



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the sixth periodic report of Azerbaijan\*

1. The Committee considered the sixth periodic report of Azerbaijan (CEDAW/C/AZE/6) at its 1885th and 1886th meetings (CEDAW/C/SR.1885 and CEDAW/C/SR.1886), held on 16 June 2022. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/AZE/Q/6, and the responses of Azerbaijan are contained in CEDAW/C/AZE/RQ/6.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/AZE/CO/5) and its written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its multisectoral delegation, which was headed by the Chairperson of the State Committee for Family, Women's and Children's Affairs, Bahar Muradova, and included representatives of the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Education, the Ministry of Economy, the Ministry of Labour and Social Protection of the Population, the Ministry of Youth and Sports, the Ministry of Agriculture, the Ministry of Justice, the State Statistics Committee and the Permanent Mission of Azerbaijan to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's previous report (CEDAW/C/AZE/5) in undertaking legislative reforms, in particular the adoption of the following:

- (a) Decree No. 71 on the elimination of prenatal sex selection, in 2020;
- (b) Decree No. 500 on the State Programme for the Socioeconomic Development of the Regions of Azerbaijan, containing specific measures to improve

\* Adopted by the Committee at its eighty-second session (13 June–1 July 2022).



the development of women-owned small businesses and the enhancement of vocational training, in 2019;

(c) Order No. 602 on the employment strategy for 2019–2030 to promote inclusive employment and reduce unemployment among women, in 2018.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National action plan on the prevention of domestic violence for the period 2020–2023, in 2020;

(b) National action plan on combating trafficking in persons for the period 2020–2024, in 2020;

(c) Action plan on the prevention of prenatal sex selection for the period 2020–2025, in 2020.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2019.

### **C. Sustainable Development Goals**

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

### **D. Parliament**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

### **E. Principal areas of concern and recommendations**

#### **Legislative framework**

9. The Committee notes with concern the State party's preference for gender-neutral policies and programmes, which may result in inadequate protection of women from discrimination and a fragmented approach to the recognition and enforcement of the human rights of women, and hamper the achievement of formal and substantive equality of women and men. The Committee is also concerned that neither the Constitution nor the Law on Gender Equality cover both direct and indirect discrimination against women in the private and public spheres. The Committee further notes with concern that the Convention (see [A/65/38](#), part two, annex VI) has not been directly applied or invoked in court proceedings, despite the existing

constitutional provisions (arts. 148 (II) and 151) providing for the precedence of international treaties over national legislation.

**10. The Committee recommends that the State party:**

(a) **Adopt, with a clear time frame, comprehensive anti-discrimination legislation that prohibits discrimination against women and covers direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of State parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals on ending all forms of discrimination against all women and girls everywhere;**

(b) **Strengthen capacity-building for members of the judiciary and legal professionals regarding the direct application and use of the Convention in legal proceedings and the interpretation of national legislation in the light of the Convention.**

**Access to justice**

11. The Committee welcomes the State party's efforts under the State Programme for the Development of the Judicial System 2019–2023. However, it notes with concern persistent barriers to justice for women and girls, including limited knowledge of their rights and the remedies available to claim them, limited capacity of the judiciary and law enforcement officials to apply the Convention and persistent gender stereotypes among the judiciary.

**12. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party address the barriers to access to justice by women and girls by, inter alia:**

(a) **Conducting judicial training and awareness-raising campaigns aimed at eliminating gender bias and persistent gender stereotypes among the judiciary, the police and other law enforcement officials;**

(b) **Strengthening awareness among women and girls, including those in rural areas and those belonging to disadvantaged groups, such as internally displaced women, women with disabilities and older women, regarding the legal remedies available to them to claim violations of their rights;**

(c) **Raising awareness among religious and community leaders about the need to destigmatize women seeking justice;**

(d) **Ensuring free legal aid to all women, in particular to victims of domestic violence, regardless of their level of income.**

**Women and peace and security and internally displaced women**

13. The Committee notes the large number of women and girls affected by the three-decade long Nagorno-Karabakh conflict, which ended by peace agreement on 9 November 2020. The Committee is concerned about the status of women and girls, especially those who are internally displaced, who have limited access to education, employment, health and housing and protection from gender-based violence. The Committee welcomes the commitment of the State party to implement Security Council resolution 1325 (2000) and other subsequent resolutions on women and peace and security. However, the Committee is concerned that the draft national action plan on the implementation of Security Council resolution 1325 (2000) has still not been adopted. The Committee is also concerned that women are not fully engaged in post-

conflict restoration processes. The Committee is further concerned about the insufficient involvement of international organizations in post-conflict reconstruction.

