



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

Distr.: General
14 November 2014

Original: English

**Committee on the Elimination of Discrimination
against Women**

Sixtieth session

16 February-6 March 2015

Item 4 of the provisional agenda*

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

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

Addendum

Replies of Azerbaijan**

[Date received: 13 November 2014]

* CEDAW/C/60/1.

** The present document is being issued without formal editing.



Legal and policy framework

1. References were made to the Convention on the Elimination of All Forms of Discrimination against Women in the Decisions of Ganja Court of Appeal on 2 criminal cases:

- Mashdi Ahmadov was sentenced to one year reformatory work by the decision of Shamkir Regional Court dated 21.01.2013 under the 221.1 Article of The Criminal Code for preventing his wife to teach at school and causing harms to her health in front of the children.

The decision was changed by the Ganja Court of Appeal to the 6 month imprisonment.

- Sakit Mammadov was sentenced to 4 years 6 months imprisonment by the decision of Ganja Serious Crimes Court dated 22.04.2014 under the 126.1 Article of the Criminal Code for causing harm to the health of his wife Aytan Mammadova. The decision was maintained by the Ganja Court of Appeal.

In both cases references were made to the **Article 2.b** and **Article 5.a** of the CEDAW.

The Constitution of the Republic of Azerbaijan provides equality between men and women. According to the II part of the Article 25 of the Constitution men and women possess equal rights and liberties. According to the Article 25.III of the Constitution the state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging.

The law on Provision of Gender Equality of 2006 stipulates the bases of activities of the state institutions aimed to guarantee the equal rights status for women and men in the political, economic, social, cultural and other spheres, to ensure equal opportunities in enjoyment of the above listed rights and to prevent gender-based discrimination.

2. According to the Presidential Decree of the Republic of Azerbaijan dated 1 October 2010, “Rules of considering the complaints on domestic violence with no criminal elements”, “Rules of prophylactic registration of the people committed domestic violence and execution of educative-preventive work with those individuals”, “Rules of establishment and operation of the database concerning the domestic violence”, “Rules of activity of the aid centres for people suffered from domestic violence” and “rules of accreditation of non-state aid centres for people suffered from domestic violence” were adopted under the related decision of the Cabinet of Ministers in 2011-2012 for the implementation of law on the Prevention of Domestic Violence.

Following to the adoption of the national Law on prevention of Domestic violence decrease in the number of cases was observed in the statistic. Thus 4,498 facts were registered in 2010, 4,280 in 2011 and 3,218 facts in 2013.

3. Regarding to this issue the process of coordination of other legislation according to the changes to the Family Code is being continued.

National machinery for the advancement of women

4. “Regulations for State Control over ensuring gender equality” was submitted to the Administration of President of the Republic of Azerbaijan for approval. The rules regulate the authorities and functions of the SCFWCA in ensuring gender equality, coordination between entities, rights and obligations of state officials responsible for gender issues, etc. The rules are based on the policy for the SCFWCA to become a strong central executive power in implementation of all necessary initiatives of the government in the fulfilment of obligations taken within the Convention, coordination and control of the implementation of policy and programs. The rules will support the enforcement of existing laws and policies.

Temporary special measures

5. The implementation of the paragraph on “Increasing women electoral participation and eliminating challenges to women’s participation” of “The State Program on poverty reduction and sustainable development 2008-2015” is considered in 2013-2014. Considering the last year of the mentioned period and municipal election planned in December, The State Committee for Family, Women and Children Affairs and Women’s Council of New Azerbaijan Party had several meeting in the regions for increasing women’s social-political and cultural activity and published booklets on “Municipality and Women”. 2500 representatives from 60 regions have participated in the meetings.

Stereotype and harmful practices

6. The project on “The role of modern family in the development of society”

In September, 2013 the State Committee for Family, Women and Children Affairs in cooperation with the Trade Unions Confederation of the Republic of Azerbaijan launched the project “The role of modern family in the development of society” in all cities and regions of the Republic with the focus on awareness raising among the members of Confederation in the field of solving family problems, analysing the influence of family problems on the work process, problems of correlation of work with family duties.

