

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
37TH SESSION (NEW YORK, 15 JANUARY – 2 FEBRUARY 2007)**

AZERBAIJAN (Combined 2nd and 3rd Periodic Reports)

Information Submitted to the Committee

On 23 January 2007, Azerbaijan submitted its combined 2nd and 3rd periodic reports¹ under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses² to the list of issues and questions³ provided by the Committee on the Elimination of Discrimination against Women (the Committee).

The report outlines the legal, structural and policy changes that have been introduced since the submission of Azerbaijan's initial periodic report at the Committee's 18th session in 1996. It provides general information about the status of each article in the legislative framework and current and planned programmes and addresses issues raised in the Committee's previous Concluding Comments. While it gives a comprehensive overview of pertinent social initiatives and legislation, it does not offer a clear substantive assessment of the impact of these provisions, particularly with regard to civil and political rights, such as participation in political life and equality before the law, and the strengthening of the national gender machinery. The report discusses some important issues only briefly, notably domestic violence, gender stereotyping and traditional sex-roles, and does not make data readily available on these topics. While the report describes various measures adopted to change the cultural attitudes that inform these issues, details of their implementation and workability are not provided and it appears that the results have not proven encouraging. In the area of economic, social and cultural rights, the report provides an overview of progress achieved in basic education and literacy, but treats sports and culture as non-issues. Furthermore, while there is substantial disaggregated data on health, it remains unclear how this data is linked to Government initiatives.

The Committee's list of issues and questions address amongst others violence against women; trafficking; women's participation in Government; stereotypes in education; family-planning and reproductive health; women's entrepreneurship; and the situation of refugees and internally displaced persons (IDPs). Most emphatically, the Committee questioned the delegation on the implementation of Azerbaijan's National Plan of Action on Women's Issues, the *de facto* situation of women's rights, and the legal protection of women. Many of these questions had been raised in the Committee's previous Concluding Comments, but had not been adequately dealt with in the report. The responses generally highlighted the legislative measures and programmes adopted by the Government and stressed the *de jure* equality of women, largely ignoring the *de facto* situation. Often, rather than responding to a question by providing new information, the issue raised in the question was simply factually acknowledged. This was notably the case with the problem of wage gaps and the application of customary family law in rural regions. For some questions, such as bringing the legal age of marriage for girls in line with the Convention, the State party admitted to having no agenda.

¹ <http://daccessdds.un.org/doc/UNDOC/GEN/N05/272/12/PDF/N0527212.pdf?OpenElement>.

² <http://daccessdds.un.org/doc/UNDOC/GEN/N06/558/76/PDF/N0655876.pdf?OpenElement>.

³ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/467/39/PDF/N0646739.pdf?OpenElement>.

The non-governmental organisation (NGO) Azerbaijan Gender Association 'Symmetry' submitted an alternative report.⁴ It critically analyses all the articles in the Convention, providing parallel statistics and observations to the State party's report. The report notes a lack of an overarching gender policy in several areas, most notably in education, healthcare, employment and with regard to civil and social rights. The report observes an alarming trend in sex selection, blood marriages⁵ and the resurgent popularity of religious dogmas, identifying these as indicators of continued discrimination against women, particularly in the domestic sphere. It also reports that data on sexual violence is nonexistent, while the social and legal support for victims of such acts is seriously wanting. Additionally, the NGO notes that state provisions for refugees and IDPs inadequately ensure their social and economic protection, thereby exacerbating the problems of trafficking and exploitation. The report concludes that there is a dire need for a monitoring and evaluation system on gender issues, without which effective measures to ensure *de facto* equality of women cannot be fully implemented.

Themes and Issues

Awareness-Raising

The Ministry of Justice of Azerbaijan does not maintain a database of court cases making reference to the Convention, causing the Committee concern about the level of familiarity of the judiciary and legal professionals with the legal provisions of the Convention. The Committee was therefore eager to learn about programmes in place to train these professional groups to invoke the Convention in legal procedures. The delegation mentioned, without providing specifics, the existence of programmes to raise awareness of the Convention and repeatedly stressed that the judiciary is obligated to reference the Convention when taking relevant decisions.