14. **The Committee highlights the importance of the meaningful and inclusive participation of women at all stages of peace and reconstruction processes, to ensure the full integration of women's priorities and experiences of the conflict, as required under the Convention and Security Council resolution 1325 (2000), to ensure lasting peace. The Committee recalls its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and recommends that the State party expedite the finalization and adoption of its draft national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security, in cooperation with representatives of women's civil society organizations, to ensure:**

(a) **That consideration is given to the full spectrum of the Security Council agenda on women and peace and security, as reflected in Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019);**

(b) **The incorporation of a model of substantive equality that addresses gender-based violence against women and discrimination against women in all spheres of women's lives, including intersecting forms of discrimination against women, particularly widows and internally displaced and refugee women;**

(c) **The meaningful and inclusive participation of women from diverse backgrounds, including those belonging to ethnic minorities and internally displaced women, at all stages of the peace process and in all reconstruction initiatives, in particular with regard to the implementation of the national action plan;**

(d) **The integration of a gender-responsive budget, with indicators for the regular monitoring of its implementation and provision for accountability mechanisms;**

(e) **The integration of cooperation, technical assistance and capacity-building of international organizations aimed at expediting the process of post-conflict restoration and the full integration of women in the process.**

#### **National machinery for the advancement of women**

15. The Committee notes the efforts by the State Committee for Family, Women's and Children's Affairs to promote the advancement of women, however, it notes with concern:

(a) That the status of the State Committee for Family, Women's and Children's Affairs has not been elevated to that of a line Ministry, which reduces its capacity to ensure that gender equality policies are effectively implemented and that gender is mainstreamed across all government departments;

(b) That relevant national action plans, benchmarks and timelines have not yet been finalized or adequately resourced, in particular the draft national action plan on gender equality for the period 2022–2025;

(c) The lack of information on intersectoral cooperation mechanisms and reporting lines within the national machinery, including among the gender focal points at the local level;

(d) The lack of specific training on women's rights and gender equality to improve the gender expertise among civil servants;

(e) The limited cooperation of the national machinery for the advancement of women with civil society, in particular in rural areas.

**16. The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity and the guidance provided in the Beijing Declaration and Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, reiterates its previous recommendations (CEDAW/C/AZE/CO/5, para. 15) and recommends that the State party:**

(a) Upgrade the status of the State Committee for Family, Women's and Children's Affairs to that of a line ministry with a clearly defined mandate and provide it with adequate human, technical and financial resources;

(b) Adopt, without further delay, the draft national action plan on gender equality for the period 2022–2025 and allocate adequate human, technical and financial resources, including gender-responsive budgeting, for its implementation;

(c) Ensure effective coordination among gender focal points across all ministries and government departments and clearly define their mandates and responsibilities in the implementation of legislation and policies on gender equality;

(d) Conduct systematic training on women's rights and gender equality for civil servants upon initial appointment and regular refresher courses, and monitor progress in relation to gender mainstreaming across all sectors;

(e) Strengthen cooperation of the national machinery for the advancement of women with women's rights organizations and repeal the Law on Non-governmental Organizations (2014), which prevents women's organizations from receiving foreign financial aid.

#### **National human rights institution**

17. The Committee notes with concern that the Human Rights Commission of Azerbaijan was downgraded to "B" status by the Global Alliance of National Human Rights Institutions in 2018.