The purpose of the project was through the mediation of 26 members organizations of Confederation to raise awareness of the members of these organizations in the field of sociological situation of Azerbaijan families, influences on psychological atmosphere in the family (influence of internal relations between the members of family on the process of work and vice versa), provision legal awareness, to increase public control. In the framework of the project booklets on “Reproductive health”, “Medical examination before the marriage”, “Say No to AIDS”, “Pass medical examination on AIDS”, “Parents- child interrelation”, “Choose healthy style of life”, “Respect and care to old people”, “Marriage within the blood relationship and its consequences”, “Human trafficking”, “We say No to drugs”, “Family alphabet”, “Psychological climate within the family”, “Family and work”, “Family violence and child” was published and distributed among population.

The representatives of the Confederation conducted public discussion on the following topics:

- early marriages and their consequences

- cases of domestic violence in everyday life
- protection of national moral values, family culture and relationship between generations
- taking into consideration the problems of people, who has family duties while implementing national policy, provision de facto equality in attitudes and possibilities between male and female employers and etc.

The project continued 6 months since September 2013 and involved the representatives Trade Unions in 26 spheres of life from 9 regions.

Project on “A Healthy Family is the Guarantee of a Healthy Future”

Today, bringing up the young generation in the spirit of respect to Azerbaijan national history, cultural heritage, traditions, national and universal values is a priority direction of the family policy.

The State Committee for Family, Woman and Children Affairs with the participation of professional experts from different spheres permanently carries out a large scale awareness-raising project under the title “A Healthy family is guarantee of a healthy future” focused on preserving family values and promoting a healthy lifestyle among the young generation.

In the framework of this project awareness raising campaign were conducted among officers and on following topics:

- Family environment, the importance of the medical check-up of persons who are going to get marry
- Awareness raising on legislation (the influence of domestic violence on family interrelations, the importance of the marriage contract)
- Factors that influence the psychological state of young people

Within the project the events were held in Educational Centre of Armed Forces from October April of 2013), in the High Military School named after Heydar Aliyev (February of 2014), in Regional Military Departments (April of 2014)

The booklets (“Reproductive health”, “Medical examination before the marriage”, “Say No to AIDS”, “Pass medical examination on AIDS”, “Parents- child interrelation”, “Choose healthy style of life”, “Respect and care to old people”, “Marriage within the blood relationship and its consequences”, “Human trafficking”, “We say No to drugs”, “Family alphabet”, “Psychological climate within the family”, “Family and work”, “Family violence and child”) published by the Committee were presented to the libraries of the all above mentioned military departments and military schools.

Project on “Let’s learn from the experience of elder people”

For the purpose of implementing state family and gender policy, raising respect of young generation towards elder people, preparing young people to family life in 2013 in cooperation with District Executive Powers and participation of District Councils of Elder Men and Women and representatives of young generation was launched the long term awareness raising project under the title “Let’s learn from the experience of elder people”. From October of 2013 till the April of 2014 the

events were held in 12 District Executive Powers of Baku city. The final conference was held in cooperation with Women Council of New Azerbaijan Party in 2014. At present the project has been continued in all regions of Azerbaijan.

Booklets (“Reproductive health”, “Medical examination before the marriage”, “Say No to AIDS”, “Pass medical examination on AIDS”, “Parents- child interrelation”, “Choose healthy style of life”, “Respect and care to old people”, “Marriage within the blood relationship and its consequences”, “Human trafficking”, “We say No to drugs”, “Family alphabet”, “Psychological climate within the family”, “Family and work”, “Family violence and child”) published by the Committee were distributed to all participants of the events.

