



ISSUES OF DISCRIMINATION IN WIDOWHOOD IN AZERBAIJAN

THAT REQUIRE ADDRESSING IN THE CONTEXT OF THE CEDAW

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WPD hopes that this report will assist the Committee in its examination of the Government of Azerbaijan’s report on its implementation and compliance with the articles of the Convention.

As in many countries, especially those in conflict and post conflict situations, the status of their widows – and wives of those forcibly disappeared or missing – is often ignored. Yet it is widows and their children, particularly their daughters, who so often suffer the most discrimination, direct and indirect, and this discrimination, resulting in extreme poverty, marginalisation, and exposure to violence, requires visibility so that it can be addressed by governments.

The Government has inadequately addressed this situation in its current report to the CEDAW Committee. WPD hopes that this brief submission will assist the Committee in its consideration of Azerbaijan’s State Report during its 60th Session.

1. The history of Azerbaijan in the last decades has been scarred by events such as the fight for independence from the Soviet dominion, with its high toll of civilian casualties due to punitive operations, and the Armenian-Azerbaijani Nagorno Karabakh conflict, characterized by mass expulsions, full-scale military operations and the Xocali genocide.¹ Historical events are among the factors influencing the incidence of widowhood in the country. According to the most recent data collected by the State Statistics Committee, related to the decade from 1999 to 2009, the number of widows in Azerbaijan was of **379.510** out of a population of 9.054.000. Despite this being a considerable number, no mention to widows is made by the Government in any of the paragraphs of the present Report (CEDAW/C/AZE/5).

→ The Government should be required to **specifically take into consideration widows' situation**, and to **include them among the vulnerable groups** mentioned in the paragraph of its Report dealing with "State policy for Internally Displaced Persons."²

2. Article 16 of the CEDAW calls State Parties to "*take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations*". Moreover, it states that "*The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*" **Early marriages** are still a reality in Azerbaijan. Several measures have been taken by the Government to face this issue. First of all, in November 2011 the Family Code was amended in order to equalize the age of consent to marriage and to bring it to 18 for both men and women.³ Accordingly, the Criminal Code was emended and early marriages and forced marriages are now prohibited and considered as a crime prosecuted under the Criminal Code of the Republic of Azerbaijan. Sanctions to those offences have been increased. Research studies have been carried out and raising awareness initiatives have been undertaken.⁴ The issue of early marriages appears to be thus seriously tackled; however, it still exists, and it influences the number of widows present in the country and their living conditions. Indeed, as the Government itself recognized in its Report, early marriages and childbearing within early marriages result in **girls losing "opportunities for education and personal freedoms as compared to boys of the same age"**,⁵ especially in the regions, thus affecting their adult lives and their capacity of being economically independent. These, together with **health problems**

¹ HRI/CORE/AZE/2008, parr. 10-19.

² CEDAW/C/AZE/5, Article 2, par. 6; Article 16, par. 179.

³ CEDAW/C/AZE/5, Article 2, par. 1. b.

⁴ CEDAW/C/AZE/5, Article 5(a), par. 27; Article 10, parr. 84-85.

⁵ CEDAW/C/AZE/5, Article 2, par. 1. c; Article 10, par. 79.

due to early childbearing and with the **loss of opportunities to access to the labour market and consequently to the pension system**, are issues that need to be dealt with, because they have an influence not only on women's lives, but also on the lives of their children and on the entire society.

→ The Government should be called to illustrate the practical results of the initiatives it has undertaken so far to face **early marriages**. Particular attention should be devoted to regions where **religious and traditional marriages** are still common, leaving women with no legal protection because of lack of registration. The effectiveness of sanctions against those who make early marriages possible should be a topic of consideration too: taking into account the strength of traditional costumes in some communities, the punishment against those who commit this crime seem to not to have been effective enough, and should be strengthened.