**18. The Committee recommends that the State party strengthen the Office of the Ombudsperson by providing it with adequate human, technical and financial resources to discharge its mandate effectively, independently and in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It also recommends that the State party support the Office in implementing the recommendations of the Global Alliance Subcommittee on Accreditation and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in the process.**

#### **Temporary special measures**

19. The Committee notes with concern the limited understanding within the State party of the non-discriminatory nature and importance of temporary special measures for accelerating the achievement of substantive equality between women and men, including statutory quotas, in the public and private sectors, in particular for rural women, internally displaced women and girls, women with disabilities and older women.

**20. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and recalling its**

previous recommendations ([CEDAW/C/AZE/CO/5](#), para. 19), the Committee recommends that the State party:

(a) Avail itself of regional or international technical assistance to promote understanding of the purpose of temporary special measures among State officials, parliamentarians, policymakers, employers and the general public;

(b) Adopt temporary special measures and establish time-bound targets, as a necessary strategy to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women are underrepresented or disadvantaged, in both the public and private sectors, especially at the decision-making level, and with particular attention to rural women, internally displaced women and girls, women with disabilities and older women;

(c) Establish mechanisms to monitor the implementation of temporary special measures and assess their impact on achieving substantive equality of women and men, and adopt adequate penalties for non-compliance;

(d) Systematically collect data on the impact of temporary special measures and include such data in its next periodic report.

#### **Stereotypes and harmful practices**

21. The Committee notes the adoption of decree No. 71, by which the action plan on the prevention of prenatal sex selection for the period 2020–2025 was approved, in 2020. Nevertheless, the Committee remains concerned at the widespread practice of sex-selective abortion. It is further concerned about:

(a) The persistence of patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, considering women primarily as mothers and caregivers, which impede progress in advancing gender equality;

(b) The absence of a comprehensive strategy to address discriminatory gender stereotypes, and the absence of capacity-building for media professionals and public officials on the use of gender-sensitive language;

(c) The persistence of discriminatory gender stereotypes and stereotypical portrayals of women in educational materials, advertisements and the media.

22. The Committee reiterates its previous recommendations ([CEDAW/C/AZE/CO/5](#), para. 21) and recommends that the State party:

(a) Implement the newly adopted decree and its national action plan on the prevention of prenatal sex selection to eradicate the practice of sex-selective abortion;

(b) Develop and implement a comprehensive strategy and gender-transformative programmes, including for the online domain, targeting community and religious leaders, teachers, girls, boys, women and men to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, and develop and introduce a set of targets and indicators to systematically measure the impact of the strategic interventions undertaken;

(c) Provide the media and relevant public officials with capacity-building on the use of gender-sensitive language to address discriminatory gender stereotypes and the objectification of women, and to promote positive portrayals of women as active drivers of development in the media;

(d) Take targeted measures, including awareness-raising, to promote equal sharing of domestic and childcare responsibilities, as well as responsible

**fatherhood, and accelerate the adoption of the draft amendment to the Labour Code providing for 14 days of paid paternity leave.**

**Gender-based violence against women**

23. The Committee notes the establishment of a national helpline for victims of domestic violence in 2020. It remains concerned, however, about the high incidence of gender-based violence against women in the State party, including the stark increase in cases of domestic violence during the coronavirus disease (COVID-19) lockdown. It also notes with concern:

(a) The absence of a legal definition of domestic violence in the Law on the Prevention of Domestic Violence (2010) and of provisions specifically criminalizing different forms of gender-based violence against women, including domestic violence, in the Criminal Code (2000);

(b) The absence of criminal law provisions specifically criminalizing all forms of gender-based violence, in particular psychological violence and inadequate protection from gender-based violence of women and girls facing intersecting forms of discrimination, including women and girls belonging to religious and ethnic minorities, women and girls with disabilities and internally displaced women;

(c) The prioritization of mandatory reconciliation and mediation procedures in cases of domestic violence and reliance in article 7.4 of the Law on the Prevention of Domestic Violence on the State's duty to "assist in the normalization of relations between parties and the resumption of family affairs", which leads to impunity for perpetrators;

(d) The limited and weak enforcement of protection orders, despite the existing provisions of the Law on the Prevention of Domestic Violence, the absence of expulsion orders, the lack of victim support services and the barriers to women's and girls' access to justice in cases of gender-based violence, including revictimization during criminal proceedings.

24. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

**(a) Amend the Criminal Code and the Criminal Procedural Code and Law on the Prevention of Domestic Violence, to ensure that all forms of gender-based violence against women, including domestic violence, are specifically criminalized, can be prosecuted ex officio and adequately punished;**

**(b) Amend the Law on the Prevention of Domestic Violence to define domestic violence and take into account the special protection needs of disadvantaged and marginalized groups of women, including women with disabilities, migrant women and internally displaced women;**

**(c) Repeal article 7.4 of the Law on the Prevention of Domestic Violence and give priority to criminal proceedings over mandatory mediation and reconciliation;**

**(d) Ensure the timely and effective issuance, enforcement and monitoring of protection orders, including, where appropriate, expulsion orders, in cases of domestic violence, and impose adequate deterrent penalties for non-compliance with such orders;**

**(e) Encourage reporting of all forms of gender-based violence against women and girls, including domestic and sexual violence, and ensure that all such cases are effectively investigated and that perpetrators are prosecuted ex officio and adequately punished, and ensure that police officers who fail to act or discourage victims from filing complaints are held accountable;**

(f) **Ensure women's and girls' access to justice, including reasonable procedural accommodations, and encourage reporting of gender-based violence to law enforcement bodies, including through affordable and, if necessary, free legal assistance; relax the burden of proof on complainants; ensure affordable access to forensic evidence; and continue to build the capacity of judges, prosecutors, the police and other law enforcement officers regarding gender-sensitive investigation and interrogation methods;**

(g) **Strengthen victim support services and protection, including a hotline that is available 24 hours a day, seven days a week, adequate and accessible shelters, medical treatment, psychosocial counselling and economic support to victims in all parts of the State party;**

(h) **Intensify awareness-raising for the general public on the criminal nature of all forms of gender-based violence, including domestic and sexual violence, and the importance of women being able to report such cases to law enforcement authorities without fear of reprisals, stigmatization or revictimization;**

(i) **Raise awareness about the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011) among the general public and law enforcement officials.**

#### **Trafficking in women and exploitation of prostitution**

25. The Committee welcomes the adoption of the national action plan on combating trafficking in persons for the period 2020–2024, as well as the development of the guidelines (indicators) for the identification of victims of trafficking in persons, and the establishment of the Care Centre for Victims of Trafficking in Persons under the Social Services Agency under the Ministry of Labour and Social Protection of the Population. The Committee notes with concern, however, that the State party remains a country of origin, transit and destination for trafficking in women and girls for purposes of sexual and labour exploitation. It also notes with concern:

(a) Challenges in the implementation of the national action plan on combating trafficking in persons for the period 2020–2024;

(b) The lack of independent monitoring of anti-trafficking efforts at the national level, and the lack of a solid national referral mechanism;

(c) The State party's reliance on non-governmental organizations for shelter services;

(d) The lack of measures to reduce the demand for commercial sex and the lack of data on trafficking in women and girls from, within and to the State party;

(e) The absence of exit programmes for women who wish to leave prostitution.

26. **Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration and its previous recommendations (CEDAW/C/AZE/CO/5, para. 25), the Committee recommends that the State party:**

(a) **Ensure sufficient human, technical and financial resources for the effective implementation and monitoring of the national action plan on combating trafficking in persons;**

(b) **Establish the office of an independent national rapporteur on human trafficking to ensure a separation of monitoring and executive functions in order to objectively evaluate the implementation of anti-trafficking legislation and policies;**

(c) **Establish a robust national referral mechanism to ensure victim identification, integration and allocation of funds and remedies for victims and to ensure that victims of trafficking have adequate access to support services, including accessible shelters, counselling services and reintegration programmes, and adequately fund or subsidize the premises and utility costs of non-governmental organizations operating shelters and providing victim support services;**

(d) **Ensure that all cases of trafficking in women and girls are investigated and prosecuted and perpetrators adequately punished, and that convicted perpetrators serve their sentences;**

(e) **Ensure the systematic collection and analysis of data on trafficking, disaggregated by age, sex, nationality of victims and forms of trafficking;**

