



**INSTITUTE OF THE COMMISSIONER FOR HUMAN  
RIGHTS OF THE REPUBLIC OF AZERBAIJAN**

**Complementary Report to the Committee on the Elimination of  
Discrimination Against Women**

**BAKU 2014**

## **Introduction**

The Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention) is a powerful instrument for articulating, advocating and monitoring women's human rights. The Institute of the Commissioner for Human Rights of the Republic of Azerbaijan have a very important role in making the Convention an instrument of women's empowerment, through advocacy and monitoring their government's implementation of the treaty.

Along with the government, the Commissioner prepared complementary reports on the implementation of the recommendations of the CEDAW Committee, CRC Committee as well as regarding to the Universal Periodic Review (UPR) and submitted them to the appropriate UN agencies. In this regard, the Commissioner plays an important role in assisting the Government in the implementation of the UN conventions, declarations, protocols and treaties.

The Complementary Report on the activity of the Commissioner for Human Rights (Ombudsman) to the fifth periodic report of the Republic of Azerbaijan on the Elimination of All Forms of Discrimination against Women (hereinafter the "present Report") was prepared in accordance with the issues and recommendations raised in the Concluding Comments of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) during the consideration of the fourth periodic report of the Republic of Azerbaijan (hereinafter the "previous Report") and covers the developments on elimination of discrimination against women and gender equality during the period 2008–2014.

The present Report has been prepared in a regular consultation with Civil Society Organizations (CSOs), Non Governmental Organizations (NGOs), our other partners and stakeholders.

## **Article 1 - Definition of “discrimination against women”**

As a National human rights institution provides trainings to law enforcement officials on how seriously they should treat cases of discrimination against women and the protection they should provide to the victims. With relevant Ministries and civil society organizations, the Commissioner works for establishment of refuge centres for the victims of domestic violence as well as the provision of possibility for victims to acquire a skill and profession to become financially self-sufficient and help victims to have access to justice. The Commissioner appointed focal points to proactively play a leading role in reforming the legal, institutional and policy frameworks, to better protect women from all forms of violence.

The Commissioner carries out the work on promotion of gender equality. In this regard the Commissioner pays special attention to the enlightenment activities among women of various regions, including settlements of ethnic minorities, IDPs and refugees. It is important to mention that the Institute implemented awareness raising activities in order to increase the participation of women in election as well as in decision-making process.

The Commissioner made her contribution to the development of the domestic Law. The Commissioner participated in the discussions on the Law on Domestic Violence lobbying at the country Parliament and submitted numerous recommendations on its improvement. As a result, the law was finally adopted in the year of 2010. The Commissioner prepared the proposals on developing the mechanisms for implementing the above-mentioned law as well as changes and amendments to the Criminal Code and Criminal Procedure Code.

## **Article 2-Core obligations of States Parties to eliminate discrimination against women**

The Commissioner for Human Rights (Ombudsman) carries out sufficient role in promoting and protecting international human rights norms at national level. This role has been highlighted by the United Nations treaty bodies, special procedures, and through the active participation of national human rights institutions, namely those accredited “A” status at the Human Rights Council sessions and its universal periodic review process.

The Constitution of Azerbaijan guarantees equality and rights for all citizens; Article 25 specifically prohibits any restriction of these rights on the grounds of

gender. Principles contained in the Employment Code, the Penal Code and the Marriage and Family Code all stem from the Constitution, thereby further sanctioning equal rights and freedoms for men and women. As legislation in Azerbaijan is prepared in accordance with international standards, this allows the courts and other competent bodies to make direct reference to Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. Besides, in October 2006, the state approved the Law “On Gender Equality”, which defines gender-based discrimination as any distinction, exclusion or restriction exercised on the basis of gender, including sexual harassment. This law is aimed at ensuring gender equality in Azerbaijan and increasing women’s status in the society.

It should be mentioned that in order to implement the Law “On Gender Equality” the special mechanisms are prepared by state bodies, the State Committee for Family, Women and Children Affairs as well as the Commissioner for Human Rights. In this regard, it is thought that one of the effective mechanisms can be the conduction of awareness-raising work among women and men living in remote areas, IDP and refugee settlements as well as at schools, facilities of higher education and workplaces. The Commissioner considers that these activities should raise women’s participation in elections as well as in political, economical, social and cultural spheres. High attention should also be paid to the promotion of national and international legislation on women’s rights as well as gender equality among the population. Moreover, establishment of numerous free legal consultations in regions of the country will be beneficial for reaching the aim of attaining gender equality. Furthermore, the activities on provision of reproductive rights of women should be continued and carried out through high quality services as well as educational trainings. All of these recommendations are presented to the state bodies in the annual reports of the Commissioner and sounded at the country Parliament Session.

