



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
7 August 2009

Original: English

ADVANCE UNEDITED VERSION

**Committee on the Elimination of Discrimination
against Women**
Forty-fourth session
20 July-7 August 2009

Concluding observations of the Committee on the Elimination of Discrimination against Women

Azerbaijan

1. The Committee considered the fourth periodic report of Azerbaijan (CEDAW/C/AZE/4) at its 892nd and 893rd meetings, on 24 July 2009. The Committee's list of issues and questions is contained in CEDAW/C/AZE/Q/4, and the responses of the Government of Azerbaijan are contained in CEDAW/C/AZE/Q/4/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its fourth periodic report, which followed the Committee's former guidelines for the preparation of reports and has taken into account the Committee's previous concluding observations. The Committee also commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee. The Committee also notes with appreciation the information material prepared by the State Committee for Family, Women and Children Affairs related to gender equality distributed to Committee members.

3. The Committee commends the State party for having sent a high-level delegation, headed by the Chairperson of the State Committee for Family, Women and Children Affairs, and which included three deputy ministers, members and specialists from various ministries and Government offices. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

4. The Committee welcomes the acceptance by the State party in May 2008 of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

5. The Committee commends the State party for acceding, in January 2009, to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

6. The Committee welcomes the adoption by the State party of the national plan of action on family and women's issues (2009-2012).

7. The Committee welcomes the adoption, since the consideration of the combined second and third periodic reports, of the following national plans and programmes aimed at combating violence against women, including domestic violence, and trafficking in human beings:

(a) "Complex programme of the Republic of Azerbaijan on combating domestic violence in democratic society" (2007);

(b) "XXI century without violence against women" project (2008-2009), conducted in cooperation with the United Nations Population Fund (UNFPA), addressing domestic violence and early marriages;

(c) The regional United Nations project "Combating gender-based violence in the South Caucasus" (2008);

(d) Project for the elimination of sexual violence among internally displaced persons and refugees (2008);

(e) Awareness-raising campaign on violence against women (2008-2009);

(f) Awareness-raising campaigns on the "Fight against violence and trafficking in human beings" (2007-2009);

(g) Survey on the "Prevalence, roots and consequences of violence against women" (2008).

8. The Committee welcomes the Presidential decree on the reform of the judicial system, which has considerably improved women's access to justice.

9. The Committee notes with appreciation that the second phase of the State programme on poverty reduction and sustainable development (2008-2015) fully incorporates a gender component.

10. The Committee welcomes the affirmative action policy addressing women's unemployment, especially those in need of social protection, and notes in particular the introduction of a quota system targeting mothers of young children, single mothers and mothers of large families, as well as women caring for children with disabilities.

Principal areas of concern and recommendations

11. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon

the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.

Parliament

12. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

Visibility of the Convention and its Optional Protocol

13. The Committee commends the State party for its sustained efforts in the trainings provided to the judiciary on the Convention and its Optional Protocol. The Committee notes, however, that the provisions of the Convention and its Optional Protocol as well as the Committee's general recommendations and the views adopted on individual communications and inquiries, may not be adequately known across all the branches of the Government, including the law enforcement personnel and women themselves.

14. The Committee encourages the State to continue promoting knowledge and understanding of the Convention and gender equality through training programmes on the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications and inquiries, in particular for the legal profession, the police and other law enforcement officials, including Government officials, and political parties. The Committee also recommends the design and implementation of awareness-raising campaigns targeting women, including rural women, in order to raise their knowledge of their rights under the Convention and its Optional Protocol and thus enhance their capacities to claim their rights.

Discriminatory laws

15. The Committee notes with appreciation the information provided by the head of the delegation that the Parliament will consider an amendment of the Family Code at its session in the third quarter of 2009 in order to equalize the minimum legal age for marriage to 18 for both women and men. It remains concerned, however, about the different minimum age of marriage for women and men, which is set at 17 years for women.

16. The Committee urges the State party to speedily enact the amendment to the Family Code in order to equalize the minimum age of marriage for women and men to 18, in accordance with article 16 of the Convention and the Committee's general recommendation No. 21.

Temporary special measures

17. The Committee takes note of the historical reasons put forward by the State party to explain its underutilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, and welcomes the change of the State party's position in that regard, as demonstrated by the inclusion of a specific provision on the application of temporary special measures in the gender equality law. The Committee is, however, concerned that temporary special measures have been underutilized by the State party as a matter of general policy to accelerate the achievement of de facto equality between women and men in all areas of the Convention and to improve the implementation of women's rights, in particular with regard to the participation of women in politics and in decision-making positions. The Committee also notes a lack of clear understanding in the State party of the concept of temporary special measures, as stipulated in article 4, paragraph 1, of the Convention and further explained in the Committee's general recommendation No. 25.