(f) **Conduct awareness-raising campaigns on the risks of being trafficked and provide access to income-generating opportunities, financial support, legal assistance, hotlines and pre-departure information to migrant women and girls and internally displaced women;**

(g) **Repeal the legal provisions penalizing women in prostitution, criminalize offenders of sexual exploitation of women, including the demand for commercial sex, and take educational and awareness-raising measures targeting the general public, in particular men and boys, and combat all forms of subordination and objectification of women;**

(h) **Provide exit programmes and alternative income-generating opportunities to women who wish to leave prostitution.**

#### **Participation in political and public life**

27. The Committee notes with appreciation the notable increase in women who were elected during the municipal elections in December 2019 (38.8 per cent). It remains concerned, however, that women are still underrepresented in decision-making positions, including in the National Assembly, academia, the judiciary, the public service and the foreign service. The Committee is also concerned at the lack of targeted measures, including temporary special measures, in line with its general recommendation No. 23 (1997) on women in political and public life, to increase women's representation in public life.

28. **Recalling its general recommendation No. 23, the Committee recommends that the State party:**

(a) **Amend its electoral law to introduce targeted measures, including temporary special measures, in line with article 4 (1) of the Convention and general recommendation No. 25, such as increased quotas and targeted campaign financing, to increase the representation of women at all levels of government, in the National Assembly, the judiciary, academia and the foreign service, in particular at decision-making levels;**

(b) **Introduce measures to combat negative attitudes and discriminatory behaviours towards women in politics, including awareness-raising and educational campaigns in schools, the National Assembly and among the general public;**

(c) **Introduce preferential recruitment of women to the civil service and the foreign service, with particular attention to disadvantaged and marginalized groups of women;**

(d) **Provide capacity-building to women politicians and candidates regarding political campaigning, leadership and negotiation skills, and raise**

awareness, in collaboration with the media, among politicians, the media, religious and community leaders and the general public on the importance of the full, independent and democratic participation of women on an equal basis with men in political and public life as a requirement for fully implementing the human rights of women and for achieving political stability and sustainable development in the State party;

(e) **Provide capacity-building and training to women managers and leaders in the private sector and work with private sector entities on the importance of the equal participation of women in leadership positions.**

### **Education**

29. The Committee notes with appreciation the increase in the representation of women (51 per cent) in postgraduate programmes and lecturing positions in the sciences, and the introduction of courses on gender studies in universities and in teacher training institutions. It also notes that the State party covers tuition fees for persons with certain disabilities and for orphans. However, the Committee is concerned about the persisting horizontal and vertical segregation of women and girls in education, aggravated during the COVID-19 pandemic, in particular:

(a) The high dropout rates among girls in secondary education, attributable to early pregnancy and child marriage, as well as the preference given to school enrolment of boys;

(b) Persistent gender stereotypes in the education system and the absence of age-appropriate sexuality education;

(c) The concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in the areas of science, technology, engineering and mathematics and information and communications technology, which reduces their employment prospects;

(d) The limited use of gender-sensitive language in textbooks and education materials at all levels of education;

(e) The underrepresentation of women at the decision-making level in the education system (only 16 per cent of rectors were women in 2020) and the decrease in publications by female academics during the COVID-19 pandemic due to their disproportionate burden of domestic and care work;

(f) The challenges faced by girls in accessing schools in rural and remote areas, the lack of adequate school infrastructure and the absence of human rights and peace education in school curricula.

30. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and its previous recommendations (CEDAW/C/AZE/CO/5, para. 29), the Committee recommends that the State party:**

(a) **Ensure the enrolment of girls at all levels of education, including through information campaigns targeting parents and religious and community leaders on the importance of education for girls as a basis for their empowerment and through financial support to low-income families to cover the direct and indirect costs of education;**

(b) **Address the causes of school dropout among girls, including child and forced marriage and early pregnancy, and ensure that young mothers can return to school following childbirth, with a view to completing their education, obtaining diplomas and gaining access to higher education or employment;**

**(c) Develop and integrate into school curricula:**

**(i) inclusive and accessible content on gender equality, including on women's rights, women leaders in public life and the harmful effects of gender stereotyping and gender-based violence against women and girls;**

