



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

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**Responses to the list of issues and questions with regard
to the consideration of the combined second and third
periodic reports**

Azerbaijan



Reply to the list of issues and questions with regard to the consideration of the combined second and third periodic reports of Azerbaijan on CEDAW

1. Please provide more detailed information on the process of preparing the report. This information should indicate which government departments were involved in its preparation, the extent of consultations with non-governmental organizations and whether the report was adopted by the Government and presented to the Parliament.

The process of preparation of the report began on 17 January, 2004 following the instruction by the Cabinet of Ministers. The report has been prepared by the State Committee for Women's Issues (was replaced by the State Committee for Family, Women and Children's Issues in February, 2006). Necessary input has been provided by other institutions, including Ministry of Foreign Affairs, Ministry of Health, Ministry of Youth and Sport, Ministry of Justice, Ministry of Labor and Social Protection, State Statistical Committee, Ministry of Economic Development, Ministry of Education, National Academy of Science and State Committee on Refugees and Internal Displaced Persons, upon the instruction by the Cabinet of Ministers.

National NGOs, in particular Women in Oil Industry and Research Association on Women's Problems (Women Institute) actively contributed to the process of preparation of the report as well.

Official procedure of preparation of national periodic reports does not envisage their presentation to the National Parliament.

2. Please clarify the applicability of the Convention before national courts and indicate any court cases where the Convention was referred to.

According to Article 148 of the Constitution of the Republic of Azerbaijan adopted in 1995, the legislative system of the Republic of Azerbaijan is comprised of the following normative acts:

- the Constitution;
- acts adopted by referendum;
- laws;
- decrees;
- resolutions of the Cabinet of Ministers;
- normative acts of central executive bodies.

At the same time, international treaties, to which Azerbaijan is a party, are an integral part of the legislative system of the Republic of Azerbaijan.

Article 151 of the Constitution of the Republic of Azerbaijan defines that in the event of a conflict between normative legal acts of the legislative system (with the exception of the Constitution of the Republic of Azerbaijan and acts adopted by referendum) and international treaties to which the Republic of Azerbaijan is a party, the provisions of the latter prevail.

Courts of the Republic of Azerbaijan can base their decisions on international treaties while passing judgments in hearing of criminal and civil cases in accordance with the Law on Courts and judges of the Republic of Azerbaijan adopted in 1997.

However, there is no any information on specific cases where the Convention was referred to as the Ministry of Justice does not have any database that would allow to keep record of such cases.

3. The report mentions on page 5 that “a definition of gender discrimination modelled on Article 1 of the Convention is included in the draft legislation on State guarantees to provide equal rights and equal opportunities for men and women”

The process of drafting the law on State guarantees to provide equal rights and equal opportunities for women and men started in October 2003 when the meeting of experts from the Council of Europe, Parliament, State Committee on Women’s Issues, and non-governmental organizations was held. In December 2005 the draft equal opportunities law was submitted to the Council of Europe for the expertise and was received back with amendments in March of 2006. In May 2006 the National Parliament (Milli Mejlis) held the second reading of the draft law.

According to the Article 1 of the draft law, the goal of this law is to provide equal rights for men and women in political, economic, social, cultural and other spheres of public life, and to eliminate all forms of gender-based discrimination.

The draft law also outlines main directions of the state policy aimed at:

- Guaranteeing gender equality, which includes establishment of necessary legislative framework, gender expertise of the existing normative acts, design and implementation of state programs for promoting and propagating culture of gender equality;
- Promoting elimination of all forms of discrimination on the basis of sex, creating equal opportunities for women and men, and providing balanced participation of women and men in public administration and decision making.

The draft defines specific obligations for employers to take proper account of gender balance while hiring new employees, as well as to employ specific measures with a view to eliminating gender-based discrimination at work; outlines state responsibilities to guarantee equal opportunities in realization of the right to education and economic and social rights; covers gender relations in the activities of political parties, non-governmental organizations and trade-unions.

Article 4 defines following specific situations considered as non-discriminatory:

- Concessions, privileges and additional guarantees which are set up in the legislation of the Republic of Azerbaijan;
- Military service for men;
- Different ages for marriage and pension for men and women;

- Restriction of man's/ husband's right to demand the dissolution of marriage according to article 15 of Family Code of the Republic of Azerbaijan (husband can not demand the dissolution of marriage during the pregnancy and within a year after the birth of a child)
- Different conditions for men and women in the prisons;
- Special measures aimed at ensuring gender equality.

4. The report refers on page 9 to Azerbaijan's National Plan of Action on Women's Issues for 2000-2005, which is based on the strategies of the Beijing Platform for Action and on the Convention on the Elimination of All Forms of Discrimination against Women. Please describe the concrete results achieved in its implementation and results of the action taken in the implementation of the Committee's concluding comments contained in its report on its eighteenth and nineteenth sessions (A/53/38/Rev.1.). Please provide information on any new strategy in this respect for the period after 2005.

Within the process of implementation of the National Action Plan of the Republic of Azerbaijan on Women's Issues for 2000-2005, important actions have been undertaken in preventing violence against women, combating human trafficking, expanding participation of women in decision-making process and their empowerment.

The Committee's previous concluding comments were given particular attention within the state policy. Thus, following measures have been undertaken:

- **Definition of gender-based discrimination** was included in the first draft law on equal opportunities that passed second reading in Milli Mejlis (Parliament). According to this definition, gender-based discrimination means any distinction, exclusion or restriction made on the basis of sex, as well as acts of sexual harassment.
- Both the State Programme on Poverty Reduction and Sustainable Development and the State Employment Strategy for 2006-2015 approved by the Presidential Decree of 26 October, 2005 envisage a set of measures aimed at ensuring **women's employment**, including by fostering women's entrepreneurship, providing gender equality in the process of development of small enterprises etc. A separate section in the Employment Strategy envisages wide application of flexible forms of work for women that would allow for better reconciliation of family and career.
- The State Programme on Youth for 2005-2009 approved by the Presidential Decree #982 of 30 August, 2005 includes separate section on state assistance to young families. This section *inter alia* provides for a set of measures aimed at increasing knowledge of young people on **reproductive health and family planning**.
- A working group has been established to draft first national law on **domestic violence**. The working group is expected to present the final version of the draft by the end of 2006. The new State Program on Poverty Reduction and Sustainable Development for 2006-2015 also includes measures targeted at combating gender-based violence such as elaboration of action plan to prevent and combat violence against women.

