



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

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### Committee on the Elimination of Discrimination against Women

#### List of issues and questions in relation to the fifth periodic report of Azerbaijan\*

##### Legal and policy framework

1. The State party indicates that, under article 12 of the Constitution, all international agreements and conventions ratified are part of and take precedence over national law (CEDAW/C/AZE/5, para. 4).<sup>1</sup> The State party also indicates that, since July 2011, it has conducted special training on the importance of invoking the Convention and making references to it in judgements rendered by the courts wherever it is applicable (para. 9). Please provide examples of cases, if any, of instances in which the Convention has been invoked in the national courts and where those courts have referred to it in interpreting national law. Please also state the legal and other measures taken to ensure that the prohibition of discrimination in the State party encompasses elements of both direct and indirect discrimination, as provided in article 1 of the Convention.

2. It is indicated that a bill on State support to families with many children, which aims to strengthen the protection afforded to women with many children, has been developed and is awaiting adoption (para. 7 (a)). Please provide detailed information with regard to the nature of the protection afforded to women and indicate when the State party envisages adopting the law. Please also provide information on the progress made since the issuance of the presidential decree to harmonize national laws following the adoption, in 2010, of the Prevention of Domestic Violence Act.

3. According to information received, the equalization of the minimum legal age of marriage for both women and men in 2011 notwithstanding, the relevant discriminatory article of the Gender Equality Act, which states that the different age of marriage for men and women does not constitute discrimination, has not yet been repealed. Please indicate whether the State party has taken or intends to take measures to repeal the provision.

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\* Adopted by the pre-sessional working group for the sixtieth session, meeting from 21 to 25 July 2014.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the fifth periodic report of the State party.



**National machinery for the advancement of women**

4. It is indicated that the State Committee for Family, Women and Children's Affairs, which is the national machinery for the advancement of women, has drafted a set of regulations for State control over ensuring gender equality, which will enhance the implementation of the laws and policies in place (para. 7 (b)). Please explain how the regulations affect the operations of the State Committee and improve the inter-institutional coordination of activities and the implementation of laws and policies. Please also indicate when the State party envisages adopting the regulations.

**Temporary special measures**

5. The Committee, in its previous concluding observations ([CEDAW/C/AZE/CO/4](#), para. 17), expressed concern about the underutilization of temporary special measures in the State party. It is indicated that the State Programme for Poverty Reduction and Sustainable Development for 2008-2015, which seeks to ensure the enhancement of women's participation in the decision-making process by the end of 2015, has been approved by the President. It is also indicated that, in the light of that programme, recommendations containing proposals on ensuring equal representation of women and men in all State agencies have been made to the President (paras. 23-24). Please provide an update on the measures taken to implement the recommendations and the results achieved. Please also provide information on any temporary special measures introduced in other areas and their impact in achieving de facto equality for women.

**Stereotypes and harmful practices**

6. The Committee, in its previous concluding observations ([CEDAW/C/AZE/CO/4](#), para. 19), expressed concern about the existence of deep-rooted patriarchal attitudes and stereotypes regarding the roles of women and men in the family and in society, which were a root cause of the disadvantaged position of women in political life, the labour market, education and other areas. Please provide information on the monitoring of the implementation of current and other measures aimed at eliminating the persistent patriarchal attitudes and deep-rooted stereotypes regarding the roles of women and men in the family and in society. Please also provide information on measures taken to combat stereotypes that foment attitudes towards son preference and in turn contribute to the scourge of sex-selective abortion in the State party (para. 126). Please provide information on measures taken to remove gender stereotypes from textbooks and educational materials and to address the stereotypical portrayal of women in the media.

7. It is stated that research has been carried out into early/child marriage and presentations on the findings made in many regions through 40 focus groups (para. 27). Please provide more information on those findings, including data disaggregated by sex, ethnic group and region. Please also provide information on the specific measures taken to combat early/child marriage, in particular among internally displaced persons in the State party.

**Violence against women**

8. It is indicated that, further to the Committee's previous recommendations, the State party adopted a law on the prevention of domestic violence and in 2008

conducted a special national survey on the prevalence, root causes and consequences of violence against women (paras. 29-30). Please provide detailed information on results of the survey and the measures being taken to address violence against women. Please also provide information on the challenges and successes in the implementation of the national strategy for combating domestic violence (para. 31). Please indicate the steps taken to review the legal definition of rape in the Criminal Code with a view to basing it on lack of consent rather than on use of force.

9. According to information received, the State party promotes mediation and reconciliation rather than prosecution in matters falling under the Prevention of Domestic Violence Act. Please provide data on the number of protection orders issued and complaints, prosecutions and convictions with regard to domestic violence since the adoption of the law (para. 29). Please provide information on the availability of follow-up data on those orders, the percentage of orders violated, the percentage of orders leading to prosecution and the outcome of prosecutions. Please also provide information on the number of shelters in the State party and the nature of their funding.