Definition of Equality

Committee members asked questions about the *Law on Gender Equality* expressing concern over a number of issues. They worried that its definition of equality read more like a definition of formal equality than of substantive equality and was therefore not in line with Article 4 of the Convention.⁶ It was furthermore curious to learn how monitoring and implementation of the law is envisioned, and what concrete provisions it provides to overcome the striking inequality of women in society. The delegation denied that their definition of equality inadequately provides for the realisation of Article 4. It argued that although they did not adopt precisely the same language utilised in the Convention, the basis of the Convention's definition was nonetheless provided for. It added that with greater monitoring and continued engagement with women's NGOs, considerable results would be possible in the future. The Committee seemed dissatisfied with this argument, stressing that this definition informs the whole premise of the Convention and should aim both to achieve formal and informal inequality, as well as address direct and indirect discrimination.

Trafficking and Violence against Women

⁴ <http://www.iwraw-ap.org/resources/pdf/Azerbaijan%20Shadow%20Report.pdf>.

⁵ Marriage in which the husband and wife bear a kindred relationship to one another.

⁶ Art. 4 allows for special temporary measures to be taken to accelerate the *de facto* equality of women.

The Committee noted a worrying trend with regard to the State party's understanding of gender-based violence, trafficking and stereotyping. Rather than address these issues from the bottom up, through an analysis of their root cultural, social and historical causes, the Government often considered them out of context, simply as 'women's issues'. Notably, in the delegation's opening statement,⁷ trafficking was referred to as women 'fleeing the country to look for jobs, to get married'. One Committee member, visibly infuriated with this interpretation of the issue, declared it to be an ignorant and unclear picture of the situation. The Committee pointed out that women do not choose to flee, but are forced out of their country and highlighted the causal relationship between trafficking and lack of work, education, supportive social structures and effective legal protection. In response, the delegation became quite heated in its response, and cited the numerous judicial and civil mechanisms in place to combat trafficking, but failed to provide information on preventive measures. The head of the delegation interrupted her colleague to suggest that women are partially responsible for their own repression, suggesting that women's stereotypes of themselves are a much greater obstacle to overcome than men's stereotypes of women.

With regard to gender-based violence, the State party acknowledged that data gathering has been difficult due to women's fear of coming forward. The Committee emphasised the importance of being proactive in the fight against such violence and urged the State party to give more attention to this important issue, notably through greater cooperation with NGOs. The Committee was greatly concerned with the State party's reluctance to confront violence in the domestic sphere. When asked to provide details on measures and preparations to prevent this phenomenon, the delegation instead exhaustively listed the various types of violent crimes committed against women. It claimed that most of these crimes are 'jealously-based' and thereby concluded that they do not pose a great social threat. One clearly distressed Committee member pointed out that subordination starts at home and warned that if the Government is unwilling to interfere in this regard, efforts to promote women's rights will not achieve the desired results.

Political Participation

On the issue of political participation, the Committee expressed dissatisfaction with both the qualitative and the quantitative statistics presented in the opening statement. One Committee member pointed out with near disbelief that the data amounted to 'just numbers', as it did not provide comparative elements, such as ratio or percentage information. The Committee sternly requested a more complete picture, asking for a breakdown of women's representation in all relevant offices and branches of law. The delegation voiced their dissatisfaction with the current status of women's political participation, acknowledging the need for their numbers to increase. It quickly followed-up, however, with the opinion that women are partly responsible for these low numbers, citing the phenomenon of women voting for men and claiming that women do not care to assume higher positions of responsibility and do not have confidence in their own potential.