Training on “family values and gender issues in mass media”

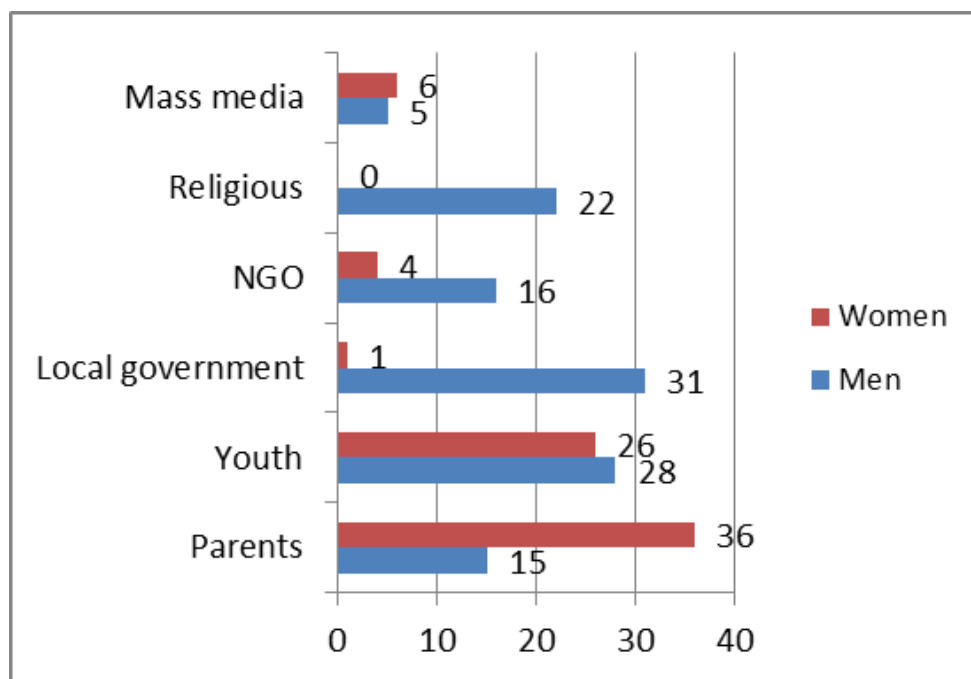
For the purpose of drawing attention of the society to family problems and implementation of the state family policy, upbringing of young generation without gender stereotypes and propaganda of tolerance and healthy life style in family, special trainings were conducted on 20 June of 2014 for representatives of mass media. The main purpose of training was to analyse urgent problems of influence of mass media to children, youth, families and the way of solving these problems. At the end the participants were awarded with certificates.

“Azerbaijani family” Film Festival

The State Committee for Family, Woman and Children Affairs permanently carries out awareness raising projects. One of the awareness raising projects successfully implemented in the direction using the abilities of cinematograph was the “Azerbaijani Family” film festival; already hold in 2009-2014-th years in cooperation with Heydar Aliyev Foundation and United Nations Population Fund. During these years more than 170 films were represented to the festival. The represented films on certain topics (domestic violence, human trafficking, early marriages, gender equality and etc.) were sent to all District Executive Powers with the purpose to demonstrate in study centres for awareness-raising of population.

7. Focus Group discussions have been conducted on early marriage in southern and western regions of Azerbaijan with the participation of working staff of the State Committee on Family, Women and Children Affairs and UNICEF.

Totally, 49 Focus Group discussions have been conducted with the participation of 190 people in each group. The total number of respondents from the focus-groups, including children and young people (girls and boys), parents and teachers (women and men), religious leaders, local government bodies (municipalities and executive power), NGOs and mass media representatives amounts to 190 (73 women and 117 men of ages from 14-55 with various professional backgrounds).

FGD participants by gender (persons)

Primary data have been collected in 5 regions of Azerbaijan. These regions were selected for the following reasons:

- The country's capital, the most industrialized and urbanized city.
- Some regions known with their conservative views, trying to preserve their cultural and traditional norms and values.
- Regions inhabited by refugees, IDPs and migrants from other regions of Azerbaijan whose opinions and perceptions considered as important due to the fact that these people are key "carriers" of social norms affecting to child marriages.
- The most "traditional" regions of Azerbaijan and also recognized by some as the area where the practice of early marriage is especially com-mon and has long history of the case.
- Regions with multi-ethnic and multicultural diversity.

Project on "Preventing early marriages by increasing knowledge, skills and awareness" had been organized and affirmed by the State Committee on Family, Women and Children Affairs and UNICEF after the Focus Group discussions. Project were implemented during the 2012-2013 years in 4 districts of southern region of Azerbaijan (totally 17 villages). Increasing knowledge by creation of community based structures and social campaigns events, as well as reducing the number of early marriages was the main goals of the project. Project has been successfully implemented.

