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## **ALTERNATIVE REPORT**

### **ON THE COMPLIANCE OF THE AZERBAIJAN REPUBLIC WITH THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

60th session of the Committee on Elimination of All Forms of Discrimination Against Women  
(16 February – 06 March 2015)

**This report was prepared  
by the Human Rights Center of Azerbaijan (AIHMM)**

**(Unedited version)**

## INTRODUCTION

The alternative report on implementation of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was prepared by the Human Rights Center of Azerbaijan (HRCA) to express its attitude towards the issues covered by 5<sup>th</sup> periodic report of Azerbaijan Republic (CEDAW/C/AZE/4).

The AIHMM is a non-governmental human rights organization (NGO) established in April 1993, registered in 1999 and engaged in monitoring of human rights situation in Azerbaijan. It has submitted NGO alternative reports to several UN Treaty Bodies in the past: to CEDAW (1998, 2007, 2009), to CAT (1999, 2003, 2009), to CCPR (2001), to CESCR (2004) and to CERD (2005). It also contributed to the UPR (2009, 2013).

The AIHMM is a national league of FIDH and OMCT, the international human rights NGOs with a consultative status with ECOSOC.

This report comprises article-by-article information on the observance by the Azerbaijan Republic of the requirements of the Convention on Elimination of All Forms of Discrimination Against Women. It is a continuation of the previous report submitted by the HRCA in 2009, and therefore includes only recent events and trends. It covers both positive and negative aspects of the situation of women in Azerbaijan Republic from the point of view of civil society and protection of human rights.

Where that is not indicated specially, the source of information is the State Statistical Committee.

The additional information is available at the AIHMM.

## General information on Azerbaijan



**Area:** 86.6 thousand sq. Km (33,774 square miles), about 16% under foreign occupation

**Population:** 9.477,1 Mln (2014), 53,2% reside in urban areas, 46,8% in rural areas. 606,362 (6,4%) are IDPs from Nagorno-Karabakh.

**Birth rate:** 18,6 births/1,000 population (2013)

**Death rate:** 5.8 deaths/1,000 population (2007)

**Sex ratio (male/female):** men 49,7%, women 50,3% (1011 women per 1000 men)

**Median age:** 32,6 years (2013)

**Life expectancy at birth:** 74.4 years, including 71.9 for males, 76.8 for females (2013),

**Labor force:** 4757,8 thsd (2014)

**Economic indicators:** Per capita GDP: \$ 15,725 (2014)

**Population below poverty rate:** 5,3% (2014, Labour Ministry)

**Ethnic groups:** Azeri 91.6%, Lezghin 2.0%, Russian 1.3%, Armenian 1.3%, Talyshes – 1,3%, other 2.5% (2009 census)

**Religion:** Majority of population (97.4%) is Muslim, of them approximately 70% Shi'a and 30% Sunni

**Conflict situations:** undeclared war with Armenia since 1988 over Nagorno-Karabakh region; unresolved division of Caspian Sea with Turkmenistan and Iran; incomplete delimitation of borders with Russia and Georgia.

## ARTICLE-BY-ARTICLE INFORMATION

### Articles 1-3 (Legislation)

Since previous report, the Parliament adopted several important legislative acts related the issue of gender discrimination.

The Presidential Decrees of 6 February 2009 and 24 July 2014 approved the National Action Plans of the Republic of Azerbaijan on Struggle against Human Trafficking for 2009-2013 and 2014-2018 respectively.

The Law of the Republic of Azerbaijan “On Prevention of Domestic Violence” was adopted on 22 June 2010. It defined a term “domestic violence” as “a deliberate infliction of physical and moral damage by persons to others, covered under this Law, caused by abuse of close relative relations, current or past cohabitation” and introduces the asylums for its victims.

The Cabinet of Ministers subsequently issued a number of decisions. These included: “Regulations on the Preventive Registration of Persons [who] Committed Domestic Violence and Conducting Educational and Remedial Procedure for them” (19 December 2011); “Regulations on the Establishment and Operation of a Databank on Domestic Violence” (19 December 2011); “Regulations on the Grievance Procedure in the Absence of Criminal Elements in Complaints on Domestic Violence” (24 February 2012); and “Decision of the Cabinet of Ministers of Azerbaijan on Approval of "Regulations on the Activity of Domestic Violence Victims Assistance Centres" and "Regulations for the Accreditation of Non-public Aid Centres to Help Domestic Violence Victims"”(25 April 2012). This final decision contained two appendices: “Regulations on Activity of Aid Centres for Victims of Domestic Violence” and “Regulations on the Accreditation of Non-governmental Aid Centres for Victims of Domestic Violence”.

On 24 June 2011, a law “On Amendments to the Civil Procedural Code of the Republic of Azerbaijan” was passed. It stipulated the order in which cases relating to the issue of long-term protection orders for victims of domestic violence should be reviewed, relative to other types of special proceedings. It also added a new Chapter 40-1 – “Proceeding order in the case of issuing a long-term protection order for the victim of domestic violence” – to the current Civil Procedural Code.

