plan and of working mechanisms as such;
- To adopt the Law "On State Support to Families with Many Children" to improve protection for women with many children;
- To adopt the Law "On Protection of Reproductive Health and Family Planning" to address the problems in the area of reproductive health and rights;
- To make relevant amendments to the Guidelines "On Distribution of Monthly Food Allowances for Internally Displaced Persons" as of 10 December 2014 and the laws of Azerbaijan Republic "On Status of Refugees and Internally Displaced Persons (IDPs) (1999) and "On Social Protection of Internally Displaced Persons and the People of the Similar Status" (1999) to eliminate the gender-based discrimination in relation to IDP women.

Article 3. Development and advancement of women

- To elaborate clear criteria for recruitment/appointment of GFPs, work out the toolkit, guidelines or operational manuals for GFPs, conduct of specific professional training courses for GFPs and others, to enable the GFP mechanism operate efficiently;
- To take adequate capacity-building measures for empowerment of GFPs in the area of gender concepts, gender-related guiding documents, gender mainstreaming principles, strategies, tools, criteria, indicators;
- To hold sensitization/orientation sessions for HR managers/senior supervisors in state agencies to understand GFP functions and work modalities;
- To mobilize the GFP mechanism for strategic gender mainstreaming into all fields as a part of women's advancement and development plan.

Article 4. Temporary special measures

- To elaborate plan of action with special measures to strengthen women's participation and representation in political, economic, social, and cultural fields;
- To introduce quota system as a part of temporary measures where necessary;
- To simplify procedures to obtain fast-track temporary protection orders;
- To encourage women's participation in the labour force through legislation and policies with introduction of special temporary measures;
- To allow public access to the information when it is collected;
- To improve the legal and judiciary system to allow the better divorce terms for women.

Article 5. Sex roles and stereotypes

- To make gender-lens screening of the textbooks for content, language and illustrations and replace all the discriminatory parts with the gender-sensitive substitutes;
- To increase the number and quality of the awareness raising initiatives to end the traditional gender stereotypes. The topics should include, but not limited to women's rights, gender equality, maternal health, benefits of the use of contraceptives, family planning, etc.;
- To provide more mechanisms for equal opportunity employment and motivate women to work in the so-called "non-traditional female" jobs;
- To modify administrative offenses legislation to strengthen measures against men perpetrating economic violence;
- To use male and female role models breaking stereotypes in the public campaign.

Article 6. Trafficking in women and exploitation of prostitution

- To adopt the new period of the National Action on Combatting Trafficking in Human Beings with concrete implementation plan and budget;
- To attract non-governmental organizations to the elaboration and implementation of the National Action Plan;
- To increase the level of awareness and understanding of officials of the gender dimensions of trafficking of human beings;
- To endorse the efficiency of the criminal justice system to investigate, apprehend, prosecute and penalize offenders engaged in trafficking;
- To undertake measures towards equal economic opportunities for women to minimize their vulnerability to trafficking;
- Take measures to monitor migration patterns and strengthen state controls on border;
- To allocate state budget for opening shelters and rehabilitation centers;
- To keep statistics of women exposed to violence and trafficking;
- To implement the penalties for sexual harassment at the work places (state and private sectors);
- To provide women with free DNA check as a part of the rape response examination;
- To launch comprehensive rehabilitation programs for trafficked women and ensure their access to alternative economic opportunities;
- To increase the number of women in law enforcement and judiciary to deal with the cases of domestic violence and trafficking, which the women exposed to violence and trafficking often show as the argument for silencing and tolerating injustice.

Article 7. Participation in public and political life

- To increase gender equality in education and politics that will lead women to improved political participation and better representation in decision-making positions;
- To require and provide favourable environment for more women to participate in elections on higher levels of government;
- To allow and require formal political education of women by sponsoring their participation in educational programs;
- To encourage and motivate women's participation in economical, social, and cultural fields that has direct correlation with political participation;
- To allow female involvement in political parties by requiring minimum 25% women representation (quota);
- To introduce quota system as a part of temporary special measure, e.g. set a 45% quota for women in Parliament, 40% in Executive structure, 45% in the Cabinet of Ministers,

30% in Law enforcement, 10% in Armed force (not only at the lower level positions, but also on the executive level), etc.;

- To add the sex disclosure requirement on the voter-ballots to track the female political participation rate.

Article 8. Representation on international level

- To introduce minimum 20% quota for women's participation on international level (in all further identified recommendations);
- To increase women's participation in international fora, events, academic conferences, and programs;
- To organize educational trainings for women and encourage foreign study;
- To require larger appointment of women ambassadors;
- To remove discriminatory criteria while employing women in the national and international organizations (e.g. age, appearance, marriage status and pregnancy);
- To remove age, appearance, marriage status and other discriminatory clauses from curriculum vitae required by employers in Azerbaijan;
- To require, at least, 20 % of internally displaced persons involved in negotiations of the conflict settlement (formal or informal) to be women;
- To encourage women to enter the diplomatic academy (e.g. free tuition).

Article 9. Nationality

No recommendations.

Article 10. Education

- To conduct gender expertise of education system at 3 levels: micro (teachers, pupils), meso- (textbooks, infrastructure, methodology, programs), macro- (education policy and related legislation) to ensure equal education opportunities for both girls and boys and eliminate gender-based discrimination and stereotyping;
- To motivate families with special measures for girls' education, i.e. provide additional social support to the families with school-aged girls living in remote villages;
- To strengthen control over the conclusion of religious marriages, which cannot be concluded prior to the state registration of marriages and apply administrative measures to the perpetrators (religious mullah, parents, etc.);
- To increase state financial allocation to science and to stimulate women's participation in relevant international scientific visits and meetings;
- To fund and promote women circle activities such as chorus, computer science, carpet weaving, sewing, reading, drawing in the regions;
- To ensure the knowledgeable use of Technology of Information and Communication.

Article 11. Employment

- To take measures for women's economic empowerment by increasing gender equality in labour force and fostering female entrepreneurship;
- To take measures to eliminate the pay gap based on gender;
- To make amendments to the Law "On Compulsory Insurance" and provide contributions to low-income women;
- To reduce women's retirement age (e.g. taking into account the number of children);
- To provide monetary contributions to non-working mothers;
- To reduce the working hours of "non-traditional" women's professions such as women in military to increase women's participation and representation in such fields;

- To recognize gender equality of women and girls with disabilities in legislation, particularly those concerning gender equality, domestic violence, education, health and labour, among others.