- Azerbaijan is a State party to the United Nations Convention against Transnational Organized Crime and its complementary Protocols on Migrant Smuggling and Trafficking in Persons. These instruments have laid foundation of the National Action Plan to combat human trafficking and national law on the fight against **trafficking in persons** adopted in 2004 and 2005 respectively. Department on combating human trafficking has been established within the Ministry of Internal Affairs and the hotline has been launched with the assistance of the Organization for Security and Co-operation in Europe and relevant non-governmental organizations; for the time being, a shelter for victims of trafficking in persons is about to be completed.
- Another working group has been established with a view to elaborating National Plan of Action on Gender Equality and Family Issues. The working group consists of representatives of governmental, non-governmental and international organizations. The first public discussion on the draft of the National Programme of Action was held on September 22, 2006.

5. It is not clear from the report whether the mandate of the Human Rights Ombudsman includes the protection and promotion of women's human rights. Please indicate whether this mechanism has become fully operational and describe its activities for the protection and promotion of women's human rights.

The Constitutional Law on Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan adopted by Parliament on December 28, 2001 defines activities of Human Rights Commissioner. Position of the Human Rights Commissioner has been created with the aim to ensure protection of human rights and fundamental freedoms enshrined in the Constitution of the Republic of Azerbaijan and in relevant international instruments to which the Republic of Azerbaijan is a party, in cases where these rights and freedoms are violated by governmental and municipal bodies and officials of the Republic of Azerbaijan.

According to paragraph 6 of Article 1 of the Constitutional Law on Human Rights Commissioner, Ombudsman has a right to investigate complaints concerning court bureaucracy, document loss, as well as delay in court decisions. The activities of Commissioner are based on the principles of transparency, lawfulness, justice and impartiality. Article 8.1 of the Law provides that the Commissioner shall examine complaints on violations of human rights from citizens of the Republic of Azerbaijan, foreigners and stateless persons, as well as legal entities.

The Office of the Ombudsperson takes active role in promotion and protection of gender equality. The Ombudsperson appointed special counselor on gender equality within her Office and initiated several discussions on the issue. Round table on draft law on gender equality and a workshop on elections and gender factor have been conducted by the Office. As a result of these events the Office of the Ombudsperson submitted its recommendations to the relevant state bodies and national parliament. These recommendations included gender expertise of national legislation, establishment of Coordination Council of governmental and non-governmental organizations dealing with gender issues, establishment of a commission on women and child issues in Milli Mejlis, enhancement of the role of media in prevention of early marriages, increasing the number of women in leading positions in state structures etc.

During the first six months of 2006 the Ombudsperson received 1401 appeals and 1203 complaints from women regarding different issues such as the right to work (214), property (149), social protection (58), and health (18) as well as regarding non-execution of court decisions (45), non-payment of alimony (12) etc.

Were accepted for consideration 554 complaints out of 1203, 649 were dismissed due to their inconsistency with the mandate of the Ombudsperson according to the Constitutional Law of the Republic of Azerbaijan on the Human rights Commissionaire (Ombudsperson). Of those accepted for consideration law breaches were identified only in 171 cases; 157 out of them were answered.

6. The report refers on page 8 to Criminal Code, which contains 15 Articles entirely or partially devoted to crime committed by women only. Please provide the content of these articles.

The Criminal Code of the Republic of Azerbaijan entered into force in 2000. There are some articles devoted to crimes committed by women:

For the purposes of protecting pregnant women and women with children aged less than 8, the Criminal Code prohibits the imposition of community works (Art. 47) and restriction of liberty on those women (Art. 53.5).

Article 56.1.3 provides imprisonment in penitentiary facilities of high security for women repeatedly committed grave crime.

Article 57.2 prohibits imposition of life imprisonment, *inter alia*, on a woman who was under 18 while committing a crime.

Article 59 defines extenuating circumstances. The commitment of a crime by pregnant woman is considered as a circumstance mitigating punishment.

Article 79 defines some conditions for postponement of punishment for pregnant women and women with infants.

Article 85 defines terms of imprisonment for juveniles; art. 85.5.1 provides for imprisonment of female juveniles in penitentiary institutions of minimum security.

Article 109 – persecution of any group or organization on political, racial, national, ethnic, cultural, religious motives, motives of belonging to a particular sexual group or subject to other motives forbidden by norms of international law, that constitute gross infringement of rights of people for being members of these groups or organizations, connected with other crimes against humanity – shall be punished by imprisonment for the term of five to ten years.

Article 139 – deliberate spreading of venereal diseases is punished by penalty in the amount from 300 to 500 nominal financial units. Same action committed against two or more persons or juvenile shall be punished by imprisonment for the term of up to 4 years.

Article 140 – deliberate spreading of HIV infection shall be punished by imprisonment for the term of up to 8 years.

Article 154 – violation of equality of citizens depending on race, nationalities, religious views, language, gender, descent, property or official status, belief, membership of political parties, trade unions and other public associations, with causing harm to rights and legitimate interests of citizens – is punished by penalty in the amount of hundred up to five hundred nominal financial units or by community works for the term of up to one year.

Violence against women

7. Please provide detailed information on the forms and extent of violence against women in Azerbaijan, including domestic violence, including any available statistics and information on trends over time.

National legislation implies appropriate punishment for a number of actions and generally regulates problems in this field. But prevention of domestic violence in expedient manner is still one of the acute issues on the agenda of the Government.

According to the Presidential Decree on Strengthening of fight against cases directed against public morality the Ministry of Internal Affairs prepared specific plan of action on the reinforcement of combat against crimes committed against women, their sexual exploitation and trafficking.