On 31 May 2011, the Parliament strengthened a punishment for “sexual relations and other actions of sexual nature with the person who has not reached of age 16” and excluded from the relevant Article 152 of Criminal Code the alternative to imprisonment (limitation of liberty).

On 15 November 2011, the Parliament amended the Family Code and established the equal marriage age for men and women (18 years).

On 27 December 2011, the President decreed the National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan. The decree includes 13 gender-related activities. The same decree appointed a woman (the Ombudsman Mrs. Elmira Suleymanova) as a head of the Working Group for coordination of the implementation of the National Program for Action.

However, the principle of gender equality and respect for the women’s rights are neglected in the practice.

One of the systemic problems of our legislation is an issue of practical implementation of decisions of the CEDAW and other UN Treaty Bodies on individual communications of Azerbaijani citizens.

The domestic law does not provide any relevant machinery, and rare UN TB decisions still are not implemented by Azerbaijan.

The concept of electronic government includes an establishment and developing the websites of the state institutions. In this connection, the content of website of the State Committee on Family, Women and Children's Issues ([scfwca.gov.az](http://scfwca.gov.az)) needs to be improved, in particular its mirror in English. It is inappropriate that the website have no texts of CEDAW and Protocols in the state language (Azeri).

#### **Article 4** (temporary special measures)

The Article 3.2 of the Law "On enforcement of gender equality" provides the conditions of the "positive discrimination" of men like special protection of women during pregnancy, childbirth and nursing; compulsory military service prescribed by the law exclusively for men; legally fixed different retirement ages for women and men; requirements for safety at the work applicable to women aimed at protecting the women's health owing to their physiological properties; special temporally measures foreseen in the law, aimed at insurance of the equal social status of men and women; imposition of different sentences and imprisonment regimes based on person's gender specific work or services which can be performed only by woman or by man.

For example, the women who have 3 and more children and cared them until 8-years age can claim for pension in 45 years. There are special programs for protection of reproductive health of the women in absence of any programs for men, etc.

However, such policy has formal character. E.g., the female prisoners enjoy a different regime in penitentiary institutions; however the director of only women's prison is a man.

The Government does not accept any other measures on accelerating de facto equality between men and women. Excluding a female head of the State Committee on Family, Women and Children's Issues, all 37 other ministers are men, even in the Ministries of Public Health or Education where majority of employees are women. This situation does not change since the previous report. The specific statistics demonstrate the lack of real advance of women in any fields of political, social and economical life.

In the country with extremely centralized administration, the appointment of women at the leading positions in the Government cannot be a serious problem. Therefore only explanation why the women do not occupy equal position in the management of state structures is a prejudiced human resources policy of country leadership.

#### **Article 5** (social and cultural patterns)

One of the gaps in proper understanding of the common responsibility of men and women in the development of their children, is a mass evasion of the separated fathers from a payment of maintenance. According to the Ministry of Justice, there were 52.467 of requests for maintenance in 2014, and only 4.416 of them were closed during the year. The law-enforcement agencies are searching 1.997 people for evasion from payment of maintenance. The relevant Article 306 of Criminal Code provides a range of punishments, from the fine in amount of 1000 to 3000 AZN (\$1 = 0,78 AZN) to 2 years of correctional works or up to 3-years imprisonment. Last years, the courts request in such cases a prohibition of exit from Azerbaijan. That has an effect, because about 80% of such men temporarily work and live abroad (according to MP Elmira Akhundova).

#### **Article 6** (Trafficking in women and prostitution)

Trafficking in women. Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Azerbaijani men and boys are subjected to conditions of forced labor in Russia and in Azerbaijan. Women and children from Azerbaijan are subjected to sex trafficking within the country and in the United Arab Emirates, Turkey, Russia, and Iran.<sup>1</sup>

Azerbaijan is a party of the convention on “Struggling against the trafficking in persons and exploitation of prostitution by 3rd persons” since 31 May 1996, convention on “Struggling against Transnational Organized Crime” and additional protocol on “Prevention, eradication and punishment of human trafficking, especially women and child trafficking” since December 12, 2000.

Only in 2004, after long years of denial of the problem of trafficking, Azerbaijan adopted “The National Action Plan (NAP) for Struggling against Human Trafficking”. The next NAPs for 2009-2013 and 2014-2018 were adopted on 6 February 2009 and 24 July 2014 respectively.

Consequently, a number of laws and other legal norms against trafficking were adopted. In particular, the Law No.274 “On struggle against trafficking in human beings” was approved on August 4, 2005. That became the legal basis of current struggle against the traffickers, mainly by the Ministry of Internal Affairs (MIA) where is the Main Department on the struggle against trafficking.