Article 12. Health

- To endorse approval of the “Law on Protection of Reproductive Health and Family Planning” and also to ensure the implementation of the other existing laws (e.g. there should be brought sanctions to health personnel making induced abortions without sufficient medical reasons);
- To introduce child-family benefits, social assistance programmes and to expand coverage of health insurance scheme benefiting the entire population to address the causal relations between the socio-economic conditions and the fertility preferences of the population in Azerbaijan and to bring to reduced expectations towards the son child regarding the old age security;
- To introduce counselling services and social assistance programs to prevent further decline of the fertility rate and mitigate the burden of child care;
- To launch awareness-raising campaigns focusing on gender equality and maternal health. Since the existing patriarchal mentality is the mechanism behind strong son preference, “gender education” programs in the education system, starting from preschool, are needed. For those outside of the formal education system, training programs in gender and gender equality may be delivered through public meetings, and more importantly, through awareness raising campaigns in printed, audio and visual media.
- To launch a massive advocacy campaign to sensitize the policy makers and build awareness among the population about the overall consequences of sex-selective abortions, namely the demographic misbalance, which might ultimately lead a point where return to gender balance will be difficult if not impossible.
- To introduce additional measures and to adopt monitoring and evaluation system of special measures to trace the progress on a number of indicators, such as sex ratio at birth, induced abortion rate, number of late term abortions, level of contraceptive use, women’s rate of participation in the labour force, size of population covered by gender education programmes, percentage of population covered by health insurance scheme, and other related indicators.
- To increase awareness of benefits of modern family planning methods over induced abortions and provide counselling services, particularly targeting at women who do not want another child in order to respond to unmet needs for the family planning.

Article 13. Equality in economic life

- To conduct gender analysis of the economic development and entrepreneurship activity in Azerbaijan and identify the areas of concerns for women’s economic participation;
- To elaborate State Program on Women’s Economic Participation;
- To elaborate State Program on the Development of Women Entrepreneurship;
- To study specific constraints for women’s equal participation in economic life and address them strategically with the long-term vision;
- To encourage female entrepreneurship through a number of temporarily special measures, such as simplified terms for access to microcredits, preferential loans for women, etc.;
- To avail women with equal business opportunities and special programs for poverty reduction;
- To ensure equal working conditions in employment sector;
- To allocate state funding to the handcraft development, paying special attention to the handicrafts by the disabled;

- To encourage international exchange business fora and study tours for business women to foster partnership projects and promote networking;
- To motivate women handicrafts by annual exhibition-fairs with broad media coverage and advertisement;
- To strengthen women's capacities in the areas of business management, leadership and communication;
- To attract non-governmental organizations to the conduct of capacity-building training courses and awareness-raising initiatives.

Article 14. Rural women

- To prevent unemployment among women within the framework of State Program on Poverty Reduction and Sustainable Development in Azerbaijan in the rural areas, especially in suburbs of Baku city;
- To work out special action plan for increasing women's economic participation in rural areas;
- To encourage female entrepreneurship in the rural areas by providing special subsidies to women entrepreneurs, including women farmers, to expand the use of leasing services;
- To eliminate barriers for women entrepreneurs, engaged in individual farms, small and medium businesses, to access to the capital market.

Article 15. Equality before the law

- To promote rule of law and ensure implementation of the equality principle in practice.

Article 16. Marriage and family relations

- To strengthen control over the conclusion of religious marriages, which cannot be concluded prior to the state registration of marriages and apply administrative measures to the perpetrators (religious clergy, parents, etc.);
- To identify the temporary special measures, such as mandatory marriage contract, mandatory medical check up of the couple to marry, to ensure maximum legal and social protection to the family, especially to the women and children;
- To increase efforts in conducting the wide public awareness-raising initiatives on the consequences of early marriages, unregistered or religious marriages (concluded without state registration of marriage) as well as on the advantages given by marriage contracts and medical check-ups for the couple to marry;
- To create a counselling group, including a psychologist, for couples going through divorce.

Article 17-30. CEDAW and state obligations

- To ensure full implementation of the laws in Azerbaijan;
- To make strategic planning with timeline, namely to work out the overall 4-year National Action Plan on Women's Issues, which would coincide with the CEDAW 4-year reporting cycle, that can be a valuable strategic planning tool as well as monitoring and evaluation mechanism for implementation of the CEDAW-related issues;
- To endorse participation of the related stakeholders, such NGOs, academic institutions, mass media outlets and international organizations in planning and implementation of the state initiatives.

ARTICLE 1

DEFINITION OF "DISCRIMINATION AGAINST WOMEN"

For the purposes of the present Convention the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

In 2006, there was adopted the Law "On Gender Equality" of Azerbaijan Republic, which contains the definition of "gender-based discrimination" in the Article 2.4 in line with the requirement of the Convention.

Besides, the Article 25 of the Constitution of Azerbaijan Republic states, that "Men and Women shall have equal Rights and Freedoms. Every person shall have equal Rights and Freedoms irrespective of race, nationality, religion, sex, origin, property status, social position, convictions, political party, trade union organization and social unity affiliation". Although, the statement lacks the language that prohibits discrimination based on marital status, the Article 12 of the Constitution of the Azerbaijan Republic reflects that all international agreements ratified by Azerbaijan are considered to be a part of its domestic legislation; and if there appears any discrepancy between the definitions, the definition of "discrimination against women" as contained in Article 1 of the Convention takes precedence over the definition of "gender-based discrimination" as contained in the Law of the Republic of Azerbaijan "On Gender Equality".¹

Recommendations:

No recommendations.

ARTICLE 2

OBLIGATIONS OF STATE PARTIES TO ELIMINATE DISCRIMINATION

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of this principle; (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; (g) To repeal all national penal provisions which constitute discrimination against women.

¹Constitution of Azerbaijan Republic.

In the reporting period 2009-2014 there were taken some positive steps in amending the legislation, enacting new laws and ratifying international conventions to address discrimination against women, namely:

- the Law "On Combatting Domestic Violence" was adopted in June 2010;
- the Family Code was amended in November 2011 to equalize the minimum age of marriage for women and men to 18;
- the Criminal Code was amended in November 2011 to prohibit early and forced marriages and increase sanctions for such offences;
- the ILO Convention No.156 on Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities and the ILO Convention No 183 on Maternity Protection were ratified in May 2011 to further improve the situation of women in employment.

However, the implementation of the adopted laws remains within the area of concern that significantly restricts the women's access to justice. The relevant measures, such as elaboration of the action plan for every enacted law, capacity-building initiatives for law enforcement and judiciary representatives, should be taken and strengthened.

