

The Questionnaire on Implementation of the Beijing Declaration and Platform for Action and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)

Part I

The State Committee for Family, Women and Children Affairs is responsible for policy on women and gender equality within the territory of the Republic of Azerbaijan.

The Government of the Republic of Azerbaijan considers the Convention on the Elimination of All Forms of Discrimination Against Women as a critical instrument for the advancement of women and gender equality. It is hence continuously striving to create favorable conditions for a full implementation of its international obligations under the Convention on Elimination of Discrimination Against Women.

On 14th January 1998 the President of the Republic of Azerbaijan signed an Order ‘On increasing women’s role in Azerbaijan’ putting obligations on relevant structures to prepare proposals for strengthening women’s social protection, including women belonging to refugee and IDP groups. On 6th March 2000, the President of the Republic of Azerbaijan signed a decree on ‘Implementation of Women Policy in the Republic of Azerbaijan’, aimed to better protect women’s rights, to bring relevant legislation and amend existing ones to ensure equality between women and men, especially equality in decision –making positions. Under that Decree, the State Committee for Family, Women and Children’s Affairs is under an obligation to submit annual reports on the implementation of the above mentioned Decree to the Cabinet of Ministers.

On the 10th of October 2006, the Republic of Azerbaijan enacted another Law “On guarantees of gender equality” which defines “gender-based discrimination” and extended it to include sexual harassment, any distinction or preference that restricts or prevents equal realization of rights on the basis of sex. It is intended to cover multiple and compounded discrimination suffered by certain categories of women and to address indirect and/or unintentional discrimination.

An important aspect of this Law is its recognition of some entrenched discrimination against women, past and current which impede women’s enjoyment of their human rights and fundamental freedoms and provides for the adoption of special measures whenever necessary to accelerate de facto equality and realize substantive equality for women.

It also provides for some measures of positive discrimination in favor of women in certain specific areas. These measures were introduced as it was felt that the lives of women must be

considered in a contextual way and measures, which are no longer based on historically determined male paradigms of power and life patterns, be taken accordingly.

A major Law “**On fight against trafficking in human beings**” was adopted in June 28, 2005. It is a comprehensive law aimed to combat trafficking in human beings by introducing a firm legal and organizational basis for the fight against trafficking, by giving legal protection and support to victims of trafficking.

Several major consequential amendments, all designed to reinforce the protection of women, were brought to the **Criminal Code** of the Republic of Azerbaijan in 2005 relating to:

- Trafficking in human beings – article 144-1;
- Forced labor – article 144-2 ;
- Dissemination of confidential information about victims of trafficking in human-beings -316-1;

In line with the concluding comments of the UN CEDAW Committee, in order to raise the awareness of judges, law enforcement officials and the representative of legal profession, the Ministry of Justice of the Republic of Azerbaijan has taken a series of initiatives and has organized regular training for them on the CEDAW Convention, the Optional Protocol to CEDAW, the General Recommendations and the concluding comments of the Committee. The Ministry of Justice has also published special manuals for their use.

On 14-16 April, 2008 with the participation of the gender focal points of the state bodies and NGOs a training was conducted on Implementation and Reporting of the Convention on Elimination of All Forms of Discrimination Against Women organized by the State Committee for Family, Women and Children Affairs. Pramela Patten, the expert of UN CEDAW Committee gave lectures on the training.

Seminars in collaboration with the Office of the High Commissioner has recently been organized by the Ministry of Justice, for the benefit of judges, prosecutors and lawyers, on CEDAW and other UN treaty bodies. The Ministry of Justice is also engaged in an on-going project for the judiciary and the legal profession on the ‘Application of the European Convention on Human Rights in the Courts’ with the European Commission. The Ministry of Justice also has a long standing collaboration with the Europe General Juridical Center of Greece on ‘legal education’ whereby regular seminars and workshops are conducted for the benefit of the judiciary and the legal profession.

Under the coordination of the State Committee for Family, Women and Children Affairs in each

Ministry, State Committee and other governmental agency of the Republic of Azerbaijan there have been defined responsible persons for promoting and developing gender perspectives of their related agencies. These gender focal points are in constant contact with the SCFWCA providing necessary interrelation of activities and policy implementation. On 13 May, 2008 trainings were conducted by international experts for the gender focal points with the purpose of acceleration of ratification process of the Convention number 103 of the International Labor Organization on “the protection of maternity” and number 156 on the “Workers with family responsibilities”.