The trafficking in human beings shall be punished under the Articles 144-1 CrC (Trafficking in persons), 144-2 (Forced labor), 316-1 (Spreading of confidential information about a victim of trafficking in persons). In some cases, there can be also applied the related Articles 144 (kidnapping), 145 (illegal deprivation of liberty), 149 (rape), 150 (forcible acts of sexual nature), etc.

The government reported 10 sex trafficking investigations in 2012, compared with 17 sex trafficking investigations in 2011. Twelve individuals were prosecuted for sex trafficking crimes in 2012 (20 people in 2011) and 12 sex trafficking offenders were convicted in 2012 (10 people in 2011). Six of these 12 criminals were imprisoned, while 5 offenders got suspended sentences. Comparing with the past period, we can see that it is a general trend from very begin of application of Law “On struggle against trafficking in human beings”. For example, in 2006, 155 traffickers were convicted, and only 48 of them (31%) were imprisoned.

Although the Article 13 of the Law of Azerbaijan Republic on Combat against Trafficking in Persons provides for establishment of shelters for temporary accommodation of victims of trafficking, only one shelter has been founded by the Ministry of Internal Affairs and only those persons, who have been recognized as an injured party in the criminal cases opened by investigation agencies, are placed into that shelter.<sup>2</sup> Before the end of trial, the victims are in vulnerable situation being harassed by the criminals and family members. In 2012, the government certified only 36 women as sex trafficking victims (29 victims in 2011). Ministry of Internal Affairs has own shelter. The victims of TIP receive a single allowance of 400 AZN.

The prostitution itself is not considered as crime and punished as an administrative offence under the Article 308 Code of Administrative Offences by the fine of 80 to 100 AZN. As additional punishment, the female prostitutes are forcibly placed in the guarded venereal clinics for medical examination. Evasion from the medical treatment of AIDS and venereal diseases also is punishable by fine at the basis of the Articles 61-63 of the Code. The premeditated infection by these diseases is punishable under the Articles 139 and 140 of Criminal Code (CrC).

The exploitation of prostitution at the national level is punishable under the Articles 243 (involvement into prostitution) and 244 (maintenance of brothels) CrC.

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<sup>1</sup> US Department of State. Trafficking in Persons Report 2013. Source: <http://www.state.gov/documents/organization/210738.pdf>

<sup>2</sup> NAHTAZ report 2008, source: [http://www.nahtaz.org/doc/Report\\_on\\_TIP\\_for\\_2008.doc](http://www.nahtaz.org/doc/Report_on_TIP_for_2008.doc)

According to most civil society groups in Azerbaijan, “corruption and lack of training among low-level law enforcement impedes overall anti-trafficking efforts. Although some judges handed down sufficient sentences during the reporting period, the judiciary remains one of the weakest anti-trafficking actors in Azerbaijan, due to inadequate training and corruption”.<sup>3</sup>

The soft sentences are usually explained by authorities by the difficult social conditions of traffickers, many of whom are from the families of participants of Karabakhi war and have the children in their care.<sup>4</sup> Among the managers of brothels often are old persons over 60 who consequently are soon released by the ways of pardon or amnesty. That means that criminals effectively use the gaps in the judicial practice.

The victims are not protected victims in courtrooms, are subjected to verbal abuse and stigmatization by judges and media. Some victims are often penalized solely for unlawful acts they committed as a direct result of being trafficked. As a result, few victims elect to testify against their traffickers.<sup>5</sup>

## **Article 7** (Participation in political and public life)

### *(a) Participation in elections*

The women of Azerbaijan have the right to vote since 1907 and the right to be elected to Parliament since 1918.

During the Parliamentary elections in 2010, five electoral blocs and six political parties nominated female candidates. Of 20 women nominated by YAP, 19 were registered (17.1 per cent of all registered YAP candidates). The majority of female contestants were registered as independent candidates (59 per cent of all women candidates). In general, the women represented just 13 per cent of contestants (98 out of 743).

In the election administration, only 4 of 18 members of Central Electoral Commission were women, while only three of the 125 Constituency Electoral Commissions were chaired by a woman. In Precinct Electoral Commissions, the women accounted for 60%, but only 25% of PECs were chaired by women.

In result of elections, the women got 20 of 125 seats (16%, in comparison to 10,7% in 2000). After one of female MPs was excluded from Parliament, there are 19 women and 103 men (15,6% women).

The gender misbalance in the state elected bodies is programmed already at the level of political parties. Women’s participation in political life is generally limited. Only one of 50-60 political parties is lead by woman. Commenting this situation, the OSCE election monitoring mission noted that “women remained under-represented as candidates and in the higher levels of the election administration... A genuine effort should be made by political parties to increase the number of women in senior positions within their executive and administrative bodies. Parliament and state authorities should create the necessary conditions to promote and facilitate the inclusion of women in top government posts and in the higher levels of the election administration.”<sup>6</sup>

The European Court of Human Rights (ECHR) passed the decision on the inadmissibility of

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<sup>3</sup> US Department of State. Trafficking in Persons Report 2008.