Moreover, there are some draft laws pending for approval, which would significantly contribute to addressing the gender-based discrimination. These are:

- the draft Law "On State Support to Families with Many Children";
- the draft Law "On Protection of Reproductive Health and Family Planning" pending since 2008.

In addition, the Guidelines "On Distribution of Monthly Food Allowances for Internally Displaced Persons" as of 10 December 2014 based on the laws of Azerbaijan Republic "On Status of Refugees and Internally Displaced Persons (IDPs) (1999) and "On Social Protection of Internally Displaced Persons and the People of the Similar Status" (1999) contain the discriminatory clauses 5.5, 6.1.3 and 6.1.4, which deprive an IDP woman and the children, born of her marriage, of the monthly food allowance if she marries a non-IDP man. She, however, gets this status back if she enters into divorce with this man. These clauses lay the foundation for negative cases like high rates of unregistered marriages and divorces among IDP women. Meanwhile, an IDP man and the children born of his marriage, continue enjoying monthly food allowances if he marries a non-IDP woman.

Recommendations:

- To elaborate working mechanisms and take special measures for implementation of the enacted and amended laws to address discrimination in general and high number of cases of domestic violence and early/forced marriages in particular as well as to increase women's access to justice;
- To work out the overall 4-year National Action Plan on Women's Issues, which would coincide with the CEDAW 4-year reporting cycle, that can be a valuable strategic planning tool as well as monitoring and evaluation mechanism for implementation of the CEDAW-concluding observations and recommendations;
- To attract the representatives of non-governmental organizations to the process of elaboration of the National Action Plan and of working mechanisms as such;
- To adopt the Law "On State Support to Families with Many Children" to improve protection for women with many children;
- To adopt the Law "On Protection of Reproductive Health and Family Planning" to address the problems in the area of reproductive health and rights;

- To make relevant amendments to the Guidelines “On Distribution of Monthly Food Allowances for Internally Displaced Persons” as of 10 December 2014 and the laws of Azerbaijan Republic “On Status of Refugees and Internally Displaced Persons (IDPs) (1999) and “On Social Protection of Internally Displaced Persons and the People of the Similar Status” (1999) to eliminate the gender-based discrimination in relation to IDP women.

ARTICLE 3

DEVELOPMENT AND ADVANCEMENT OF WOMEN

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The positions of Gender Focal Points (further GFPs), which were created within every national state institution in Azerbaijan in response to the concluding observations and recommendations of UN CEDAW Committee in 2000, was an important positive measure towards mainstreaming a gender perspective into all policies and programs within the state machinery. However, for 14 years GFP mechanism cannot sufficiently operate for the lack of adequate related initiatives, namely, elaboration of clear criteria for recruitment/appointment of GFPs, because GFP-related qualifications, role, scope of tasks & responsibilities as well as work modalities have never been identified. Besides, there have never been elaborated any toolkit, guidelines or operational manuals for GFPs to start their specific activity within the institution. These people have never passed any specific training on gender concepts, gender-related guiding documents, gender mainstreaming principles, strategies, tools, criteria, indicators to assess the gender architecture in the agency system through the prism of gender landscape of the entire country².

As a result, there have never been elaborated the strategy plan, action plan, communication plan related to the work of GFPs that would allow to mainstream gender into political, economic, social and cultural fields, monitor the achievements and trace the results. For the lack of orientation and coordination, these GFPs could never form the network that could be a unique platform for gender mainstreaming, exchange and cooperation.

And as a consequence the GFPs can hardly contribute to the common countrywide missions, such as formation of sex-disaggregated statistics or contribution to the state reporting to the UN treaty bodies, Human Rights Council and other important international commitments.

Recommendations:

- To elaborate clear criteria for recruitment/appointment of GFPs, work out the toolkit, guidelines or operational manuals for GFPs, conduct of specific professional training courses for GFPs and others, to enable the GFP mechanism operate efficiently;
- To take adequate capacity-building measures for empowerment of GFPs in the area of gender concepts, gender-related guiding documents, gender mainstreaming principles, strategies, tools, criteria, indicators;
- To hold sensitization/orientation sessions for HR managers/senior supervisors in state agencies to understand GFP functions and work modalities;
- To mobilize the GFP mechanism for strategic gender mainstreaming into all fields as a part of women’s advancement and development plan.

² Results of the desk research “Gender Focal Points in Azerbaijan” made by OSCE Baku Office in 2007 and followed up by Women’s Association for Rational Development in 2010, 2012, 2014.

ARTICLE 4

TEMPORARY SPECIAL MEASURES

1. Adoption by State Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination, as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by State Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Although the Law "On Gender Equality" (Article 3.2.6) of Azerbaijan Republic contains provisions for temporary special measures to ensure gender equality, such measures have never been identified and implemented since the law enactment in 2006.

For full implementation of the CEDAW Convention temporary special measures are needed to strengthen women's political, economic, social, and legal status. There is also an urgent need to encourage women's participation in the labour force through legislation and policies with introduction of special temporary measures.

However, some measures were approved to address domestic violence, but lacked implementation plan. For example, in 2010 the Cabinet of Ministers approved "Arrange and Conducting the Rules of Databank on Domestic Violence" as it was stipulated by the Law "On Combatting Domestic Violence" (Article 18). The cases of domestic violence, applicants to state organs in connection with domestic violence, domestic abuse investigations, reports about people committed domestic violence, and court decisions were supposed to be assembled in the databank and administered by State Committee for Family, Women and Children's Affairs (SCFWCA). The state institutions, namely Prosecutors' Office, Ministry of Labour and Social Affairs, local authorities and aid centers were identified to submit information to the databank. However, the data bank, which was also supposed to be available electronically, was not established and no data is available at SCFWCA's website.³

Recommendations:⁴

- To elaborate plan of action with special measures to strengthen women's participation and representation in political, economic, social, and cultural fields;
- To introduce quota system as a part of temporary measures where necessary;
- To simplify procedures to obtain fast-track temporary protection orders;
- To encourage women's participation in the labour force through legislation and policies with introduction of special temporary measures;
- To allow public access to the information when it is collected;
- To improve the legal and judiciary system to allow the better divorce terms for women.

³ <http://scfwca.gov.az/> (accessed on January 1, 2015).

⁴ Recommendations for temporary special measures are also reflected separately under other thematic articles in this Report.