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

10. Key challenges identified by the State party in the area of trafficking in women focus on the need for efficiency in the criminal justice system in investigating, prosecuting and sanctioning traffickers and to increase the understanding of officials of the gender dimensions of human trafficking (para. 35). Please provide information on the specific measures being implemented to tackle those challenges. Please indicate the time frame and the priority being accorded to efforts to combat trafficking. Please explain the specific efforts made to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international trafficking networks (para. 37).

11. It is indicated that the State party has taken measures that address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labour in order to eliminate trafficking in women (para. 37). Please provide detailed information on those specific measures and the progress made in eliminating trafficking in women for prostitution and forced labour.

12. It is stated that shelters and centres to assist victims of human trafficking have been created as special establishments to ensure the protection of victims (para. 45 (c)). Please provide information on the number of additional shelters created and those already in existence in the State party, as well as on the nature of their funding. What specific measures have been taken to improve the implementation of the policy framework on the national referral mechanism to combat human trafficking?

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

13. It is indicated that women remain underrepresented in the National Assembly, in decision-making positions, at high levels of the civil service and the judiciary and at the international level (paras. 53-61 and 69-70). Please provide information on the specific measures taken to improve the representation of women in political and public life. Please also provide information on existing temporary special measures, including quotas aimed at improving the representation of women in the political

and public spheres and in decision-making positions, in particular in the civil service and the judiciary. What measures have been taken to implement article 8 of the Political Parties Act to ensure the equal participation of women in politics?

### **Education**

14. Please provide information on other specific measures, including temporary special measures, taken to address the concentration of women in traditional female education subjects, beyond the organization of meetings where female students met women who have specialized in chemistry (para. 82). Please also state the measures being taken to address the various obstacles of social and cultural character such as early/child marriage that are responsible for girls dropping out of school (para. 79). Please provide information on specific measures taken to address the underrepresentation of women at the decision-making level in the area of education and in academia as professors, senior lecturers and researchers (CEDAW/C/AZE/CO/4, para. 29). What measures are being taken to include age-appropriate sexual and reproductive health and rights education in school curricula?

### **Employment**

15. It is indicated that women earn about 50 to 58 per cent of the wages earned by men, something attributable to their concentration in the low-paid sectors of employment (paras. 89 and 93). Please provide information on the full range of measures being taken to close the gender pay gap and to address the occupational segregation between men and women in employment. Please also provide information on any measures taken to increase the number of women in non-traditional and relatively better-paid areas of employment (para. 89). Please provide an update on the status of the bill on changes and amendments to the Labour Code (para. 106). Please also provide an update on whether the plan of action envisaged to be developed under the social protection development project, which is aimed at facilitating better integration of women into the labour market, has been finalized (para. 103).

16. It is stated that 16,341 cases of violations of labour laws were identified by the State Labour Inspectorate in various enterprises, offices and organizations in 2012, of which 51 per cent were associated with violations of women's rights in the sectors of trade and services, education, industry, health care and catering (para. 98). Please provide information on the measures taken to address those violations, such as the number of enterprises sanctioned and the nature of remedies provided to the victims. Please also provide information on the legislation that governs sexual harassment and its implementation in the State party.

### **Health**

17. It is stated that a bill on the protection of reproductive health and family planning prohibits check-ups to identify the sex of the child and selective abortions (para. 118). Please provide information on the time frame for adopting the law and explain how the bill balances the legitimate right of women to autonomy and therefore to know the sex of the unborn child with the objective of curbing sex-selective abortions, which are prevalent in the State party (para. 126). Please explain the specific measures being taken to tackle the high rates of abortion, used as a method of birth control in the State party (paras. 123-124).

18. It is noted that the maternal mortality rate decreased in urban areas in 2011, but increased in rural areas (para. 120). Please provide information on the causes of that increase and the specific measures taken to address them. Please also explain the methodology used to record maternal and infant mortality. It is indicated that the State party is among the countries with low-level HIV prevalence, yet 476 new infections were registered over 11 months in 2011 alone. Please state the measures in place to prevent mother-to-child transmission of HIV and provide information on any measures taken to address stigma, discrimination and violence targeted at women living with HIV. Please also provide disaggregated data on the use of drugs by women in the State party following the survey on drug use that was conducted (para. 134).

#### **Rural women**

19. It is stated that rural women are in a minority in decision-making and planning, which leads to biases, and that the challenge for rural development programmes is to identify the constraints to the full participation of women in economic and public life at the local level and to develop specific initiatives in their favour (paras. 161 and 165). Please provide information on the specific measures being taken to address the low-level representation of women in decision-making in rural development programmes, including the use of temporary special measures where appropriate. What steps have been taken to address the social resistance that is partly responsible for the limited participation of women in local governance? Please provide information on the measures being taken to ensure gender equality in land distribution and allocation of loans (para. 166).

#### **Internally displaced women and asylum seekers**

20. Please provide information on measures taken to ensure that internally displaced women and girls have identity documents and access to housing, employment, education and other social services in the State party. Please provide information on specific measures being taken to establish procedures for the determination of statelessness in the light of the huge number of citizens of the former Union of Soviet Socialist Republics who identified themselves as stateless during the State party's national census in 2009. Please provide information on the status of such individuals in the State party and their access to social and other services.

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