<sup>4</sup> Quotation of the officer of the MIA Main Department on Struggle against trafficking Tahir Aslanov by *Zerkalo* newspaper, 07.04.2009.

<sup>5</sup> US Department of State. Trafficking in Persons Report 2008.

<sup>6</sup> OSCE/ODIHR Election Observation Mission Final Report: <http://www.osce.org/odihr/75073?download=true>

application of *Khadija Shirinova v. Azerbaijan* (no. 31876/11, 12 November 2013, dec.), who had been a candidate for MP in 2010. As for previous Parliamentary elections (2005), the Court adopted positive judgments on the case *Flora Kerimova v. Azerbaijan* (no. 20799/06, 30 September 2010) – candidate for MP, and *Surayya Tahirova v. Azerbaijan* (no. 47137/07, 03 October 2013) – participant of post-election protests.

The gender statistics on the municipal elections on December 23, 2014 yet is not published, but about 30% of candidates were the women. That is comparable with 27% female members of municipal councils after the previous municipal elections in December 2009, 27. In 2010-2014, 18% of the chairpersons of councils were women.

*(b) Participation in the governance*

There is only one woman (2.6%) out of 38 ministers and heads of State committees, who kept the position of chairwoman of the State Committee on Women's Issues, and only 3 Vice-Ministers.

In 2013, the women occupied 27,8% positions in the public administration system and took in this field of activity 67,2% (in 2007 - 80.8%) salaries of men. Distribution of employees holding the civil service positions by sex demonstrates the obvious gender misbalance. So, administrative posts according to superior 3 classifications are occupied by 304 women and 803 men (27,5%); 4–7 classifications: 4738 women and 17851 men (21%); supplementary posts of public service: 3202 women and 2812 men (53,2%). Among the women with 4-7 classifications, only 718 women (15,2%) occupy the leading positions of heads of division, deputy heads of division and heads of sector, the rests work as consultants.

In Azerbaijan are 59 regions, 11 cities and 1 autonomous republic. All the heads of regional executive power are men. There are 44 deputy heads of local executive authority (i.e. even not in every region).

*(c) Participation in non-governmental organizations and associations*

There are approximately 200 non-governmental women's organizations dealing with promotion and protection of women's rights.<sup>7</sup>

National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, adopted on 27 December 2011, provides that state institutions have to cooperate with local non-governmental organizations in implementation of the document (Actions 1.2, 2.12, 2.18, 3.2, 4.1, 5.2, 6.3).

However, the formal recognition of role of non-governmental organizations (NGO) was accompanied by the policy directed to strengthen control over domestic NGOs and representations of foreign NGOs by the state as well as de facto to outlaw the non-registered NGOs. The attention to the issue is well-illustrated by the fact that in 2010-2014, the Parliament and President adopted the changes in the legislation on NGO, grants and taxation on 12 February 2010, 13 April 2010, 07 March 2012, 15 February 2013, 17 December 2013, 17 March 2014, 17 October 2014, 28 October 2014, i.e. every several months.

The amendments raise barriers to the establishment of NGOs; introduce additional administrative requirements and increased checks as well as more problematic registration procedures; raise barriers to activities and operations; and restrict access to resources. More severe sanctions and penalties are also introduced for those acting in contravention of such or other legal obligations

As result of changed legislation, about 20 NGOs are prosecuted, and six civil society activists

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<sup>7</sup> Statement of Head of the State Committee on Family, Women and Children Issues, AzerTAG, 20 October 2014.



including one woman were arrested for alleged financial offences (a director of the Institute of Peace and Democracy, Mrs. Leyla Yunus). Some activists escaped from Azerbaijan. Absence of approval by a state bodies of already agreed grant contracts de facto froze the activities of well-known NGOs, including the women's ones, e.g. Azerbaijani Association of Protection of Women's Rights named after D.Aliyeva which successfully acted since 1989; Women's Society "Tomris", etc. "in general, the enhanced state supervision of NGOs seems to reflect a very paternalistic approach towards NGOs and calls again for sound justification. The same holds for new and enhanced penalties that can be imposed upon NGOs even for rather minor offences. Globally, the cumulative effect of those stringent requirements, in addition to the wide discretion given to the executive authorities regarding the registration, operation and funding of NGOs, is likely to have a chilling effect on the civil society, especially on those associations that are devoted to key issues such as human rights, democracy and the rule of law. Like the Council of Europe Commissioner on Human Rights has, the Venice Commission finds that the amendments, in an overall assessment, "further restrict the operations of NGOs in Azerbaijan".

#### **Article 8 (representation at the international level)**

There are over 80 missions to international organizations, embassies and general consulates of Azerbaijan, and no one are led by women.