18. The Committee encourages the State party to introduce programmes to familiarize all relevant officials with the concept of temporary special measures, as described in article 4, paragraph 1, of the Convention, and as interpreted in the Committee's general recommendation No. 25. The Committee recommends that the State party adopt temporary special measures in various forms in areas where women are underrepresented or disadvantaged and allocate additional resources where needed to accelerate the advancement of women. The Committee also recommends that the State party broaden the scope of its provision on the application of temporary special measures in order to encourage their use in both the public and private sectors.

Stereotypes, cultural practices

19. The Committee reiterates its concern about the deep-rooted patriarchal attitudes subordinating women and the strong stereotypes regarding their roles and responsibilities in the family and society, which constitutes a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in political life, the labour market, education and other areas.

20. The Committee calls upon the State party to intensify its efforts, in particular in rural areas, to bring about change in the widely accepted attitudes leading to subordination of women and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns targeting, inter alia, community leaders, parents, teachers, officials and young girls and boys, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party continue to encourage the mass media to promote changes in attitude with regard to the roles and responsibilities of women and men such as by promoting non-stereotypical and positive images of women, and the value of gender equality for society as a whole.

Violence against women

21. The Committee commends the various measures undertaken by the State party to raise awareness about and to combat and eliminate violence against women, notes the information provided by the head of the delegation that the draft law on domestic violence will be considered by the Parliament at its session in the third quarter of 2009. The Committee remains concerned about the lengthy process for the adoption of this law and about the prevalence of violence perpetrated against women and girls in Azerbaijan, including domestic violence, and other forms of sexual abuses. The Committee is concerned that such violence appears to be at times socially legitimized by a culture of silence and impunity and is socially accepted. It is also concerned about the lack of sufficient shelters and a comprehensive network of referral and rehabilitation centres for victims of violence. It remains concerned that the definition of rape in the Criminal Code is based on the use of force, rather than lack of consent. The Committee regrets the lack of information regarding convictions and penalties on violence against women and about the lack of statistics provided on the incidence of various forms of violence against women.

22. The Committee urges the State party to accelerate the adoption of the draft law on domestic violence and ensure that it contains provisions pertaining to sexual violence within the family. The Committee requests the State party to continue its efforts in combating violence against women and girls, in particular domestic violence. It recommends that the State party pursues its public awareness campaigns to combat all forms of violence against women through the media and education programmes. It calls upon the State party to ensure that women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and the availability of a sufficient number of adequate shelters in all regions. The Committee recommends that legal aid continue to be made available to all victims of violence, including through the establishment of legal aid clinics, especially in rural areas. It also requests the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers, in order to ensure that they are sensitized to all forms of violence against women and girls and can provide adequate gender-sensitive support to victims. The Committee calls on the State party to amend its Criminal Code. It reiterates its previous recommendations to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention.

Trafficking

23. While welcoming the broad range of measures introduced by the State party to combat human trafficking, including the 2008 order requiring all law enforcement personnel to refer trafficking cases to the anti-trafficking unit, the Committee is concerned about the growth in this phenomenon and the fact that there are insufficient measures to address the main causes of trafficking, especially in the context of the conflict with the neighbouring country. Furthermore, the Committee remains concerned about the lack of shelters for the victims, as well as the stigma these women often face, which may hamper their reintegration into society.

24. **The Committee calls upon the State party to pursue its efforts to ensure that legislation on trafficking is fully enforced and that the action plan and other measures to combat human trafficking are fully implemented and their impact regularly monitored and evaluated. The Committee urges the State party to systematically investigate, prosecute and punish traffickers. Furthermore, it recommends that the State party continue its efforts to ensure the rehabilitation and social integration of victims of trafficking, including through the establishment of additional shelters. In line with its previous recommendation, the Committee calls upon the State party to address the root causes of trafficking, thereby eliminating the vulnerability to exploitation by traffickers.**

Exploitation of prostitution

25. The Committee regrets the limited data on the scope of exploitation of prostitution of women, including with regard to efforts addressing the social and economic factors leading to prostitution and the measures to support women who wish to leave prostitution.