**(ii) age-appropriate sexuality education at all levels of education, in particular attention to responsible sexual behaviour and preventing early pregnancy and sexually transmitted diseases;**

**(iii) human rights and peace education;**

**(d) Provide training on women's rights and gender equality for teaching personnel at all levels of the education system, and review school textbooks, curricula and teaching materials with a view to eliminating discriminatory gender stereotypes;**

**(e) Take coordinated measures, including temporary special measures, to encourage women and girls to choose non-traditional fields of education and career paths, such as science, technology, engineering and mathematics and information and communications technology, including through career counselling, scholarships and subsidies to cover the indirect costs of education, and ensure that all fields of study and employment are open to women and girls.**

**Employment**

31. The Committee notes with appreciation the amendment to the Law on Labour Pensions, which harmonizes the retirement and pension age for women and men at 65 years. It also notes that, under the State Programme for the Socioeconomic Development of the Regions of Azerbaijan, measures were introduced to increase the employment of women in the formal economy, however, the Committee notes with concern:

(a) That 204 occupations will remain prohibited for women following the planned amendments to article 241 (2) of the Labour Code to review the current list of 674 prohibited occupations for women in certain industries;

(b) The continued existence of a significant gender pay gap (63.3 per cent of the average monthly wage of men in 2020) and horizontal and vertical segregation in the labour market, as well as barriers to women's access to management positions, higher-paid jobs and decision-making positions;

(c) The lack of opportunities for the reconciliation of professional and family life, and the insufficient efforts to promote and ensure the equal sharing of domestic and child-rearing responsibilities between women and men, in particular during the COVID-19 pandemic;

(d) The continued existence of institutional discrimination against women, despite maternity protection guarantees in the Labour Code;

(e) The concentration of women in the informal economy and in low-paid jobs, often in exploitative conditions and without access to labour and social protection, especially since the COVID-19 pandemic;

(f) That the Code of Administrative Offences does not establish liability for sexual harassment in the workplace, despite the prohibition of sexual harassment in the Law on Gender Equality (2006);

(g) The limited access to decent employment for disadvantaged and marginalized groups of women, including women belonging to ethnic minorities, internally displaced women, migrant women and women with disabilities.

32. Recalling that progress in employment should go hand in hand with the empowerment of women and equality at work, the Committee recommends that the State party refocus its employment policy on gender equality and ensure that it is based on results, measurable indicators, partnerships with the private sector and opportunities for professional training in all areas, including innovative sectors such as the information and communications technology sector. The Committee also recalls its previous recommendations (CEDAW/C/AZE/CO/5, para. 31) and recommends that the State party:

(a) Abolish the list of non-recommended occupations restricting women's access to certain professions and jobs; facilitate women's access to such occupations; and ensure that any restrictions are proportionate and applied on a case-by-case basis and not to all women;

(b) Take targeted measures to promote women's access to formal employment, including management positions and higher-paid jobs in traditionally male-dominated professions, by providing professional training, offering incentives for the preferential recruitment of women, expanding the number and quality of childcare services and preschool education services in urban and rural areas, and taking measures to alleviate the impact of the COVID-19 pandemic on women's employment;

(c) Adopt and enforce comprehensive legislation and regulations to ensure the application of the principle of equal pay for work of equal value, and regularly review wages in sectors where women are concentrated and adopt measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;

(d) Ensure maternity protection for women working in the informal economy; facilitate the return to work of young mothers; promote equal sharing of household and childcare responsibilities between women and men, including by expanding the use of paternity leave; and introduce specific provisions on employer's liability for discrimination against women in career development, recruitment, job promotion and vocational training;

(e) Adopt legislation to explicitly prohibit sexual harassment in the workplace, ensure that victims have access to effective remedies and ensure that complaints about sexual harassment are effectively investigated, perpetrators are prosecuted and adequately punished, and victims are protected from retaliation;

(f) Improve access to employment and training opportunities for disadvantaged and marginalized groups of women, such as women belonging to ethnic minorities, internally displaced women, migrant women and women with disabilities;

(g) Ratify the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.