In the delegation of Azerbaijan in the Parliamentary Assembly of the Council of Europe (PACE), one of 6 representatives as well as two substitute are women.

#### **Article 9 (nationality)**

On May 30, 2014, the Law "On Citizenship of the Republic of Azerbaijan" was amended. Now, the citizen of Azerbaijan who acquired the citizenship of another country is deprived a citizenship of Azerbaijan. If the citizen does not notify relevant executive authority about that in written form within one month, s/he will bear responsibility in a way envisaged by Criminal Code. That can affect at the situation of women who acquired a second citizenship of her husband.

The law also changed the approach to the citizenship of children born at the territory of Azerbaijan. If previously that gave an absolute right of the child for Azerbaijani citizenship, now the child of two citizens of Azerbaijan or two apatrids can be considered as a citizen of Azerbaijan Republic.

#### **Article 10 (education and career)**

According to the census of 2009, educational attainment of the women aged 15 and over is 99,7%.

However, the detailed statistics demonstrates that the literacy level of women is gradually dropping. In 1995 the balance of girls and boys among the schoolchildren was close to the natural one – 50,8% versus 49.2%, but in 2000, the girls constituted 48.44% , in 2007 – 47,5% of pupils. In 2013/2014 academic year, the girls constituted only 46% of pupils of the general educational institutions (schools).

There were 47,9% girls among the pupils of the primary vocational educational institutions. That means that a part of girls do not visited the formally free of charge schools at all. Only in the secondary specialized educational institutions a percentage of women is higher (67,1%) due to their preference to secondary pedagogical and secondary medical education because of social pattern of pedagogy and medicine as "female" professions. In universities, the women constituted 49,3% of students in 2014 (46,9% in 2007).

As for a share of women on the specialization at higher educational institutions, they prevail in

education/pedagogy (83,2% students in 2013/2014), natural and technical specialities (71,4%), merchandising (66,7%), technology of foodstuffs (66,5%), natural sciences (60,5%), culture and art (60,5%). There were entirely absent the female students on such “male” professions as machine building and processing of materials; technical and public utilities; geology and exploration of minerals. They were less represented among the students of transport faculties (%), economics and management (31,1%), services in social-cultural spheres (21,6%), commerce (40,3%). That reflects the gender stereotypes and defines the further career of women in business and state administration.

The social patterns of professions as ‘male’ or ‘female’ ones are based mainly at the level of income. The ‘male’ profession has to be better paid and therefore is more attractive for men. That can explain, e.g. why women are in majority among the students of secondary vocational schools preparing the supplementary medical personnel (nurses etc.) (86,3%), but the situation is opposite in high school preparing the doctors (27,4%). The women constitute only 39,7% of doctors of highest category, 51,4% of doctors of I category, 48,6% of doctors of II category, and 66,8% of medical personnel without qualification. As result, there are 78,3% female personnel in the public health institutions, but women’s average wage there is only 37,2% from the male wages.

While the pedagogy is considered as “female” occupation, the minister of public education is a man like a majority of directors of educational institutions. The women occupy 41,2% of positions of directors and vice-directors in the primary and secondary schools, 10,5% positions of rectors and 14,3% prorectors and directors of branches of state universities (6,7% and 10,4% in private universities). Among the personnel of state universities are 48,8% of women, but in non-state universities, where the wages are higher, the women occupy only 36,8%.

In 2014, the women constituted 53,3% of scientists, 50,8% of students studying on PhD program and 46% of students on DSc program. However, there were only 14,8% female DSc and 34,9% PhD. There were only 3 female academicians (6,1%) and 11 corresponding members (11,3%) in 2014.

#### **Article 11 (employment)**

See also remarks on Articles 4 and 10.

The level of economic activity of women is 68,0% (49% in 2007). The employment rate of women is 95,1%, and number of unemployed in 2014 was 4,9% (3,1% among men).

Among the 2,183,700 female workers, 29,9% work in the state sector, 20% in non-state sector, 33,7% in family farms and enterprises, 8,7% in private entrepreneur activity without legal entity, 7,7 – in private labor activities.

While in total, the women constitute 48,3% of employees, they have a majority in such fields of activity as information and communication (76,2%), public health and social services (70,7%), public education (67,9%), professional, scientific and technical activities (64,1%), art, entertainment and recreation (61%), administrative and support service (60,1%), trade (57,7%), agriculture, forestry and fishing (56,7%). However, even there the women occupy subsidiary positions. For example, the heads of ministries of telecommunications, health, education with majority of women always are men.

The trend of limitation of women’s career is more clear in the private sector where average wages of employees are higher than in state sector (non-state - 617,1 and state - 474,4 in general and 338,6 AZN and 233,1AZN for women respectively), and competition with men is more severe. It is not surprize that if there are 47,2% female employees in state sector, their percentage declines to 39,3% in non-state sector. For example, there are 81.647 female private entrepreneurs, only 17,9% from total. In other economic activities which require physical labour with moderate or low income, the

percentage of women is higher: 54,5% in family farming, 75,8% in the individual labour activities.