ARTICLE 5

SEX ROLES AND STEREOTYPES

State Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of the conduct of men and women, with a view to achieving the elimination of prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotypical roles for men and women; (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Stereotypes in Education

Often being the only accessible and affordable education resource for most schoolchildren and schoolteachers, the school textbooks are of crucial importance for education. It has already been globally acknowledged that school textbooks influence gender roles of children immensely, as this is one of the earliest and most important influences on the young, growing minds. The textbooks constitute an important tool for conveying the culture, values and beliefs of the society to the children. A person's sex is determined by biology whereas gender is constructed by socio-cultural factors. The gender-biased attitudes in society are often caused by the representation of women in textbooks only as mothers, wives and low-status workers. The textbooks often reinforce existing hierarchies and power relations between men and women by assigning women a lower earning capability than men, highlighting the stereotype of dependent and exclusively domestic roles for women.

Thus, if stereotypes or gender bias exists in textbooks, it becomes a real obstacle on the road to gender equality in education. That is why it is of utmost importance to ensure that school learning materials are free of gender bias and gender stereotypical behaviour patterns, because children who read biased books and play with gender-biased toys, later take stereotypical gender roles and inherit patriarchal values in the adult life.

Stereotypes in Labour

Women's interest in any types of business is guided by deeply rooted gender stereotypes and gender roles in society. The high-income jobs and decision-making positions within the government and in various sectors are not easily accessible for women. It is opposite for men, who are preferred for decision-making positions in government and private sector. As a result, women's participation is increasing only in public and service sector; due to the dominant general mentality that women should stay home and perform household duties.

Unequal distribution of paid and unpaid labour is considered the main factor why women are left behind. Accordingly, uneven development of career growth men and women is understandable, because Azerbaijani women have to do household work, nurse children and elderly people without payment.

Recommendations:

- To make gender-lens screening of the textbooks for content, language and illustrations and replace all the discriminatory parts with the gender-sensitive substitutes;
- To increase the number and quality of the awareness raising initiatives to end the traditional gender stereotypes. The topics should include, but not limited to women's

rights, gender equality, maternal health, benefits of the use of contraceptives, family planning, etc.;

- To provide more mechanisms for equal opportunity employment and motivate women to work in the so-called “non-traditional female” jobs;
- To modify administrative offenses legislation to strengthen measures against men perpetrating economic violence;
- To use male and female role models breaking stereotypes in the public campaign.

ARTICLE 6

TRAFFICKING IN WOMEN AND EXPLOITATION OF PROSTITUTION

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

There are several types of female disadvantage in Azerbaijan, which include early marriage, trafficking in women, violence against women, re-emergence of traditional, patriarchal beliefs and practices and health related risks that have recently emerged due to the unreliable health system in Azerbaijan.⁵

Azerbaijan enacted the “National Action Plan on Combatting Trafficking in Human Beings for 2009-2013”⁶ to detect and prevent all forms of human trafficking, identify and eliminate the roots of human trafficking, as well as protect victims of human trafficking, restore rights, social rehabilitate and ensure the safe repatriation.

The plan defined measures on improving legislation, human trafficking prevention and prophylaxis, improving criminal prosecution, strengthening the security of victims and suspected victims and their rehabilitation, cooperation in the fight against human trafficking, measures on coordination and awareness-raising.

However, there is the lack of concrete reported progress and/or positive effect of the plan, which is closely related with the lack of implementation of the plan.

Recommendations:

- To adopt the new period of the National Action on Combatting Trafficking in Human Beings with concrete implementation plan and budget;
- To attract non-governmental organizations to the elaboration and implementation of the National Action Plan;
- To increase the level of awareness and understanding of officials of the gender dimensions of trafficking of human beings;
- To endorse the efficiency of the criminal justice system to investigate, apprehend, prosecute and penalize offenders engaged in trafficking;
- To undertake measures towards equal economic opportunities for women to minimize their vulnerability to trafficking;
- Take measures to monitor migration patterns and strengthen state controls on border;
- To allocate state budget for opening shelters and rehabilitation centers;
- To keep statistics of women exposed to violence and trafficking;
- To implement the penalties for sexual harassment at the work places (state and private sectors);

⁵ National Survey Report on Violence Against Women in Azerbaijan, UNFPA (2011).

⁶ National Action Plan on Combatting Trafficking in Human Beings for 2009-2013.

- To provide women with free DNA check as a part of the rape response examination;
- To launch comprehensive rehabilitation programs for trafficked women and ensure their access to alternative economic opportunities;
- To increase the number of women in law enforcement and judiciary to deal with the cases of domestic violence and trafficking, which the women exposed to violence and trafficking often show as the argument for silencing and tolerating injustice.

ARTICLE 7

PARTICIPATION IN PUBLIC AND POLITICAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

In 2000, the president of Azerbaijan Republic issued the decree "On Implementation of the Women's Policy"⁷ due to which the ministries, committees and heads of executive authorities were encouraged and instructed to promote women to leading and decision-making positions in their agencies. Since then there is observed the gradual increase of women's representation in politics, e.g. the representation of women in Parliament raised from 11% (2005 elections) to 16% (2010 elections); the representation of women at municipal level increased from 4% (2004 elections) to 26.5% (2009), women are better represented at vice-position in the ministries and executive authorities.

Nevertheless, overall women are still under-represented in higher management, government agency positions and in political decision-making. Women represent 50.3% of Azerbaijani society, but only 16% of women are national parliamentarians,⁸ that creates a big gender disparity in politics, undermines women's opportunities to influence the national political agenda and restricts their participation in decision-making process. There are no women among the heads of executive power. There are no women ministers in the Cabinet of Ministers. Only one of 10 state committees is chaired by a woman, this is the State Committee for Family, Women and Children's Affairs (SCFWCA). The Commissioner for Human Rights (Ombudsperson) of the Azerbaijan Republic and the Ombudsperson of Nakhchivan Autonomous Republic are women.

Recommendations:

- To increase gender equality in education and politics that will lead women to improved political participation and better representation in decision-making positions;
- To require and provide favourable environment for more women to participate in elections on higher levels of government;
- To allow and require formal political education of women by sponsoring their participation in educational programs;
- To encourage and motivate women's participation in economical, social, and cultural fields that has direct correlation with political participation;
- To allow female involvement in political parties by requiring minimum 25% women representation (quota);

⁷ "On Implementation of Women's Policy in Azerbaijan Republic", Presidential Decree (2000).

⁸ Sex and Age Structure of Population, State Statistical Committee of Azerbaijan Republic (2014).

- To introduce quota system as a part of temporary special measure, e.g. set a 45% quota for women in Parliament, 40% in Executive structure, 45% in the Cabinet of Ministers, 30% in Law enforcement, 10% in Armed force (not only at the lower level positions, but also on the executive level), etc.;
- To add the sex disclosure requirement on the voter-ballots to track the female political participation rate.

