

MONITORING

the Implementation of the Convention

on Elimination of All Types of Discrimination Against Women (CEDAW) in

Azerbaijan:

Article 4.1 Realizing Women's Rights In Local Decision-making And Advancing the Role of Women in Social Life

Article 16.2 Overcoming the Practice of Early Marriages

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INTRODUCTION

Gender inequity in social and political life is a formidable obstacle to the democratic transformation of Azerbaijan. The “*Convention On The Elimination Of All Types Of Discrimination Against Women*” (CEDAW) is a powerful tool for the monitoring and defense of women rights. Civil society intends to monitor how well governmental organizations are implementing the CEDAW Committee’s recommendations made in the national report in February 2007.

The monitoring described in this report, undertaken by the Public Union for Gender Equality and Women's Initiatives, focuses on two CEDAW Articles:

- Evaluating the possibility of realizing women’s rights in local decision-making and advancing their roles in social life (Article 4.1);
- Evaluating the extent to which the discriminatory practice of early marriage is being eliminated (Article 16.2)

Following the recommendations of this monitoring report, activity will be initiated among women in this year’s municipal elections to draw attention of state and civic organizations to early marriage as a form of gender violence. This monitoring report should also stimulate collaboration between non-governmental organizations (NGOs) and government units of Azerbaijan to realize the recommendations of the CEDAW Committee and to commit to a more complete implementation of the terms of the Convention.

CHAPTER ONE

1. Methodology and research methods

1.2.1. Methodology

The methodological principles applied to the monitoring were determined by the “*Instruction On The Assessment Of The Implementation Of The UN Convention On The Elimination Of All Types Of Discrimination Against Women*” prepared by the American Lawyers’ Association ABA/CEELI with the support of USAID¹. Without covering all CEDAW articles, detailed information is introduced on the problems of:

- Overcoming the discriminatory practice of early marriages;
- Realizing women’s rights in local decision-making, and Advancing women’s roles in the social life of the central and southern regions of Azerbaijan.

The monitoring was applied to realizing the recommendations of CEDAW/C/AZE/CO/3, 02.02.07, Articles 15,16,21,22, 28, 29, and 30.

Our purpose was to analyze the degree to which government organizations and women’s NGOs are mastering the use of the Convention to introduce specific improvements in women’s everyday life in Azerbaijan.

¹http://www.owl.ru/cgi/Content/runbroker.cgi?broker=Brokers::Showcontent&action=printversion&id_news=55182

1.2.2. Objectives

The objectives of the monitoring were to determine the extent to which the following are becoming realities:

- Realizing women's rights in local decision-making and advancing the role of women in social life;
- Overcoming the discriminatory practice of early marriage.

The following considerations motivated the selection of these objectives for the monitoring:

- Azerbaijani municipalities are preparing for elections for the third time in 10 years. This period has witnessed both success and failure. Although 20 laws related to the activity of municipalities have been accepted, some have not been implemented, and no legislative act has been accepted that supports women's participation in local self-government. The recommendations that emerged during the monitoring can stimulate both government structures, as well as members of civil society, to involve women in the forthcoming electoral campaign for local self-government.
- Azerbaijan traditionally has had a high level of very early initial marriages, and little celibacy. However, evaluating the actual extent of early marriage is complicated by the lack of statistical data. Therefore, independent studies, such as this, can provide essential data about early marriage and offer recommendations to government organizations on guarantees they need to provide to implement the terms of the CEDAW.

1.2.3. Research methods

The research design was informed by the character of the problems to be studied: methodological principles were used for the analysis of feminist and gender studies, gender stereotypes and gender culture of the society and individual, as well as determination of gender stratification and hierarchy.

Quantitative measures:

Questionnaires were administered in eight regions among 420 people (with 0,01 error): Kurdamir, Lankaran, Neftchala, Barda, Yevlakh, Goranboy, Tartar and Aghdam. The given selection was designed to achieve optimal representativeness, since in general, selection of 1000 people or 0,0139% of the total² population has been accepted as the minimum. The research carried out in 2006-2007 for the establishment of the "National report on gender development" covered 1500 respondents (i.e., the selection made up 0,01875)³. The population of the studied regions is 2,367,000⁴; therefore the selection of 0,01892% corresponds to optimal representativeness.

² Examples of public opinion in Azerbaijan under the support of Henry Bell fund. www.puls-az.org

³ Gender Attitude Report data base. www.gender-az.org/date/unhrd

⁴ <http://www.azerizv.az/article.php?id=11770>

The selection involved three groups of respondents:

1. 188 women participating in trainings on women's development were surveyed in Kurdamir, Lankaran and Neftchala⁵.
2. Random selection was applied in Barda, Yevlakh, Goranboy, Tartar, and Aghdam, which initiated the "snowball" method, where respondents were both female and male, with the following ratio: female (176 or 58,7%); male (124 or 41,3%). The number of respondents in these regions is almost proportional to their populations. The survey was carried out by researchers⁶ who study the impact of gender stereotypes on the elimination of discriminatory practices by applying the "fan of differentiations" method which takes the category of preferable interests directed to welfare, health, communication and education⁷ (i.e., those essential factors that form gender equity as the basis of social analysis).
3. 28 respondents were surveyed in Khudat on gender representativeness principles – 14 females and 14 males⁸.

The total number of respondents surveyed was 446, of whom 308 were female (68,5%) and 138 male (31,5%); the gender selection thus was 2 females to 1 male.

Qualitative measures:

Qualitative measures were applied to the following nine groups of respondents:

1. 3 focus groups of NGO employees working in the sphere of local self-governance⁹;
2. 10 individual interviews with the members of Barda, Yevlakh, Goranboy, Tartar, Aghdam and Baku municipalities;
3. Detailed interview with 11 members of municipality and 2 officers in the city of Khudat¹⁰;
4. 4 focus groups among village inhabitants (Yevlakh, Barda, Khudat, Tartar);
5. 2 focus groups among women in Astara¹¹;

⁵ Find list of villages where questionnaires have been administered in the attachment. Surveys have been carried out by trainers of "Empowering Education" program.

⁶ The research was carried out within the joint project of "Advancement of the role of women in local self-governance and on the level of communities" between IWP OSI and OXFAM fund

⁷ Small.A., The Meaning Of Social Science. Chich., 2007, P.76.

⁸ The survey was administered during the public hearings on gender budgeting implemented by NGO «Toward civil society»

⁹ NGO "Women participation in municipalities", «Towards the civil society», Alliance of NGO "Support Community Development"

¹⁰ Implemented by «Towards the civil society» NGO

¹¹ Carried out by the trainers of "Empowering Education" program

6. Public hearing of “Advancement of the role of women in social life and woman activity in municipalities” in Yevlakh and communities of Nematabad village;
7. 5 detailed interviews with a practicing gynecologist in Lankaran, Astara, Yevlakh, Khudat and Sabunchu district of Baku;
8. 5 detailed interviews with the leaders of republican women organizations focused on the democratic development and rights of women¹²;
9. 2 detailed interviews with the employees of international funds functioning in the sphere of local self-governance¹³.

1.2.4. Background Documentation

The following background documentation was used for the research:

- Government documents¹⁴ and open reports of the State Committee on Women¹⁵;
- State statistical data¹⁶;
- Studies by international funds available for external utilization¹⁷;

¹² S. Zeynalova. Institute of gender problem analysis. R. Azimova. “Sevil” Union, G. Alakbarova. Women for economic fairness, M. Murshudli “Union of Independent Teachers”

¹³ Oxfam Fund, USAID community connection

¹⁴ Law of the Republic of Azerbaijan on Children Rights, 1998. Convention on the elimination of all types of discrimination against women, 1979 (ratified by the Republic of Azerbaijan without reserve in 1995 ; Constitution of Azerbaijan Republic, 1995; Family Code of Azerbaijan Republic, 2002.

¹⁵ Related To The Beijing Activity Platform (1995) Of The State Committee Of Azerbaijan Republic On Women Problems And Implementation Of The Final Document Of The 23rd Special Session Of Un Chief Assembly (2000)

- On The State Provision Of Equal Right For Women And Men
- Presidential Decree On The Establishment Of State Committee On Women Problems In Azerbaijan Republic
- Decree Of The President Of Azerbaijan Republic On The Implementation Of Women Policy In The Republic Of Azerbaijan
- On National Activity Plan Of Azerbaijan Republic On Women Problems
- Work Experience Of Gender Departments Within State Structures And State Committee On Women In Azerbaijan
- “Heydar Aliyev, All-Union Leader Of Azerbaijan Republic And The Woman Problem”, Zahra Guliyeva (Head Of State Committee Of Azerbaijan Republic On Woman Problems)
- Report Of State Committee On Woman Problems On Activities Carried Out In 2003
- Decree Of The President Of Azerbaijan Republic On The Establishment Of State Committee Of Azerbaijan Republic On Family, Woman And Child Problems
- DECREE OF THE PRESIDENT OF AZERBAIJAN REPUBLIC “ON THE PROVISION OF GENDER EQUITY (MEN AND WOMEN)”
- LAW OF AZERBAIJAN REPUBLIC ON THE PROVISION OF GENDER EQUITY (MEN AND WOMEN)
- REPORT Of the State Committee for Women's Issues of the Republic of Azerbaijan in response to a questionnaire for governments, relating to the implementation of the Beijing Platform for Action (1995) and the outcome document of the 23rd special session of the UN General Assembly (2000)
- NATIONAL REPORT OF THE STATE COMMITTEE FOR FAMILY WOMEN AND CHILDREN'S ISSUES OF THE REPUBLIC OF AZERBAIJAN On the Compliance of the Azerbaijan Republic with The Convention on Elimination of All Forms Of Discrimination Against Women, Information about one million refugees and internally displaced persons formed as a result of ethnic cleansing policy in Armenia and occupation of 20 percent of territories of Azerbaijan by Armenian armed forces (1988-2005). B

¹⁶ Statistical indicators of Azerbaijan for 2004. Statistical Yearbook of Azerbaijan 2004. B.: “Sada” Printing house, 2005. Main Results of Household Budget Survey in 2005. www.economdevelopment/az-gov. The Ministry of Economic Development of Azerbaijan Republic. Main Forecasted Economic Indicators of the Republic of Azerbaijan for 2003-2005. Gizmet, 2005. www.cec.gov.az “Elections” Information center of the Central Elections Commission of Azerbaijan Republic.