### **Health**

33. The Committee notes with concern:

(a) That the draft law on the protection of the reproductive health of the population and family planning, and the new cycle of the national reproductive health strategy, have still not been adopted;

(b) Women's limited access to the health-care system, owing to the underdeveloped health insurance scheme, and the disproportionate impact of the COVID-19 pandemic on women;

(c) That abortion still remains one of the main forms of birth control and that women's and girls' access to available and affordable modern contraceptives, in

particular in rural areas, remains limited, and that adolescent girls face barriers in accessing information on sexual and reproductive health and rights;

(d) The high number of sex-selective abortions, as reflected by the distorted sex ratio of newborn children (114 boys to 100 girls);

(e) The high maternal mortality rate (15.8 per 100,000 live births in 2020), which is even higher among women in urban areas and internally displaced women;

(f) The high number of early pregnancies, due to forced and early marriages, the absence in school curricula of mandatory age-appropriate education on sexual and reproductive health and rights, and the lack of training of teachers in this field;

(g) The inadequate mental health services available for women, in particular internally displaced women, which has been aggravated by the COVID-19 pandemic.

**34. The Committee recalls its general recommendation No. 24 (1999) on women and health and recommends that the State party:**

(a) **Accelerate the adoption of the draft law on the protection of the reproductive health of the population and family planning, and the endorsement of the new cycle of the national reproductive health strategy;**

(b) **Increase the budget allocated to health care and introduce universal compulsory medical insurance to ensure the provision of accessible and affordable health services to all women and girls, particularly rural women and disadvantaged and marginalized groups of women;**

(c) **Adopt measures to ensure the availability, accessibility and affordability of modern contraceptives for women and girls, including disadvantaged and marginalized groups of women, rural women and internally displaced women;**

(d) **Eliminate the practice of sex-selective abortions resulting from prenatal sex discernment;**

(e) **Address the causes of maternal mortality, in particular among internally displaced women, by ensuring access to obstetric care and increasing the number of skilled birth attendants;**

(f) **Strengthen access to adequate and affordable health care for women and girls by ensuring a sufficient number of accessible health-care facilities with adequately trained staff, including in rural and remote areas;**

(g) **Integrate mandatory age-appropriate and inclusive education on sexual and reproductive health and rights in school curricula, including education on modern forms of contraception, the prevention of sexually transmitted infections and the risks of unsafe abortion;**

(h) **Adopt measures to ensure the availability and quality of accessible mental health-care services in both urban and rural areas.**

#### **Economic and social benefits**

35. The Committee notes with appreciation the State party's efforts to strengthen the position of women in the private sector, however, it is concerned that, during the period 2012–2017, only 4.5 per cent of the overall loans issued by the National Fund for Entrepreneurship Support were issued to women. The Committee further notes with concern:

(a) The disproportionate burden of unpaid domestic and care work carried out by women, which further increased during the COVID-19 pandemic;

(b) The disproportionately high poverty rate among women, especially rural women, women single heads of households and women engaged in unpaid care work;

(c) The lack of measures to adopt a gender-responsive minimum social protection floor, in accordance with the standards set by the International Labour Organization, and the lack of coordination and monitoring of social protection programmes, in particular with regard to the social and economic empowerment of women;

(d) The concentration of women's entrepreneurship in low-profit sectors, such as wholesale and retail trade and agriculture, and home-based entrepreneurship.

**36. The Committee recommends that the State party:**

(a) **Strengthen transformative policies and strategies to reduce the burden of unpaid care work on women, particularly rural women; facilitate access to good-quality and affordable gender-responsive public services, including in relation to health care, education, childcare, transportation, water, land use, housing and energy services; and generate data on and establish the monetization of unpaid care work as a baseline for its recognition and compensation;**

(b) **Address the feminization of poverty, including by reviewing discriminatory pension and social security schemes, taking into account any interruptions in women's employment histories that may be caused by periods of child-rearing or their engagement in unpaid care and domestic work;**

(c) **Introduce incentives and targeted measures, including business facilitation grants, incubation schemes, financial inclusion services and other stimulus packages, to promote entrepreneurship by women, expand their economic opportunities and recognize their contribution to the economic life of the State party.**

**Rural women**

37. The Committee notes the State party's efforts to support the social and economic development of rural women, including through the creation of the Association of Rural Women of Azerbaijan covering 16 regions of the State party, in 2019. However, it remains concerned about the limited access of rural women and girls to basic services, land, education and employment opportunities and health care. The Committee is also concerned about the lack of a gender perspective in agricultural policies and the underrepresentation of rural women in decision-making and in leadership positions.

