

**Presentation of the combined second and third periodic report  
of the Republic of Azerbaijan on the implementation of the  
Convention on Elimination of All Forms of Discrimination  
against Women**

New York, 23 January 2007

**FOREWORD**

Madam Chairperson,  
Distinguished Members of the Committee,

It is my privilege, on behalf of the Azerbaijan government, to present the Republic of Azerbaijan's second and third combined report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

At the outset I would like to congratulate the officers of the Committee, as well as its new members upon your election and express confidence that your unique experience and expertise will help us in advancing our women's rights agenda and overcoming existing gaps and challenges.

I would also like to thank the United Nations, in particular its funds and programs such as UNFPA, UNDP and UNIFEM for their valuable assistance and support to national efforts in protecting the rights of women and fighting discrimination which in its turn contribute to the building democratic society in Azerbaijan.

I would like to note that, in order to save time I will highlight some key aspects while the full version of this statement will be distributed in the room.

Madame Chairperson, distinguished Members of the Committee,

The Republic of Azerbaijan acceded to and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on June 10, 1995 without reservations. On June 6, 2000, the Republic of Azerbaijan signed the Optional Protocol to the Convention, which entered into force on February 16, 2001.

The Government of Azerbaijan remains fully committed to the implementation of CEDAW.

The report is aimed at outlining the legal, structural and policy changes that have taken place in our country since the submission of the initial report of Azerbaijan. It also endeavors to respond to the concluding comments of the Committee with regard to the initial report.

In achieving true gender equality and eliminating all forms of discrimination faced by women Azerbaijan like many other countries has a long way to go. Along with ensuring equality between men and women in all spheres of life we also try to focus on resolving critical issues such as domestic violence and human trafficking. Many of these problems not only require appropriate national policies and measures but also need considerable long term changes in culture and attitude.

I would like to acknowledge the work of departmental officials and to NGOs who contributed to the preparation of this report, which I take great pride in presenting to the Committee.

In this regard, the work done by national NGOs can be indispensable. The State Committee for Family, Women and Children's Affairs therefore attaches importance to cooperation with national women's NGOs, and in December 2006 we had a joint meeting in order to discuss the problems faced by NGOs, their plans for 2007, as well as to inform them about the then upcoming consideration of the national report in the UN Committee on the elimination of discrimination against women.

The report was prepared by the State Committee for Women's Issues of the Republic of Azerbaijan which was recently replaced by the State Committee for Family, Women and Children Affairs. A number of Government agencies have contributed to the preparation of the report along with academic and non-governmental organizations.

Madame Chairperson,

### **Introduction**

The report that is before you today has been prepared in accordance with the reporting guidelines adopted by the CEDAW Committee. The report covers the period from 1996 to 2004 and the additional information provides updates after the reporting period.

The report reflects the reference to the Specific laws and statistical data to demonstrate the CEDAW implementation in Azerbaijan for this period. This report highlights the following:

The report refers to specific national laws and contains statistical data necessary to measure the implementation of the Convention in Azerbaijan within the above-mentioned timeframe.

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The problems we have are complex, inter-dependent and cross-cutting by their nature and may require long term efforts and policies to be put in practice. The Government of Azerbaijan is committed to addressing these both through implementation of the National Action Plan and through its overall social and economic development strategies.

It should be mentioned that in Azerbaijan the reporting period has been characterized by the following major factors that continue to have their impact on the implementation of the Convention:

1. Occupation of 20% of Azerbaijani territory by neighboring Armenia resulted in emergence of over 1 million refugees and internally displaced persons (IDPs). The lasting territorial dispute and constant cease fire break ups obviously hindered full enjoyment of civil rights and liberties
2. Immersion into the transition period: reconstruction of the Governmental bodies, poor interlinks among them, lack of society transparency.

These concerns require special attention and necessary budget allocations and could be attributed as the reasons of the delay in the submission of the current report.

However, I am pleased to note that some of these problems are currently being addressed.

The combined report was prepared and submitted during the period when the President of Azerbaijan was Heydar Aliyev who first raised gender items in Azerbaijan. Ilham Aliyev, a new president was elected in 2003 who continued the policy of the previous President and along with the First Lady Mrs. Mehriban Aliyeva pay a great attention not only to the women's issues but also family and children problems.

As I already mentioned above, in 2006 the former State Committee for Women's Issues which was the main Government agency responsible for the preparation of the present report was transformed into the State Committee for Family, Women and Children's Affairs. The new body has re-examined the report and prepared

revisions to address inaccuracies and to update some information contained in the report. These revisions are attached to my statement.