1.2.5. Identification of respondents

The respondents' ages ranged between 18 and 60 years. Survey participants came from different regions. Most of the respondents were married: females – 68,5%; males 94,6%; widows – 8,3%. Unmarried females – 17,1%; males 5,2%. 6,1% of women and 1,2% of men were in a religious marriage only, meaning there was no civil registration of the marriage.

In general, the study indicated a high level of pro-family orientation, among both women and men, with a family size of two or three children being the norm. Given the expense of the socio-economic transition, burdened by the unresolved military conflict, the main source of hardship for almost all women in the regions studied is the economic factor, which is observed primarily in their incomes. The average monthly income of a family is within 120-280 AZN. This is confirmed by the following statement from a focus group: “A family needs at least AZN 240, and families try to make ends meet as best they can”. It should be noted that the monthly living minimum in the country for the current year is about AZN 84¹⁸.

The survey indicates a high percentage of economic activity in the elderly; among women aged 41-50, 38,55% are economically active. In women above 50 years, 37,05% are economically active.

The smaller the size of the population, the lower the economic and social activity of women. This is explained by large number of children in village families, lack of pre-school child care, the workload at home, and the public stereotype of giving priority to male labor over female labor.

Below are fragments from individual interviews that reveal specific problems faced by women in regional life:

- “The primary problem is unemployment; even those with education are without a job”;
- “Women need easier jobs”;
- “It’s hard both financially and morally”;
- “For me the main problem is related to having a kindergarten. I work at school and have no place to leave the children. The school is in terrible condition and needs repair”;
- “Certainly there is a water supply problem and a problem of spare time, as one can always find a job, but most do not know how to spend their spare time”;
- “Problem of medicine, shortage of doctors, midwives, and female gynecologists”.

¹⁷Country Gender Assessment/. Azerbaijan, Asian Development Bank, December 2005., Gender Assessment for USAID/Caucasus/ Azerbaijan. 2004. DevTech Systems, Rapid Assessment of IDP Women’s Situation. UNIFEM. B., Women Entrepreneurs. International Labor Organization. National Confederation of Entrepreneurs (Employers)Organization of Azerbaijan Republic. 2004. The Social Marketing of NGOs the Eurasia Foundation, Baku. 2004, The Azerbaijan Community Empowerment Network. Annual Report Fiscal Year 2004.Prepared by .Save the Children Federation, Inc .Azerbaijan Field Office.

¹⁸ Law of Azerbaijan Republic on Life minimum for 2009 25.11.2008

The survey identified the following major problems:

- Financial difficulties;
- Lack of places to work;
- Absence of pre-school child care;
- Low level of secondary education;
- Everyday problems, primarily poor water supply and absence of gas;
- Poor medical service.

The survey also identified some positive aspects of regional development:

- 100% of those surveyed mention new opportunities for the inhabitants of the region, which demonstrates a positive attitude and suggests the progressive adaptation of women to market relations.
- Women have started to understand their social role and tend to hold modest positions in social life and the labor market. However, the gender stereotype continues to control public development in many ways.
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- The respondents see new opportunities in both the economic and social spheres.

1.2.6. Socio-political activity of respondents

Almost every second woman disapproves of the poor representation of women in Parliament, with 28% of them indicating difficulty answering the question. Every third woman thinks that politics is a male business and the same number believe that they cannot express their opinion, which means that only one third of the women surveyed can claim participation in political life. At the same time, every third woman thinks that a woman can be socially active but only if her husband consents to it. Some women revealed a positive attitude towards having religious women engaged in socio-political life: 34% of women are certain that religious women can carry better moral norms into modern society.

31% of the respondents are aware of the Presidential Decree of March 6, 2000 on the *“Implementation Of the State Policy on Women”*. However, as focus groups indicated, women have no information about the content of the decree. 39,1% of women knew that the third congress of women in Azerbaijan took place recently, but only because many delegates left the regions. The focus groups evaluated very positively the considerable participation of village women in such an important event.

51% of women were sure that the outcomes of state gender politics are noticed in their region, as more women are now involved in public events. All these data represent the views of women over 45 years old, suggesting a lack of interest in younger women towards public life.

CHAPTER TWO

2. Challenges of socio-political life

2.1. Realizing the right to decision-making

Azerbaijani legislation defends the interest and right of any female irrespective of age, marital status, presence of actual (civil registration) marriage, behavior in everyday life, and health status, and thus corresponds to the requirements of mainstream international humanitarian acts.¹⁹

In 1995, Azerbaijan ratified the UN Convention on the “*Elimination Of Any Type Of Discrimination Against Women*” (CEDAW) and in 2001, the “Implementation Of the State Policy on Women,” which ensures equal participation of women and men in all structures of the government. Therefore, direct discrimination against women in the social and political life of Azerbaijan at the legal level is prohibited. However, in practice, women are not sufficiently represented in leading government bodies and in local self-government agencies. This contradicts Article 1 of CEDAW. In particular, the development of democratic institutions in Azerbaijan is not accompanied by the growth of political activity of women and their representation in the state electoral bodies. In 1992, the percentage of female MPs was 40%, while in the present Parliament that figure is only 11,2%²⁰.

2004 male (90,03%) and 223 female (9,97%) MP candidates submitted their documents for registration with the Central Election Committee during the recent electoral campaign.²¹ Such poor political activity in most cases results from the existing stereotype that traditional society is still not ready to delegate to women the right to decision-making at all levels. According to national gender report data, 72,8% of respondents think that politics is a male business.²²

Women’s low political activity can be explained by a number of realities of political life. Financing an electoral campaign requires considerable amounts of money that women do not possess. “In most cases women cannot stand the harsh competitiveness and their financial means for an electoral campaign are almost always a lot less than those of men. Everyone knows that businesses support most candidates, but no business would invest in a woman because business circles are assured that a woman cannot lobby for their interests”.²³

The political parties of Azerbaijan do not provide men and women with equal opportunities for decision-making. “The active participation of women in politics remains an exception and only a small number of women put forward their candidacy at various elections”²⁴. Except in very rare

¹⁹ www.gender-az.org/news/society/10306.html

²⁰ <http://www.un-az.org/doc/nhdr2007gendereng.pdf>, http://www.gender-az.org/index_az.shtml?id_doc=1157

²¹ http://www.miillimedjlis.merkesi/2006/az/007_1.shtml

²² <http://www.un-az.org/doc/nhdr2007gendereng.pdf>

²³ Interview with E. Pashayeva, MP candidate

²⁴ www.ehess.fr/centres/ceifr/assr/N115/006.htm

cases women are involved in political parties only on paper, despite the frequent calls for “gender balance” by party leaders during election campaigns or during European election monitoring. The initiatives and programs aimed at widening the participation of women in making important decisions have been halted and no information awareness or advocacy program is provided for women to hold government positions.

2.2. Local self-governance – gender view

Azerbaijan already has had two municipal elections, in 1999 and 2004. Self-governing authorities, as the most important structure of civil society, are formed quite slowly. Also, “the population still underestimates the potential of municipalities in the solution of everyday local problems. Frequent conflicts between the executive power and the municipalities, where the latter usually loses, lowers the attractiveness of municipalities”²⁵.

At present, 95.9% of 20,346-member municipality councils are men and 4.1% are women.²⁶ Certainly, the gap of more than 90% between men and women indicates not only the absolute male dominance in local self-governing authorities, but also the absence of female interest in the work of municipalities. According to the results of the civil monitoring of the 2004 municipal elections, the proportion of voting men to voting women was 76,2% to 23,8%, respectively²⁷. The monitoring indicated that women are much less interested in municipal than in parliamentary elections, and demonstrated a low level of electoral activity during the municipal elections. “And even if a woman is elected to be a member of the municipality, she is not able to hold a leading position.”²⁸

The main factors preventing women from assuming a role in political and social life include the dominance of men in political structures, the concealed discrimination in the distribution of male and female roles at the decision-making level, and the generally poor level of social awareness of gender issues. “It’s not only men, but also most women who think that women have to sit at home, run the household, not work, and that politics is simply out of the question. The violation of this tradition, to their minds, will change the essence of the moral life”²⁹.

The gender imbalance at municipal authorities and on the level of community management negatively affects the everyday life of women – their salaries, pensions and children’s benefits. According to the official returns of the international survey carried out by World Public Opinion, 66% of respondents in Azerbaijan think that the UN should be actively engaged in solving women’s problems, and 40% are convinced that the country’s management should implement better measures to prevent discrimination against women³⁰. The pace of advancement of the public and political participation of women lags behind the country’s needs. There is the barest recognition of the necessity to increase understanding of these problems and to develop skills for

²⁵ Produced for USAID/Azerbaijan and the USAID Center for Democracy and Governance Azerbaijan Civil Society Sector Assessment January 11, 2005 Final Report Wynne Russell, MSI, Team Leader Nancy Lubin, MSI/JNA Associates, Inc. Elmir Ismayilov, MSI.