At begin 2014, the women's average monthly wage was 259,9 Manats (about \$330). The average woman gets in Azerbaijan 47,5% of men's salary (50,5% in 2009) due the law positions they occupy. Even in the fields where women constitute majority, their incomes are less than men's one: in public education 65,2% (69.9% in 2009), public health sector - 37,2% (55.1%), etc.

In the households headed by women, the income includes an income from employment – 36,5% (32% in “male” households); income from self–employment – 19,5% (26,6%); income from agriculture – 10.2% (14.4%); income from rent – 1,1% (0,7%); income from property 0.2% (0.2%); current transfers – 17,9% (15,9%), including pensions – 16,4% (13,3%), benefits and social contributions – 1% (1,7%), social transfers in kind – 0,5% (0,9%); other income – 14,6% (9,8%), including income from other households – 7% (7,8%), money received from abroad – 7,6% (2%). The statistics shows that “female households” depends from external sources more than “male” households.

The statistics of unemployment is confusing. For example, there are persons who formally are employed but granted indefinite leave, sometimes years long. There are persons who are not employed in the state sector and work in shadow economy, e.g. traveling prostitutes or migrant workers in Russia.

Official status of unemployed have 15.000 women and 21.200 men. So, the women constitute 58,4% of the unemployed people. However, since 2003, the Government uses the methodology of the International Labor Organization and got concurring estimations of unemployment, in particular, 138.100 women and 98.500 men (41,3%). According to the ILO, 6% of women and 4% of men in Azerbaijan are unemployed. Thus, only about 11% of unemployed women decided to registered their status due to the low allowances.

## **Article 12 (healthcare)**

According to Article 41 of Constitution, everyone has the right to health protection and for medical assistance, and Article 31 guaranties that the motherhood and the childhood are protected by the law.

Maternal and infant mortality in last decade is reducing, mainly because of improving social and economical situation. Now, every case of maternal mortality created the response in media and attracts of public attention.

Maternal mortality (during pregnancy, childbirth and the puerperium) in 2013 was 14.5 deaths/100.000 live births (in comparison with 37.6 in 2000; and 35.5 in 2007).

The infant mortality was 10,5% deaths among the girls and 11% among the boys (under 1 year per 1000 live births). This indicator for girls is 15,1 for cities and 5,8% for rural regions (for boys, 19,2 and 3,2 respectively).

The foreign and independent sources challenge these statistics claiming that a number of abortions and births happened abroad medical institutions or illegally. However, even these official statistics of infant and maternity mortality is higher in several times than in Europe.

Number of antenatal clinics and antenatal clinics attached to enterprises decreased from 321 in 2005 to 152 in 2014. Despite of the emerging problems with infant and maternal mortality, the general trend is a reduction of number of women's consultations.

In 2013, the women at age of 15-49 years old made 27.892 abortions (10,4 per 1000 women). 443

abortions or 5,2% were made by women that were pregnant for first time.

During the independence period, a number of preschool institutions was closed. The buildings of closed kindergartens were sold to private companies which do not demonstrate a willing to deal with similar business and used these spaces for building of expensive housing.

Women from the poor strata of population are not able to deal with modern (and expensive) methods of contraception, while the subsistence minimum wage since January 2015 is 131 AZN and minimal salary is 105 AZN (80% of subsistence wage). According to the “Demographic and Health Survey in Azerbaijan – 2011”, 45,2% of married women do not use any contraceptives, 36,6% practice a withdrawal, 7,7% - IUD, 3,9% – rhythm, 2,6% – condom, 4% - other method. Thus, only 89,7% of women prefer not to spend money for contraception. That results in increasing number of abortions. As result, only 30% of births does not entail some medical problems, and there are thousands sterile women.

According to the State Statistical Committee of Azerbaijan, in 2010 there were a total of 89,134 male births compared to a total of 76,509 female births. This puts the male to female birth ratio at 116 males for every 100 females. The number of abortions in Azerbaijan raised from 24,600 in 2009 to 27892 in 2013, many of them for sex selection.

Prenatal sex selection is indicated by a “skewed sex ratio”, meaning a departure from the natural average sex ratio at birth of 105 boys for 100 girls. The Council of Europe included Azerbaijan into the four member states with the most skewed sex ratios (together Albania, Armenia, and Georgia) and recommended to take the issue of prenatal sex selection into account in the framework of assistance and co-operation programmes with these countries, in particular in the field of education, youth and dialogue with civil society; and to ask its relevant committees and structures working in the field of equality between women and men to organise or contribute to public awareness-raising campaigns on the equal value of girls and boys in these countries.