At the same time, strengthening of the cooperation between the Commissioner, state bodies, NGOs and international organizations leads to improvement of existing mechanisms as well as preparation of new ones.

The Commissioner has appointed special advisor on women’s rights and gender equality within the Institute. Under the guidance of the Special Advisor a working group consisting of Institute’s staff members was conducted.

Our working group focuses its activities in four areas:

- Women and governance: developing women's leadership capacity and equal participation with men;
- Women and economic development: developing women's capabilities to successfully operate small and medium sized businesses and to increase women's proportion of leading positions in public and private companies;
- Women and violence: ending domestic violence and other criminal assaults against women, as well as violence against women as an instrument of war;
- Women, peace and security: bolstering women's participation in peace negotiations, post-conflict reconstruction.

### **Article 3- Development and Advancement of women**

The Commissioner carries out the work on promotion of gender equality. In this regard the Commissioner pays special attention to the enlightenment activities among women of various regions, including settlements of IDPs and refugees. It is important to mention that the Institute implemented awareness raising activities in order to increase the participation of women in election as well as in decision-making process. The representation of women in the National Parliament has increased from 11% (13 deputies out of 125) in the 2005 elections to 16% in the last elections of 2010 (20 women out of 125 deputies).

In order to coordinate the work on the protection of women's' rights, upon the relevant instructions of the Commissioner it was appointed the counselor among the Institute's staff members.

The Commissioner proposed to create crisis centers for women victims of human trafficking or domestic violence, wandering around the streets and looking for shelter as well as to establish asylums for women deprived of permanent place of live as well as for those who were released from prisons.

The Commissioner paid attention to the situation of women facing domestic violence, being subjected to degrading treatment and suffering from severe psychological state.

The Commissioner and the Institute's staff members pay regular visits to women living in various country towns and districts, communities as well as those detained in the Penitentiary Service No.4 of the Ministry of Justice, conduct

awareness-raising activities among them, get acquainted with their problems and take measures on the restoration of their rights. Considering that mother and family health as well as the protection of right to health of mothers and babies are among national priority issues and included in the Millennium Development Goals the Commissioner attracted the attention of state bodies, non-governmental organizations, deputies, various UN agencies and mass media to these issues.

During meetings with women conducted within the frame of public hearings, their appeals on social and domestic problems were heard and educational work on such topics as increasing their political activity, effective use of the right to vote and to be elected, expressing personal will following the principles of imitativeness and voluntariness. Also, the efforts were made on the achieving sufficient influence of women's integration to the society and public life to the process of democratic development.

In order to effectively prevent the spread of infectious diseases the Commissioner addressed the appropriate bodies with the recommendations on the linking of the work of relevant structures, state agencies and NGOs, provision of free medical, psychological and legal aid, creation of hotline service and preparation of special programs on professional training of social employees.

The Commissioner investigates individual cases of violence against women, consult victims as well as address appropriate state agencies for finding solution for the problems. During investigations, the Commissioner reveals new statistical information that helps to define roots of the problem of violence in Azerbaijan and its various aspects. In the result such knowledge helps to find out the problems in the best way, discover necessary and effective solutions as well as provide relevant recommendations to the government on the issue.

#### **Article 4-Temporary Special measures**

The Commissioner facilitates the implementation of the recommendations on fulfillment of the Convention on the Elimination of Discrimination against Women. The Institute studies the situation on provision of females with equal rights, reveals main problems, submits appropriate proposals to the government and assists women in solution of their difficulties.

## **Article 5. Stereotypes and cultural practices and violence against women**

In all enlightenment activities one of the main goals of the Commissioner has been to change wrong stereotypes degrading women and preventing them from enjoying equal rights. This issue is raised not only in round-table discussions with NGOs and state agencies, but mainly during awareness-raising activities conducted among population.