Now I would like to turn to the information under the articles of the Convention.

## **II. Implementation of articles 1 to 16 of the Convention**

### **Article 1**

Definition of discrimination against women

The Government guarantees equal rights and freedoms for all and prohibits any gender-based restriction of the enjoyment of rights.

For the period covered by this report there was no official definition of the concept of "discrimination against women". However, the Criminal Code, the Family and Marriage Code, the Labour Code, the laws and decrees of the Azerbaijani President and the decision of the Cabinet of Ministers supporting the national plan of action on women's issues were outlined to eliminate de jure discrimination against women

in political, economic, social and civil fields. This concept clearly corresponds with the definition of discrimination provided in Article 1 of the Convention.

In October, 2006 newly adopted law on gender equality, contains the definition of discrimination on gender ground.

## **Article 2**

### **Obligation to eliminate discrimination**

The Constitution prohibits discrimination against women on the basis of gender or family status.

All Azerbaijani legislation is based on the Constitution and embodies the basic rights and freedoms of equality between man and woman. Law on gender equality covers gender relations in the activities of political parties, non-governmental organization and trade-unions, gender expertise of legal acts.

## **Article 3**

### **Development and advancement of women**

The starting point for the development and advancement of women in Azerbaijan was the Fourth World Conference on Women and the ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

These two events led to establishment of national machinery to promote gender equality.

The State Committee on Women's Issues was established by Presidential Decree on January,14 1998. On February,20 1998 the Committee's statute was approved and defined by a Presidential Decree. In implementation of the Decree, the State Statistical Committee prepares and publishes an annual report entitled "Women and men in Azerbaijan".

The National Plan of Action on Women's Issues, 2000-2005, approved by the Cabinet of Ministers on March,6 2000 was drawn up on the basis of the strategies of the Beijing Platform for Action, taking into account the country's existing situation and priorities. The new National Plan of Action on Family and Women's Problem's 2007-2010 elaborated by Task Force consisted of governmental and non-

governmental representatives. After elaboration the plan was discussed by NGOs and governmental bodies and submitted to the Cabinet of Ministers. Some additional recommendations have been received.

#### **Article 4**

##### **Accelerating equality between men and women**

The equality of men and women is embedded in the legal and policy framework. Equality between men and women is assured in article 25 of the Azerbaijani Constitution

And was affirmed by the relevant laws and legislative acts, as well as the Presidential Decrees of January 14, 1998 and March 6, 2000.

Laws exist to ensure the equal rights of women in all areas of life such as the right to equal pay for work. Laws such as the Parental Leave and Employment Protection (Paid Parental Leave) also exist to address any inequality that might arise from the particular needs of women, such as the need to stop work or get some benefits to care for children:

## **Article 5**

### **Sex role stereotyping**

The legal measures prohibiting any discrimination against women in the family are determined by article 34 of the Constitution and the Family Code adopted on December 28, 1999, which provides that spouses have equal rights and the same personal and property rights within the family.

A big concern is caused sex stereotyping in the society. Parents pay closer attention to the achievements of their sons than to those of their daughters.

In every society, even in the most developed, women remain a potential object of many forms of violence. Azerbaijan is not an exception. Moreover, as a result of the military conflict over the territory of Azerbaijan (Nagorno-Karabakh), a large number of current citizens of Azerbaijan (including hundreds of thousands of women) became victims of violence and were forced to flee as refugees and IDPs.

The Government of Azerbaijan intends to strengthen the activity on the protection of women from violence. It was elaborated “The Complex Program of the Republic of Azerbaijan to combat domestic violence in democratic society” (2006-2015) with this aim. The issues of domestic violence and early marriage are reflected in the State Program on Poverty Reduction and Sustainable Development for 2006-2015 and the draft National Plan of Action on family and women’s problems (2007-2010). One of the important actions in this field was the establishment of a working group to elaborate “Draft law on domestic violence”. In 2006 Azerbaijan joined a 2 year campaign of the Council of Europe “To combat violence against women, including domestic violence”. A big discussion was held in the Parliament of Azerbaijan on this topic.

## **Article 6**

### **Exploitation of women**

Trafficking has been one of the negative results of the transitional period. The trafficking problem that has developed is a source of concern and has been strongly condemned by society.

In May 2003, Parliament ratified the United Nations Convention against Transnational Organized Crime and its additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

To step up efforts to combat such trafficking a Presidential Decree on May 6, 2004 adopted a national plan to combat trafficking in persons. Law of the Republic of Azerbaijan “On combat against human trafficking” was adopted on June 28, 2005.