²⁶ Data by Central Election Commission of Azerbaijan Republic www.sechkiler.gov.-az/belediya/sec

²⁷ www/gender-az/org.politics.report/stamp/

²⁸ Interview with S. Huseyn-zade, deputy chief of parliamentary commission on local self-governance

²⁹ Interview with Rafiqa Azimova, chief of department of Social Psychology within Institute of Political and Legal Studies of the Academy of Sciences, head of scientific-methodological union of “Sevil” NGO

³⁰ www.WorldPublicOpinion.org, <http://www.levada.ru/press/2008030702.html>

advancing women at various levels. These include: among women themselves, political parties, national government and municipal officials, lawyers, and civil society.

CHAPTER THREE

3. Advancing the role of women in communities and municipalities

3.1. Municipalities and communities as factors in the social development of women

Local self-governance allows women to participate in decision-making that relates to their everyday life. However, the study shows a considerable inactivity of women in electoral municipality campaigns: 58% of women do not vote and 3% expressed difficulty in answering the question.

This relevant quote is from an NGO worker: “We carried out a survey: asked village women if they would like to work with the municipalities or with the executive. Most of them said they preferred the executive power. The population is not happy about municipalities. Barda municipalities are more active than those of other regions. It has more NGOs, and depends on the budget of municipalities, which has a direct effect on their work”³¹. Focus groups stated that women are not inclined favorably toward municipalities because they are not sufficiently aware of their rights and the opportunities offered by the local authorities.

The study suggests that most women are not even acquainted with the decisions of their municipalities. The issue of participation at hearings reveals a quite significant detail: 35.5% of the surveyed women think that no hearings take place at municipalities at all, which means that the respondents are very poorly informed about such hearings, and only 8.9% of women are aware of the decisions of their municipalities on administrative self-governance. The picture changes for the better with decisions related to village priorities; 33% of women are aware of decisions related to their villages.

The decisions of municipalities on social issues are of minor interest to women and only 23.9% of respondents said they took part in such decisions. None of the municipalities of the 6 regions has ever carried out a hearing related to the problem of early marriages.

The survey revealed that the higher the family income, the less likely are women to be interested in the decision-making of their municipalities. The highest percentage of female participation in municipalities (37.8%) was observed among women with average monthly incomes of AZN 70-100. These are needy women who rely financially and in other ways on municipal authorities. 87.5% of women interested in the social programs of municipalities are single, 12.6% are widows. The highest level of interest is among women whose monthly income does not exceed AZN 100, (i.e., those who need social support most).

The question of whether women participate in budget planning in their municipality is quite important here. In general, respondents think that the municipal budget is not of an open nature: “nobody is aware of the municipal budget except for the authorities”³². The assessment of the gender factor in the budgeting of municipalities and in the reformation of the mechanism for the distribution of municipal budget funds is not considered in our country.

³¹ Detailed interview with an NGO activist in Barda

³² Recording from public hearings in Yevlakh.

The level of women's public activity depends upon the efficient implementation by municipal agencies of educational and social services, and special programs for women and their family members. Women should also know how the municipal budget is created, in order to more effectively develop local communities, and how its implementation affects their lives. According to the interviews, women are optimistic about the outcomes of including the gender approach into the budgeting process. In particular, 95% of women in focus groups are sure that public opinion can influence the budget shift toward gender sensitivity. That is, gender budgeting is turning into a tool for the struggle against poverty. Gender issues that should be included in the budgeting process include:

- Free and preferential services on the protection of maternity and childhood;
- Food for children, availability of pre-school child care and kindergartens, breakfast for school children;
- Support for pregnant women, health of women and children (types, amounts, network and number);
- Pre-school child care, after school programs, work, health of children, as well as leisure and sports activities;
- Grants for poverty, family centers, social services;
- Budget for the support of social initiatives – amount, and percentage of budget expenses, apart from women initiatives.

The most important factor in women's development and early marriage is economic independence; therefore, the following question interested the researchers: "*Do municipalities contribute to promoting the economic activity of women?*" Only 14% of the surveyed women said they do. It is significant that 90% of the 14% are married, which underlines the vulnerability of lonely women in regions. In correlation with age, these data lead to an alarming tendency: the highest percentage – 40% of women who confirm the importance of municipalities in women's entrepreneurship – are over the age of 50, and the smallest percentage – 3.33% for the age group 21-30 years. Thus, these data indicate that young women are extremely inactive in business and public life.

The focus groups and individual interviews indicated to the researchers that, unlike such issues of vital importance as loans, unemployment, agricultural development, irrigation, and health, the problem of women's participation in municipalities concerns the people of the regions only slightly.

Following are the primary reasons for women's inactivity in local self-development:

- Society at large has not sufficiently comprehended the importance of local self-governance authorities;
- Women do not possess the required experience in decision-making bodies.

According to public opinion, women's limited access to municipalities is related to the absence of interest by women in social life in general, to lack of work experience in municipal authorities, to their distrust of municipalities, and, as the study reveals, to lack of knowledge of

the duties and principles of local self-government. It is not by chance that 32% of women said that women consider themselves infringed upon due to their slight representation in self-governing authorities, and 45% of women could not answer the question.

The ideology of gender traditionalism still followed by a large number of men resides in most women as well, paradoxical as that may be. According to the survey results, 95% of women are convinced that their problems are not included among primary social problems. While 87.8% had experienced clear discrimination personally or observed it in their locale, they believed that the public lacks understanding of the social importance of the issue. More than 95% of women have never even thought about the ways and possibilities of preventing discrimination through united efforts. The principles of gender equity linked to the development of local self-governing authorities should become the sphere of development for anti-discrimination practices.

3.2. The role of municipalities in the approval of gender equity principles in Azerbaijan

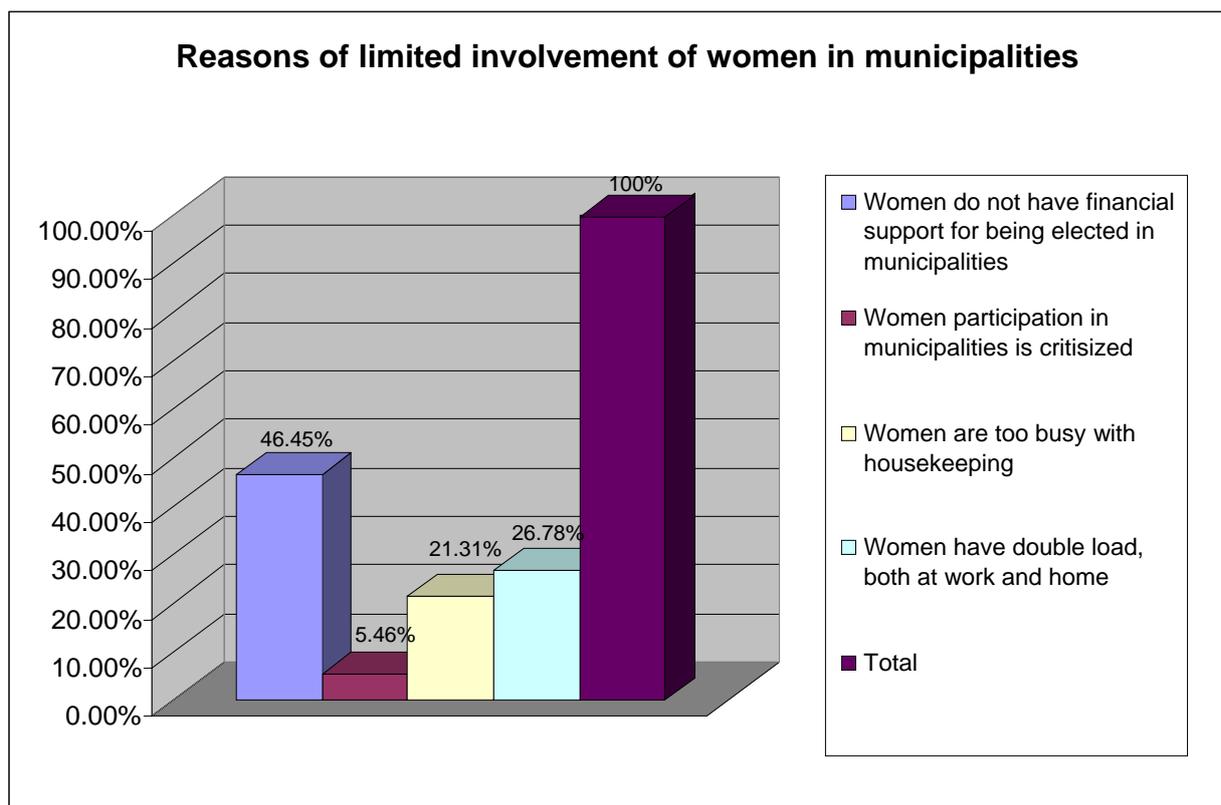
The research revealed individual and institutional barriers at the local level that hinder the promotion of women in municipal bodies and advancement of their role in communities. Hidden discrimination against women in local self-government results mainly from these institutional factors:

- ✚ First, women are excluded from the list of candidates at elections in advance and from the list of successful candidates in particular, because they possess limited financial, organizational and informational resources;
- ✚ Second, Azerbaijan has no political anti-discrimination legislation which promotes “positive discrimination”, (i.e. granting women some preferences, for instance, quotes in the media);
- ✚ Third, women are insufficiently represented in municipalities;
- ✚ Fourth, almost every other woman and every fourth man indicated that women do not have sufficient financial support to be elected in a municipality; the reality is that women are significantly impoverished in the present circumstances.