The poverty causes a significant number of “refused” children, especially children with physical or mental defects. In 2014, there were 6 children’s houses, 37 boarding schools. Notable is that 60% of the pupils of the boarding schools have one or two parents. There is a problem of housing for the children who are released from the orphans houses and boarding schools. In 2015, the Ministry of Labour and Social Welfare promised to build a housing for 360 of such young persons.

Since 2007, 33 children were adopted by foreigners and 4.367 by the citizens of Azerbaijan.<sup>8</sup>

The Parliament adopted the amendments of the legislation on registration of marriages, and since 2015, the future spouses are obliged to provide the medical information about their health status and illnesses.

#### **Article 14 (Rural women)**

In rural area, prevailed gender stereotype is a housewife woman dealing with care of big families and/or low-income job.

In 2013, the fertility rate was 2,1 in urban and 2,3 in rural areas (2,1 and 2,6 in 2009). Maternal mortality was 13,9 and 15,1. The infant mortality, in contrary was higher in cities: 15,1 girls and 19,2 boys in urban areas and 5,8 and 3,2 in rural regions.

Level of economic active women in age of 15 and older in rural area is higher than in cities (68% and

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<sup>8</sup> Official of State Committee on Family Issues Vasila Mohsumova, <http://echo.az/article.php?aid=37066>

61,4%), and a level of unemployment in country-side is less (4,9% and 7,0%) due to the less dependence from the state-owned job. In the age 15-58, there indicators are 75,1% and 69,9%; and 4,9 and 7,4%. 'Unemployed' and 'economical inactive' status of rural women mean in practice that they work anyway but at home.

The low career of women is programmed already at the stage of education. Agriculture and fisheries attracts 0,2% female students of state universities; the women constitute 37,4% among the students of these professions. The same (37,8%) is a percentage of women among the students on DSc program on agriculture.

The traditional, paternalist approach to a role of rural women is to use their physical force, while the men control the finances. In 2012, the women constituted 48% of the manufacturers and 30,1% of sellers of agricultural products. The women constitute only 25,8% of persons getting bank loans, 21,3% of owners of agricultural machines.

As result of latent economical discrimination, the women's monthly wages in agriculture, forestry and fishing (208,2 AZN) are less than average women's salaries. In the state sector, the women's average monthly wage is 143,4 AZN, i.e. almost equal a minimal subsistence rate (131 AZN), while in general in state sector in Azerbaijan the monthly wage is 233,1AZN (in 1,6 times higher). The better is a situation in non-state sector of agriculture, although the women's monthly wage here (252,8 AZN) is in 1,3 times less than in general for women in non-state sector in Azerbaijan (338,6 AZN).

The rural men immigrate to other CIS countries and support their families by transfer of cash money. The statistics show that in the households led by women, 14,6% of income is received from external sources (see remarks to the Article 11). The estimations of such migration significantly differ depending from governmental, oppositionist or foreign sources. The Russian sources reports about 1,5-2 Mln. Azeri migrants.

The rural women are more often subjected to the violence. According to the opinion poll conducted in 2008 (last available figures), the 20,4% of urban women and 76,9% of rural women became victims of violence at least once, and the violence was physical in 5,1% and 16,2% cases (the rest was psychological and economical violence).

The women rights defenders permanently urge the Government to prevent the early marriages of under-age girls as well as religious marriages which prevents a proper defense of the property rights during divorces.

#### **Article 15** (equality with men before the law)

According to the law, the women are equal with men before the law, excluding a life imprisonment which is not imposed on female offenders, or non-use of weapon towards the female convict escaped from a prison. Since 1961, the maximal term of imprisonment of women was 15 years on one sentence or 20 years for set of crimes. However, after the changes in the Criminal Code in May 30, 2014, the maximal term of imprisonment for women became 20 and 25 years.

In practice, the courts often use for the female offenders a suspended imprisonment or alternative punishments without imprisonment. For example, there were 1012 female offenders, or 6,8% of total number of criminals (14,841) in 2013. As for prisoners, there were 587 imprisoned women, or 4,5% of total. Comparing with punishments for male offenders, one can see that Azerbaijani courts passes the sentences of imprisonment in 58% of women and 89,6% of men, i.e. in 1,5 times more rare. In practice, even these prison sentences often do not entail a real imprisonment because are suspended (limit of women's prison do not exceed 350 prisoners).

The women are imprisoned in only institution in Baku city, capital of Azerbaijan. At the moment, there are about 350 prisoners, and it is overcrowded. The female prisoners are detained together, and there is no separation of adults and minors, first time convicts and recidivists as provided in law. A secondary school absents in the institution. The authorities promise to fax these gaps in the new institution which is being constructed in Kurdakhany village ner Baku.

Recently, an imprisoned single young women Lamiya Quliyeva who was sentenced in 16 years for 10, and then 5,5 more years, could manage to conceive in prison and later to give a birth. While the prison officials consider the incident only as a violation of prison rules, it raised the serious problem of reproductive rights of single, divorced, widow and abandoned female prisoners.