The MIA carries out registration, investigation and inclusion into the unified database of the crimes committed against women, including cases of domestic and other forms of violence, and forwards this information to the State Statistical Committee in the form of codified tables twice a year.

During the first six months of 2006, 1,983 women and 35 girls were identified as victims of 1,900 crimes committed on the ground of jealousy, dispute and other domestic problems. During the same period 85 crime cases were registered in connection with sexual violence (including 11 cases relating to rape and attempt to violence; 74 cases relating to forced prostitution) and as a result 53 persons were detained. All this information, as well as facts about the persons committed the crime (repetition of crime cases) were included into the above mentioned unified database.

8. The special rapporteur on violence against women noted in her 2003 report (E/CN.4/2003/75/Add.1, para. 1890) that domestic violence is a taboo subject in Azerbaijan's patriarchal society and that women have no recourse against violence by their husbands, particularly in rural areas, and also that rapes are underreported (para. 1891). What measures is the Government implementing to overcome such attitudes, and to enhance women's access to justice. Has the Government set up any specialized department within the police or prosecutor's offices to handle rape cases in gender-sensitive manner? How many shelters exist in the country?

A special program for law enforcement agencies, including police, prosecutors and courts has been put in practice since 2001. Within this program, a series of interactive workshops has been held with a view to increasing knowledge of heads of police offices, professors of Police Academy, prosecutors and forensic medicine workers on the issue of domestic violence and mainstreaming this issue into the activities of law enforcement bodies. Judges and prosecutors received detailed information regarding existing legal standards and practices of the Council of Europe and European Union. Optional course on protection of women from domestic violence has been prepared and is being taught in the Police Academy.

The Government of the Republic of Azerbaijan closely cooperates with the OSCE Office of Democratic Institutions and Human Rights and OSCE Baku Office. MIA and OSCE/ODIHR are currently engaged into implementation of the joint project on the role of police in protecting women from domestic violence.

In June 2006 a meeting of the joint working group made up of experts from MIA and national women NGO Symmetria (Symmetry) was held. A three day workshop was organized at the Police Academy in June, 2006 with participation of deputy heads of police departments from 25 regions of Azerbaijan, NGO “Symmetria” and OSCE/ODIHR experts. MIA also organized trainings for the police officers from 4 regions of the country in July 2006. 120 police officers took part in these trainings. It is also planned to conduct trainings for several professors from Police Academy in Austria in October-November of 2006. All these measures aim at increasing knowledge and expertise of police officers in dealing with cases of violence against women and sensitizing police personnel to the nature of gender-based violence. The MIA also intends to increase the number of women serving in national police forces. According to official statistics, 600 women are currently employed in police service.

The Government agencies cooperate closely with and benefit from the experience and expertise of relevant national NGOs. Thus, the Ministry of Internal Affairs cooperates with the non-governmental organization “Clean World” which focuses its activities on issues of violence against women and trafficking in women. This organization runs a shelter for the victims of trafficking and violence. A hotline for the victims is functioning within this shelter. The MIA intends to open another shelter for victims of trafficking in persons in near future, and the shelter of the “Clean World” will then serve only for the victims of violence.

The Government intends to further strengthen the activity in the field of protection of women from violence. A new Complex Program of the Republic of Azerbaijan to combat domestic violence in democratic society for 2006-2015 has thus been elaborated. The main objective of the Program is to reduce the number of cases of domestic violence by undertaking appropriate measures in different spheres of private and public life and to prevent violent forms of behavior.

Modifying the social and cultural patterns of conduct of men and women and eliminating existing prejudices and stereotypes is of vital importance in preventing violence against women and girls. On the other hand, reducing level of poverty and strengthening economic status of women would contribute to their empowerment and would reduce their insecurity in the family as well as in the community. In this regard, the Government envisages more investments into the economic and social development of the country within next few years. Further actions are being planned to increase the levels of employment. The issues of domestic violence and early

marriages have been incorporated into the State Program on Poverty Reduction and Sustainable Economic Development for 2006-2015 and the draft National Plan of Action on family and women's issues for 2007-2010.

The process of drafting a new law on domestic violence is expected to be completed by the end of 2006.

9. The report indicates on page 27 that a working group made up of experts from government and non-government organizations and media representatives analysed the compatibility between national legislation and international instruments in the light of Council of Europe recommendations on the protection of women against violence and on trafficking in human beings for the purpose of sexual exploitation. Please indicate what measures and recommendations the working group proposed and steps taken by the Government in response.

As it is noted in the report, the Working Group has been established to examine the implementation of the Council of Europe recommendations on protection of women against violence and human trafficking for the purpose of sexual exploitation. The WG then submitted its findings and conclusions to the Council of Europe. The following measures have been undertaken in follow-up to the WG recommendations:

- The State Committee on Women's Issues held a series of education and awareness raising campaigns throughout the territory of Azerbaijan;
- A working group has been established to prepare draft law on domestic violence;
- It is envisaged to conduct gender expertise of national legislation according to the Council of Europe recommendations.

Trafficking and exploitation of prostitution

10. Please provide an update on the status, and the anticipated time frame for adoption, of the draft bill on combating trafficking in persons and the draft bill to supplement the Criminal Code referred to on page 28 of the report of Azerbaijan with provisions relating to combating trafficking in persons. Please provide information about the trafficking cases which were successfully prosecuted and the sentences imposed on the perpetrators.

Law of the Republic of Azerbaijan on the Fight against Trafficking in Persons was adopted on June 28, 2005. The law provides legal and administrative bases for Government action in combating human trafficking, defines legal status of victims, as well as measures to protect and support them.

On September 30, 2005 appropriate additions and amendments were made to the existing legal acts in order to recognize trafficking in persons as a crime and bring the legislation of Azerbaijan in line with the United Nations Convention against Transnational Organized Crime and its complementary protocols, as well as other relevant international documents. As a result, the following articles were added to the Criminal Code of the Republic of Azerbaijan: article 144.1 –

trafficking in persons, article 144.2 - forced labor, article 316.1 – dissemination of confidential information about victim of trafficking.