**38. The Committee recommends that the State party combat poverty among rural women by ensuring access to education, adequate water and sanitation, formal employment, low-interest loans without collateral and other forms of financial credit for agribusinesses, and ownership and use of land. The Committee also recommends that the State party integrate a gender perspective into its agricultural policies and ensure the equal participation of rural women in decision-making on agricultural policies and in leadership positions.**

**Disadvantaged and marginalized groups of women**

39. The Committee remains concerned that older women, women and girls with disabilities, women and girls belonging to ethnic minority groups, internally displaced women and girls, and refugee, asylum-seeking and migrant women and girls continue to face intersecting and aggravated forms of discrimination in the State party.

**40. The Committee recommends that the State party adopt targeted measures, including temporary special measures, to ensure access to justice, employment and**

health care, including sexual and reproductive health services, social protection and food security for disadvantaged groups of women, such as older women, women with disabilities, women belonging to ethnic minority groups and refugee, asylum-seeking and migrant women, taking into account their specific needs.

### **Marriage and family relations**

41. The Committee notes with concern:

(a) The high level of child marriage, despite the fact that the minimum age of marriage is set at 18 years for women and men;

(b) The fact that women who undergo a wedding only by ceremony under religious law (*kabin*), without civil marriage registration, do not benefit from the protection of the Family Code and are not protected in the case of dissolution of these unions;

(c) The widespread practice of solely religious marriage contracts results in a significant number of children born outside civil marriage in unregistered religious unions (*kabin*), who do not benefit from the protection of the Family Code, and are not entitled to alimony (child support) upon the dissolution of the union of their parents;

(d) The practice of not officially registering property, including plots of land, which results in women being deprived of any real estate or land that they acquired during the marriage and denial of economic protection upon dissolution of the union.

42. **The Committee recommends that the State party:**

(a) **Review the Family Code in order to remove all exceptions to the legal minimum age of marriage of 18 years for both women and men and pursue its efforts to combat child and forced marriage, especially in rural areas, including by addressing the root causes of this harmful practice, encouraging reporting, punishing complicit family members, religious and community leaders or law enforcement officers; establishing mechanisms to detect such cases; and ensuring the prosecution and adequate punishment of those responsible, in accordance with the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices;**

(b) **Ensure that religious wedding ceremonies can be administered only after civil registration of a marriage and protect the rights of women upon dissolution of religious and customary unions, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;**

(c) **Ensure that women and men have the same rights and responsibilities in marriage and family relations and upon their dissolution, including the same parental rights, irrespective of their marital status, and the same rights to choose a family name, profession and domicile, in accordance with article 16 of the Convention;**

(d) **Ensure that, in the case of a divorce, women receive property, including plots of land, acquired during the marriage, in line with the Committee's general recommendation No. 29;**

(e) **Ensure that children, including those born in de facto unions, receive alimony upon the dissolution of the union of their parents;**

(f) **Conduct training and awareness-raising activities for judges, prosecutors, law enforcement agencies and local executive bodies on the prevention and prohibition of forced and child marriage;**

(g) **Reform data collection systems and registration procedures for the implementation of criminal and administrative legislation on child and/or forced marriage.**

**Beijing Declaration and Platform for Action**

43. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.**

**Dissemination**

44. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the National Assembly and the judiciary, to enable their full implementation.**

**Ratification of other treaties**

45. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

**Follow-up to the concluding observations**

46. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (d), 14 (e), 16 (b) and 32 (a) above.**

**Preparation of the next report**

47. **The Committee invites the State party to submit its seventh periodic report, which is due in July 2026. The report should be submitted on time and cover the entire period up to the time of its submission.**

48. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.