Many crimes against women remain latent. In 2013, there were recorded only 31 cases of rape, i.e. 1 incident per 150 thousand males. Only 13 males were punished, and 5 more investigating felonies were in search. That reflects the attitude of authorities, which discourages the victims from the complaints.

The OSCE noted on trials on violence against women in Azerbaijan that courts frequently use this procedural tool of reconciliation of the perpetrator and the victim so as to terminate the proceedings. In these cases, the courts have often appeared to place their primarily focus on the “first time offender” status of the defendant, instead of on the sincerity of the reconciliation between the perpetrator and the victim and the other conditions required under the law. For example, in one case, the judge repeatedly asked that the victim say the word “reconcile” for the court record, despite the victim’s apparent reluctance to do so. Such expression of formal consent could be used as the basis to terminate the proceeding.<sup>9</sup>

Such mediation between perpetrator and victim is problematic because it: “removes cases from judicial scrutiny, presumes that both parties have equal bargaining power, reflects an assumption that both parties are equally at fault for violence, and reduces offender accountability.”<sup>10</sup>

#### **Article 16 (non-discrimination in marriage)**

In 2013, the rate of marriages (9,3 pro mille) is almost the same as in 2009 (8,8), while the rate of divorces (1,3 pro mille) significantly increased since 2009 (0,9).

On 15 November 2011, the Parliament amended the Family Code and established the equal marriage age for men and women (18 years). In 2013, the average ages of marriage were 24,0 for women and 28,4 for men (for the first marriages, 23,7 and 27,7 respectively).

According to the 2009 population census, high percentage of married persons is observed regarding to men (95%) of age group 50-59, and women (81%) of age group 40-49. The divorced women are mainly observed at the age group of 35-39 (5%) and widows - at the age of 70 and over (66%).

According to the last census (2009), 8% of women (36,400) and 0% of men in the age 15-19 years were married. There is unclear from statistics how many women were in the under-age.

The sexual intercourses with the under-age girls is liable under the Article 152 of Criminal Code. Despite of that, the early marriages still are a problem, especially in the rural areas with more religious population, e.g. at the country southern regions bordering with Iran. There is wide-spread a

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<sup>9</sup> Domestic Violence Cases in the Justice System of Azerbaijan.- OSCE Office in Baku, December 2013.

<http://www.osce.org/baku/110044?download=true>

<sup>10</sup> UN document “Good practices in legislation on violence against women

[http://www.un.org/womenwatch/daw/egm/vaw\\_legislation\\_2008/Report%20EGMGPLVAW%20%28final%2011.11.08%29.pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAW%20%28final%2011.11.08%29.pdf)

practice of *kabin* (religious marriage registered by a mosque), which is a form to legitimize the family relations with under-age brides as well as de facto polygamy for those Azerbaijani male migrants who has officially registered wedlock in the country of their business (mainly, Russia) and *kabin* in Azerbaijan.

More and more women give birth without formalized relation with men. That reflects a set of factors. E.g., the urban women are considered as more emancipated, and therefore traditionally the percentage of births by unmarried women in cities was higher. However, the official statistics considers the births in the families registered by *kabin* as the births abroad wedlock.

## **Recommendations**

1. To improve the representation of women in the leading positions of state structures by “positive discrimination” of men, e.g. by establishment of certain reasonable quota of job positions in the state sector.
2. To stimulate more actively the education of women for professions important for their career in the state administration.
3. To develop of state program of proper employment of graduated female students in rural area.
4. To define a term of “domestic violence” in national criminal law.
5. To investigate properly the allegations on domestic and sexual violence.
6. To provide sensitivity training to law enforcement officers, prosecutors, and the judiciary on the work with trafficking victims who experienced psychological trauma.
7. To guaranty the victims’ protection during the investigation and trial periods.
8. In criminal cases involving domestic violence, judges are advised to proceed with caution when proposing and assessing reconciliation between perpetrators and victims, and verify its genuine nature, bearing in mind the inherent inequality of the parties.
9. To improve the statistics on trafficking in women, separating the sex and labor trafficking and including details on the victims who received compensations and on the perpetrators.
10. To expand the network of service providers for victims of trafficking in women outside Baku.
11. To improve the prison conditions for female offenders, including opportunities of wider social contacts and reproductive rights.
12. To make the registration of marriages in an official registry compulsory and to prevent the early marriages under pretext of religious marriages, especially in rural area.
13. To appoint the women as the heads of diplomatic missions.
14. A genuine effort should be made by political parties to increase the number of women in senior positions within their executive and administrative bodies.
15. To create the necessary conditions to promote and facilitate the inclusion of women in top government posts and in the higher levels of the election administration.
16. The NGO and grant legislation have to be reconsidered in line with the Venice Commission opinion.
17. In the framework of concept of electronic government, it is necessary to improve the content of website of the State Committee on Family, Women and Children’s Issues.

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