Most of the criminal proceedings in connection with trafficking in persons are initiated upon the complaint of victims. Criminal Code of the Republic of Azerbaijan provides for penalties such as fines in the amount of 500 up to 1000 nominal monetary units, community works from 160 up to 240 hours or imprisonment for up to 12 years. Victims of a crime are protected by being kept in special places during the criminal process. Special places for victims of trafficking have been established by the Decree of the Cabinet of Ministers for their security.

Citizens of Azerbaijan and people without citizenship who live in the country for a long time are brought to account for crimes they commit out of the territory of Azerbaijan in accordance with Article 12 of the Criminal Code (if their action is considered as a crime both in Azerbaijan and the country where it was committed). Aliens and persons without citizenship committed crime against citizens and interests of Azerbaijan abroad, can be put on trial in accordance with the Criminal Code of Azerbaijan and international instruments to which Azerbaijan is a Party.

According to the Law of the Republic of Azerbaijan on additions to some legal acts of the Republic of Azerbaijan in connection with the entry into force of the Law on the Fight against Trafficking in Human Beings, approved by the Presidential Decree # 353 dated January 23, 2006, amendments were made to several legal acts, including the Law on arrival to and departure from the country and on passports, the Law on legal status of aliens and persons without citizenship, the Internal Regulations of the Milli Mejlis, the Criminal Procedure Code and the Statute on commissions on issues related to juveniles and protection of their rights.

As a result of actions to combat trafficking in persons, 160 criminal cases of human trafficking were identified and investigated in the country in 2005. In connection with these cases, criminal proceedings were instituted against 153 persons, 231 victims of human trafficking received necessary assistance.

During the first 6 months of 2006, 77 facts of trafficking in human beings were registered, 83 persons were put on trial and 35 persons were identified as victims. Most of the victims of trafficking are young women who left the country to find a job or marry in different countries, including United Arab Emirates, Pakistan, Iran, Turkey, Russia etc.

11. Provide information about any follow-up in response to the Committee’s concluding comments contained in paragraphs 74 and 75 of A/53/38/Rev.1.

Like for all countries of former Soviet Union, the problem of trafficking in human beings is a newly emerged phenomenon for Azerbaijan. The solution of this problem therefore needs careful analysis of all its aspects and exchange of best practices with other countries.

The root causes of trafficking in persons in Azerbaijan are closely linked to the socio-economic situation typical for a country with economy in transition. Moreover, occupation of some 20 per cent of the territory of Azerbaijan resulted in 132 km of the state border left out of control by the Government create a “grey zone” for different types of illegal activities such as trafficking in persons, drug smuggling etc. Furthermore, involvement of Azerbaijan into global migration processes and challenges emerging from this, including the problem of transnational trafficking

worsened the situation. There is an increasing tendency of using Azerbaijan as a transit territory for illegal migration due to its favorable geographical location.

The main factors creating favorable conditions for human trafficking in Azerbaijan include economic insecurity of population, in particular women and girls, illegal migration, fear of victims apply to appropriate bodies, difficulties in identification of victims, disorder in family relations etc. Refugee and Internally Displaced women constitute the high-risk group and can easily become victims of trafficking.

Effectiveness of actions to prevent and combat trafficking in persons can only be achieved as a result of concerted efforts by national government agencies, civil society and international community. Thus, in 2004 the first National Action Plan against trafficking in human beings was adopted with the assistance of OSCE Office in Baku. The Deputy Minister of Interior was appointed as National Coordinator and a new Department on combating trafficking in persons was established under the Central Department on combating organized crime of the Ministry of Interior Affairs.

A working group on combating trafficking in persons which was established according to the National Action Plan consists of experts from different ministries. Different state bodies such as Ministry of Foreign Affairs, Ministry of National Security, Ministry of Health, Ministry of Youth and Sport, Ministry of Culture and Tourism, Ministry of Labour and Social Protection, State Customs Committee and State Boundary Service cooperate and exchange appropriate data and information in accordance with the NAP. Police officers from Azerbaijan participate in international forums to discuss various aspects of the problem. Police personnel also participated in trainings organized by the United States Embassy in Azerbaijan and General Headquarters of Armed Forces of Turkey.

Workshops devoted to the issue of prevention for representatives of local executive and law enforcement agencies, NGOs, mass media, education workers, municipalities and religious leaders were conducted in different regions of the country, in particular in border regions. Women Crisis Center conducted several researches on victims of trafficking in 13 regions of the country. In accordance with the National Plan of Action thematic forums were held on the role of community support in solution of the problem of women's trafficking in 12 regions of the country with the support of the NGO "Clean World" and OSCE Office in Baku. The goal of these forums was to examine the reasons and conditions leading to crimes of trafficking in persons, as well as to increase public knowledge on the issue. Specific workshop was organized on the role of religious institutions in combating human trafficking.

The Ministry of Internal Affairs established effective cooperation with national NGOs on issues such as prevention and awareness raising, legal, medical and psychological assistance. The State Committee for Family, Women and Children also carries out awareness raising campaigns for women in all regions of the country.

In 2005 the Cabinet of Ministers of the Republic of Azerbaijan approved the Guidelines for the establishment of safe places for the victims of trafficking, their financing, activity and monitoring of their activities. The process of building new and repairing existing shelters for victims is underway. The opening of the shelter for victims of human trafficking built in

accordance with international standards is planned for September 30, 2006. Assistance Fund for victims of trafficking has been established to solve the social and economic problems of victims, including the problem of employment.

In January 2006 a hotline for the victims of trafficking was launched and information campaign was arranged in order to ensure the dissemination of information on this hotline to the extent possible. An Internet program to exchange information on best practices with other countries and regions also became operational. The Ministry of Internal Affairs currently works on the establishment of the unified database on trafficking in persons.