ARTICLE 8

REPRESENTATION ON INTERNATIONAL LEVEL

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Although the women diplomats working in the Ministry of Foreign Affairs of the Azerbaijan Republic constitute 33,6%, only 11% of them work in the positions of head of office or deputy head. There are no women in the position of Ambassador at Large.

As to the diplomatic missions abroad, women diplomats constitute 12%, while the women in the highest diplomat positions (Ambassador, permanent representative, chief counsellor) constitute only 1,5% of the number of appointed diplomats.

Recommendations:

- To introduce minimum 20% quota for women's participation on international level (in all further identified recommendations);
- To increase women's participation in international fora, events, academic conferences, and programs;
- To organize educational trainings for women and encourage foreign study;
- To require larger appointment of women ambassadors;
- To remove discriminatory criteria while employing women in the national and international organizations (e.g. age, appearance, marriage status and pregnancy);
- To remove age, appearance, marriage status and other discriminatory clauses from curriculum vitae required by employers in Azerbaijan;
- To require, at least, 20 % of internally displaced persons involved in negotiations of the conflict settlement (formal or informal) to be women;
- To encourage women to enter the diplomatic academy (e.g. free tuition).

ARTICLE 9

NATIONALITY

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. State Parties shall grant women equal rights with men with respect to the nationality of their children.

No comments.

Recommendations:

No recommendations.

ARTICLE 10

EDUCATION

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;(d) The same opportunities to benefit from scholarships and other study grants;(e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;(f) The reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely;(g) The same Opportunities to participate actively in sports and physical education;(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Lack of Gender-Sensitive Approach in Education

One of the important entry points for gender mainstreaming is education, which should provide equal education conditions and opportunities for girls and boys. "Equal" should not mean "identical", therefore, the education approaches at micro-, meso- and macro- levels should be gender-sensitive and should take physical, physiological and psychological differences of girls and boys into account.

Education and Early Marriages

In Azerbaijan, 99.7% of all Azerbaijani women have gone to primary and secondary school.⁹ State Statistical Committee of Azerbaijan Republic reports the median number of years of schooling for women as 11.5 years.¹⁰ The ratio of the female to the male attendance at primary and secondary school levels, suggests that women and men in Azerbaijan have equal access to education. The women's number in other education degrees is fewer than Bachelor of Arts¹¹ and only few women work in their degree field.

Even though everyone has the right to study, in the recent years there appeared frequent cases of dropouts, which are more typical for rural and IDP communities, mostly affecting girls for economic reasons and for spread of early marriage phenomenon. "Early marriages mainly affect

⁹ *Educational Attainment of Population Aged 15 Years Old and Over, State Statistical Committee of Azerbaijan Republic (2013).*

¹⁰ *Population of Azerbaijan, State Statistical Committee of Azerbaijan Republic (2012).*

¹¹ *Women and Men in Azerbaijan, State Statistical Committee of the Republic of Azerbaijan (2013).*

female adolescents, in particular those living in rural areas. In addition, some parents took their girls out of school and made them stay at home to contribute to housework when they reached a certain age" is stated in the Summary of "Age, Gender and Diversity Mainstreaming (AGDM): Participatory Assessment with IDPs in Azerbaijan 2011" made by UNHCR in cooperation with partner organizations.

Besides, minimum 10 women NGOs of Azerbaijan reported an alarming situation on girls dropping out of the schools at the age of 12-15 years old predominantly in Southern part of Azerbaijan as well as the villages of Baku suburbs mostly to get married and/or do the households. In these communities the girl who graduated from school is considered "spinster" and become reproachful by public. According to a study conducted by the SCFWCA, the International Centre for Social Studies and UNICEF in 2010 among 488 respondents from four regions of the country, about 58% of identified child marriages take place without girls' full consent. Girls under the age of 16 get married without any legal guarantee because their marriage is not officially, but religiously registered. The study found that such marriages occur mainly due to cultural and socio-economic factors persistent in different regions. Parents make unilateral decisions to marry their girl children in 77% of researched cases and this event is unfortunately welcomed by 55% of the interviewed people.

As a rule, the underage married girls drop their education, which is important both for mothers' and for children's health as evidence-based research shows. The more educated the mother is, the less likely it is for her child to die. Education also helps girls to avoid health risks associated with adolescent pregnancy and birth. According to the 2006 Demography and Health Survey, the probability of an infant dying before his first birthday is about 1.8 times higher for mothers below 20 than mothers aged 20-29.

Education and Labour

According to the research, conducted by State Student Admission Commission of Azerbaijan in 2009, existing patriarchal stereotypes create serious obstacles for girls to get education. In the poorer families, parents prefer boys to get education based on the view "it is more important to have young men getting education rather than girls, because young men earn bread, but the girls deal with households and family issues".

The household burdens and unpaid labour also affect the women's intention to continue their post-graduate education and be closely involved in science.

There is also high discrepancy between education and labour market, as the current programs do not meet the new demands of market economy. Besides, the existing stereotypes on "male" and "female" professions refrain girls from integrating into certain fields, such as energy, IT, sector, transport, geology, construction, military services, etc. and makes them remain in the typically "female" professions, such as teacher or doctor where supply exceeds the demand.

Recommendations:

- To conduct gender expertise of education system at 3 levels: micro (teachers, pupils), meso- (textbooks, infrastructure, methodology, programs), macro- (education policy and related legislation) to ensure equal education opportunities for both girls and boys and eliminate gender-based discrimination and stereotyping;
- To motivate families with special measures for girls' education, i.e. provide additional social support to the families with school-aged girls living in remote villages;

- To strengthen control over the conclusion of religious marriages, which cannot be concluded prior to the state registration of marriages and apply administrative measures to the perpetrators (religious mullah, parents, etc.);
- To increase state financial allocation to science and to stimulate women's participation in relevant international scientific visits and meetings;
- To fund and promote women circle activities such as chorus, computer science, carpet weaving, sewing, reading, drawing in the regions;
- To ensure the knowledgeable use of Technology of Information and Communication.

ARTICLE 11

EMPLOYMENT

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:(a) The right to work as an inalienable right of all human beings;(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

*2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Although Azerbaijan's legislation provides women with equal rights, in reality the access and remuneration of women's labour is not equal with men. Such phenomena as deeply-rooted stereotypes regarding "male and female professions", pay gaps (despite of formal equal remuneration for men and women for work of equal value) and the so-called "glass ceiling" remain to be dominant in both state and private labour sectors. According to the State Statistical Committee, women constitute 43% of unemployed (as of 2012), while the number of women in non-formal sector almost doubled in the period 2005-2009. The analysis of data shows that average monthly wages of women constitute about 55-60% of average wages of men as of year 2012.