Diagram 1 summarizes the major research findings for women’s limited involvement in municipalities.

48,09% of respondents stated that the fulfillment of a woman’s gender role of mother and housekeeper prevent their participation in the work of municipalities. There is an insignificant difference in gender opinion in the perception of women’s employment: most women are sure that they have a double load – they work both at home and at the workplace, while men consider housekeeping a female priority. According to public opinion, the limited access of women to the work of municipalities is related to their lack of interest in social life, and lack of experience in state agencies, but mainly to the gender stereotype that “a woman’s place is in the home”.

Diagram 1



“I have a daughter-in-law who takes care of all housekeeping, so I can work”, says Yevlakh, a city municipal administration member. “When I was her age, I could not even imagine that I could stay late at work. Young women do not have time to get interested in what is done by municipalities. In the best case their husbands can inform them about issues. To tell about today’s meeting?! Of course, I will not tell her anything, we both have some other things to do”³³.

Only one-third of respondents think there are women who would like to become municipality members. 12% did not respond to this question at all. According to the head of the Barda municipality, “there are women in communities whom people respect, who hold meetings and who tell about their projects. Generally, the percentage of women’s activity is not high – only 20-25%. There is a municipality member dealing with humanitarian and gender problems, but this is very formal, and she does not make any decisions”.

Interviews with women indicated the lack of social interaction. “Women do not have any place to hold meetings. In Barda, men can meet in tea-houses and discuss problems. But there are no such places for women. It would be great to establish some female union or center for solving problems or getting information. There is a need for more women’s organizations that will help with the solution of these problems. Women’s agencies should be established to visit villages, hold discussions and assist the female population”³⁴.

Respondents answered the following question: *How can the inactivity of women in communities and municipalities be overcome?* “To have more active women in the regions, there is a need for

³³ Statement by Ruyiyya Abdulgimova Nurush at public hearings in Yevlakh city

³⁴ Interview. Barda

enlightenment. New work places should be opened and more women should be involved in public work. This will help to change their views. We have 60-70 teachers in our school and 95% of them are women. Educational materials for secondary schools on the male-female relationship should be prepared and they should be taught starting from the 8th grade. Another method for popularizing this issue is through TV, because women rarely read newspapers. Women's departments, and teachers' unions should be established to attract people and hold meetings, and the number of NGOs dealing with women's problems should be increased"³⁵.

While 63% of respondents think women's initiative groups should be established within municipalities, 30% are hesitant to work in an initiative group, but only 7% of all respondents do not consider working with an initiative group a possibility. Initiative groups have support among women, and can assume the role of public monitors of gender policy.

Focus groups generally think that women's passivity towards municipal work is related to their high unemployment rate, and accordingly their public relations efforts are miniscule. Following are focus group quotes addressing this question.

"Women are jobless, and consequently inactive. If they are provided with work, they will work and deal with social problems, and not worse than men do. It is necessary to bring women together, hold public discussions and events. They should be attracted to different jobs, their skills should be increased and of course new work places for women should be opened. Right now, they are involved in housekeeping only"³⁶.

"Once we solve women's problems, they will become active. Women first need water, gas, good roads and work places"

"Working places for women should be opened, they need interaction. They should be provided with jobs and be interested in civic life. For now they are involved in no work other than housekeeping"³⁷.

The following question was asked: "*How can the role of women in communities be increased?*" Representative focus group quotes follow:

"To have equal rights with men, women need jobs",

"Women should be involved in exercising executive power; this will serve as a good example for others",

"In a more civilized situation, women would be more active, and women's initiatives would be supported",

"To increase the role of women, they should be well-informed. And we have big problems with awareness",

"Women need help with children. No activities are established by municipalities for regional sports, and no youth offices exist for the development of children and youth, so there are no great expectations for the future."³⁸

The following diagram shows the main activity directions for involving women in the decision-making process at the local level, as mentioned by respondents. These activities are designed to

³⁵ Public hearings, Yevlakh

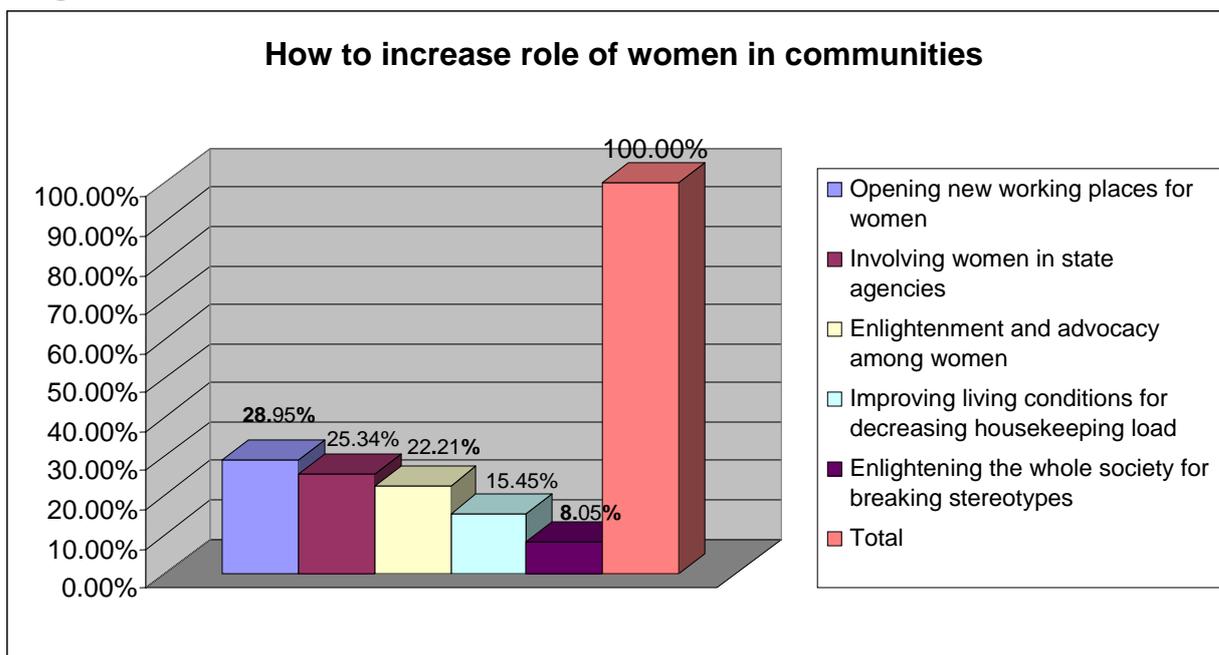
³⁶ Focus-group, Agdam

³⁷ Focus-group, Barda

³⁸ Data base question - 08.2.0.

balance gender policy in the executive power of regions, to establish new working places and to enlighten citizens in the sphere of human rights.

Diagram 2



Municipalities do participate in the realization of some regional programs while solving social problems. The programs of water supply and land distribution positively affect women. However, there is no women’s agenda in municipal offices on reproductive rights, early marriages, women’s unemployment, and violence against women.

3.3. Possible resources for involving women in local decision-making

The study outlined 3 principal approaches to involving women in local decision-making: actor, service and educational. These approaches have been used in the Western gender experience³⁹.

Actor level of women’s involvement

- *Actor level* includes directly activating women by establishing women’s initiative groups within municipalities. Problems of democratic change, and fundamental positive changes happen mainly at the municipal level, which is the primary level of public development. This level includes not only the formal establishment, but actual functioning. “There was a women’s department in Goranboy and they were active and we collaborated. They had several good ideas, but they were not implemented and later this group lost interest and the structure collapsed».⁴⁰ Real cooperation between women’s groups and municipalities in the regions will positively affect the current process of transforming public perceptions. “There are active women. But either they are not involved in the work of municipalities, or...”⁴¹. On one hand this will help build the capacity of women’s groups to establish mechanisms for influencing the

³⁹ George, Alexander L and Benett, Andrew. 2004. Case Studies and Theory Development in the Gender I Sciences. MIT Press

⁴⁰ Focus group Goranboy

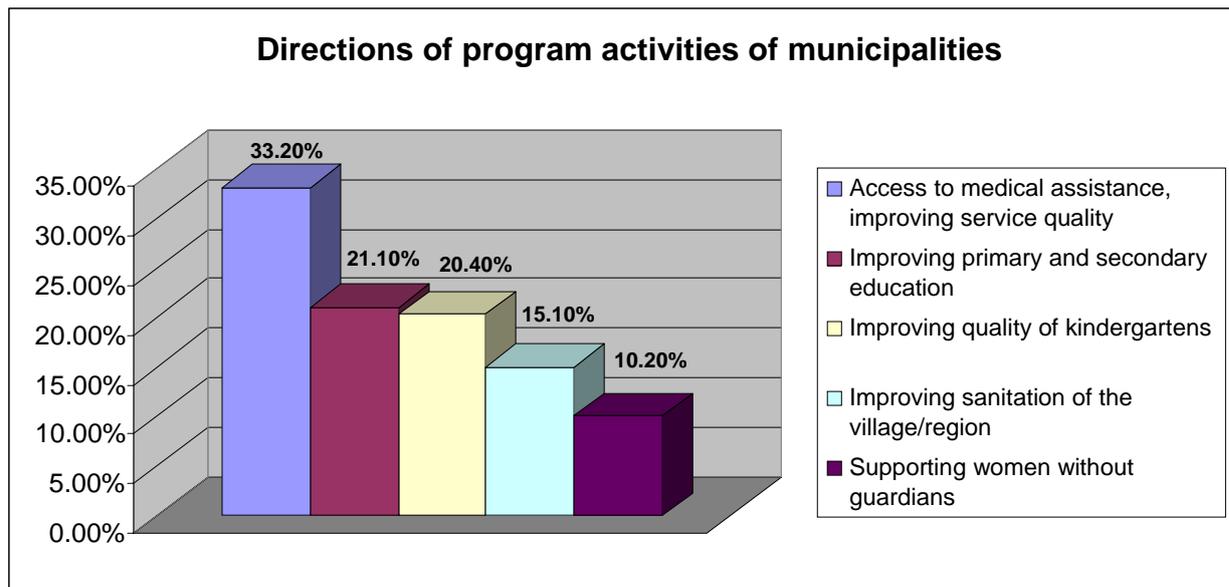
⁴¹ Focus group Goranboy

public situation; on the other hand, municipalities will turn into structures for solving the significant problems of communities, rather than meeting the needs of their own members only. This direction was supported by 82.5% of women.