On June 17, 2006 the Cabinet of Ministers of the Republic of Azerbaijan adopted a decision on the Definition of the amount of the allowance paid to victims of trafficking for the period of reintegration. According to this decision, victims of trafficking will receive allowance in the amount of 30 nominal financial units for the period of their recovery and reintegration.

Participation in political and public life and representation at the international level

12. Given the underrepresentation of women in political life, what concrete measures are envisaged to achieve women's full and equal participation at all levels of Government, including in the foreign service, taking into account general recommendation 25 of the Committee, on article 4, paragraph 1, of the Convention, and general recommendation 23, on women in public life?

Equal participation of men and women in decision-making processes in political and social life is the main prerequisite to establishment of a democratic society based on the principles of equality and respect for human rights.

Article 55 of the Constitution of the Republic of Azerbaijan sets equal rights for each citizen regardless of sex to participate in political decision-making. They have the right to be employed in all government bodies and to hold positions at all levels.

Provisions for women to have the right to participate in political decision-making are included in the Law On the Elections to the Parliament of the Republic of Azerbaijan and the Law On the Election of the President of the Republic of Azerbaijan. Effective measures are implemented to provide legal and social equality for men and women and not to allow any discrimination as well. Women vote in elections and public referendums, participate in elaboration and implementation of state policy, serve at state positions, fulfill duties at all levels of state administration, and deal with general issues concerning public, social and political life of the country.

The Decree of the President of Azerbaijan On the implementation of state women's policy in the Republic of Azerbaijan of 2000 reflects the main directions of women's participation in state and public administration.

Constitution of Azerbaijan affirms the rights for women to participate in all elections. According to Article 56 of the Constitution, women have equal right to vote with men. Women are elected to all elective bodies on equal base with men.

The main objective of the draft Law on Gender Equality is to provide equal rights for men and women in all spheres of social life and eliminate all forms of gender discrimination. According to this law the State shall provide equal representation of men and women in state administration and decision-making, create equal opportunities, provide gender equality and eliminate all forms of discrimination through legal, administrative and other instruments.

In spite of all these legislative measures women's participation in decision making level is not high. Very few women participated in 2004 municipal elections. Women constituted 5.01 per cent of candidates and 4.08 per cent of elected persons. In 2005 parliamentary elections women constituted 10.85 per cent of candidates and 13.04 per cent percent of elected ones.

According to the surveys held by different NGO's and international organizations main reasons of women's under-representation in decision making level are followings: a) women can't carry out public activity and household work at the same time, b) they are not sure of their abilities, c) they are not interested in public work and etc.

The Government of Azerbaijan has carried out important work in the field of providing gender equality and expanding women's opportunities during the last years in cooperation with different international agencies and local NGO's. In line with the amendments to the legislation, Presidential Decrees and Orders, decisions of the Cabinet of Ministers there were taken some practical measures.

The State Committee on Women Issues jointly with the Council of Europe translated into Azerbaijani the Recommendation and Explanatory Memorandum Rec (2003) 3 of the Council of Europe Minister Cabinet on Men's and Women's Participation in decision-making on issues of state significance and policy of the Council of Europe. The Committee also carried out enlightenment work to promote women's participation in decision making level with the support of the United Nations Development Fund for Women and "Coalition 1325". Different projects on gender equality, women's role in decision making, prevention of conflicts and peace building have been carried out. Among these projects were trainings on achievement of gender equality in peace building processes held throughout Azerbaijan, round tables on participation and representation of Azerbaijani women in decision-making at national and international levels, as well as workshops on equal participation of women and men in decision-making.

The State Committee for Family, Women and Children issues carried out research on the obstacles for women's wide participation in decision-making process. Currently, the Committee intends to prepare recommendations based on results of the research.

Different national NGOs actively cooperate with the Government and international organizations in this sphere. There are about 50 women NGOs in Azerbaijan, most of which work in direction to involve women in social, economic, political and cultural life of the Republic.

Education and stereotypes

13. As stated in the report, stereotypes regarding the role of men and women still persist in Azerbaijan society, particularly in the rural areas. What efforts have been made since the consideration of the initial report to eliminate stereotypes? In particular, does the Government plan to change school textbooks, curricula and teaching methods with a view to promoting a non-stereotypical image of women and supporting equality between women and men?

As it was noted in the report, gender research centers were established which prepared curriculums, books and visual aids in several universities of the country. The main objective of these centers is to study and spread knowledge necessary for the analysis of the life of the society, formalization of gender thinking and inclusion of gender research into education programs. These centers prepared curriculums for nine social and humanitarian disciplines, issued the a manual containing compilation of articles on gender equality which was endorsed by the Ministry of Education. The students of social and humanitarian faculties of Baku State University, the Academy of Public Administration under the President of the Republic of Azerbaijan, Western University and Khazar University are taught special course on “Basics of the theory of gender”.

At the same time, the State Committee of Family, Women and Children Issues prepared jointly with UNFPA country office social programs on some key subjects such as domestic violence, early marriages in order to contribute to elimination of stereotypes.

It has to be noted that the draft of the National Programme for Action on family and gender issues envisages gender expertise of all textbooks for university students.

14. Please provide information about the dropout rates for girls and women at all levels of education, including major reasons why girls or women discontinue their education.

In the “Law on education” of the Republic of Azerbaijan it is stated that all children starting from six years have the right to eleven years of compulsory education regardless of their sex. The rights reaffirmed by laws constitute legal basis for receiving continued and improved quality education by all children regardless of sex. However, today some children of school age cannot fulfill their right to compulsory secondary education due to some objective causes. The main cause of this is the living standards of the family which is not able to provide a child with normal food, clothes, textbooks and other basic necessities.

Girls are also often kept away from education as a result of financial difficulties. Some girls, especially in the regions and rural areas are taken out from school by their parents who use their labor in the household. Often girls are subjected to early marriage in order for their parents to get rid of the necessity to support them and to “secure” their future according to the obsolete traditional ideas. In any way the main reason for dropout rates for girls at all levels of education is a financial difficulty. This can be seen from the fact that most of the cases of non-attendance happen among poor children in the regions as well as among Internally Displaced children.