According to the recommendations of the CEDAW Committee (paragraph 20 of Concluding Observations), the Commissioner has focused its awareness-raising and educational campaigns in all regions and districts in the Republic of Azerbaijan. Assessment of the current situation in community and measures to achieve gender equality, woman rights, woman education, issues of woman health and the position of women in governance and public life in general is under attention of Commissioner. Office of the Commissioner has appointed an advisor a consultant specializing in gender equality in the matter of woman rights protection, analysis of legislation, investigation of problems, survey, and international experience.

Moreover, the Commissioner has lectured students of Baku State University on the topic of “The concept of human rights”, “Gender and equal opportunities”, “International and national legislation on gender equality”, “Cultural, Economic and social aspects of gender etc.

Furthermore, training courses are organized for trade union cadres and activists in the Academy of Labor and Social Relations. Representatives of relevant government agencies are giving information and necessary theoretical knowledge to participants on human rights, labour law, social welfare, legislation relating to trade unions, equality of rights between men and women, gender equality, women's rights in international documentation and national legislation. Co-workers of Ombudsman's Office are also invited to access these courses on a regular basis in front of the audience. It should be mentioned that there is a close cooperation between the aforesaid Academy and the Ombudsman's office.

## **Article 6- Trafficking in women and exploitation of prostitution**

In accordance with the paragraph 24 of the CEDAW Committee concluding observations, the Commissioner has taken intense steps regarding better implementation of the anti-trafficking legislation.

The Commissioner addressed the government with the recommendations to sign the European Convention against Child Sexual Exploitation and Abuse. Moreover, the Commissioner proposed to create special Committee on family, women, children issues within the Parliament in order to protect and promote interests of these groups of the population.

Along with other issues of human rights provision, the Commissioner for Human Rights of the Republic of Azerbaijan always pays special attention to the problems of migrants and protection of their rights. The Commissioner builds her activities in the sphere of migrants' rights protection in accordance with international treaties and local legislation. Since the establishment of the Institute, the Commissioner has implemented various activities for ensuring and promoting migrants' rights.

First of all, it should be stated that the Commissioner's Office, as an Institute responsible for the protection of human rights, continuously receives numerous complaints from people whose rights are violated, including migrants. People of various ages and social groups, including stateless persons submit complaints to the Commissioner describing their problems and asking for assistance. Those complaints are covering such problems as the protection of dignity, rights to fair trial, protection of labor health, violation of the rights to education and others. In order to effectively investigate such kind of issues the Commissioner appointed specialized advisor on protection of rights of refugees, IDPs and migrants. The advisor and other staff members assist in preparation of proposals to concerning state bodies on the basis of monitoring of investigated complaints as well as conduct appropriate information for including to the Commissioner's annual reports.

Moreover, the Commissioner conducts various meetings, interactive discussions and conferences on migrants' rights. The most recent among them were the round table on the topic "Protection of Rights of Migrants in Azerbaijan: problems and perspectives" devoted to the 10<sup>th</sup> anniversary of adherence to the Convention on Protection of Rights of All Migrant Workers and Members of Their Families" and December 18 – International Migrants Day as well as meetings with the representatives of PACE and UNHCR. A special emphasis should be made on the IX International Ombudsmen Conference on "Ethnic Minorities and Migrants: Legal Aspects and Implementation". Upon the Commissioner's initiative the Conference was held in Baku from 16 to 18 June 2011 and it was dedicated to 18 June – National Human Rights' Day in Azerbaijan, the 20<sup>th</sup> anniversary of the



state independence of the Republic of Azerbaijan, 45th anniversary of the adoption of the International Covenants on Civil and Political Rights as well as on Economic, Social and Cultural rights. The aim of the Conference was to discuss existing problems and obstacles to the full realization of human rights of migrants and national minorities, with a special focus on women, youth and children as well as vulnerable groups in Azerbaijan, including refugees, internally displaced persons (IDPs), persons with disabilities, people living with HIV/AIDS, etc.

Furthermore, the Commissioner and Institute's staff members hold monitoring in the temporary detention places of the Department against Trafficking of the Ministry of Internal Affairs, the Department against Illegal Migration within the Head Office of the Passport, Registration and Migration of the Ministry of Internal Affairs. During visits, representatives of the Ombudsman meet with inmates, get acquainted with their detention conditions and documents confirming the legal basis of their detention as well as explain them their rights. The administration of the facilities are given appropriate recommendations on improvement of the detention conditions.

