



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 766th meeting (Chamber A)

Held at Headquarters, New York, on Tuesday, 23 January 2007, at 3 p.m.

Chairperson: Ms. Dairiam (Rapporteur)

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In the absence of Ms. Šimonović, Ms. Dairiam, Rapporteur, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second and third periodic reports of Azerbaijan (continued) (CEDAW/C/AZE/2-3; CEDAW/C/AZE/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Azerbaijan took places at the Committee table.*

Articles 7 to 9

2. **Ms. Neubauer** noted that, given the absence of comparative data on the participation of women in political and public life, the Committee was unable to assess the progress made by the State party. She urged the Government to provide the necessary information in its next report.

3. Majoritarian electoral systems, such as the one in place in Azerbaijan, were widely regarded as unfavourable to female candidates. She enquired whether the Government had taken any steps to increase the number of women holding decision-making positions in State bodies and other public sector institutions. She also wished to know whether political parties in Azerbaijan received Government funding, and whether any measures had been introduced to promote women's participation in them.

4. **Mr. Flinterman** requested further information about the mandate and functions of the gender focal points in the various ministries.

5. **Ms. Hijran Huseynova** (Azerbaijan) agreed that, although the number of Azerbaijani women holding middle-management positions in the civil service had increased, they remained seriously underrepresented in political and public life. Various remedial measures had been taken at the legislative level, but more needed to be done to educate women and encourage them to overcome their own prejudices and fears. Women accounted for 51 per cent of the electorate, yet they continued to favour male candidates at the ballot box. Efforts to reverse that trend in the autonomous Republic of Nakhchivan had met with considerable success, and she hoped that the central Government would benefit from the lessons learned in that context.

6. Following the adoption of Security Council resolution 1325 (2000) on women and peace and security, a women's coalition had been established. Various political stakeholders and non-governmental organizations were involved in that enterprise, which was designed to promote female solidarity.

7. **Mr. Gurbanov** (Azerbaijan) said that efforts to increase the number of female members of the judiciary had borne fruit. For example, women now accounted for 12 per cent of all judges, and two of the nine judges at the Constitutional Court were women. The Human Rights Ombudsman was also a woman, as were 66 of the 195 employees in the Ministry of Justice. Some of the registered political parties were headed by women.

8. **Ms. Hijran Huseynova** (Azerbaijan) drew attention to her introductory statement, in which she had indicated the ratio of male to female employees in the various Government ministries.

Articles 10 to 14

9. **Mr. Flinterman** pointed out an apparent contradiction between the statement (page 40 of the report) that there were no restrictions on the participation of women in sports and the table showing that far fewer women than men were involved in sports. He asked whether the Government was considering establishing any time frames or monitoring mechanisms for assessing the outcomes of the many measures that were being taken to develop and improve gender education.

10. **Ms. Shin** expressed scepticism at the assertion that women represented a slightly higher proportion of the workforce than men and requested more information about the number of working women as a percentage of the total workforce and on their employment status.

11. Noting that the country's laws defined pay equality as equal pay for doing the same job, she asked whether the Government would consider changing the definition to bring it into line with that of that International Labour Organization's Equal Remuneration Convention which referred to equal remuneration of men and women workers for work of equal value.

12. With regard to protective legislative that precluded women from doing arduous or hazardous

jobs she pointed out that there could be differences of opinion as to what constituted arduous work and that, anyway, under article 11, paragraph 3 of the Convention, such legislation had to be reviewed periodically. She wondered why the Government's policy that encouraged women to combine family and work did not apply to men also. Finally, she requested more information about the employment, health and education of women and disabilities.

13. **Ms. Pimentel**, in respect of article 12, recalled that, according to the report, aside from some rural areas, a woman could receive medical services, including family planning, without her husband's consent. She asked what measures were being taken to tackle existing restrictions on women's right to family planning.

14. According to an NGO report, gender stereotyping sometimes prevented women from exercising their reproductive rights by encouraging the practice of selective abortions based on the gender of the foetus. She asked what the Government was doing to prevent such practices and whether it was developing any measures to prevent the practice of early marriages. Finally, noting that, although female sterilization was allowed on medical grounds and with the consent of both husband and wife, male sterilization was not performed (page 67 of the report), she asked for an explanation.

15. **The Chairperson**, speaking as a member of the Committee, expressed concern about the lack of clarity regarding such things as maternal health, child health and maternal mortality noting that, even though the Government had indicated that the delivery of health services was improving, the numbers varied depending on the source used. She asked whether the Government was willing to consider adopting the international definition of maternal mortality as set forth in the International Classification of Diseases, and whether it had taken any steps to unify its data collection and assessment methods.