In this regard, the government undertakes specific measures for economic development of the regions according to the State Programme for Social and Economic Development of the Regions

of Azerbaijan for 2004-2008. 435 000 new job places opened in the regions of the country in the framework of this programme. As a result of all actions aimed at eradicating poverty and achieving sustainable development the poverty rate in the country decreased from 49 per cent to 29 per cent in 2005. Another reason for girls' non-attendance is persisting wrong stereotypes about women's role in society in some rural areas of the country.

As for dropout rates, unfortunately, we cannot provide the Committee with this information as there is no gender segregated statistical data on this issue at present. But the draft National Plan of Action on family and gender issues envisages the improvement of monitoring mechanism on attendance and data collection in secondary schools based on gender correlation.

15. Please indicate the role of the media in strengthening a non-sexist and non-stereotyped image of women.

Mass media in the country has made tangible progress in increasing awareness of different issues related to women's human rights and gender equality within the past years. The launching of Public TV in 2005 gave special impetus to promotion of balanced and non-stereotyped portrayal of women in the media. From the outset the Public TV has been producing short films (4-5 minutes) aimed at raising public awareness of Committee on the Elimination of Discrimination against Women. A number of other channels also develop short films and specific programs such as talk shows and information programs on women leaders to provide role models, especially to young women in the society.

TV, radio and print media also address acute problems, including domestic violence, early marriages and girls' access to education. Newspapers and magazines play special role in propagating gender equality. Some big newspapers run special columns on gender issues such as *Femina* of the very popular national newspaper "Zerkalo".

Mass media activities, in particular their coverage of the work of women leaders such as women parliamentarians, politicians, entrepreneurs and others greatly contribute to elimination of stereotypes and creation of balanced and diverse image of women in the society.

Employment

16. The report refers on page 5 to some private foreign companies which use various tacit forms of discrimination with respect to the hiring and firing of women. It further notes that, while the Government does not have access to specific figures relating to those practices, individual instances are publicized through the media and necessary action is being taken. Have any such cases been brought before the courts, and what were the outcomes? In addition, please give details on the measures that the Government is taking to ensure respect for women's labor rights and to raise women's awareness about those rights.

The main directions of state policy regarding the protection of the right to labor are defined by the Labor Code of the Republic of Azerbaijan which *inter alia* envisages creation of necessary healthy conditions in workplaces. All norms regarding the right to labor are applied equally to men and women.

The draft law on gender equality contains special articles with regard to obligations of employers to provide gender equality and bars the discrimination. In this regard, a reference could be made to the following articles:

Article 7. Employer's Responsibilities in labor activity

7.1. Employer shall create equal opportunities for employment for both sexes.

7.2. Employer has the following responsibilities:

7.2.1. Irregardless of the sex, an employer shall treat employees equally and create equal opportunities when it comes to hiring, promotion, training, retraining, professional development, evaluation of work performance, and dismissal of an individual.

7.2.2. Irregardless of the sex, an employer shall create equal work conditions for employees doing the same job.

7.2.3. Irregardless of the sex, an employer shall not apply different punishment systems for the same work violations.

7.2.4. An employer shall meet the requirements stipulated in Articles 9, 10.1 and 10.2 of this Law

7.2.5. An employer shall take required measures in order to prevent gender discrimination and sexual harassment.

Article 8. Responsibilities of an Employer in elimination of gender discrimination

8.1. An employer shall substantiate his decision when he treats unequally males and females while hiring, promoting, creating an opportunity for training, retraining, professional development, evaluating job performance, and dismissing an individual.

8.2. An applicant refused in a certain job position has a right to demand a written explanation about the education, expertise, work experience, professional qualities and other advantages of the representative of the opposite sex hired to that position.

Article 9. Equality in remuneration of labor

9.1. Irregardless of the sex, employees shall be paid equal wages, bonuses, encouraging payments and other extra payments if they work under the same work conditions with equal workload in the same workplace and have equal professional level.

9.2. An employer shall validate that the indifference between the wages of males and females doing the same job is not connected with their sex.

Article 10. Announcement portraying gender discrimination

10.1. It is not allowed to set different requirements for males and females, give preference to the representatives of any sex, require information about the family status or private life of an applicant in job announcements.

10.2. It is prohibited to publish announcements with humiliating content and against gender equality.

10.3. It is prohibited to announce job openings for the representatives of only one sex.

10.4. It is permitted to publish announcements stipulated in Article 10.3 only and if the sex of the employee is a defining factor for the fulfillment of the required job and/or the Labor Code of Azerbaijan Republic prohibits employment of females in such jobs.

Article 11. Inadmissibility of any pressure on employees subjected to sexual harassment

Employees who made complaints about sexual harassment by the employee can't be subjected to any pressure or persecution by his/her employee.

The Government of Azerbaijan undertakes special measures for providing women with job opportunities. During 2005, 9,163 women (36,2 per cent) were provided with job opportunities and 572 women (37 per cent) were enrolled for specialized professional training. In addition, 599 women were enrolled for paid public work and 1,807 received unemployment allowances. During 1997-2005, 70,527 women were provided with job opportunities, 7,476 women were enrolled for professional training, 8,295 women were enrolled for paid public work.

Unfortunately, detailed information about the court cases on discriminatory attitudes towards women is not available given that the Ministry of Justice doesn't maintain such statistics. It is only known that during the first six months of 2006, the Ombudsperson of the Republic of Azerbaijan has received 214 complaints regarding violations of the women's right to labor.

17. The report states on page 47 that “on average, women’s salaries are about 70 per cent of men’s salaries”. Please provide information about the reasons why the gap between women’s and men’s salaries continues to be significant and on measure that have been taken to address discrimination against women in the area of employment, including vertical and horizontal employment discrimination and discrimination in pay.