The mutual cooperation was built with the Ombudspersons of different countries in connection with solution of problems of foreigners migrated to Azerbaijan, stateless persons, as well as citizens emigrated from Azerbaijan. Bilateral agreements on cooperation were signed with Ombudspersons of ten foreign countries upon the initiative of the Commissioner. As a result of these agreements violated rights of both our compatriots in foreign countries and of foreigners in our Republic and also of those migrated from Azerbaijan are being restored, as well as exchange of experience and joint discussions are carried out.

### **Article 7-Participation in public and political life**

Women's political rights are vital to securing and retaining all other rights. Women who have a voice can transform their lives. One thing can be said of all Ombudsmen: more and more, countries look to you as builders of democracy, promotion of independent and effective justice and rule of law, and defenders of human rights. The Commissioner takes full advantage of this role, even in the most well-established of democracies, and focus on three critical priorities: i) first, to be a strong champion to end violence against girls and women; ii) second, to advocate for women's economic opportunities, and especially for equal pay for equal work,

and iii) finally, to promote women's political leadership through the adoption of temporary special measures.

The Commissioner work hard in the area of protecting women's human rights, including the right to education, employment, health and family planning, early marriages and violence against women, social security, participation in decision-making processes, etc. It is remarkable that "Azerbaijan: Vision 2020", the first national strategic plan which provides a conceptual framework for sustainable development policies over the next 6 years, has a specific reference for promotion of gender equality. This illustrates the political will to ensure that the challenges encountered by women and girls are not overlooked and the principles of respect for human dignity and equality of all are strictly adhered to.

Although there is still no legislation on gender budgeting, the Commissioner continues lobbying the project on its adoption and implementation.

The main aim of the project will be introducing gender budget and gender quotas in Azerbaijan and laying down the foundation for their further development in the country. Among the goals of the project are:

- to analyze and reveal main problems in the sphere of gender equality in Azerbaijan;
- to conduct advocacy among government structures for development and further adoption of legislation on gender budget and gender quotas as well as starting its implementation;
- to unite efforts of civil society organization on advocacy on gender budget and gender quotas;
- to enlighten the population on gender equality and increase the capacity of women as well as their political activity.

Taking into account that active representation of women in politics and decision making positions will attract more attention to women's problems and better contribute to the solution of the issue, the Commissioner organizes trainings on rights to vote and participation in elections, thus motivating women be actively involved. Such events cover all districts of the country, including the settlements of the IDPs and refugees.

## **Article 8- Representation of women at the international level**

One of the best practices of the Commissioner is the collaboration with international organizations. The Commissioner maintains relations with the UNDP, UNFPA, UNICEF, UNAIDS and the NHRIs of other countries. By means of these organizations and institutes, the Commissioner learns the international experience on provision of reproductive rights and prevention of maternal mortality and morbidity, the legislation adopted in other countries, actions carried out and mechanisms implemented. The Commissioner periodically meets with the UNDP, UNICEF and UNFPA national offices' directors and discusses a variety of matters on human rights in order to further improving of the status of women.

## **Article 9 – Nationality**

No changes have been observed regarding citizenship issues in the Republic of Azerbaijan since the last periodic report.

## **Article 10- Education**

The Commissioner has always attached special importance to the implementation of the right to education.

The Commissioner is one of the key players in developing a comprehensive human rights education programme to raise awareness among women of their rights and also raise awareness among others of the rights of women. For this the institute cooperates with the media as well as the press to campaign against women's discrimination highlighting equality between men and women. The campaign can concentrate each time on one for the rights enumerated in the CEDAW. The Commissioner was involved in preparation of the State report and also submitted complementary reports to UN treaty bodies. She actively interacts with the relevant national authorities for the revision of domestic laws to comply with provisions of CEDAW. The Commissioner ensured integration and mainstreaming of women's rights in all legislation and Governments' programs. The Institute disseminates information on domestic legislation and its impact on women, and provide simplified guidelines on how to use and file cases before the justice system, as well as disseminate information on regional and international human rights mechanisms, including their activities regarding protection of women's rights.

Commissioner and the members of the staff along with members of civil society organize educational seminars and workshops for women living in country regions and rural area. As a result, thousands of women are getting access to information about their rights, and their participation in society is increasing.