Service level of women's involvement

- *Service level* of women's involvement considers the realization of municipal programs that are beneficial for the whole community and for women specifically. Diagram 3 indicates the priority programs which, according to respondents, will expand women's participation in public life.

Diagram 3



There is a particular need for developing access to medical services, as well as improving the quality of these services, for improving the sanitary level of the village/region, for supporting women without guardians, for increasing the level of primary and secondary education, and providing pre-school child care and kindergartens. One significant point is resources: without resources, women's equal access to decision-making will not be realized.

Educational level of women's involvement

- *Educational level* is directed towards enlightening women about the current patriarchal system to influence the establishment of a democratic gender culture in municipalities and to expand resources for women in local municipalities. "A lot depends on the woman herself – if she is illiterate, she will just care about bringing up her children, if educated she will benefit herself and her children and the whole community"⁴².

Women's participation in public life in the regions depends on the following factors:

- Awareness level: the higher the awareness level, the more active the participation level and vice-versa;
- Civil education: expanding the level of skills and accordingly ways of achieving goals in public activities.

⁴² Kazimova Ziyavar Shukur, municipality head Mevvali (Yevlakh)

According to respondents, the best methods are to inform women about the best international practices of women's participation in community life, to introduce the real resources of municipalities to them, and to hold talks on their rights and the opportunities that exist in municipalities.

In turn, state agencies should expand their collaboration with municipalities and organize consultations or specialized trainings for them on actual gender topics such as: early marriages, obligatory employment, reproductive health, violence prevention. This will help municipalities to increase gender sensibility in communities through the cascade method.

3.4. Success story – primary experience of civil society

Meeting the interests of women through municipal involvement is not now an active agenda; however, there are already some achievements. For example, active women's groups have been established within the Yasamal municipality of Baku city, and the national women's NGO "Women For Municipality Development" has been quite active for the past two years.

While there are examples of women's achievements in high-level politics, there are practically no women within municipal government who could serve as a role-model. Thus, the experience of Zeynalova Leyla Ilyas from Balchili municipality of Yevlakh is unique. The path of this initiative and of this cheerful woman towards the municipality is remarkable. She was one of the first to receive a loan from an international fund: "we were planting sugar-beets with my husband, and my sister was selling them in Yevlakh and Barda. The acquired loan was paid in time; we bought some new equipment and a tractor. I proposed reconstructing the club in our village without waiting for any external help and joined this initiative myself, by repairing the roof. Are you interested in the equality between women and men? Look at my hands and the hands of my friends. Not every man has such ones..."⁴³. This is obviously an example of a typical leader and no gender stereotypes prevented her from being selected as a municipality head.

CHAPTER FOUR

4. General recommendations

4.1. Gender policy of Government and increasing the public role of women

- Government should establish "affirmative" rights through legal quotas for representation of women in municipalities according to CEDAW;
- Government should provide gender expertise in municipal legislation to work out an "affirmative" action system;
- Women need training in municipal and electoral leadership. Such training is necessary both for men and women, but women need preparation courses before training;

⁴³ Records from public hearing in Yevlakh

- 78.5% of women do not expect any positive changes in the gender situation of their country. It is therefore necessary to stimulate and support initiatives by ordinary women concerning their right to participate in the local decision-making process;
- Mechanisms for strengthening collaboration between government and civil society on the issue of women's rights in local decision-making need to be established;
- Although recommendations of CEDAW (Article 9) required application of disaggregated gender data on women in municipalities, villages and cities, this data is still lacking. The Government of Azerbaijan obtained international support for establishing disaggregated data on violence⁴⁴ and establishing a coordination mechanism for preventing violence⁴⁵ according to the CEDAW recommendation (Article 10). The same experience can be applied to increasing the role of women in the local decision-making process;
- Indicators for estimating women's participation in public and political life should be developed and annual monitoring of these indicators should be implemented.

4.2. Gender stereotype: how to overcome the inequality barrier

Current investigations indicate that achieving equality between men and women is premature because gender stereotypes still exist. Gender stereotype continues to inhibit the public activity and economic development of municipalities. Although women sometimes try to hold economic positions, they are generally inactive. Most of the respondents are sure that the present poverty and financial problems will be solved, and there is no need to “destroy traditions”. Both men and women follow the traditional patriarchic norm, which of course slows down the development of even very active women. Following are some recommendations:

- Both qualitative and quantitative measures indicated that even educated women are not well-informed on women rights, gender, male-female relationships and the government's gender policy. Interviews indicated that even progressive males are against gender propaganda, believing it is contrary to their interests. All this necessitates trainings for both sexes to explain that gender equality is not against either sex; on the contrary, gender policy aims to establish collaboration between men and women.
- Municipal budgeting should change in the direction of gender-sensible budgeting. Preparation of materials for creating such budgets in municipalities would be helpful. Civil society has the right to demand publication of disaggregated indicators on sex and gender for all municipal decisions.
- Awareness campaigns on the importance of women's initiatives and the success stories of ordinary women should be disseminated. Municipalities should become the main gender-advocacy channel, because it is the municipalities that presently serve as the information source for one third of women respondents and for one half of the men.

⁴⁴ Cran. Research BGV 2008

⁴⁵ BGV 2008

4.3. Activating young women

The investigation indicated a dangerous tendency: the prevailing number of women involved in political and public life are middle-aged and elderly women. This is explained by generally passive participation of youth and especially young women in the country.⁴⁶ “Working with the youth is not a problem only in villages, but in the whole region”⁴⁷. The passivity of young women is suggested as a factor in the aging of the worldwide women’s movement.⁴⁸ Following are some methods for addressing this issue:

- The most effective method for involving young women can be leadership campaigns, especially in consideration of the forthcoming municipal elections;
- Another method can involve e-citizen practice on gender equality. This can be more interesting for the youth. The main goal of e-citizen practice is preventing discriminatory practices on sex, income, education level, marital status, age and residence. Young women can obtain educational and medical assistance, as well as participate in national and international youth networks through education and access to internet resources.

CHAPTER FIVE

5. Early marriage as a social phenomenon of Azerbaijani society

5.1. Legal framework of marriage contracts and international obligations of Azerbaijan

The official statistics reflect marriages and divorces registered at the state agencies under the “Registration of Acts of Civil Status” (RACS). Only this form of registration of citizens’ marital status is legally binding. In accordance with this legislation, compelling minors to marry is defined as a crime on the part of all participants except for the minor herself. Therefore, finding cases of early marriage is a difficult task.

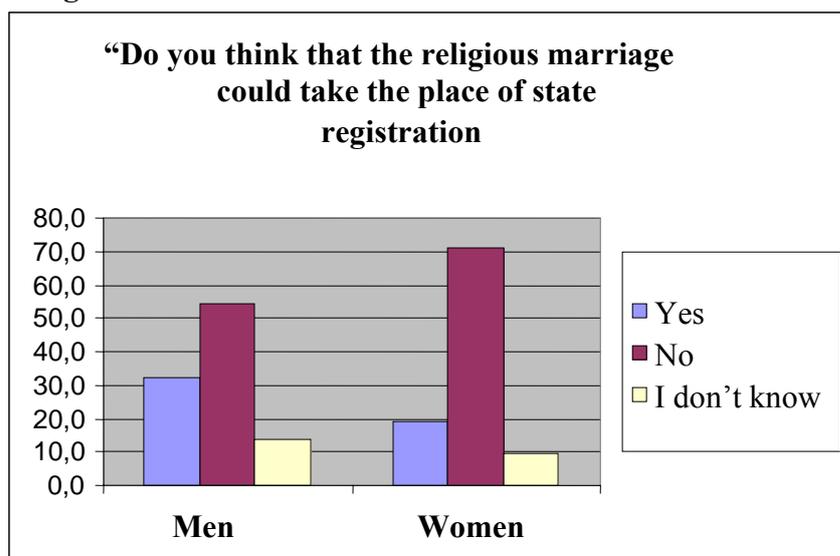
The Family Code provides for marriage only on a voluntary basis. Azerbaijani people as a whole prefer civil marriage, although instances of religious marriages are also found. But Azerbaijan remains a secular state not only according to the Constitution, but also by the wishes of its people. In particular, according to the results of the national gender report of 2006, respondents answered the question, “*Do you think that religious marriage could take the place of state registration?*” in the following way:

⁴⁶ Electoral activeness of youth in Azerbaijan. AREATR. 2008. p.7

⁴⁷ Focus-group, Lenkoran

⁴⁸ gender-az.org/ international research/ stomach/

Diagram 4



As seen from the above-mentioned figures, the religious form of marriage without official or registered civil marriage does not enjoy social approval. The Head of Moslems of Azerbaijan – Sheykhul-Islam, decided that receiving the religious marriage certificate, the “kebin”, is possible only after registering at the state agency (“Registration of Acts of Civil Status”(RASC)^{49,50}. The Family Code of the Azerbaijan Republic does not give an exact definition of the term “early marriage,” but Article 10 of this document characterizes this phenomenon as a marriage contracted before the marital age set by the respective legislation. So Article 10.1 of the Family Code determines 17 years as the marital age for women, but according to Article 10.2, when there are valid reasons, executive organs in the place of residence of people wishing to marry have a right to decrease this period not more than one year by the request of these people and allow women to get married at age 16. The conditions under which marriage could be allowed at age 16, taking special situations into consideration, should be defined by local executive bodies. Under Article 1 of the Law on the Rights of the Child of the Azerbaijan Republic, adopted in 1998 and the Convention on the Rights of the Child (Article 1), ratified by the Azerbaijan Republic in 1992, a person under age 18 is considered a child. Therefore, this person cannot contract marriage. The illegality of getting married to a person considered a child is mentioned in Article 16.2 of the Convention on the Elimination of All Forms of Discrimination Against Women. Increasing the minimum age of marriage for women was raised as one of the basic recommendations to the Azerbaijani government (CEDAW/C/AZE/CO/3, 02.02.07, Article 30).