The participation of women in the labor market is of importance due to several reasons. Women can equally benefit from social protection, pension and health care system only when they are economically active. Thus, they are empowered to achieve social and personal development as well as make their own living. The theory of gender economy relates, first of all, to issues of gender processes such as employment of women in labor market; dimensions and assessment of women's unpaid work in the household; as well as division of labour and responsibilities and distribution of income within the family. In Azerbaijan the status of women in the labor market is lower comparing to men due to some factors such as the social division of labour on the basis of profession, earnings and unemployment.

The level of economic inactivity among women is higher than that of men (68.4 per cent among women and 31.6 per cent among men). As the conducted international research shows, women's family commitments to take care of minors as well as small number of child care facilities are among the main impediments for women to get employed. According to the statistics as of 2004, more than 40 per cent of economically inactive women are housewives looking after their children and other members of the family. The development of national policy and programs aimed at improving the welfare of elderly, children and people with disabilities is an important step towards enlargement of women's opportunities to find a paid job. All these factors have their strong implications for women's well-being.

The domestic legislation provides for the equal level of salary of all employees regardless of sex. However, due to the fact that the high-level positions are mainly occupied by men, the amount of salary made by men and women differ. Like in any other country, in Azerbaijan men and women

are represented unequally in many sectors of the economy. Women usually prevail in economic sectors characterized by lower status and middle wages. Women dominate in economic sectors such as health care and social services (76.5 per cent), education (69.2 per cent) and others which include mainly communal, social and private services (57 per cent).

18. The committee, in its earlier concluding comments (A/53/38/Rev.1, para. 55), welcomed information on the proposed establishment of a women's bank to provide loans and credits for small enterprises organized by women. Please provide an update on the impact that bank has had on women's entrepreneurship, and in particular on how many women have benefited from its establishment and for what kind of businesses.

The establishment of small and medium-sized enterprises (SMEs) in Azerbaijan has been consistently recognized as one of the most favorable tools to diversify the economy and create employment opportunities. In Azerbaijan, limited access to the financial resources, including loans and credits, has been acknowledged as a key obstacle faced by many women who wish to establish a small or medium-sized enterprise. In this connection, there was an issue raised several times concerning the establishment of a bank which would provide women with loans and credits for small entrepreneurship. Regrettably, nothing has been done so far.

Health

19. The committee in its earlier concluding comments (A/53/38/Rev.1, para. 73), recommended the elaboration of adequate family-planning programs. Similarly, the Committee on Economic, Social and Cultural Rights, in its 2004 concluding comments (E/C.12/1/Add. 104), recommended that a comprehensive sexual and reproductive health programme, including a public awareness-raising campaign about safe contraceptive methods, be introduced. Please provide information on what action has been taken in response to those recommendations, as well as on measures to reduce the maternal and infant mortality rates and to ensure that abortions are carried out under adequate medical and sanitarily conditions.

The Government of Azerbaijan closely cooperates with the UNFPA country office in implementation of the reproductive health programs. Since 1996 the Ministry of Health in collaboration with the UNFPA has been carrying out specific activities with the view of expanding access of women to high-quality public health services. Subsequently, a Family Planning Program has been drawn up and put into practice, a part of which included training for doctors on family planning issues. Moreover, the newly created centers of family planning have been provided with technical assistance. Since 2000, when a program for reproductive health and family planning was launched, 30 centers of reproductive health and family planning have been established. They deal primarily with the information dissemination and provision of high-quality services for women who are in their childbearing years. Two of these centers (Family Planning Center of the Republic of Azerbaijan and Reproductive Health Center under the Institute of Obstetrics and Gynecology) operate in Baku and other regions. In the framework of this program the supplies of five types of contraceptives were delivered to Azerbaijan which, in its turn, gave every woman an opportunity to choose between different types of contraceptives.

It should be mentioned that maternal and infant mortality rates is also on the cooperation agenda of Azerbaijan and international organizations. With the view of sharing expertise in this sphere the relevant state agencies with the support of international organizations have conducted “Population and Demography” survey. The results of the survey revealed detailed information on the rate of child mortality and contoured necessary measures to reduce it.

The Government of Azerbaijan is committed to continue promotion of a high-quality health care system. The following measures on family planning and reproductive health have been outlined in the “Health Policy” Section of the State Program on Poverty Reduction and Economic Development:

- Promoting safe motherhood and essential care for the newborn;
- Improving resources and technical facilities of the health sector;
- Improving health information system;
- Improving the quality of the basic health services and strengthening capacity building in pre- and postnatal services in order to increase birth safety and enhance basic newborn care, including promotion and protection of breastfeeding of infants and young children;
- Upgrading family planning and reproductive health centers, including provision of services for the youth;
- Introducing a new model of family medicine system;
- Providing access to contraceptives from reliable suppliers;
- Reducing health risks through promoting healthy lifestyle and health education to prevent substance abuse (tobacco, alcohol, drugs) and reduce sexually transmitted infections and HIV/AIDS;
- Raising awareness among female teenagers about prevention of early pregnancy.

20. Please describe current laws and customs which, in certain regions of Azerbaijan, oblige a woman to obtain her husband’s approval for all her actions, including family planning, as referred on page 66 of the report.

The Constitution, laws and regulations of the Republic of Azerbaijan provide for equality between men and women. As it was noted earlier in the report, according to the existing legislation a woman can receive medical services, including family planning services, without her husband’s consent. There is not any legal act restricting woman’s right to family planning or obliging a woman to obtain her husband’s approval for her actions. Only in some rural areas there are traditional views about the role of a man as a patron of the family and about a woman’s duty to get her husband’s approval concerning every matter of family life. As it was mentioned, this issue is not regulated by any legal act problem is not based on any legal act and is observed only in several families, not pertinent to any particular region.

21. The report mentions that the Republic of Azerbaijan is carrying out a range of reforms aimed at achieving the Millennium Development Goals and that a number of State programs have been adopted that take into account gender factors and women's issues. Particular mention is made on page 15 of the State programme on poverty reduction and economic development. The report does not indicate whether, and to what extent, these programs take into consideration the Convention on the Elimination of All Forms of Discrimination against Women. Please describe how the implementation and impact of these State programs are monitored. Also indicate whether civil society, and in particular women's groups, were consulted during the drafting of these programs.