The Commissioner and the Institute's staff also conduct awareness-raising campaigns and activities among the population, particularly women (Complying with the provision 14 of the A/HRC/RES/14/12). These include month-long and week-long enlightenment campaigns aimed at the promotion and protection of women and girl children's rights. Within these campaigns numerous roundtable discussions, trainings, and meetings are held with the involvement of the population itself, state bodies, NGOs, local executive bodies as well as mass media. During visits to the country regions, trainings, discussions and meetings with different groups of population, including women among refugees and IDPs, woman headed families, young widows and orphans of war victims and war martyrs, women which suffered from natural and manmade disasters are conducted.

The Commissioner and the Institute's staff learn the problems of people, including the cases of violence, and explain them the rights which are provided to them by the legislation, such international conventions as CEDAW, CRC and oth.

In 2001, with the support of the Commissioner the Resource Center for Old Women was established within the Azerbaijan Women and Development Center. The main purpose of this center is to provide moral support to old people, solving their physical, psychological and health problems as well as organize their leisure time. Mainly, lonely women from IDPs and refugees settlements and families of victims of war are attracted to these center. In this resource center, special experts voluntarily provide psychological trainings and medical consultations to the elderly. Moreover, upon the initiative of the Commissioner celebration, holidays and other cultural events are conducted within the center with involvement of state officials and different NGOs. The center helps aged women to feel that they are not lonely, but surrounded by the support, care and attention.

The Draft State Program on ageing was worked out, attracting other governmental bodies and presented to the government for approving.

## **Article 11- Employment**

Key principles guaranteeing equal rights for men and women in employment and labor such as the right to work, the choice of profession, the wages and safe working conditions, approved by legislative system of the country: Constitution, Labor Code and Law on Equal rights and Opportunities. The Azerbaijan Constitution, Article 154/16 says that all employees regardless sex, age and other have the right to equal benefits for their work and this benefit should not be less than minimum wage established by the government. Azerbaijan also joined and ratified several Conventions prohibiting discrimination based on gender and one of them is ratified in 2004 ILO Convention on Equal Remuneration and also on Employment and Occupation. Article 9 of Labor Code confirms right of employees to improve their professional skills and get new knowledge.

Among the main areas of concerns of the Commissioner there are:

- Women's representation, status of their rights in labor market as well as issue of equal benefit;
- Growing number of self-employed women and lack of information about their number, status, work conditions, safety and benefits;
- Spreading of sexual harassment and gender discrimination issues in hiring and promotion processes in private and state enterprises including education sphere;
- Lack of gender based policies and mechanisms to prevent gender based discrimination and promote women in state and private enterprises
- The law on equal rights for women and men does not provide any penal provisions nor does not refer to already existing normative legal documents in case of sexual harassment
- Lack of sufficient attention of NGOs, state and media to issues relevant to status of women in labor market
- Growing patriarchal tendencies and problems connected to economic crisis directly influence on number and status of women in labor market

It is very important to stress the activity on this sphere of the Working group on Business and Human Rights consisting of the corresponding state bodies and NGOs and created at the Commissioner's initiative in 2013 successfully continues. The meeting of the group on Business and Women's rights was launched in the Ombudsman Office. The parliamentarians, relevant state authorities, entrepreneurs and NGOs participated in the event.

In the opening ceremony the Commissioner underlined the significance of increasing competitiveness of women at labor market, developing woman entrepreneurship, involving them to vocational trainings, creating equal opportunities, provision of women entrepreneurs with specific privileges, promotion of women at work and nomination to the administrative positions, holding targeted awareness events with the population, business bodies and corresponding state bodies, preparing and dispensing the relevant publications.

Alike, in Commissioner's view, it is necessary to advance legislation related to women in the business environment taking into consideration international experience, guiding principles and rules on business and human rights.

Overall, the group is going to prioritize the issues of deep studying of international legal documents, building effective bilateral cooperation with relevant state bodies and drawing attention of those state authorities to the existed challenges.

## **Article 12 -Women and access to health care services**

Since the adoption of the Millennium Development Goals (MDGs) in the UN Summit of 2000, numerous activities were implemented and positive achievements were gained for reaching the MDGs in Azerbaijan. In order to achieve MDG 5 (improvement of maternal health), various measures were taken by the Institute of the Commissioner for Human Rights of the Republic of Azerbaijan. The work carried out exemplifies effective practice for decreasing the rate of maternal mortality and morbidity in the country.