On September 30, 2005 some additions and changes were made to the legal acts of the Republic of Azerbaijan in order to recognize the human trafficking as a crime and bring the legislation of Azerbaijan in line with the UN Convention on transnational organized crime and its protocols, and other relevant international documents in the sphere of trafficking in human beings. Most of the victims of trafficking are young women leaving the Republic to find a job or marry in different countries.

Prostitution is banned in Azerbaijan. Pursuant to article 308 of the Code on Administrative Violations of July 11, 2000, prostitution is punishable by a fine. Furthermore, pursuant to article 243 of the Criminal Code being involved in prostitution is punished by penalty, public works or imprisonment for the term up to three years.

## **Article 7**

### **Political and social life**

Article 55 of the Constitution establishes the right of all Azerbaijan nationals, including women, to participate in the administration of the State. They are entitled to serve on State bodies.

Under article 56 of the Constitution, women have the right to vote in all elections on the same footing as men.

The Decree of the President of Azerbaijan dated March 6, 2000 “On the implementation of state woman policy in the Republic of Azerbaijan” aimed at extending women’s participation in the political and social life. One of our goals is support of women’s activity.

Conducting survey on the assessment of obstacles on the increase of women in decision-making and an elaboration of the annual report on the assessment of situation on gender equality in our country and other different very important issues mainstreamed to the State Program on Poverty Reduction and Sustainable Development (2006-2015). The statistics on the number of women in decision making are provided in the copies you have.

## **Article 8**

### **International representation and participation**

Under article 35 of the Constitution, every person has the right to choose freely, on the basis of his or her working capacities, his or her own form of activity, profession, occupation and place of work.

The female members of the staff of the Ministry of Foreign Affairs periodically participate in various international events, are included in delegations to high-level conferences and serve as members of expert committees and working groups within international organizations.

## **Article 9**

### **Nationality**

Under article 52 of the Constitution, a person having political and legal ties with the Republic of Azerbaijan, and the corresponding rights and obligations, is a national of the Republic. A person born in the territory of Azerbaijan or to a national of Azerbaijan is a national of the Republic. A person one of whose parents is a national of Azerbaijan is a national of the Republic.

The Republic of Azerbaijan ratified UN Convention on Nationality of married women in 1996.

## **Article 10 Education**

In accordance with part I, article 42, of the Basic Law every Azerbaijani national has the right to an education.

Nationals are guaranteed the right to education regardless of gender.

The statistical data on the situation of education is given in the tables in the copies you are provided. I should again mention that we have provided you with revised data recently acquired from the Ministry of Education. Regretfully, in the report sent to you before were made some errors as I mentioned before.

Measures are being taken in Azerbaijan to develop and improve gender education through:

gender analysis of textbooks, establishment of gender causes

gender mainstreaming in training and further training of teaching staff;

It should be mentioned that a Chair of Gender Researches in Baku State University and the same Chair in the Academy of Management and Administration under the President have been functioning for several years.

## **Article 11 Employment**

The Republic of Azerbaijan has been a member of the International Labour Organization (ILO) since 1992 and has ratified 55 ILO Conventions containing legal standards on women labour and employment. Under article 35 of the Constitution, everyone has the inalienable right to work.

Labour policy towards women in Azerbaijan is based on the principle of facilitating their work by providing them with appropriate benefits, preferences and supplementary guarantees in connection with motherhood and fulfilment of family obligations.

The Labour Code, which entered into force on July 1, 1999, strengthens this policy through the appropriate legal regulations.

The Strategy of employment for 2006-2015 approved by the Order of the President of the Republic of Azerbaijan on October 26, 2005 includes measures on assistance to women entrepreneurs to develop entrepreneurship, to provide gender equality in development of small business etc. The State Program on Poverty Reduction and Sustainable Development (2006-2015) foresees measures to develop women entrepreneurship, women employment and to find out the reasons of women's poverty.

Article 240 of the Labour Code regulates the special conditions applying to the conclusion of an employment contract with a pregnant woman or a woman with a child under three years of age, specifying that it is prohibited to refuse an employment contract to women on the grounds that they are pregnant or have children under three years of age.

The government has undertaken specific measures for the economic development of the regions according to the State Program for Social and Economic Development of the Regions of Azerbaijan for 2004-2008.

**Article 12****Equal access to health-care services**

There is no discrimination against women in the field of health care in Azerbaijan. Women's rights in this field, like those of men, are protected by law.