→ The Government should be asked to explain which measures have been undertaken to **ensure to girls equal rights with boys in the field of education** (Article 10 of the CEDAW), to face the issue of girls early dropping out of school and to **improve their socio-economic conditions**, so that they would not be pushed into considering entering into early marriages as their only option.

3. Despite the fact that Article 34 of the Constitution guarantees the equality of rights and duties of husband and wife in family relations, **patriarchal attitudes and stereotypes** regarding the roles of women and men in the family and in society are still deep-rooted in Azerbaijan.⁶ **Family relations and stereotypes are the cause of many of the forms of discrimination widows experience, especially in rural contexts**. Widows are denied access to many opportunities, especially for what concerns access to property, education and jobs, and thus they are exposed to higher risks of poverty and of being victims of domestic violence and trafficking.

→ The Government should be asked to specify if and how it implements Articles 1 and 2 of the CEDAW and ensures that its officials are trained to implement assistance policies without discriminating against widows. It should report on the measures undertaken so far to implement the principle of **equality of rights** between men and women and to face all kind of discrimination, including discrimination that finds its root in patriarchal cultural identity.

→ The Government should explain how it is implementing Article 5 of the CEDAW, which requires State Parties to modify the **social and cultural patterns** of conduct of men and women in order to eliminate prejudices which are based on the idea of the

⁶ CEDAW/C/AZE/CO/4, par. 19; W/C/AZE/Q/5, par. 6.

inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. It should be asked to clarify what its efforts are to prevent widows from being victim of **stereotypes and patriarchal attitudes** that impede the full enjoyment of their rights and freedoms.

→ The Government should report on the condition of widows in rural areas and the measures undertaken to guarantee they can fully enjoy their rights. It should describe what measures it has put in place to implement Article 14 of the CEDAW, which requires all countries to ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities, and social equity schemes.

4. Article 29 of the Constitution recognizes equal right to own **property** for women and men, and the land reform process has guaranteed equal distribution of **land** to eligible men and women.⁷ Consequently, a significant number of women have gained access to land. Despite this fact, on average **widows experience difficulties in the access to property and inheritance, due to its belonging to the husband's family.**

→ The Government should be called to explain which measures have been put into practice to enhance and ensure women and men's **equal access to land, property and inheritance**, according to Articles 15 and 16 of the CEDAW.

5. According to Article 16 of the Labour Code, it is prohibited to give way to any discrimination between the employees in labor relations for their family status. However, as underlined by the Government in its Report,⁸ *"limited ownership of property, stereotypes against business women, traditional dependence of women on the family"* still constitute challenges in Azerbaijan. **Although there are no formal prohibitions for widows to have access to jobs, family relations often represent an obstacle.** For example, due to moral reasons, they are often limited in their freedom of movement because they are required to be accompanied by male relatives, and this limit their ability to work, especially in rural areas. Lack of access to the labour market implies lack of access to the pension system, and consequently an extreme dependence on husbands and husbands' families. The difficulty widows experience in accessing to jobs adds itself to the fact that *"the average monthly wages of women constitute about*

⁷ CEDAW/C/AZE/5, Article 15, par 169; Article 14, par. 166.

⁸ CEDAW/C/AZE/5, Article 13, par. 154.

50-58% of average wages of men”, a gap that is acknowledged and dealt with by the Government,⁹ but still constitutes a cause of poverty risk for women.

→ The Government should be asked to explain how it is guaranteeing widows’ rights to work, to equal employment opportunities and freedom of choice, to equal remuneration and benefits, to social security (Article 11 of the CEDAW).

→ The Government should be held responsible to comply with Article 6 of the CEDAW and impede that widow’s **copng strategies** lead them and their families towards illegality, exploitation, marginalization and extreme poverty; both material and psychological support strategies are to be taken into account.

WPD thanks the Committee for inviting it to submit this report. Please contact us if you require any further information.

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⁹ CEDAW/C/AZE/5, Article 11, par. 88.