Main actions of the project were:

- Action plan on early marriages had been implemented in communities, number of early marriages decreased by increasing awareness in the relevant field
- Training workshops have been conducted for school-aged children and youth on decision making, communication, conflict solution, early marriages and other themes
- Training workshops have been conducted in order to increase awareness and knowledge of parents (especially mothers) on negative consequences of early marriages
- Importance of girls' education has been emphasized and focused within the public campaign on "Education is my Future"
- Family values have been advocated within the framework of 'Family Day' public campaign
- Film and theatre festivals depicting negative consequences of early marriages: Main attention has been directed to the education, health, promoting human rights, as well as sketches have been prepared and demonstrated at schools by the talented students

Violence against women

8. "Rules on functions of aid centres for people suffered from domestic violence, "Rules of accreditation of non-state aid centres for people suffered from domestic violence" was considered in the related decision of the Cabinet of Ministers dated 25 April 2012 for the rehabilitation of persons suffered from domestic violence.

Plan of Measures on "Social protection, provision of legal assistance, implementation of measures on elimination of causes of domestic violence" was prepared by the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan.

Seminar on "Merging effort for the protection of victims of domestic violence and provision of aid" was held with initiative of the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan and OSCE Baku Office according to the Presidential Decree N 331 dated 1 October 2010 for the propaganda and implementation of law on the Prevention of Domestic Violence.

7 non-state aid centres for people suffered from domestic violence were accredited by the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan.

Detailed information on non-state aid centres is available at the www.mlspp.gov.az

Considering the importance of aid centres for the people suffered from domestic violence suggestions on establishment of such centres in Baku and Ganja were reflected in the State program on Social-economic development of the regions of the Republic of Azerbaijan (2014-2018)

9. During the 2013-2014 years 4 long term orders were issued and their implementation was ensured.

Trafficking and exploitation of prostitution

10. The Government of Azerbaijan increased law enforcement efforts by toughening its anti-trafficking laws with new legislation. Law on the Fight against Trafficking in Persons of 2005 and Article 144 of the criminal code prohibit sex trafficking and forced labour, and prescribe penalties of five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In April and May 2013, the government amended Article 144 of the criminal code to bring it in line with international law, by removing cross-border transport as a necessary element of the crime, increasing penalties for forced labour, clarifying that means of force, fraud, or coercion need not be demonstrated to prove the crime of sex trafficking of children, and establishing criminal liability for identity document fraud if committed for the purpose of trafficking in persons.

11. The U.S. Department of State has published its annual report on the fight against human trafficking on June 19, 2013. The report analyses the situation in 187 countries divided into four groups. Azerbaijan was included into the second group. The government of Azerbaijan reported 238 criminal facts including 80 cases of human trafficking, 4 cases of forced labour in 2013. 17 persons accused of human trafficking were brought to justice (14 women, 3 men), 56 victims (41 women, 15 men) of human trafficking were registered.

37 victims of human trafficking were settled in shelter and proper measures were taken for their protection. All victims were provided with psychological and medical aid and clothes. Upon relevant decision of the Cabinet of Ministers 50 victims of human trafficking were given lump sum allowance. *Fund for the Assistance to Human Trafficking Victims did financial aid to the 13 victims. 22 victims were provided with new jobs and 21 were sent to the vocational courses.*

As a result of conducted operations in the first half-year of 2014 131 criminal case including 50 cases in human trafficking, 3 cases in forced labour were registered. 14 persons accused of human trafficking and forced labour were brought to justice (12 women, 2 men), 49 victims of human trafficking (46 women, 3 men) were determined. 17 victims of human trafficking were settled in shelters (15 women, 2 men, including 2 foreigners).

12. "National Action Plan on Combating Human Trafficking in 2014-2018" was approved by presidential decree on July 24, 2014. The action plan is aimed at ensuring adoption of measures to combat human trafficking, improving normative framework and institutional mechanisms, increasing the efficiency of mutual activity of state bodies and ensuring implementation of Azerbaijan's international obligations in this sphere.