As it was reaffirmed in the Millennium Declaration, advancement of women is critical for development, in particular as regards poverty eradication. In this context, the Government of Azerbaijan has been continuously translating gender equality and empowerment of women as a cross-cutting issue into its development policy.

The next stage of the State Programme on Poverty Reduction and Sustainable Development (2006-2015) is being prepared. Among other issues, this ten-year development program relates to the priorities and needs of women as well as creates great opportunities for achieving gender equality in various spheres of social life. The State Programme addresses the following issues:

- Establishment of coordination council made up of gender focal points from different state bodies and strengthening its potential;
- Establishment of a database to monitor and evaluate existing policies in the field of gender equality and empowerment of women;
- Assessment of the obstacles to wider representation of women at the decision-making level;
- Production and dissemination of media materials on existing problems and issues of concern and best practices for their solution;
- Conducting public awareness and media campaigns aimed at eliminating existing image of women as inferior beings in religion;
- Conducting public awareness campaigns on violence against women as well as women's human rights;
- Increasing public awareness of United Nations Security Council Resolution 1325 (2000);
- Conducting a study to identify reasons leading to perpetration of violence against women and factors creating obstacles to its prevention;
- Strengthening action to eliminate violations of the existing national legislation and improving state policy to reduce and prevent early marriages;

- Developing relevant skills for law enforcement, health, social services, education and migration personnel as well as mass media professionals regarding prevention, investigation of cases of gender-based violence and rehabilitation of victims;
- Arranging public awareness campaigns on possible risks in connection with female labour migration.

The monitoring of implementation of the above-mentioned measures is carried out by SPPRED Secretariat. Agencies in charge send their reports to SPPRED Secretariat which produces annual reports on the matter.

Another key policy instrument, the State Program for Social and Economic Development of the Regions of Azerbaijan for the years 2004-2008 is aimed at ensuring geographically balanced economic development of the country and enhances *inter alia* favorable environment for women to participate on equal footing with men in key spheres of development process. Within the framework of this program a new employment strategy with special focus on women's employment was endorsed.

Non-governmental organizations such as Women in Oil-industry, Young Lawyers' Union etc. take active part in the implementation of these programs.

Marriage and family relations

22. Does the Government of Azerbaijan envisage bringing the legal age of marriage for women (see p. 89 of the report) in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and how will it promote and monitor adherence in practice?

Article 10 of the Family Code of the Republic of Azerbaijan defines the legal age of marriage for men as 18 years and for women as 17 years. However, local executive authorities have a right to reduce the minimum marriage age by one year if the reason for such a reduction is provided by the family.

With a view to monitoring early marriages the State Committee for Family, Women and Children's Issues in cooperation with local executive authorities carried out a special survey. Examination of results of this survey is currently underway. However, the issue of bringing the legal age for marriage for women in line with the Convention on the Rights of the Child and the Committee on the Elimination of Discrimination against Women is not on the agenda at present.

Refugees and internally displaced women

23. Please provide information on the situation of women refugees and internally displaced women with regard to their access to employment, social security, health care and shelter.

As a result of military aggression by the Republic of Armenia 20 per cent of the territories of Azerbaijan (the Nagorny Karabakh region and seven adjacent regions), were occupied and some one million refugees and IDPs emerged in the country of which 420,000 are women. The majority of IDPs including women have been living in places unsuitable for living and lacking in

adequate life and sanitation conditions such as tent camps, farms, railroad cars, construction sites etc. New generations have already emerged and grown among the refugees and IDP population, and the issue became a serious problem in connection with their settlement. According to the latest information, 100,000 children have been born in refugee and IDP camps.

During the last ten years, there has been issued 26 Presidential decrees and orders, 13 laws and 147 orders by the Cabinet of Ministers with regard to strengthening social protection of refugees and IDPs. In connection with the implementation of orders by the Cabinet of Ministers a program was adopted to provide women refugees and IDPs with decent and productive employment.

The State Committee for Family, Women and Child's Issues carries out programs to improve the living conditions of refugee and IDP women in cooperation with the Ministry of Labor and Social Protection of Population and the State Committee on Refugees and IDPs.

A special reference to the issue of employment of refugee and IDP women was made in the decree of the President of the Republic of Azerbaijan concerning the realization of the state women policy. Within the framework of implementation of this decree, the State Committee for Family, Women and Child's Issues obtained statistical data on women's employment from the Employment Service of the Ministry of Labor and Social Assistance and, according to which 18,381 women were provided with appropriate work 739 of whom were refugees. 1,669 women were employed in public sector, including 266 refugees, and unemployment benefits were issued to 7,998 persons of whom 4,049 were refugees. Of 649 women enrolled in professional training courses arranged by the employment service 425 were refugees and IDPs. Of them 83 per cent were provided with jobs upon completion of the courses. The agencies of the Employment Service granted the status of unemployed to 3,701 women (including 3,027 refugees), and 607 women (including 148 refugees) were provided with jobs in accordance with a quota.

Furthermore, recently adopted national Employment Strategy for 2006-2015 reflects further actions in the field of women's employment.

24. Please describe measures in place to publicize the Optional Protocol, which Azerbaijan ratified on 1 June 2001, and to encourage its use.

Until recent years the Government of Azerbaijan has been undertaking measures to increase awareness of population of the Convention. However, the work to publicize the Optional Protocol of the Committee on the Elimination of Discrimination against Women began only recently and is supported by the United Nations Development Fund for Women. UNIFEM thus prepared modules on linkages between CEDAW and Security Council Resolution 1325. These modules also include OP of CEDAW and they were disseminated in several regions of Azerbaijan within the framework of pilot projects. As a result of these pilot projects the population of these regions, especially law enforcement personnel were informed about CEDAW and the Optional Protocol. UNIFEM is currently engaged into activities to improve these modules and is planning to conclude this process until the end of 2006. The project will then cover the whole country.