



# 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**

15 January-2 February 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Azerbaijan

1. The Committee considered the combined second and third periodic report of Azerbaijan (CEDAW/C/AZE/2-3) at its 765th and 766th meetings, on 23 January 2007 (see CEDAW/C/SR.765 and CEDAW/C/SR.766). The Committee's list of issues and questions is contained in CEDAW/C/AZE/Q/3, and Azerbaijan's responses are contained in CEDAW/C/AZE/Q/3/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports and has taken into account the Committee's previous concluding comments. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Azerbaijan. While commending the State party for its political will to implement the Convention, it regrets that the delegation was unable to adequately respond to a number of issues raised and questions posed by the Committee.

3. The Committee commends the State party for having sent a high-level delegation, which was headed by the Chairperson of the State Committee for Family, Women and Children's Affairs and included specialists from different Ministries. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee commends the State party for the ratification, in June 2001, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.



## Positive aspects

5. The Committee commends the State party on the range of recent laws aimed at eliminating discrimination against women and promoting gender equality and on achieving compliance with the obligations under the Convention. In particular, it welcomes the adoption in October 2006 of the Law on Gender Equality, the Law on the Fight against Trafficking in Persons in June 2005, and the Act on Preventing the Spread of HIV/AIDS.

6. The Committee welcomes the efforts of the State party to strengthen the national machinery for the advancement of women through the establishment, in 1998, of the State Committee on Women's Issues, renamed in 2006 the State Committee for Family, Women and Children's Affairs with its chairperson holding the equivalent of a ministerial rank. It also welcomes the establishment of focal points on gender policy in every government department to monitor the implementation of the State policy on women's issues. It further commends the State party for the establishment, in 2001, of an Office of the Human Rights Commissioner (Ombudsperson), currently headed by a women, and the appointment of special counsellor on gender equality within the Ombudsperson's Office.

7. The Committee commends the State party on the adoption of the National Plan of Action on Women's Issues 2000-2005 and the preparation of the draft National Plan of Action on Family and Women's Issues for 2007-2010.

## Principal areas of concern and recommendations

**8. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

9. The Committee is concerned that the report did not include precise and reliable data disaggregated by sex, and information comparing the situation of women to that of men, to enable it to obtain a comprehensive understanding of the current situation of women in regard to all areas covered by the Convention, and trends over time. The Committee is further concerned that the lack or limited availability of such detailed data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention in all parts of the country.

**10. The Committee calls upon the State party to put in place expeditiously a comprehensive system of data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of women's de facto equality. It invites the State party, as necessary, to seek**

**international technical assistance for the development of such data collection and analysis efforts. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality.**

11. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves. The Committee regrets the lack of information about any court decisions that referred to the Convention, although the Convention is an integral part of the legislative system of Azerbaijan.

**12. The Committee calls on the State party to take additional measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges, the Ombudsperson and lawyers that cover all relevant aspects of the Convention. It recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women, as well as non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention. It further encourages the State party to monitor the results of such efforts and to include in its next periodic report detailed statistics on the use by women of the legal system to obtain redress for discrimination in all fields covered by the Convention, and trends over time.**

13. While welcoming the recently adopted Law on Gender Equality, the Committee is concerned that it contains certain discriminatory provisions which are, however, considered by the State party as non-discriminatory. It is further concerned about the apparent limited understanding in the State party of the concepts of formal and of substantive equality contained in the Convention and its prohibition of direct and indirect discrimination against women.

**14. The Committee requests the State party to revisit its Law on Gender Equality and consider repealing its discriminatory provisions, such as different ages for marriage for men and women and to ensure that the Law contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, and extending to acts of discrimination by public and private actors in accordance with article 2. It urges the State party to undertake measures to eliminate discrimination against women and ensure both de jure (formal) and de facto (substantive) equality between women and men in line with the Convention. It encourages the State party to raise awareness with respect to the nature of indirect discrimination and the Convention's concept of substantive equality among Government officials, the judiciary and the general public. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and to evaluate progress achieved towards the practical realization of women's substantive equality with men.**

15. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Azerbaijan, in particular in rural areas, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee is concerned about persistent stereotypes found in school textbooks.

**16. The Committee urges the State party to intensify its efforts to overcome persistent and deep-rooted stereotypes that are discriminatory against women, and to galvanize action by all parts of society to bring about cultural change where women's equal rights and dignity are fully respected. It also urges the State party to disseminate information on the Convention through the educational system, including human rights education and gender-sensitivity training, so as to change existing stereotypical views and attitudes about women's and men's roles. The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues and to revise educational textbooks to eliminate gender stereotypes. It calls on the State party to further encourage diversification of the educational choices of boys and girls, and urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee invites the State party to specifically target rural areas in the implementation of such measures, and to regularly monitor and evaluate their impact.**

17. The Committee continues to be concerned about the prevalence of violence against women in Azerbaijan. While noting the elaboration of the draft law on domestic violence, it is concerned about delays in its adoption and lack of information about its scope and content. The Committee is further concerned about the current definition of rape in the Criminal Code.