Women in the labour force are mainly concentrated in the agriculture and service sectors, while

employed women are mostly engaged in health, social services and education sectors (UNFPA, 2012). In all types of economic activities, women's average monthly wages are less than those of men, and women's income was approximately 46.9% of that of men in 2012 (SSC, 2013).

Besides, women's unpaid household labour is still one of the acute and unresolved issues. The unpaid household labour discrimination is not new. However, this segregation can have various negative consequences for both men and women during their retirement as women are left with no social benefits after they lose their partners through divorce or death.

The new system of state pension provision has been applied in Azerbaijan. According to this system, each employee (employer) pays a certain contribution and collects one's future pension. When employee retires, she gets pension depending on her contribution. This system will provide guaranteed payments for the rest of their lives in accordance with each employee's labour, however, men and women don't have equal opportunities in the family relations or in the employment. Therefore, the implementation of the new pension system will lead to discrimination as, again, women pensioners might be left with no social benefits if their husband never let them work; and does not provide for emergency situations such as divorce or death. In this case, the discrimination of women pensioners in the employment field will be repeated for the second time. Along with that in the last few years there was increase of the retirement age for women from 57 y.o. to 58.5 y.o., while for men from 62 y.o. to 63 y.o. Besides an annual increase in retirement age by six months to 60 years old is stipulated for women till January 1, 2016 based on the longer life expectancy for women.

Women are active in non-profit organisations. There are approximately 150 women NGOs and initiative groups in Azerbaijan, however their growth in number is also correlated with the fact of their limited participation in decision-making in mixed profile NGOs.

There is high level of the existing stereotypes on "male" and "female" professions that refrain girls from integrating into certain fields, such as energy, IT, sector, transport, geology, construction, military services, etc. and makes them remain in the typically "female" professions, such as teacher or doctor where supply exceeds the demand.

Article 25 (2) of the Constitution provides equal rights and freedoms for women and men. Article 3 of the Law "On Gender Equality" prohibits gender-based discrimination, but does not provide specific protection for women with disabilities. The Law "On Combatting Domestic Violence" (2010) prohibits domestic violence against women and children, but does not refer to women or girls with disabilities.

Recommendations:

- To take measures for women's economic empowerment by increasing gender equality in labour force and fostering female entrepreneurship;
- To take measures to eliminate the pay gap based on gender;
- To make amendments to the Law "On Compulsory Insurance" and provide contributions to low-income women;
- To reduce women's retirement age (e.g. taking into account the number of children);
- To provide monetary contributions to non-working mothers;
- To reduce the working hours of "non-traditional" women's professions such as women in military to increase women's participation and representation in such fields;
- To recognize gender equality of women and girls with disabilities in legislation, particularly those concerning gender equality, domestic violence, education, health and labour, among others.

ARTICLE 12

HEALTH

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Azerbaijan is a country with a lowest use of modern contraceptive methods. The existence of an "abortion culture" is a mediating factor in the increase of the number of sex selective abortions. Induced abortion has been the principal method of birth control in Azerbaijan for many years, as Induced abortion is legal in Azerbaijan if carried out during the first 12 weeks of pregnancy. In Azerbaijan almost half of the pregnancies end with induced abortion (AzDHS, 2011). 41% of pregnancies in Azerbaijan are terminated due to induced abortions. In 2012, the number of abortions in Azerbaijan broke a record. Statistics show that the rate of abortions was stable up until 2007, when it started to raise.¹² The State Statistical Committee reported that "5,6 thousand of premature infants were born in the country and such situation is connected with abortion. In 2013, 27.892 abortions (including illegal abortions) were registered, 1.443 or 5,2% of which were made by women that were pregnant for the first time. There were 10,4 abortions per 1 000 women at fertile age during 2013." The State Statistical Committee also stated that "the number of abortions among women aged 25-29 is the highest. The DHS reported that "last pregnancy within the last five years preceding the [2010] survey resulted in abortion for 47% of women in Azerbaijan" and that "in Azerbaijan 27% of respondents have never used any method of contraception."¹³

Presently Azerbaijan has the second highest sex ratio at birth in the world. The overwhelming "son preference" phenomenon caused the increased sex ratio of boys to girls to - 100 to 117 in 2010. It grew with the development of reproductive health technologies. Continuation of the family name, old age security, protection of family members, particularly females, as well as protecting the country, were given as primary reasons for son preference. In case the existing trend is not reversed, demographic balance in the country will reach a point where return to gender balance will be difficult if not impossible.

Sex ratio at birth is highest among women with either a basic education or less, and reaches its highest levels among women with a higher education. Regarding wealth quintiles, sex ratio at birth is low in the medium income households and higher in poor, poorest and the richest households. If a woman decides whether or not to end an unwanted pregnancy based on the sex of fetus, the frequency of unwanted pregnancies can play an important role in influencing the sex ratio at birth. Analysis reveals that sex ratio at birth tends to increase with birth order: the third and higher order births have the highest sex ratio at birth (156)¹⁴.

¹² *Abortion by age groups of women, State Statistical Committee of the Republic of Azerbaijan (2013).*

¹³ *Intimate Partner Violence and Unintended Pregnancy in Azerbaijan, Moldova, and Ukraine, DHS/USAID (2010).*

¹⁴ *Mechanisms behind the Skewed Sex-Ratio at Birth in Azerbaijan:Qualitative and Quantitative Analyses, UNFPA 2014.*

Fertility has declined dramatically in Azerbaijan over the past 50 years. The total fertility rate (average number of births per women) was 5.60 in 1961 and this decreased significantly to a minimum level of 1.80 in 2001. In 2010 the rate was 2.3 children per woman.

In 2012, 839333.10 USD were allocated from the State Budget to the development of healthcare and, although Azerbaijan was reported to be among the leaders in the Post Soviet area by the number of healthcare facilities and the quality of equipment.¹⁵ However, the costs of the healthcare are very high and unaffordable by the general population as de-facto no free healthcare exists. Despite the fact that, the state gives pension and social benefits to women, women in need of medical care cannot pay for their medical treatment and medicine for low social benefits.