First, upon the initiative of the Commissioner, the work on the law on "Protection of Reproductive Rights and Family Planning" was launched. With the view of promoting the adoption of this law the Commissioner organized round table discussions dedicated to the given legislation as well as meetings for lobbying purpose with participation of parliamentarians, representatives of appropriate state agencies, UNICEF Baku Office, healthcare services, NGOs and mass media. Although the law has not been adopted yet, the Commissioner continuously emphasizes the importance of establishing legal basis for protection of reproductive health, provision of services on family planning organizing community based services and implementation of the reproductive rights. Stressing the importance of breastfeeding as the best way in bringing up healthy children, the Commissioner has made sufficient proposals on the adoption as well as

implementation of the law on “Nutrition of Infants and Young Children”. In addition, in order to improve the situation of reproductive rights in the country, the Commissioner regularly submits recommendations to the Parliament, Cabinet of Ministers and other state agencies. The recommendations cover such issues as adoption and improvement of the legislation regarding reproductive rights; collection of appropriate statistic on maternal mortality and morbidity; expansion of educational work on reproductive health and family planning (especially among refugees, IDPs, and habitants of rural areas of the country); development of healthcare services for mothers and infants; strengthening the cooperation between relevant state agencies as well as NGOs, cooperation with appropriate UN treaty bodies.

The Ombudsman Institute as NHRI cooperates with the Ministry of Health, especially in connection with reproductive health of adolescents. The Commissioner together with the Ministry’s Department on Combating HIV/AIDS has conducted trainings in Baku and regions, informed the population about AIDS and other sexually transmitted diseases, organized special trainings for teenagers and youth at secondary and boarding schools as well as at the orphanages, disseminated prepared placards, posters, brochures, and spread the information in collaboration with authorities, NGOs, TV and mass media.

With the aim to support the campaign of the Council of Europe on combating violence against children started at the end of the previous year upon the initiative of the Commissioner the discussions on violence against children, early marriage etc.

The Commissioner regularly organizes conferences, round-table discussions and other events on reproductive rights, reproductive health, importance of family planning as well as prevention of HIV/AIDS, STDs and drug abuse. Parliamentarians, representatives of state agencies, NGOs, international organizations, and mass media take part in these events. Such meetings raise attention to the above-mentioned issues, produce useful recommendations, further improve implementation mechanisms of the appropriate legislations as well as national strategies, and unify efforts of relevant structures on the provision of reproductive rights.

Special importance should be attached to the conduction of the VII<sup>th</sup> Baku International Conference of Ombudsmen titled “Bioethics, human rights and new technologies: legal and ethic aspects of reproductive health and family planning”

and devoted to June 18 – Human Rights Day in Azerbaijan and 200<sup>th</sup> anniversary of the Ombudsman Institution was held in Baku jointly with support of UNESCO from June 17 – 19, 2009. The conference has gathered the Ombudsmen from all over the world and contributed to the strengthening of their cooperation. The Conference covered such subject as bioethics and the protection of human rights and dignity in the field of biomedicine, realization of principles of the UNESCO Universal Declaration on Bioethics and Human Rights in CIS countries, national legislations of the CIS Member-States in the field of bioethics, bioethical problems of reproductive health, ethical aspects of transplantation of human organs, etc. Moreover, two seminars were organized within the event. First seminar gave the participants, specialists in the field of medicine and bioethics, the opportunity to get acquainted with the experience of the most active national bioethics committees, to share knowledge about new technologies, to discuss the issues regarding the protection of human rights and dignity in the context of the modern bioethics as well as practical steps for establishing local ethics committees in the Republic of Azerbaijan. The Second seminar gathered the NHRI, ombudspersons and experts in the field of human rights and raised for the discussion the new institutions and mechanisms of the protection of human rights. At the end of the conference, Baku declaration was adopted by the participants. Improvement of the collaboration with the country Parliament, and relevant bodies, as well with NGOs for more efficient protection of human rights in relation to bioethics, realization of joint projects with universal and regional international organizations including National Human Rights Institutions were reflected in the Declaration. The document stressed the necessity of improvement of science, modern technologies and biomedicine, provision of respect to human rights in the context of biomedical researches, promotion of ethic norms and standard envisaged in international legal acts on human rights. International experts and Ombudsmen appreciated positively innovative activity and initiatives of the Azerbaijani Ombudsman in human rights sphere.