16. **Ms. Simms**, referring to article 14, said that the plight of rural women was not unique to Azerbaijan; people living in rural areas tended to be more protective of their traditional way of life than their urban counterparts. She wished to know whether the Government had any plans to improve the infrastructure and delivery of health services in those areas and whether, given globalization and the trend

toward a market economy, there were any rules for protecting the natural environment in the rural areas.

17. **Ms. Gabr**, also referring to article 14, asked about the impact of the shift towards a market economy on rural women. Recalling that the practice of providing concessionary loans to rural women had been abandoned, she asked what the Government was doing to help women set up microbusinesses and to improve their access to educational services. She also wished to know what steps had been taken to fully implement the long-term programme for rural woman that had begun in 2001.

18. **Ms. Baghirova** (Azerbaijan), in response to the question from Mr. Flinterman, said that while, traditionally, sports had not been popular among girls in Azerbaijan, the situation was improving and much was being done to encourage young people to participate in sports.

19. **Ms. Yusubova** (Azerbaijan), responding to questions concerning gender and the economy, said that gender policies were a priority for her Government and that many gender-based economic programmes had been established, including the poverty reduction programme implemented in 2005. With regard to the impact of the shift toward a market economy, various programmes and a State fund had been set up to develop the regions and provide assistance and credit to all citizens, especially women, in order to encourage entrepreneurship.

20. **Ms. Hijran Huseynova** (Azerbaijan) noted, with reference to women's employment, that there were more than one million refugees in Azerbaijan and that refugee women benefited from labour centres in cities and labour fairs in the regions that arranged temporary work. "Working villages" had also been established to train workers, including refugee women, in the production of specialized equipment and goods needed in industry, especially the oil industry. Women with children were provided with various benefits to help them obtain and hold jobs and disabled citizens were provided various specialized services at home.

21. Reproductive health and family planning formed an important part of the national health strategy and such services were provided free of charge. In the regions, however, there was a certain amount of resistance to family planning owing, in part, to religious views. The practice of selective abortion persisted, although programmes had been introduced to

educate people *inter alia* about possible negative consequences of abortion. She agreed that more should be done to encourage men to participate in family care and family planning.

22. Providing adequate health infrastructure and services in rural areas was problematic and regional health centres were not always easily accessible. Health busses had been equipped to bring general and specialized services to outlying villages. Training courses had also been set up, with the help of foreign medical teams, to update health workers' skills in a variety of areas including family planning.

23. **Ms. Irada Huseynova** (Azerbaijan) said that the national education plan provided for monitoring of gender issues. Although boys and girls had equal access to free education, girls, in rural areas and in poorer families, tended to marry young and thus to drop out. Programmes had been set up to keep young women in school. About 40 per cent of the teachers of higher educational establishments were women, as were 50 per cent of the students. At the kindergarten level nearly 100 per cent of the staff and administrators were women.

24. **Ms. Huseynli** (Azerbaijan) said that although, legally, there could be no difference between men's and women's salaries, since women generally held lower-ranking jobs, their salaries overall were only 70 per cent of men's. As regards disability benefits, there was full parity with men, as the benefit depended on the degree of disability. According to data from 2003, women accounted for 75 per cent of workers in education, health, social protection and sports institutions; 70 per cent in artistic and cultural fields; 45 per cent in business, real estate management and other commercial fields; 30 per cent in industry; 20 per cent in agriculture; and 10 per cent in construction.

25. **Mr. Gurbanov** (Azerbaijan), referring to the suggestion that there were situations in Azerbaijan in which there was unequal remuneration between men and women, clarified that under the constitution there was absolute equality between men and women in the labour sphere.

26. The Criminal Code provided for sanctions against any employer who broke a labour contract with a woman who was pregnant or raising a young child. A mother was entitled to take leave until her child reached the age of 3. There were also sanctions if other

aspects of working life were violated, for example if occupational safety was not maintained.

27. Regarding social benefits, he explained that the law provided for 15 different types of benefit, including, for example, maternity and disability benefits and benefits in the event of the loss of a breadwinner.

28. Finally, pointed out that environmental issues were ruled by international conventions and treaties. Although Azerbaijan had an environmental protection law, should there ever be a conflict between a provision of national law and that of international law, then international law took precedence.

29. **Ms. Guluiyeva** (Azerbaijan) explained that the autonomous Republic of Nakhchivan was a part of Azerbaijan. Although for 15 years there had been an economic and communications blockade against the region because of the Nagorno-Karabakh conflict, Nakhchivan was developing its economy. More than half of the people working in small and medium-sized businesses were women.