On 18 February, 2008 a conference was held by the State Committee for Family, Women and Children Affairs and the Ministry of Justice of the Republic of Azerbaijan on the topic – “Female lawyers: challenges, perspectives”. The main purpose of the event was consisted of the discussion on the positions standing in front of the female lawyers in modern developing stage of our country. It was also focused on determination matters of the role of female lawyers in democratization of the society in the Conference.

Establishment of gender budgeting system is a major guarantor of equal division of state financial resources in favor of both sexes, ensuring economic equality between women and men. In order to solve gender problems arising from financial reasons, it was deemed necessary to develop the concept of gender budgeting. As an initial result of the researches in this sphere, our Committee together with the United Nations Population Fund has published a book on “Gender Review of the Budget of Azerbaijan”. It highlights gender analysis of the budget and statistical data in this field.

Besides, the State Committee for Family, Women and Children Affairs has prepared proposals on gender budgeting in Azerbaijan and has submitted it to the Cabinet of Ministers. The objective of the proposals is to conduct gender review of the state budget and take into consideration the gender factor in distribution of financial resources.

Thus Azerbaijan has elaborated gender-budgeting system in order to equally share financial resources. The Government has allocated 120 000 USD in 2008 and 600 000 USD in 2009 for necessary activities on the sphere of gender equality and women’s empowerment. This work will be continued in following years with increased budget and thorough planning.

After the National Plan of Action on Women’s Issues for the period 2000-2005, a National Action Plan on Family and Women’s Issues for the period of 2008-2012 has been prepared with the purpose of strengthening and developing family and inter-family relations on the basis of gender equality and building a healthy society, thus contributing to the progress of the country. Its implementation is underway. This Action Plan envisages activities in two areas, firstly, family issues which cover mainly demographic problems, family planning, and reproductive

health and secondly women issues which seek to address critical areas such as the need to increase women's participation in decision-making process, political, economic and social life etc.

In January 2007, with the Order of the Cabinet of Ministers of the Republic of Azerbaijan» Complex Program of Republic to Combat Daily Violence in Democratic Society” was adopted. To effectively realize the Program a Plan of Action was adopted envisaging establishment of network of crisis centers on the territory of the country, arrangement of awareness-raising campaigns, and work with victims of violence, conducting researches in relevant sphere etc. In 2007, awareness-raising campaigns under the motto “Fight against violence and trafficking in human-beings – our common deal (work)” in a range of regions of the country. In the framework of these campaigns there were trainings, workshops and round tables held in the regions and cities of the republic for regional authorities, representatives of civil society, and activists of youth movement.

The State Committee for Family, Women and Children Affairs is aware that any programme aimed at correcting sex role prejudice but which leaves out the men as a target audience group will certainly not be effective in achieving its objectives. It has realized that men cannot and must not be alienated in the process of gender equality education. Public programmes have begun to involve men and boys and highlight the importance of their roles in eradicating gender stereotypes and violence against women. Summer Schools on Gender Studies was organized in cooperation with educational institutions and University' Gender Research Centre to support integration of gender studies into social sciences education through introducing gender concept and its methodology to university students and university professors. Scope of activities on increasing youth awareness, knowledge, understanding, commitments on women's rights and discrimination, eliminations of gender stereotypes, increased motivation of students for critical analysis of gender situations in the country and finally forming of new vision and perception among youth population were conducted during the whole year of 2008 at Western University. The interventions have been implemented through conduction of youth conferences, debates, seminars, youth competitions targeted both on university/school students / youth NGOs and teaching staff.

Part II

The Republic of Azerbaijan is fully committed to the follow-up to the Beijing Platform for Action – specifically the actions to be taken in regard to the 12 critical areas of concern

identified in the Platform-as well as further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, ‘Women 2000: gender equality, development and peace for the twenty-first century’ (referred to as Beijing + 5). In Azerbaijan, the promotion of gender equality through legislative and non-legislative means, as described in this report, fall within the framework of the Beijing Platform for Action and the Beijing + 5 outcome document.

A draft Law “**On prevention of domestic violence**” was drafted by the State Committee for Family Women and Children Affairs and submitted to the National Parliament and the Cabinet of Ministers of the Republic of Azerbaijan. All relevant State bodies as well as NGOs were actively involved in the preparation process of the draft law.