During trips to regions, the Commissioner as well as members of the Institute staff held meetings and trainings with the population, including women of reproductive age, for informing them on reproductive health, contraception, family planning, significance of breastfeeding, as well as on HIV/AIDS and ways of its prevention. A special emphasize was made on the informing of attendants about the negative consequences of early marriage for the health of future mother and called population to eliminate such cases. At these meetings, the Commissioner had



numerous conversations with women which let her learn their problems regarding reproductive health, family planning and infants feeding. These trainings and meetings covered various strata of the population, especially IDPs, refugees, young families, representatives of ethnic minorities and people living in rural and boarding areas, as well as different educational facilities. The regional centers of the Commissioner are also successful in organization of trainings for local women, provision them with free consultations and sending complaints to the Head Office. Besides, the Commissioner regularly invites the UN experts to regional offices for conduction of events on human rights, including reproductive rights.

### **Article 13- Equality in economic life**

Among the recommendations submitted by the Commissioner to the state, the proposals on expanding budget allocations for needs of women and their development were included. Such allocations are necessary for conducting Programmes to prevent violence against women, raising their potential, providing them with relevant services, expanding their education as well as skills.

The Commissioner conducts awareness –raising campaigns in the regions for the development of knowledge and skills of women entrepreneurs

On 12 February 2014, there was launched a meeting of the Working Group (WG) on Business and Human Rights created at the Ombudsman Office devoted to “Child Rights and Business Principles”. Head of the UNICEF country office, corresponding state authorities and NGOs participated at the event.

In the opening ceremony, there was given broad information about the aim and duties of the WG, activities done in last year, priority issues, UN documents on business and human rights, including UN Global Compact, UN Guiding Principles on Business and Human Rights approved by the Human Rights Council, Edinburg Declaration determining activities of the NHRIs in this field, related child rights provisions enshrined in the Constitution of the country, National Action Program dated 27 December 2011, “Azerbaijan 2020: Outlook into future” Development Concept, bilateral cooperation of the Ombudsman Office with the UNICEF and joint projects carried out.

At the meeting, there were made presentations on “State Policy in Protection of Child Rights” and “Peculiarities of Involvement of Juveniles to Labor” by several

state authorities. The meeting was continued in interactive discussions of different NGOs as well. The future activity priorities such as studying related international documents, building bilateral cooperation with relevant international organizations and exchanging best practices, raising and organization of awareness work of the entrepreneurs on existed national legal acts on protection of child rights and dispensing the necessary legal publications among them were identified.

#### **Article 14- Rural women**

As it is seen from the report the Commissioner has always paid special attention to ensuring rights of rural women.

First, Commissioner's regional centers should be mentioned. Besides the chief Office, regional centers of the Commissioner for Human Rights were established in four regions of the Republic of Azerbaijan: in Guba (covering 6 districts), Shaki (covering 7 districts) Jalilabad (covering 8 districts), and in Ganja (covering 12 districts) since July, 2007 with the financial support of the UNDP. These centers simplified the process of appeal to the Commissioner, saved the citizens from overcoming long distances, and paying for the post and travel expenses. On the other hand, establishment of the centers created an opportunity to reduce the period of investigation of the complaints, to get the necessary documents and the responses to the Commissioner's inquiries from the relevant bodies in the shortest time, to hold prompt investigation in regions and to raise the efficiency of legal enlightenment of people.

Also, complying with the resolution A/HRC/RES/14/12 (provisions 12 and 19), for implementation of the National Action Plan on Human Rights the Commissioner's Institute functions at the position of an independent monitoring mechanism. As the best practice incorporated to promotion and monitoring of the NAP was public hearings carried out in 58 districts of the country. The conduction of these hearings encouraged people, including women, to express their opinions and proposals freely, serve for strengthening the belief that all people have equal rights, providing freedom of speech, expression and assembly, as well as improving the democratic governance. The hearings ensured the cooperation with all groups of population based on national priorities and their participation in development processes. At the same time, during the public hearings the complaints were investigated, the problems were brought to the attention of concerning state agencies, and in a lot of cases the problems were immediately solved on the spot.

Moreover, during the public hearings with participation of local authorities, police departments, representatives of the competent judicial authorities and local communities, regional assets, regional offices and non-governmental organizations invited by the initiative of Commissioner - women's issues are heard and solved often at the same time. All these are recognized as a positive experience and best practice in activity of Ombudsman by the international organizations.