30. **Ms. Afandiyeva** (Azerbaijan) said that she did not know the source of reports that women were having problems with the microcredit scheme being implemented with assistance from Germany and the German Agency for Technical Cooperation (GTZ). The scheme was being run by private banks and the Government was merely monitoring the process. If women were complaining of not getting credit it must be due to their lack of knowledge about business practices.

31. **Ms. Pimentel** asked why male sterilization was not performed, whether it was prohibited by law or simply not done owing to stereotype-based thinking. Given that sterilization was much simpler to perform in men than in women, she wondered whether that did not constitute a form of discrimination,

32. **Ms. Shin** said that her earlier question had been misunderstood. She had not been talking about equal pay for equal work, but had wanted to know whether Azerbaijan was considering the introduction of equal pay for work of equal value. Men and women were evidently concentrated in different sectors of the labour market, but the differing work that they did could well be of equal value.

33. **Ms. Hijran Huseynova** replied that male sterilization was simply not a generally accepted

practice in Azerbaijan, although it did, in fact, occur in a few isolated instances. It was not a matter of stereotypes or discrimination, and it was not even mentioned in the law.

34. If men and women were doing equal work, they received equal pay. Women were constantly being urged to strive for higher positions. Any lack of advancement of women was not due to stereotyping; it was merely a matter of how much education they had received. Nor was there any stereotyping when it came to choosing a profession: men and women were free to choose whatever career they wanted.

Articles 15 and 16

35. **Ms. Coker-Appiah**, urged the Government to bring the marriageable age for women into line with that for men. She had received information indicating that a considerable number of such marriages — many of them involving girls as young as 12 — took the form of religious ceremonies. She wished to know whether religious marriages were valid, and if not, what was being done to end the practice. She also wondered what protection there was for the rights of women in such marriages, what was the status of children from such marriages and, in particular, whether they could inherit.

36. **Ms. Halperin-Kaddari** asked about enforcement of the prohibition on underage marriages. It seemed that the Government had no data on them, even though the law itself recognized the prevalence of such marriages. On the issue of unregistered cohabitation, since the report said that the laws on women's property and inheritance rights did not address informal and unregistered cohabitation, she wished to know what specific laws applied in such situations, and what kind of protection was available to such women, especially very young women.

37. She also asked whether property rights covered all kinds of assets deriving from work, including intangibles such as savings accounts and pension rights accumulated in the course of the career, or future assets such as earning potential.

38. Noting that, according to the report (p. 85), the right to alimony could be denied, if the spouse claiming maintenance had behaved inappropriately within the family, she asked whether that meant that a woman lost the right to alimony if she was unfaithful.

39. According to a recent report concerning the privatization of lands in Azerbaijan, because of the patriarchal structure of the typical Azerbaijani family, it was generally men who owned the privatized property. She asked whether the Government was taking any steps to correct that discriminatory outcome of the privatization process.

40. **Ms. Hijran Huseynova** (Azerbaijan) said that it was certainly true that the problem of very early marriage did exist in Azerbaijan, particularly in the poor southern areas of the country, but that there were no statistics on the subject. The Government was very concerned about the question, and a committee was working with religious groupings to address it. In 2006, a major conference had been held on the matter, attended by representatives of virtually all religious denominations. The Government was considering raising the marriageable age for girls to 18.

41. **Mr. Gurbanov** (Azerbaijan) added that if there were valid reasons, the authorities of the locality where a minor wished to enter into a marriage could lower the marriageable age by up to a year. He speculated that perhaps that provision was in place as part of regulating the very early marriages.

42. With regard to the question about the loss of the right to alimony, he explained that infidelity was not grounds for loss of alimony. That would occur only if the courts, because of certain domestic behaviour, judged a spouse to be unfit to raise a child.

43. Azerbaijan was a secular state, according to its constitution, and consequently, while religious marriages were celebrated, they did not have any legal consequences. People were free to have a religious celebration of marriage alongside the civil celebration, but the right to inherit, the right to joint property, obtained only within the context an official marriage. Naturally, children born to a religious marriage could not be left outside the law; in such cases there was a simple procedure under which paternity was established and the child given a form of identity document.

44. **The Chairperson** thanked the delegation for the comprehensive information it had given. She noted that Azerbaijan had an impressive list of provisions in favour of women and the political will to carry them out; the issue for the Committee was to know what was actually being implemented in reality

The meeting rose at 5.10 p.m.