26. **The Committee urges the State party to conduct research on the exploitation of prostitution of women to serve as the basis for comprehensive and targeted intervention. It requests the State party to strengthen measures aimed at addressing the factors driving women and girls into prostitution, to put services in place for the rehabilitation and reintegration into society of women and girls involved in prostitution and to support women who wish to leave prostitution.**

Political participation and participation in public life

27. While noting the organization of meetings and seminars aimed at improving the participation of women in politics, the Committee is concerned that these may not be sufficient to bring a significant change in the proportion of women putting themselves forward as candidates for the upcoming 2009 municipal and 2010 national parliament elections. The Committee remains concerned at the very low participation of women in political and public life, especially their severe underrepresentation in decision-making bodies, including the Parliament, the Government, the diplomatic service, regional and local municipalities and the higher level of judiciary. The Committee regrets the absence of temporary special measures to increase women's participation in political and public life.

28. **The Committee calls on the State party to address the underlying causes of the low participation and underrepresentation of women in political and public life by implementing national awareness-raising campaigns about the importance of women's participation in public and political life, specifically in rural areas. The Committee encourages the State party to consider the use of temporary special measures according to article 4, paragraph 1, of the Convention and the Committee's general recommendations Nos. 25 and 23. It also calls on the State party to establish benchmarks or increased quotas in the application of such measures.**

Education

29. While noting the significant improvement in women's and girls' access to education, the Committee regrets the lack of correlation between women's education level and economic opportunities. The Committee notes with concern that women continue to be concentrated in traditional female education subjects and that they are underrepresented at the decision-making levels in the area of education and in academia as professors, senior lecturers and researchers.

30. The Committee recommends that the State party's education policy include measures to encourage girls and women to seek education and training in non-traditional fields, which may give them access to employment in flourishing areas of the economy. The Committee recommends the State party to consider the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to accelerate women's representation in decision-making positions at all levels of education and to increase the number of women undertaking doctoral studies and holding positions in the highest levels of academia, as research specialists, including in non-traditional fields.

Employment

31. The Committee welcomes the introduction of measures in the employment's strategy of the State party to promote gender equality in the labour market. It remains concerned, however, about the persistence of both vertical and horizontal gender segregation within the labour market, the high unemployment rate of women and the concentration of women in lower-paying sectors, such as health care and education and the informal sector. While welcoming the fact that flexible forms of work for women envisaged in the second stage of the Employment Strategy (2008-2015), it is concerned that the current measures are insufficient to enable women to reconcile their family and professional responsibilities. The Committee expresses particular concern at the persistence of the wage gap, which remains very wide in certain industries, and at the lack of compliance of the provisions contained in the Labour Code and in the Gender Equality Act of 2006 with the principle of equal pay for equal work as set out in article 11 (d) of the Convention.

32. The Committee urges the State party to increase its efforts to eliminate occupational segregation and ensure equal opportunities for women and men in the labour market. It calls upon the State party to continue to adopt temporary special measures in order to ensure de facto equal opportunities at all levels for women in the labour market. The Committee further recommends the adoption and implementation of measures allowing for reconciliation of family and professional responsibilities, including provision of affordable childcare, and that equal sharing of domestic and family tasks between women and men be promoted. The Committee also recommends that the State party bring the Labour Code and the Gender Equality Act into compliance with article 11 of the Convention without delay and duly implement pay equity (equal pay for work of equal value) in line with the Committee's general recommendation No. 13 and the Equal Remuneration Convention (No. 100) of the International Labour Organization. It recommends that a monitoring mechanism be established to ensure the enforcement of the principle of equal pay for work of equal value.

Health care for women

33. While noting the various efforts made by the State party to improve reproductive health care for women, including through the adoption of the national strategy on reproductive and sexual health (2008-2015) and the State programme for the protection of mother and child health (2006-2010), the Committee remains concerned at the insufficient access to adequate general health-care services and reproductive health-care services for women, especially for those living in rural and remote areas, and internally displaced and refugee women. In particular, the Committee is gravely concerned about the high and increasing rate of maternal mortality in the State party. It is alarmed by the steep decrease in the use of contraceptives since the international community suspended the supply in 2004 and by the consequent rise in the rate of abortions, which appears to be the most widespread method of family planning within the State party.