Rehabilitation and Reintegration Centre for victims of human trafficking and potential human trafficking has been operated since May, 2013 under the "Tamas" Regional Development Public Union with the support of Centre for Assistance to the victims of human trafficking at the Ministry of Labour and Social Protection of Population and UN.

Participation in political and public life

13. According to the statistics of September 1, 2014 there are 1134 women including 76 women of higher position in the judiciary. The number of women

judges are 65 including 42 women in the Court of First Instance, 15 women in Court of Appellation, 6 women in Supreme Court. 2 judges out of Constitutional Court (9 judges) are women.

Project on “Women leadership in local government”

The project has been launched and conducting by Counterpart International and financed by the USAID in 2012-2014. In the framework of the mentioned project special trainings and seminar has been conducted on “Improving women leadership and representation in decision making process” in the different regions of the Republic. The purpose of the project is to hold awareness raising campaign on CEDAW, improving women participation municipal elections, and strengthening gender policy in Azerbaijan.

“Dayag” mentoring program

The State Committee for Family, Women and Children Affairs has started “Dayag” mentoring program jointly with German Society for International Cooperation for women members of municipalities in 2012-2014. Special trainings, seminars and conference “Improving women leadership in local government” were held in the framework of the project. Delegation from German participating in the conference “Improving women leadership in local government” had the meeting with the representatives of State Committee for Family, Women and Children Affairs.

As result of the awareness campaign conducted by the State Committee women`s representation in municipalities has increased from 4% (2004) to 26.5% (2009). There are 4,137 women members of municipalities and 302 women head of municipalities.

Education

14. Article 5.3 of the Law on Education of the Republic of Azerbaijan, which was adopted in June 2009 specifies that the state guarantees the creation of the adequate conditions required for education provision for all citizens and does not allow deprivation from any grade, level and form of education. Regardless of sex, race, skin colour, language, religion, political views, nationality, economic and social standing, origin, health conditions of citizens, the State ensures provision of education and prevention of any discrimination of citizens.

According to the Article 13 of the Law on Provision of Gender Equality “ the state ensures creating equal opportunities for males and females to exercise the right to education. The employer shall create equal conditions for males and females to exercise their rights to basic and further education, take a leave related to education. The state ensures creating equal opportunities for males and females in admission to all educational institutions regardless of property form, providing students with scholarship, selective educational plan and evaluating knowledge. Textbooks shall be based on the principle of gender equality.

State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015 contains measures to address problems of girls’ dropping out of education. The State Committee for Family, Women and Children Affairs together with the Ministry of Education organize periodic round tables with school psychologist since March 2014.

The gender issue was included to the general strategy of the Ministry of Education.

Employment

15. Problems related to the women`s employment and provision of the gender equality were reflected in the Employment Strategy of the Republic of Azerbaijan (2006-2015) and State Program for the implementation of the Employment Strategy of the Republic of Azerbaijan approved by the Presidential Decree N 1836 dated 15 November 2011.

Measures on strengthening control over the provision of citizens needing social protection with jobs in the enterprises and organization with fixed quota, increasing women`s competitiveness in labour market, provision of women with vocational abilities and additional education are carried out for the provision of gender equality under the State Program.

According to the Law on “Making amendments and additions to some legislative acts of the Republic of Azerbaijan in connection with application of the Law on Provision of Gender Equality” dated October 1, 2007 “f” and “g” items in following contents are added to basic obligations of the employer set in Article 12 of the Labour Code:

f) to equally treat and create equal opportunities for workers regardless of gender during their recruitment, promotion, vocational training, re-training, upgrading, assessment of quality of work, dismissal;

g) to create equal working conditions for workers undertaking the same work regardless of their gender, don`t apply different disciplinary measures for the same violations and take necessary steps to prevent gender based discrimination and sexual harassment”.

Item on following contest was added to the Article 50.2 of the Labour Code:

There shall be no announcement of the competition only for members of the same sex, except as provided by law.

Item on following contest was added to the Article 69.3:

In cases of sexual harassment, or in other cases provided by law, the employee may terminate his employment contract on the date he has indicated in his application.