Health

The Committee advocated for an improvement of the whole system of data evaluation and monitoring in the health sector, as figures provided in the report were considered inaccurate and occasionally in conflict with other sources. The Committee specifically identified a lack of appropriate data on women's, children's and maternal health, access to health services in rural areas and access for IDPs and women in poverty. It also noted that abortion seems to be increasingly used as a form of birth-

⁷ <http://www.un.org/womenwatch/daw/cedaw/cedaw37/statements/delegations/Azerbaijan.pdf>.

control and criticised the State party for not establishing appropriate provisions for the implementation of family planning services and health and sex education. Currently, sterilisation is performed strictly on women, raising concerns about the level of male participation in family planning and calling attention to the fact that classic reproductive, health and social stereotypes continue to prevail. The delegation defended this practice from a historical perspective, merely stating that 'sterilisation has never been performed on men in Azerbaijan'. The Committee also strongly condemned the growing trend of foetus selection and pushed for a re-evaluation of this discriminatory practice. While the delegation acknowledged the gravity of this issue, it was unable to provide revealing information on its prevention.

Other Issues

In most parts of Azerbaijan, the legal age for marriage is 18 for boys and 17 for girls, while in rural areas and among minority populations who practice Sharia law, there are circumstantial allowances for the marriage age to be as low as 12. The State party was firmly asked to fix the legal age for marriage at 18, in line with the *Convention on the Rights of the Child*. The delegation brushed this issue aside, treating it with a lack of attention and urgency. It suggested that consummation of religious marriage is a human right that should not and can not be meddled with. Finally, it declared that 'maybe' legislation would be revised, stressing that development in this area was simply a matter of time.

The Committee also stressed the importance of gender mainstreaming in education, particularly with regard to the revision of textbook, awareness-raising for teachers and encouraging non-traditional subjects for girls. Generally, stronger monitoring mechanisms were requested in all areas of education, as were statistics on girls' drop-out rates.

Conclusions and Next Steps

The head of the delegation noted that considerable progress has been made in addressing Azerbaijan's obligations under the Convention and mentioned in particular the adoption of the *Law on Gender Equality* and the draft *Law on Violence*. In her introductory statement, she readily admitted that gender equality has not yet been achieved in all spheres, but expressed a desire to focus more attentively on critical issues such as domestic violence and human trafficking, in the future. She acknowledged that these initiatives not only require national policies, but also substantial long term changes in culture and attitudes. The country's recent emergence from a transition period and the associated civil and social instabilities were often cited as reasons for the minimal progress made thus far. While the Committee commended the State party on laws adopted in line with the Convention, recognising this as an indicator of the nascent political will to achieve gender equality, they were generally displeased with the level of achieved results. They strongly underscored the importance of expeditiously putting in place a comprehensive system of data gathering and firmly requested that these indicators be included in the next report. This lack of data made it exceedingly difficult for the Committee to draw conclusions about the overall *de facto* status of women in all parts of the country, and instead led them to believe that women in Azerbaijan do not enjoy the equal status and protection in any sphere that their male counterparts do.

Several issues continue to impede Azerbaijan's adherence to the Convention, including trafficking; violence against women; inadequate family planning programmes; the prevalence of traditional attitudes

to women; and low levels of representation of women at the senior levels of Government. Both the Human Rights Committee and the Committee on Economic, Social and Cultural Rights expressed concern over the lack of specific legislation and provision in these important areas. In its Concluding Comments,⁸ the Committee voiced similar concerns. It highlighted widespread poverty and poor socio-economic conditions in the country as among the main factors that lead to discrimination against women and violation of their rights. The Committee further emphasised that the persistence of patriarchal and cultural attitudes and stereotypes regarding the distinct roles and responsibilities of men and women deeply affect the situation of women in all areas covered by the Convention. It regarded the lack or limited availability of data as a serious impediment to the State party's ability to design and implement targeted policies and monitor their effectiveness.

The Committee Chairperson fervently voiced her discontent with the delegation's level of responsiveness to the Committee's questions. Responses were often long-winded and circular, and were further complicated by repetitive and de-contextualised statistics. The delegation was urged on several occasions to provide clearer, shorter and more topical answers and to admit if they were unable to provide such responses. Nonetheless, the situation continued in a muddled fashion, causing the Chairperson to wonder if the confusion was due to a problem of translation. Throughout the session, the delegation seemed unwilling to critically approach the problems faced by Azerbaijan. Several Committee members regretted not having their questions answered due to the time-constraints.

⁸ http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Azerbaijan_advance%20unedited.pdf