Contradictions arise between the country’s domestic legislation and its international obligations. In particular, recommendations of the CEDAW Committee have to be resolved under Article 151 of the Constitution. According to this Article, in case of emerging contradictions between domestic legal texts of the country⁵¹ and international obligations, the priority is given to international norms. The State Committee on Problems of the Family, Women and Children certainly makes efforts to increase the minimal marital age for women. In her interview by the popular republican newspaper “Ekho”, the Chair of the State Committee on Problems of Family, Women and Children, H. Huseynova said, “Early marriages and marriages unregistered officially, are one of the main social problems. The draft law on changing marital age of women

⁴⁹ <http://mirtv.ru/content/view/51306/12>

⁵⁰ <http://www.newsazerbaijan.ru/exclusive/20090316/42775804.html>

⁵¹ With the exception of the Constitution and normative acts, adopted by referendum

from 17 to 18, proposed to Milli Mejlis (National Parliament) is misapprehended ambiguously. Necessity of increasing marital age of the young people originates from terms of the international conventions. In connection with improvement of the legislation, proposals are prepared, monitoring and research in appropriate fields are conducted, the process of preparation of recommendations and analytical materials goes on, and measures for enlightenment of people are made”⁵²

5.2. Early marriage: causes and peculiarities

Attaining gender balance depends directly upon the strategy for regulating marital relations. Peculiarities of how families function as a social institution are a sensible indicator of development of Azerbaijan.

Historically, because of the gender segregation of public and private space, women could not exist outside, first, her paternal family, and then, after coming of marital age, of her matrimonial family. The nearly one hundred-per-cent nuptiality rate of the female population of Azerbaijan resulted from these circumstances. Since women were not permitted to possess anything, for all practical purposes, married life was nearly her only resource. It gave the woman permanent lodging and use of her husband’s property, while the social and economic protection of marriage enabled her to care for children. During the Soviet period, early marriage was unreservedly prohibited, which brought not its eradication, but rather changes in forms of the family-marriage relationship. Additionally, social and labor activity of Azerbaijani women and the rise in their educational level during the Soviet period served as a catalyst for weakening the traditional early marriage relationship. Even within these conditions, early marriage continued in rural areas of the Southern regions because it was a sufficiently traditional social institution sanctified by the norms of Islam. The representative of UNICEF in Azerbaijan, Muhammad Alemi, thinks that “in comparison with the Soviet period, the number of early marriages in Azerbaijan has increased”⁵³.

The family continues to assume a fundamental role in the Azerbaijani mentality, powerfully influencing most aspects of economic, political, legal and cultural life. According to statistics, during the first half of 2008, a total of 33,400 marriages were contracted and 3,900 divorces were registered in Azerbaijan. On average, men contract their first marriage at age 28, and women at age 24⁵⁴.

According to the last census data, 1,800,000 families live in Azerbaijan⁵⁵. Intra-family ties are deep and stable, and seniority is followed in intra-family relations. The characteristic feature of the Azerbaijani family is its reticence. Events taking place in the family are not discussed even among close friends. The problem of early marriage is sufficiently private that it can be discussed only in the family. “Early marriages are not discussed in the workplaces nor even among neighbors. It is done only within the family with participation of the closest relatives. Firstly, they are afraid that it is an illegal issue, and secondly, this marriage cannot be contracted

⁵² "Ekho": Early marriages and marriages not registered officially is one of the main problems in the society. www.echo-az.com 07.02.2007

⁵³ <http://www.azerizv.az/news/a-1116.html>

⁵⁴ the ministry of economic development of Azerbaijan Republic/ MAIN FORECASTED ECONOMIC INDICATORS OF THE REPUBLIC OF AZERBAIJAN

⁵⁵ www. the ministry of economic development of Azerbaijan Republic/ MAIN FORECASTED ECONOMIC INDICATORS OF THE REPUBLIC OF AZERBAIJAN

(registered) and it would be difficult to give the woman away in marriage to another person⁵⁶. With regard to the national gender report, 89,4% of respondents, women and men, believe that the family will conceal the fact of early marriage⁵⁷.

The problems of early marriage in Azerbaijan as a country with an Islamic cultural orientation bears the weight of historic tradition.

The research revealed different aspects of the problem of early marriage in Azerbaijani society, summarized below:

- Tendency to connect early marriage with the Islamic religion and to see in it evidence of gender discrimination toward Azerbaijani women;
- Connection of early marriages with the existing patriarchal system based on gender discrimination toward women;
- Existing economic situation, leading to early marriage being spread among rural families with low income;
- Low probability of job placement of country women and high poverty, creating an atmosphere of hopelessness and despair;
- Rigorous regulation of personal behavior by rules of community life limits opportunity to intervene in cases of compulsory marriage;
- Migration of men for earnings, especially from rural areas, causes fear of not getting married at all;
- Acceptability of lowering the country's marital age in legislative acts from 17 to 16;
- Some experts, referring to the experience of Central Asian republics⁵⁸, consider that it is necessary to exclude from the Family Code Article 10.2, which provides for exceptional cases which allow young people to get married before attaining the marital age, because this article makes it possible to misuse the law. During the Soviet period under this article, early marriages were permitted to be contracted only in exceptional cases. "But now some people, referring to this article, give young girls away in marriage, who could not even leave secondary school"⁵⁹.

5.3. Tendencies and indicators of early marriage

Estimating the prevalence of early marriage is an especially complicated subject because of the absence of statistical data in this field. According to the data of the national gender report, "extension of early marriages in the country is taking place, though unobtrusively (meaning any early marital relations). Data of Eurostat and UN Stat show that an analogical situation is

⁵⁶ Interview with a secondary school teacher in Lenkaran

⁵⁷ www.gender-az.org/national_gender_report/research/

⁵⁸ <http://www.24.kg/mediacub/2008/11/19/98337.html>

⁵⁹ Interview with Chair of "Women's Solidarity" Public Union Ruhangiz Huseynova

observed in all CIS countries. Specialists and experts participating in this research consider economic difficulties as the main reason”⁶⁰.

Human rights non-governmental organizations insist that more than 10,000 early marriages were registered in the Republic and their number is increasing every year⁶¹. These figures are neither confirmed nor refuted by state statistics. But interviews with some NGO representatives suggest that research is not always conducted objectively, and is often limited by anecdotal evidence, or retelling of solitary cases. Various public organizations revealed an increase in the number of early marriages among 12-16 year old girls in the Southern regions of the Republic, especially in Jalilabad and Masalli districts, and that the majority of these girls had only a primary education⁶².

According to data of the State Student Admittance Commission, the number of girls among university entrants from Yardimli, Lerik, Jalilabad and Masalli districts belonging to the same Southern region fluctuates from 8% to 33%, while the number of girls among university entrants from Zaqatala, Balaken, and Gakh districts in the North-West part of the Republic is 63-69%⁶³.

This state body confirms that in the Southern districts girls are in a considerable minority among university entrants wishing to get a higher education. For example, only 44 of 518 university entrants in Yardimli were girls⁶⁴. The objective indicator of early marriage is fertility. Early fertility at ages 15-19 increased as a whole in the Republic, while the general fertility, in comparison, decreased within the state in 1980⁶⁵.

CHAPTER SIX

6. Early marriage: situational analysis

6.1. Early marriage and gender stereotype

One of the main goals of the survey was to reveal the attitudes of inhabitants toward the problem of early marriage and the level of public awareness of this problem. Nearly all focus group participants voiced their negative attitude toward early marriage, calling it a social evil and crime against which the state has to fight, and take victims of early marriages under its protection. The following statement of a regional women’s NGO activists reflects the situation more completely: *“It is possible to struggle against early marriage, but only by providing opportunity legally to all women to get everything which they want: enjoyable job, good education, high stable earnings, reasonable prices, but mainly – a normal attitude in the family”*⁶⁶.