Item on following contest was added to the Article 195:

In case of sexual harassment of the employee an employer shall bear full financial liability

16. It should be noted that there was mistake in the figures presented thus a total of 16,341 cases on violation of labour law were identified by the State Labour Inspectorate at various enterprises, offices and organization in 2012 and 51 out of them were associated with violations of women rights (not 51%).

Health

17. *State Program* on improving *mother and child health* for 2014-2020 was approved by the Presidential decree dated June 13 2014.

In order to get decrease in the rate of abortions The Ministry of Health of the Republic of Azerbaijan:

- has approved Clinical protocols on “Reproductive Health/Family Planning” in 2009
- has published textbook on “Reproductive Health/Family Planning” for the Azerbaijan University of Medicine and students of medical colleges in 2010
- has trained teachers of the Azerbaijan Medical University of and medical colleges according to the mentioned textbook and clinical protocol.
- has increased teaching hours of family planning from 7 to 37 hours in the framework obstetrics and gynaecology courses
- has conducted trains for family doctors, paediatrics, nurses and midwives on family planning and advisory service
- has formed “Friends of Youth” clinics for providing reproductive health services

The Ministry of Health has included following articles to its Measures Plan for the implementation of State Program on Azerbaijani youth in 2011-2015

- a) 6.6.3.2 Organization of lectures on prevention early marriages for youth and juveniles
- b) 6.6.5.2 Organization of lectures on healthy lifestyle and reproductive health for youth and juveniles

18. Measures on prevention of maternal mortality by the Ministry of Health:

- State Program on maternal and child health improvement for 2014-2020
- Order N 21 dated 06.03.2013 of the Ministry of Health on antenatal aid and Order N 24 dated 18.03.2013 of the Ministry of Health on hospitalization of pregnant, recently confined women and newborns

Related clinical protocols were prepared and implemented by the Ministry of Health:

- Instruction for birth assistants in maternity was approved
- Instruction for the provision of antenatal service in women consulting room and ambulatory-polyclinic medical institutions.

22 clinical protocol on parental and birth assistance service was approved by the Ministry of Health.

Protocols by the Ministry of Health for the prophylactic of mother-to-child transmission:

- Clinical protocol on antenatal service for women with physiological pregnancy
- Clinical protocol on prophylactic of mother-to-child transmission
- Clinical protocol on operations of caesarean
- Clinical protocol on examination of HIV/AIDS in adults and teenagers

According to the information of Republican Narcological Centre there are 30000 drug users including 400 women in Azerbaijan. The majority (60%) of HIV infected persons are drug users and women mainly become infected from their husband. Treatment of infected persons are financed by the Global Found since 2006. The

Ministry of Health has undertaken some part of expenses since 2010. After 2015 country will take the expenses completely.

Rural women

19. Food and Agriculture Organization and Ministry of Agriculture of Azerbaijan have developed project on “Capacity Development Support to Rural Women on the Socio-economic and Gender Aspects of Sustainable Rural Development” (2014-2015)

The overall objectives of the project to provide women equal participation in social life, improve women’s socio-economic empowerment, develop the awareness-raising and educational trainings and support the inclusion of women in the paid employment sector.

The Promoting Rural Women’s participation in the Social and Economic Life with UNDP in 2011-2015

The State Committee for Family, Women and Children Affairs has launched project “The Promoting Rural Women’s participation in the Social and Economic Life” jointly with UNDP. The project aimed to support the State Committee for Family, Women and Children’s Affairs (SCFWCA) of Azerbaijan Republic in implementing the national measures in response to the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) by promoting rural women’s participation in the economic and social life:

- Support rural women willing to increase the level of their economic activity through capacity development and network building;
- Strengthen the role of rural women in community based decision-making through capacity development and network building;
- Sensitize private sector (banks, non-banking credit units and private companies) to gender needs and interests of women in rural areas;
- Build capacity of the State Committee on Family, Women and Children’s Affairs to address the needs of rural women through advocacy, policy development and programmatic interventions.

The State Committee jointly with the New Azerbaijan Party had meeting in the regions for improving women activity in social and cultural life, their participation in decision-making process in 2014 June-September. 2500 representatives from 60 regions have participated in the meetings.