Upon the initiative of the Commissioner a series of trainings on women's rights and constraints were organized with the participation of representatives of regional centers, rural women, women from IDP and refugee settlements, NGOs and local communities. The women exposed to violation of their rights, especially violence, were provided with legal consultations during these events. Furthermore, complying with the resolution, the Institute and its regional centers encourage women to be active in political life of the country.

### **Article 15- Equality before the law**

As a NPM (in accordance with the provisions 1, 7, 8 of the resolution A/HRC/RES/14/12), the Commissioner carried out various activities among enforcement agencies, judicial, detention places, correctional, prison, and security officials and others. The Commissioner and the Institute's staff numerous times visited detention places of women, got acquainted with the detainment conditions, held personal conversations, interested in issues of violence against prisoners and conducted several enlightenment activities on women's rights. The special attention was paid to the position of detained disabled and elderly women. Afterwards, the Institute addressed the administrations of the detention facilities with appropriate recommendations on improvement the situation of the detained women. In order to ensure effective protection of prisoners' rights, the Commissioner and the Institute representatives deliver lectures to staff members of the prisons and the police on the interpretation of the national, regional and international documents on human rights, European minimal standards on human rights as well as on the treatment of prisoners and people suffered from the mental and psychiatric deceases. The Commissioner advertises the Law on Gender Equality as well as Law on the Domestic violence at these meetings, explain the targeted people their Human Rights.

According to the Article 33.2 of the UN Convention on the Rights of Persons with Disabilities, the States Parties shall maintain, one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the Convention. For fulfillment of these obligations, the recommendations of NGOs covering disabled people and representatives of state bodies were taken into account and the Commissioner was designated as an independent monitoring mechanism on protection of the rights of persons with disabilities, assisting regularly women with special needs in resolving of their problems with accommodation, education, health, employment, wages as well as family issues.

The part of the recommendations put forward with regard of the second report of the Government of Azerbaijan on the UPR at the UN HRC session on April 30, 2013, was about ensuring of women's rights and gender equality.

Regular consultations and interactive discussions are carried out with participation of representatives of the UN OHCHR, as well as state agencies, civil society in order to evaluate the measures undertaken in implementation of the recommendations and for discussion of the tasks regarding different clusters. One of such events carried out by the Commissioner was devoted to women's rights.

### **Article 16- Discrimination in marriage and family relations**

Upon examining the Fourth periodic report of the Republic of Azerbaijan to the CEDAW Committee, the Commissioner recommended to the Government enact the amendment to the Family Code in order to equalize the minimum age of marriage for women and men to 18. Recommendations of the CEDAW Committee and the Law of the Republic of Azerbaijan "On Amendments to the Family Code" was adopted in November. In accordance with the Article 10, the minimum age of marriage is set 18 for both women and men.

Special attention should be paid to the problems of early marriages, unofficial marriages without state registration, growing number of divorces, as well as registration of childbirth, especially in the rural districts.

Ombudsman proposed to establish the State Alimony Fund for support of women and children in the incomplete families.

Also, while drafting the Laws on Guarantees of Gender Equality (2006) as well as on Prevention of domestic Violence (2010), the Commissioner submitted appropriate comments and recommendations to the parliament and participated at debates of these draft laws.

Moreover, stressing the importance of breastfeeding as the best way in bringing up healthy children, the Commissioner has made sufficient proposals on the adoption as well as implementation of the law on “Nutrition of Infants and Young Children”. She also participated in drafting of the Law on the Reproductive Health, also organized special events for its discussing with participation of the parliamentarians as well as of the numerous NGOs and woman leaders for public awareness.

Her recommendation was also to strengthen the capacities of habitants of the country cities and rural districts for legal education and community based services on the spot.

## **Recommendations**

1. To prepare and retrain social workers (working with victims of domestic and sexual violence)
2. To adopt a law on sexual harassment and to make the necessary amendments to the Labor Code provisions for the criminalization of sexual harassment at the workplace.
3. To strengthen measures on investigation and punishment for sexual harassment in the workplaces, educational sphere and adopt an appropriate legislation
4. Adjust the national legislation according to Law on equal rights and opportunities
5. Promote gender policy and quota for women's representation in decision-making and in staff, in the workplace in state and private sectors
6. Initiate awareness raising campaigns and education programs targeting the whole population including representatives of state and private sectors, promoting women's rights for employment and equal treatment issues;
7. To conduct regularly investigations and researches in order to learn the level of spreading, causes and consequences of all forms of discrimination and violence against women, including domestic violence.