No one could formulate the term “early marriage” precisely. 76,2% of the respondents consider the term “early marriage” to comprehend cases where marriage is contracted with the person not

⁶⁰ <http://ru.apa.az/news>, <http://www.azerizv.az/news/a-1116.html>

⁶¹ <http://www.1news.az/society/20090314020646825.html>

⁶² <http://www.azerizv.az/news/a-1116.html>

⁶³ Gender aspects of results of entrance examinations. 2008

⁶⁴ Gender aspects of results of entrance examinations. 2008

⁶⁵ www.gender-az.org/national_gender_report/research/

⁶⁶ Interview in Lenkaran

having attained age 16. “If a person received the passport, he or she has the right either to build his or her own life or to entrust it to the parents”⁶⁷.

The research revealed considerable regional differences in attitude towards early marriage. More familiarity with early marriage cases was demonstrated by respondents from the Astara, Masalli and Lenkaran districts in the South, while in Khudat, in the North, considerably fewer respondents knew about these cases. According to the research results, almost 86.5% of respondents said that the attitude of people closest to them toward early marriage is negative. The number of respondents declining to define their attitude toward early marriage is alarming (8.3%).

Only 59.7% of respondents think that on the whole early marriage should be prohibited, suggesting that society is generally tolerant of early marriage. Every fourth person is sure that early marriage should be allowed only in exceptional cases. 7.9% of respondents spoke openly in support of early marriage and all of them were from rural Southern districts. These data correlate with the following interview statements:

- “Generally, nowadays, early marriages are seen more often. It is widespread in rural areas”⁶⁸.
- “Unfortunately, sometimes we are aware of situations, where people get married who have not yet received their identification card,”⁶⁹.
- “Early marriage is always the case in mountain regions: girls marry at ages 13-16, boys from age 16, but these are marriages between close relatives. During 10 years of my work in the hospital, 127 invalid children with mental illness were registered on the books and all of them were born in early marriages, at that parents had consanguinity”⁷⁰.
- “I conducted a survey among members of our community. Why are there early marriages? Villagers offered the following reasons: remoteness of our villages from the centers of the region; family traditions; and it is possible to come to an agreement between relatives”⁷¹.

39.7% of respondents believe that family financial problems compel them to give daughters in marriage at an early age, and 37.9% of respondents think that this is connected with parents’ fear that the majority of young men leave regions for earnings and opportunities to give daughters in marriage are becoming fewer year by year. Only 22.4% of respondents (17.2% of women and 5.2% of men) explain early marriage by traditional and religious views.

The majority of respondents believe that the optimal marriage age for women is 20 years and for men, 25 years. Gender stereotyping associates the beginning of a woman’s independent life with her getting married. 9% of respondents think that it is possible only at age 35-40, 2% of respondents state that it can occur only after age 40, and 10% are sure that it does not happen at

⁶⁷ Municipality official, Barda, age 45

⁶⁸ habitant of Kurdamir district, age 47

⁶⁹ habitant of Lenkaran district, age 26

⁷⁰ psychiatrist of the regional hospital (Southern region)

⁷¹ deputy director of the secondary school in Astara

all. These answers confirm the sufficiently patriarchal nature of family relations in the regions of Azerbaijan where the beginning of a girl's independent life does not mean her full separation from parents who still keep "ruling leverage" in their hands.

One question in the survey sought to discover factors that strengthen the family. Nearly 69% of all answers identified love and mutual understanding between husband and wife, 15% identified birth of a child, 10% connected solidity of family with sufficient income, and 5% explained everything by joint work and common interests. These figures do not support early marriage, contracted in most cases by parental intervention. Results of the survey confirmed that the decision to contract an early marriage is basically made by parents of minors.

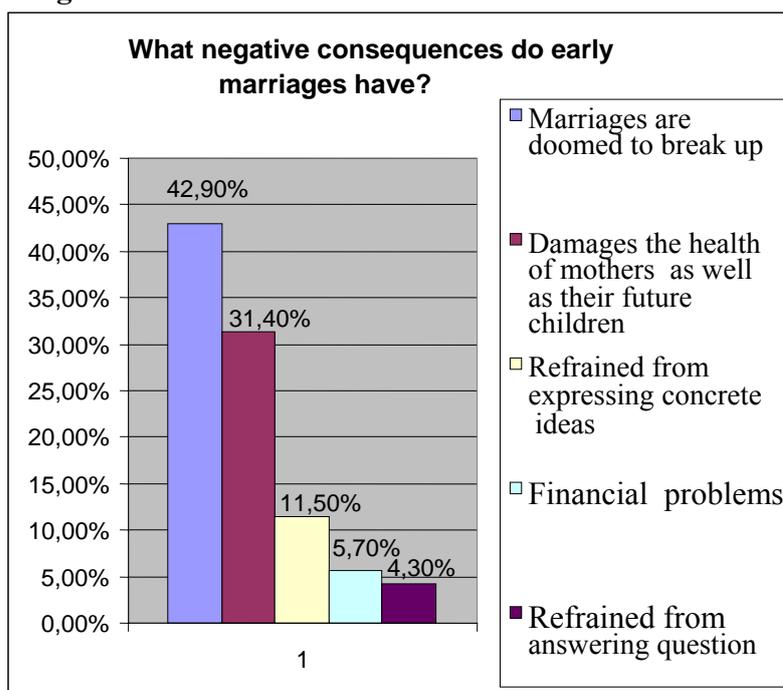
Under-age girls are given in marriage mainly by force. In some cases, parents under pressure by their son marry him before he attains his 18th year. In most cases it is done to avoid problems connected with the young man's sexual activity. In some ways, the practice of early marriage in Azerbaijan is becoming closer to the practice of early sexual intercourse in European countries, where the only difference is that the former is understood as a heritage of conservative Islamic culture and the latter as a product of postindustrial civilization.

6.2. Early marriage and its negative consequences

The overwhelming majority of the respondents were certain that early marriages have negative consequences. 42.9% believed that early marriages are doomed to break up, 31.4% believed that they damage the mother's health and their future children, 11.5% refrained from expressing concrete opinions, saying that any result is possible depending upon the couple's circumstances, 5.7% were sure that such families clash over financial problems, and in these families the woman is completely dependent economically on her husband and (or) his relatives, and 4.3% did not answer the question.

In assessing the negative consequences of early marriage, 25.5% believe that early marriage damages the mother's health, 14.9% believe it damages the health of future children; 23.4% are sure that break-ups occur frequently in such families; and 10.6% think that young people do not understand marital responsibility. Other answers included: death of mothers in childbirth, violation of women's rights because of absence of official registered marriage, violence in family, inability to bring up children, and possible lack of issue.

Diagram 5



Generally, 89.9% of respondents know that early marriages can seriously damage women's health. "Only two girls out of 30 in early marriages could give birth normally in the village Arkivan of the Masalli district"⁷².

"Zeynab, age 14, was taken to the hospital. Her husband was the friend of her father and her senior by 18 years. During the first year of marriage she became pregnant, but due to her immaturity, the first months of her pregnancy were very difficult. The fact that she survived and will have a child is a very good result for such cases"⁷³. In some cases doctors have to perform an operation, as a result of which girls lose the chance to become pregnant again⁷⁴.

Early marriage interrupts a girl's secondary school education, although education is the main factor contributing to women's economic independence and minimizes the occurrence of early marriage cases. Many respondents in Lenkaran emphasized that the problem of early marriage always existed in villages, but in the Soviet period people feared speaking about it. "If a girl does not get married by ages 16-17 in the village, she is already considered an old maid. In Lenkaran, families try to give girls an education"⁷⁵.

Having little education, girls in the best case are doomed to poorly-paid jobs and job placement opportunities for them are very limited. Despite the majority of respondents (89.2%) stating that women should have an education, the threshold of education for girls is seriously low: 32.7% believe that for girls it is satisfactory to have secondary or secondary technical education, while 12,4% think that uncompleted secondary education is adequate for girls.

A schoolmistress who was married early thinks that "psychological problems with the mother-in-law begin for the young daughter-in-law when she marries. Girls are brought up in strict

⁷² www/TURAN/13.03.09/

⁷³ midwife of the maternity hospital in Baku

⁷⁴ Gynaecologist, consultant of Woman Crisis Centre of Azerbaijan Tarana Hasanova

⁷⁵ Shabnam Mahmudova, 26-year old, teacher

obedience to parents' directions and the word of the father is considered an order". But this schoolmistress, who suffered from an early marriage, advocated conducting optional lessons in the school on the topic "*Our mentality – how to overcome obsolete traditions*". The schoolmistress says that in these lessons girls are considerably more active than boys, and they try to assert their rights, especially on education and choice of profession. But there still exists the stereotype which says that "if a girl did not get married early, it means her parents did not ask her to marry for some reason, and parents fearing for the good name of their girl try to give her in marriage early and take her away from the school"⁷⁶.

"If girls marry between ages 15-17, it means that they abandon school and education"⁷⁷. "Girls aged 13-14 years wishing to get married don't think over the consequences of this step, but in several years problems crop up. When they get divorced, different problems arise. One of these is the absence of official marriage registration, which seriously complicates defending their rights"⁷⁸.

The deputy director of a secondary school in the Astara district talks about the problem: "I invited parents and explained that girls should continue their education after the 8th form. But a parent said that a family asked for their daughter in marriage. She said: If I am able to give my daughter in marriage after she leaves secondary school, then I would let her go on to study. After the 8th form many girls simply stop going to school, but parents do not put in an application for withdrawing their daughter from school. The director of our school met the molla and tried to persuade him not to make "kebin". But the molla said there is no prohibition against early marriage in the Koran. My experience shows that parents who have many children frequently give their daughters in marriage, while those who have few children try to give their daughters an education. The psychological factor plays the main role here – parents fear that their daughters will not get married and therefore try to give them in marriage as early as possible"⁷⁹.