**18. The Committee urges the State party to speedily enact the draft law on domestic violence and ensure that it encompasses provision for the prosecution and punishment of offenders, adequate access to justice for victims as well as protection and rehabilitation measures. It requests the State party to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural, refugee and internally displaced women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with all forms of violence against women and applicable legal provisions to adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results of such research, and of the impact of follow-up action taken, in its next periodic report. The Committee also calls on the State party to ensure that the definition**

**of rape in the Criminal Code penalizes any sexual act committed against a non-consenting person, including in the absence of resistance.**

19. While welcoming the efforts undertaken by the State party to combat human trafficking, the Committee remains concerned about the persistence of trafficking in women and girls, and the exploitation of prostitution, and about the lack of measures aimed at rehabilitating women victims of trafficking.

**20. The Committee requests the State party to effectively implement the National Plan of Action against Trafficking in Human Beings and to ensure that the Law to Fight against Trafficking in Persons is fully enforced, in particular by effectively prosecuting and punishing offenders. It recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as taking measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee also calls on the State party to take all appropriate measures to suppress the exploitation of prostitution in the country.**

21. While welcoming some recent progress, the Committee is concerned about the low level of participation of women in public and political life and in decision-making, and the lack of concrete steps taken to address the underlying causes, including prevailing social and cultural attitudes.

**22. The Committee encourages the State party to implement concrete measures to increase the number of women in decision-making positions, in particular at the municipal/local level, in Parliament, in political parties, the judiciary and the civil service. It recommends that the State party make effective use of article 4, paragraph 1, of the Convention on temporary special measures and the Committee's general recommendation 25, and establish concrete goals and timetables to accelerate women's equal participation in public and political life at all levels. It calls on the State party to monitor the impact of measures taken and of results achieved over time.**

23. The Committee continues to be concerned about the occupational segregation between women and men in the labour market and the gap in their wages. The Committee is also concerned about the potential negative impact on women of the Labour Code, which appears to be overly protective of women as mothers and to restrict women's economic opportunities in a number of areas. The Committee regrets that no information was provided on the women's bank to provide loans and credits for small enterprises organized by women, which the Committee had welcomed in its previous concluding comments.

**24. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. The Committee requests the State party to introduce provisions on equal pay for work of equal value. It also requests the State party to carefully review and analyse the impact of the Labour Code on women's opportunities in the labour market, and make necessary amendments that will ensure the health and safety of all workers, encourage sharing of**

**family responsibilities between women and men, and contribute to the elimination of stereotypes and traditional attitudes that discriminate against women. It invites the State party to include in its next report information on such analysis and relevant action taken.**

25. The Committee is concerned that the State party does not use a definition of maternal death that is in line with the standard World Health Organization definition and that, therefore, it may inaccurately calculate its maternal mortality ratio. The Committee is also concerned at the lack of unified methodologies for collecting and analysing data in relation to safe motherhood. The Committee is further concerned that contraceptives are not included in the list of essential drugs and that a comprehensive range of contraceptives may not be available to women.

**26. The Committee recommends that the State party seek assistance from the World Health Organization to adopt its definition of maternal death and take steps to unify methodologies for collecting, calculating and assessing data for continuous monitoring and evaluation of health services in the field of safe motherhood. The Committee also recommends that the State party expand and make available to women a comprehensive range of contraceptives.**

27. The Committee is concerned that widespread poverty and poor socio-economic conditions in the country are among the factors that lead to the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women — in particular women living in mountainous and highland areas — which is characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services.

**28. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, and in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, in particular women living in mountainous and highland areas, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to the ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.**

29. The Committee notes with concern that, although legislation guarantees women equal rights with men in matters relating to marriage and family relations, in practice, discrimination against women remains widespread in those areas and can be seen, inter alia, in the persistence of unregistered religious marriages. The Committee is also concerned that the legal age of marriage is 17 years for girls, and may be lowered by one year under certain conditions, thus encouraging early marriages.

**30. The Committee requests the State party to implement awareness-raising measures aimed at achieving equality between women and men in marriage and**

family relations as called for in article 16 of the Convention and the Committee's general recommendation 21. It calls on the State party to ensure that all marriages are properly registered. It urges the State party to raise the legal minimum age of marriage to 18 years, in line with article 1 of the Convention on the Rights of the Child and article 16, paragraph 2, of the Convention. The Committee also requests the State party to include in its next report information on marriages in Azerbaijan involving girls under 18 and on religious or traditional marriages, including their prevalence and trends over time, and their legal status.

31. While welcoming the State Programme on the Settlement of the Problems of Refugees and Internally Displaced Persons, the Committee notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing.

32. The Committee urges the State party to implement targeted measures for refugee women and girls and internally displaced women and girls, within specific timetables, to improve access to education, employment, health and housing and to monitor their implementation. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report.

33. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

34. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

35. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.

36. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

37. The Committee requests the wide dissemination in Azerbaijan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure

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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 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

and de facto equality of women, as well as the further steps that are required in that regard. In particular, the Committee encourages the State party to convene a public forum involving all State actors as well as the civil society to discuss the presentation of the report and the content of the concluding comments. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

38. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in August 2008.