Azerbaijan joined the International Labour Organization's Convention on Maternity Protection, adopted the Law on Protection of Health, adopted 2014-2020 State Program to improve maternity and children health. The draft Law "On Protection of Reproductive Health and Family Planning" stipulates legal basis for the protection of reproductive health, access to family planning services and implementation of reproductive rights, however, the adoption is pending since 2008. The draft law provides for protection of mothers and children's health, free medical and consultation service to pregnant and childbearing women, as well as to their children financed with the resources of the state budget and rendering one-time free extra-corporal fertilization and embryo transfer services to families suffering from childlessness for a period of more than ten years, who need special care at state healthcare facilities with the resources of the State Budget. The protection of population's Reproductive Health is not only a medical issue, but also a part of state's social policy. It is impossible to achieve full solution of problems in this area without a serious legal regulation. The adoption of this law means the fulfilment of Azerbaijan's obligations and commitments in the international organizations. Reproductive Health makes possible to increase childbirth, reproductive safe life, healthy and desirable child's birth at any time and number.

Recommendations:

- To endorse approval of the "Law on Protection of Reproductive Health and Family Planning" and also to ensure the implementation of the other existing laws (e.g. there should be brought sanctions to health personnel making induced abortions without sufficient medical reasons);
- To introduce child-family benefits, social assistance programmes and to expand coverage of health insurance scheme benefiting the entire population to address the causal relations between the socio-economic conditions and the fertility preferences of the population in Azerbaijan and to bring to reduced expectations towards the son child regarding the old age security;
- To introduce counselling services and social assistance programs to prevent further decline of the fertility rate and mitigate the burden of child care;
- To launch awareness-raising campaigns focusing on gender equality and maternal health. Since the existing patriarchal mentality is the mechanism behind strong son preference, "gender education" programs in the education system, starting from preschool, are needed. For those outside of the formal education system, training programs in gender and gender equality may be delivered through public meetings, and more importantly, through awareness raising campaigns in printed, audio and visual media.

¹⁵ *National Report of Azerbaijan Republic for the 20th Anniversary of the Beijing Declaration and the Platform for Action, 2014.*

- To launch a massive advocacy campaign to sensitize the policy makers and build awareness among the population about the overall consequences of sex-selective abortions, namely the demographic misbalance, which might ultimately lead a point where return to gender balance will be difficult if not impossible.
- To introduce additional measures and to adopt monitoring and evaluation system of special measures to trace the progress on a number of indicators, such as sex ratio at birth, induced abortion rate, number of late term abortions, level of contraceptive use, women's rate of participation in the labour force, size of population covered by gender education programmes, percentage of population covered by health insurance scheme, and other related indicators.
- To increase awareness of benefits of modern family planning methods over induced abortions and provide counselling services, particularly targeting at women who do not want another child in order to respond to unmet needs for the family planning.

ARTICLE 13

EQUALITY IN ECONOMIC LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:(a) The right to family benefits;(b) The right to bank loans, mortgages and other forms of financial credit; (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Women work in all sectors of Azerbaijan economy. According to the State Statistical Committee, women constituted 47.7% of the employed people in 2003, and 49.5% in 2011. 69.2% of able-bodied women work in the private sector and 30.8% in the state sector, however, only 3% of those who work in the private sector have their own business. In Azerbaijan women business owners are mostly concentrated in micro and small enterprises with a small proportion distributed among medium and large enterprises.

In 2009 there was adopted the Law "On Entrepreneurial Activity", but there is no state program on women's economic participation or development of female entrepreneurship. This law regulates and identifies the principles of entrepreneurship, the rights and obligations of subjects of entrepreneurial activity, its approval and protection forms and methods by the state, and entrepreneurs' interactions with state organs in Azerbaijan Republic.

In Azerbaijan, women's economic dependence from male members of the family is still very high. Women, especially rural ones, face multiple disadvantages for having limited access to education, income, land, and capital. In addition, women always shoulder heavy household responsibilities, daily concerns and children care. With lack of education and employment opportunities, a woman can hardly find a decent job and pay.

Although the entrepreneurship is considered a powerful driver of economic growth and job creation, in Azerbaijan the female entrepreneurship is far less developed and men own the majority of businesses. According to the official statistics (2012), only 15% of all entrepreneurs in the country are women. Besides, only 3-4% of women own property, and even this percentage can hardly make decision over their properties – one of the most crucial obstacles for getting micro-credits for setting up their businesses.

The number of women entrepreneurs working in the field of handicraft and art is getting low, as their access to larger market is limited, there is not fair remuneration or equal opportunities for women entrepreneurs.

Recommendations:

- To conduct gender analysis of the economic development and entrepreneurship activity in Azerbaijan and identify the areas of concerns for women's economic participation;
- To elaborate State Program on Women's Economic Participation;
- To elaborate State Program on the Development of Women Entrepreneurship;
- To study specific constraints for women's equal participation in economic life and address them strategically with the long-term vision;
- To encourage female entrepreneurship through a number of temporarily special measures, such as simplified terms for access to microcredits, preferential loans for women, etc.;
- To avail women with equal business opportunities and special programs for poverty reduction;
- To ensure equal working conditions in employment sector;
- To allocate state funding to the handcraft development, paying special attention to the handicrafts by the disabled;
- To encourage international exchange business fora and study tours for business women to foster partnership projects and promote networking;
- To motivate women handicrafts by annual exhibition-fairs with broad media coverage and advertisement;
- To strengthen women's capacities in the areas of business management, leadership and communication;
- To attract non-governmental organizations to the conduct of capacity-building training courses and awareness-raising initiatives.

ARTICLE 14

RURAL WOMEN

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;*
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;*
- (c) To benefit directly from social security programs;*
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*
- (f) To participate in all community activities;*
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

In rural areas of Azerbaijan, dominating traditional gender roles for household and family responsibilities, deeply-rooted gender stereotyping and culture largely affect the level of women's participation in political, economic, social and cultural fields.

For years lack of sufficient information and education limited the rural women's political literacy and caused negative phenomena such as proxy voting, refrain from participation in elections in the capacity of a voter or a candidate, ignorance of political processes happening in the country. Unequal political space for men and women in combination with limited economic opportunities and social injustices on the background created lots of constraints for women's participation and empowerment. It is also known that women's economic independence is often a pre-requisite for women's political empowerment, therefore, the efforts to foster female entrepreneurship in the rural areas should be strengthened.

However, according to the report of the "Study on Constraints and Needs of Rural Women on Equal Political, Social and Economic Participation and Decision-Making" conducted by Konrad Adenauer Foundation within "Power to Women" project in early 2014, rural women's major constraints for starting their own businesses are: Lack of financial resources (including lack of property ownership and limited access to micro-finance) and lack of start-up capital (47.6%); Lack of business skill capacities and information on enterprise registration (18.8%); Family restrictions and gender-based stereotypes (14.6%); Unfavourable operation environment for monopolistic and corruption tendencies (8.6%); Combination of all above-mentioned factors (10.4%). In addition, the lack of available advanced technology, lack of equal access to existing business opportunities, patriarchal attitude in male-dominated business world versus lack of women's self-confidence, business leadership and management skills significantly reduce the space for business women and potential female entrepreneurs.