34. The Committee recommends that the State party continue to take all appropriate measures to improve women's access to general health care and to reproductive health-care services in particular. It calls on the State party to prioritize decreasing maternal mortality rates by establishing adequate obstetric delivery services run by qualified medical personnel and by providing adequate prenatal care to all women. The Committee recommends that family planning and reproductive health education be widely promoted and targeted at girls and boys, with special attention being paid to the prevention of sexually transmitted diseases and HIV/AIDS. The Committee also recommends that the State party implement its undertaking to include a comprehensive range of contraceptives in the basic list of medicines of the Ministry of Health.

Vulnerable groups of women

35. While welcoming all the measures undertaken by the State party to improve the situation of vulnerable groups of women, the Committee remains concerned about the situation of girls and women in rural areas in terms of their access to adequate access to justice, health care, education, credit facilities and community services.

36. The Committee recommends that the State party continue to pursue its efforts in promoting gender equality through its national development plans and policies. It recommends that the State party modify existing gender-role stereotypes through awareness-raising campaigns targeted at community and religious leaders, teachers, parents, girls and boys. The State party is also encouraged to enhance the participation of rural women in decision-making at the local, regional and national levels through training. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto situation of rural women of all ages in the areas of land ownership, income-generating activities, health and education, and the concrete measures taken by the State party in that respect, including results achieved.

37. The Committee welcomes the State programme on the improvement of living conditions and on increasing the employment of refugees and internally displaced persons, as well as the fact that the 2007 complex programme on combating domestic violence in democratic society includes a broad range of measures targeting refugees and internally displaced persons. The Committee further

welcomes the information provided by the State party concerning the decrease of the poverty rate among internally displaced persons, the improvement in their living conditions and the reduction in their unemployment rate, with refugees and internally displaced women provided with jobs and resettled in fully equipped new settlements. The Committee remains concerned that refugee and internally displaced women and girls remain in a vulnerable and marginalized situation, especially in rural areas, with regard to access to education, employment, health, including psychosocial support, and housing. It is further concerned at the limited involvement and consultation of internally displaced women in the planning and implementation of the policies and programmes addressing their needs.

38. The Committee reiterates its previous recommendation that the State party continue the implementation of targeted measures for refugee women and girls and internally displaced women and girls, with specific timetables, to improve access to education, employment, health and housing and to monitor their implementation. It recommends that the State party fully implement the recommendations made by the Representative of the Secretary-General on the human rights of internally displaced persons requesting the State party to ensure the timely consultations of internally displaced persons during the next phase of rehabilitation of urban collective centres, paying particular attention to the full participation of women as a means of empowerment. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report.

Family relations

39. The Committee is concerned at the persistence of early and unregistered religious marriages in the State party and the lack of statistical data in this area.

40. The Committee urges the State party to continue to implement awareness-raising campaigns and work with religious authorities in order to prevent early marriages and to ensure that all marriages are properly registered. The Committee reiterates its previous recommendation that the State party include in its next report information on marriages in Azerbaijan of girls under 18 and on religious or traditional marriages, including their prevalence and trends over time, and their legal status.

Data collection and analysis

41. While acknowledging the efforts of the State party to improve its data collection with the assistance of the United Nations Population Fund in the area of violence against women, the Committee regrets that the report contains insufficient statistical information on the situation of women in all areas covered by the Convention was insufficient.

42. The Committee calls upon the State party to strengthen its system of data collection, including the use of measurable indicators to assess trends in the situation of women and progress towards women's de facto equality. It invites the State party, if necessary, to seek international assistance for the development of such data-collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of policy and programmatic measures and the results achieved.

Preparation of next report

43. The Committee encourages the State party to establish an ongoing process of regular consultation and collaboration with non-governmental organizations on matters relating to the implementation of the Convention. The Committee also recommends that the State party engage in ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality, including in regard to the follow-up to the Committee's concluding comments and in the preparation of future reports.

Beijing Declaration and the Platform for Action

44. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, adopted at the Fourth World Conference on Women, held in Beijing in 1995, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

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

Ratification of other treaties

46. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the State party to ratify the treaty to which it is not yet a party, namely, the International Convention for the Protection of All Persons from Enforced Disappearance.

Dissemination of the concluding observations

47. The Committee requests the wide dissemination in the State party of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Follow-up to concluding observations

48. The Committee requests the State party to provide, within one year, written information on the steps undertaken to implement the recommendations contained in paragraphs 16 and 22 above.

Technical Assistance

49. The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Development Programme, the United Nations Development Fund for Women, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights, the Statistics Division and the Division for the Advancement of Women in the Department of Economic and Social Affairs of the Secretariat.

Date of next report

50. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic reports by 9 August 2013.