One of the important factors in contracting early marriages is the economic migration of young men out of the country. "A great factor in early marriages is the opinion of the population in the Southern regions that if a girl does not get married by age 16, it will not happen at all. The majority of unmarried men in the regions are now in the capital or abroad, making earnings conducive to increasing of the number of girls in early marriages who stay in their villages"⁸⁰.

Research results thus confirm that early marriages create problems not only for separated families, but also problems at the state level. By getting married early, girls often have to give up their education, which is negatively reflected in their status in the family, the labor market, and in society as a whole. In its turn, early pregnancy and birth expose the young girl to serious risks which are reflected in the compromised health of mother and child. The absence of official marriage registration because of the girl's age puts her and her children in a complicated situation when legal protection is requested, because she has no resources. "Because of the girl's age, entering officially into marriage is impossible, so she comes to the husband's family a child, cannot adapt to the new conditions, and as a result the family breaks up and she remains with

⁷⁶ Shabnam Mahmudova, 26-year old, teacher

⁷⁷ <http://www.azerizv.az/news/a-1116.html> representative UNISEF in Azerbaijan Muhammad Alemi

⁷⁸ Head of "Woman and the Contemporary World" NGO Sudaba Shiraliyeva

⁷⁹ Deputy director of village school in Astara

⁸⁰ Chair of "Azerbaijani Children Union" NGO Kamala Aghayeva, <http://open.az/index.php?newsid=7978>

nothing”⁸¹. Thus, research results confirm that early marriages create many problems not only for separate families but also problems at the level of the state, which must undertake to render assistance to socially vulnerable members of the society.

6.3. Counteracting early marriage: the role of state and non-governmental bodies

The State Committee on Problems of Family, Women and Children is the permanently interested representative of the state in preventing early marriages. From February, 2007, the activity of this state body in eliminating the discriminatory practice of early marriage is remarkable. In particular, a series of practical trainings for students on international and national legislation connected with early marriage was conducted at first-rate universities together with the “Gender Research Centre” NGO. The interactive training was held for community members in Masalli, Lenkaran, Yardimli, Lerik, Ganja and Shamkir. An agitation campaign against early marriage took place in Salyan, Neftchala, Dashkesan and Khanlar districts and in city schools in Baku. Large quantities of the colorful booklet “Don’t Take Away Our Childhood!” were issued within the framework of the “21st Century Contrary To Violence Against Women” project.

The state Committee uses visual media to prevent early marriages. Posters and banners, drawing attention to negative consequences of early marriage were placed in the underground and streets of Baku as well as in Lenkaran and Mingechevir cities.

Work conducted by the State Committee with Youth network of compulsorily displaced people in the field of preventing early marriages is well-known. Working in the environment of refugees and compulsorily displaced people is very important, because early marriage cases are more prevalent in this environment. At present, a project on preventing early marriage is actively sponsored by the “Women for Rational Development” NGO in Fizuli, Aghdam and Bilasuvar districts.

With the support of the project by GBV UNPFA, the State Committee in collaboration with the Azerbaijani Gender Information Centre, created a mechanism for coordination and monitoring of efforts of all actors involved in preventing violence against women, one form of which is early marriage. Starting in 2008, the state gives grants to NGOs for realizing social projects. 6 women’s organizations thus far have received financial support for preventing early marriages in rural areas⁸².

International and public organizations have for several years conducted informational and educational work among various strata of the population, inviting them to round-table discussions, conferences, educational trainings and seminars. During the last three years, public organizations realized 46 projects on preventing early marriages with the support of international foundations⁸³. The majority of these projects are in the Southern regions. Thus, both the state and civil sectors are trying to overcome this discriminatory practice.

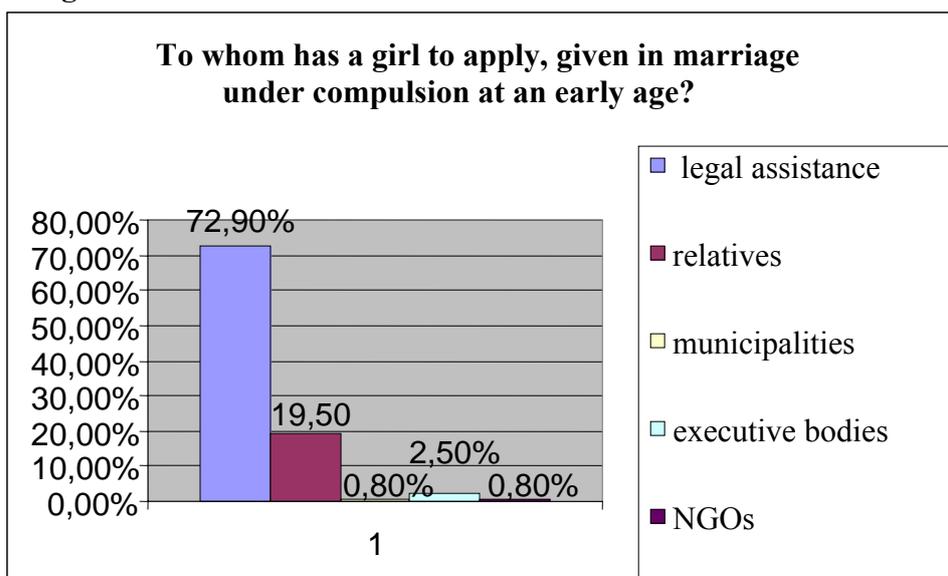
But there is a discrepancy between knowledge and actual practice. To the question “*To whom has a girl to appeal who was given in marriage under compulsion at an early age?*” the respondents answered as follows: The majority of respondents (72.9%) unambiguously considered that in these cases it is obligatory to apply for legal assistance and 19.5% were certain that relatives could solve the problem.

⁸¹ countrywoman in village Muradkhan of Kurdamir district, 53-year old

⁸² www.cssn.gov.az

⁸³ www.gender-az.org.databaseviolence

Diagram 6



To the question, *what measures should be taken in the case of abduction?*, every third respondent said that it is better in this situation to agree on marriage. This is mainly explained by tradition, since the overwhelming majority of families will not bring home a daughter-in-law abducted in the past by another man, even if there was not any sexual intercourse between them. It should be noted that 6% of respondents consider no measures have to be taken in cases of abduction, and 8.5% had not ever thought about it. Nearly all respondents, independent of gender, do not think it possible to hire a lawyer to defend the girl's rights. Help from neighbors, friends, and psychologists are also rejected. Only 0.8% of women exposed violently to early marriage ask for such help. Disaggregating our research data revealed strict gender stereotypes. 34.17% of women believe that the girl should not ask anybody for help. Only 1.4% of respondents were sure that there is no probability of early marriage in their families, and the same number of people said they never thought about it.

Only 2.5% of respondents asked executive bodies for help, but these are the bodies which give permission for early marriage in exceptional cases. Less than 0.5% are ready to apply to local self-government bodies to defend their rights. In the case of compulsion for early marriage, only 0.5% of women would ask public organizations for help and support, indicating an attitude of complete distrust by both men and women toward public organizations.

7. Recommendations

Two interconnected problems come to light: prevention and notification of early marriages.

- Prevention is possible via legislative acts. State bodies should consider early marriage as a discriminatory practice, infringing upon rights and freedoms of Azerbaijani women. It is necessary to amend appropriate legislative acts of the Azerbaijan Republic on the question of the minimum marital age for women in accordance with the Law of the Azerbaijan Republic on the Rights of the Child and Convention on the Rights of the Child, as well as Article 16.2 of the convention concerning elimination of all forms of discrimination regarding women.
- The exact definition of the term “early marriage” needs to be included in the Family Code of the Azerbaijan Republic.

- The validity of “exceptional cases”, allowing marriage registration before attaining the legal age needs to be controlled. We do not support removing Article 10.2 of the Family Code, because it provides legal guarantees for a girl who becomes a victim of some of these circumstances.
- The variants of a specialized package of laws with the aim of creating measures for the defense of girls becoming victims of early marriage needs to be worked out.
- The fact of violence has to be recognized in early marriage. Therefore it is necessary to oversee cases of early marriage victims when developing the legislative basis for organizing state settlements for victims of domestic violence.
- Warnings about early marriages need to be part of the coordinated efforts of various agencies, including: law enforcement agencies, courts, social services, crisis centers, psycho-neurological clinics, public human rights and women’s organizations, and educational institutions.
- Programs of extraordinary and long-term assistance to early marriage victims are urgently needed.
- A system of psychological rehabilitation of early marriage victims needs to be organized.
- Crisis centers for girls who are violated and forced to marry early need to be created.
- RACSs needs to include a system of providing compulsory information about the possibilities of contracting marriage at the time of marriage registration and of providing juridical consultation on this matter.
- It is not possible to change the situation of early marriage only by legislative efforts. A precise and reliable analysis of the situation concerning early marriage in the whole country on the basis of quantitative and qualitative methods is necessary.
- Serious work should be conducted in the field of precaution and rejection of early marriage especially in the youth environment. As long as men and women are not aware that their patriarchal style of life is destructive, they do not see the necessity of making changes in their attitude towards early marriage. Therefore, it is necessary to conduct regular educational work on the problem of early marriages and their consequences among the population through trainings, seminars, and by actively involving the mass media, especially local newspapers, TV and radio programs.
- Special programs on heightening understanding of the importance of early marriage problems in society need to be developed.
- Training materials and campaigns to increase the population’s awareness level about the threats of early marriages need to be developed. State bodies need to initiate effective partnerships with international and local organizations for the prevention of early marriages. Adequate statistical data and indicators could serve as a basis for targeting areas for collaboration between state and non-governmental organizations.