The Government has adopted a number of laws to combat AIDS. On April 16, 1996, the Act on preventing the spread of HIV/AIDS was adopted. The President signed a decree on the enforcement of this law. On October 20, 1997, the National AIDS Control Programme was approved by the Cabinet of Ministers. The State Programme reflects the Government's commitments and its strategy for HIV/AIDS control. However, possibilities for government financing are limited.

**Article 13****Social and economic benefits**

Under article 25 of the Constitution, the State guarantees equal rights and freedoms for all, regardless of race, national origin, religion, language, gender, property status, occupation, beliefs, or membership of a political party, trade union or other public organization. On the basis of that principle, Azerbaijan has no legislation or other regulations restricting women's entitlement to family benefits, loans, mortgages or other forms of credit or the right to participate in recreational or sporting activities and all areas of cultural life.

#### **Article 14**

##### **Status of rural women**

Everyone may own movable and immovable property. The right to own property includes the right of the owner alone or jointly with others to possess, use and dispose of property.

No one may be deprived of his or her property except by a court decision.

Social services and medical care are less developed in the rural regions than in the towns. Women sometimes have to travel significant distances to avail themselves of these services.

Special development programs are therefore being formulated and implemented to promote the development of mountain regions. The most wide ranging of these is the Rural Development Program for Mountainous and Highland Areas.

### **Article 15**

#### **Equality before the law and civil law**

In accordance with the Constitution, Azerbaijan nationals, regardless of gender, have equal rights before the law. For the purpose of concluding contracts and managing property, one of the principles of Azerbaijan civil legislation is the equality of persons under civil law, as specified in article 6.1.1 of the Civil Code, confirmed on December 28, 1999.

On December 11, 1998, the Republic of Azerbaijan acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 18 December 1990, which also provides for the right of migrant workers to reunite with their families.

## **Article 16**

### **Equality in marriage and family law**

Marriage is a voluntary union between a man and a woman registered by the State Civil Registry of the Ministry of Justice for the purpose of founding a family. Any restriction of the rights of citizens upon entry into marriage and in family relations on grounds of social origin, race, national origin, language or religious affiliation is prohibited.

Article 38-40 of the Family Code of the Republic of Azerbaijan regulates the issues related to marriage contract. But as it is not compulsory it is not practised. State Committee for Family, Women and Children's supports the signing of marriage contracts.

Family Planning and Reproductive Health Program has been elaborated and implemented. In the Framework of this Program since 1997 till today 27 Family Planning Centers opened in the different regions of the Republic.

Madam Chairperson,

Distinguished members of the Committee,

It has been an honor to address you all on the occasion of presenting Azerbaijan's combined 2<sup>nd</sup> and 3<sup>rd</sup> Periodic Report to the Committee on the Elimination of Discrimination against Women.

We are endeavored to provide correct and satisfactory answers to all your questions to the best of our ability. Regretfully, it is difficult to cover all the work done for 10 years in so short presentation. As a respect to you and to provide you with full information we tried to include in our delegation the key people of the areas you are interested in. On behalf of the Azerbaijan delegation, I thank you all for your interest and would like to present the members of our delegate

**1.Tarana Guliyeva** - Deputy Prime minister of Autonomous Republic of Nakhchivan

**2.Irada Huseynova** - Deputy minister of education

**3.Oruj Zalov** - Deputy minister of Internal Affairs

**4.Aqshin Mehdiyev** - Head of Permanent Representation of the Republic of Azerbaijan under United Nation

**5.Murad Nacafov** - Head of Department for International Law and Treaties of the Ministry of Foreign Affairs

**6.Faig Gurbanov** Head of Department for Human rights and Public relations of the Ministry of Justice

**7.Nargiz Yusubova** Head of law department of the Ministry of Economic Development

**8.Basti Agharzayeva** Head of Department for International relations of the State Committee for Family, Women and Children Affairs

**9.Kamala Ojagova** Head of Department for Gender and women's issues of the State Committee for Family, Women and Children Affairs

**10.Narmin Baghirova** Head of Division for healthy life and social programs of the Ministry of Youth and Sport

**11.Aytakin Huseynli** Chief advisor of Department for organization of social services for disabled, lonely and elderly persons of the Ministry of Labour and Social Protection of Population

**12.Fidan Mehdiyeva** Leading advisor of Department for International relations of the State Committee for Family, Women and Children Affairs

**13.Reyhan Huseynova** Chairperson of International Association of future studies

**14.Vafa Efəndiyeva** Chairperson of National Association of women entrepreneurs