The major engagement of rural women in Azerbaijan is the household agriculture. As a matter of fact, in Azerbaijan women comprise over 50% of the labour force in agriculture. They make important contributions to the agricultural and rural economy in general, and in vegetable/fruit/berry growth and seed production spheres in particular. However, at the rural household level, the women's labour in agriculture is perceived as contribution to the family's well being, rather than "active employment" that also limits women's access to information and exchange opportunities.

Recommendations:

- To prevent unemployment among women within the framework of State Program on Poverty Reduction and Sustainable Development in Azerbaijan in the rural areas, especially in suburbs of Baku city;
- To work out special action plan for increasing women's economic participation in rural areas;
- To encourage female entrepreneurship in the rural areas by providing special subsidies to women entrepreneurs, including women farmers, to expand the use of leasing services;
- To eliminate barriers for women entrepreneurs, engaged in individual farms, small and medium businesses, to access to the capital market.

ARTICLE 15 EQUALITY BEFORE THE LAW

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

The Constitution of Azerbaijan Republic (Article 25) lays the cornerstone principle of equal rights and freedoms for men and women before the law and justice regardless of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. The Equality principle is also stipulated by other laws and legislative acts, such as Civil Code, Criminal Code, Family Code, Law on Gender Equality, Law on Courts and Judges, etc.

Besides, Azerbaijan ratified numerous international conventions and is a party to international obligations broadly granting the equality to everyone before the law.

Recommendations:

- To promote rule of law and ensure implementation of the equality principle in practice.

ARTICLE 16

MARRIAGE AND FAMILY RELATIONS

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Religious Marriages

In November 2011 there was made the amendment to the Family Code of Azerbaijan Republic equalizing the marriage age for both men and women to 18 years old (previously it was 17 for girls), which is a major positive step. However, religious marriages, which are not prohibited in Azerbaijan are concluded in parallel with the state marriages and sometimes are even substituting the state registration of marriage as many families prefer religious marriage for traditional and religious reasons. Although it is prohibited for religious clergy to make religious marriage before the certificate on state registration of marriage is shown, there is observed wide ignorance of the rules.

The prevalence of religious marriage trend gives ground to 2 negative consequences – early marriages and lack of legal protection for a woman divorced from such religious marriage, as it has no legal power or effect. Moreover, there appear problems with registration of out-of-wedlock children.

Forced Marriages

The legislation of Azerbaijan contains the penalties of two years' imprisonment or a fine of AZN 2,000-3,000 (\$2,500-\$3,800) for forcing adult women into marriage. If minors are forced into marriage, the penalty could rise to four years' imprisonment or AZN 4,000 (\$5,000).

Marriage Contracts

The Family Code of Azerbaijan Republic includes the clause on marriage contracts, but it is not compulsory. The marriage contract is an agreement between couples getting married, which defines the spouses' property rights and obligations during marriage or upon divorce. Marriage contracts apply to spouses' existing and future properties. The contract can be signed before or after the marriage; it enters into force when the parties enter into marriage. The contract defines the legal organization of the property. The marriage contract is prepared in writing and approved by attorneys.

According to the Central Registration and Notary Department report of 2012, the number of marriage contracts in the period of 2005-2012 varied from 0.02% - to 0.06% of the total number of married couples¹⁶. This small number is explained by the traditional mentality preventing the spread of the practice of signing marriage contracts, that is why some members of the Parliament believe that the conclusion of the marriage contract should be mandatory, while representatives of judiciary mostly assume that it is unacceptable to make forced marriage contracts, although if other measures remain effectless, the mandatory marriage contract might be considered appropriate as a temporary special measure to protect thousands of disadvantaged women and children in dividing property, determining the amount of alimony, etc.

Medical Check up and Certificate

In addition to the marriage contract, the issue of mandatory medical check up and medical certificate for the couple to marry prior to the state registration of marriage is suggested by a group of medical doctors and lawyers to be necessary as a part of social protection. Although the coercion side of the issue is debated in the society, it is considered appropriate to apply this as a part of temporary special measure to prevent the spread of certain diseases and occurrence of medical pathologies.

Recommendations:

- To strengthen control over the conclusion of religious marriages, which cannot be concluded prior to the state registration of marriages and apply administrative measures to the perpetrators (religious clergy, parents, etc.);
- To identify the temporary special measures, such as mandatory marriage contract, mandatory medical check up of the couple to marry, to ensure maximum legal and social protection to the family, especially to the women and children;
- To increase efforts in conducting the wide public awareness-raising initiatives on the consequences of early marriages, unregistered or religious marriages (concluded without

¹⁶ Trend News Agency (www.trend.az) - series of articles on compulsory marriage contracts, 2011

state registration of marriage) as well as on the advantages given by marriage contracts and medical check-ups for the couple to marry;

- To create a counselling group, including a psychologist, for couples going through divorce.

ARTICLE 17-30

CEDAW and State Obligations

Although in the recent years Azerbaijan made significant steps to comply with CEDAW obligations and standards, still many efforts are needed to reach the visible progress on the situation when women are equal citizens enjoying all fundamental rights and freedoms provided by the law. Serious measures should be undertaken in the area of implementation of the laws and strategic planning of the actions with the timeline to take, which can be comprehensive and efficient only if related stakeholders, such NGOs, academic institutions, mass media outlets and international organizations are attracted to the state initiatives.

Recommendations:

- To ensure full implementation of the laws in Azerbaijan;
- To make strategic planning with timeline, namely to work out the overall 4-year National Action Plan on Women's Issues, which would coincide with the CEDAW 4-year reporting cycle, that can be a valuable strategic planning tool as well as monitoring and evaluation mechanism for implementation of the CEDAW-related issues;
- To endorse participation of the related stakeholders, such NGOs, academic institutions, mass media outlets and international organizations in planning and implementation of the state initiatives.

The Shadow Report was elaborated within the framework of the project “Creation of Women’s Parliament in Azerbaijan” implemented by Women’s Association for Rational Development (WARD) with the financial support of the United Nations Democracy Fund (UNDEF). The Women’s Parliament, consisting of 25 women leaders from 6 various thematic sectors, was created specifically for the purpose to research, make analysis and report on the women’s rights situation in Azerbaijan.



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