The “Complex Program of the Republic on combating daily violence in democratic society” was approved by the Cabinet of Ministers of Azerbaijan Republic on 25 January, 2007. It envisages the elaboration of strategic plans on every sphere in order to eliminate domestic violence, gender and other type of inequality and cruelty in the society; working out proposals on elaborating law on protection of women from violence against them, as well as laws regulating the realization of CEDAW. It also envisages organization of social rehabilitation for refugee and IDP women and children subjected to recurring violence under conditions of forced displacement and increased cases of domestic violence, organization of retraining courses in order to reduce unemployment rate among women, determination of criteria of violence against women, elaboration of academic programs in universities on equality and especially on violence against women and etc.

The State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan and the Heydar Aliyev Foundation and United Nations Population Fund (UNFPA) have signed a joint project “XXI century without violence against women” in 2008. January, 16. The goals of this project are:

- Creation of additional opportunities for women to use their rights;
- Increasing women’s participation in the society;
- Prevention of violence, early marriages and reduction of influence of such cases over the children;
- Protection of women and children against domestic violence;
- Enlightenment of population in the field of gender issues.

Although national legislation envisages necessary measures for punishment of a range of actions of violent character committed within family, the thorough legal regulation of these problems in

this sphere is still under elaboration. Notwithstanding prevention of domestic violence is always on the agenda of the Government. The Ministry of Internal Affairs has worked out a plan of action on combating crimes committed against women in accordance with the Decree of the President of the Republic of Azerbaijan on strengthening fight against crimes against public morality. The Ministry registers investigates and includes crimes committed against women, including cases of domestic violence and violence in other forms into unified database and twice a year sends this information to the State Statistical Committee.

The Republic of Azerbaijan is committed to create an enabling environment for women to enjoy their human rights and fundamental freedoms on an equal basis with men. The State is convinced that to correct past injustices and entrenched discrimination which women have been subjected to, special measures are required and constitute a necessary strategy to accelerate women's de facto equality.

To that end, the provisions have been included to the legislation of the Republic of Azerbaijan which will allow adopting and facilitating the adoption of special measures. The Law of the Republic of Azerbaijan "On guarantees of gender equality" covers a range of such measures.

After the adoption of the this Law, some consequential amendments were made to other laws, to introduce the establishment of favorable condition for the advancement of women in certain fields such as to political and public positions as follows:

1. Law of the Republic of Azerbaijan "On non-governmental organizations (public unions and foundations) – which provides that membership to non-governmental organizations, must be opened in equal terms for women and men and equal opportunities must be created for them. The requirement does not refer to non-governmental organizations established with the purpose of protection of certain sex's rights.
2. Law of the Republic of Azerbaijan "On political parties" – which provides that membership to political parties, must be opened in equal terms for women and men and equal opportunities must be created for them.
3. Law of the Republic of Azerbaijan "On trade unions" – which provides that membership to trade unions, must be opened in equal terms for women and men and equal opportunities must be created for them.

Recognizing that the media exerts a strong influence over the community, the State Committee for Family, Women and Children Affairs works closely with the media to ensure that TV programs do not encourage gender stereotyping and sex discrimination. Several prominent women have been featured in the media. Their very successes as individuals causes gender

stereotypes to be challenged.

Public TV- TV Programme addressing Gender Issues, including Violence Against Women was developed under the “TV Advocacy Campaign on Gender” with the support of UN Gender Theme Group and related UN Agencies (UNFPA, UNDP, UNICEF, UNHCR)

.**Four TV** social clips addressing Violence Against Women and early marriage and and 4 new Public Service Advertisings promoting a single message of Stopping the Violence Against Women (VAW) were produced aired on 3 nation-wide TV Channels. . **Educational documentary on Domestic Violence and Human Trafficking was also produced.** The documentary presents a story of a woman who is subjected to domestic violence and as a result becomes an easy victim for the group involved in human trafficking. Throughout the documentary the audience is given important information on means of legal and institutional protection that victims of Domestic Violence or Human Trafficking can use as well as measures the individual should take to protect herself.

Part III

The State Committee for Family, Women and Children Affairs has was established according to the Presidential Decree dated 6th February, 2006 and replaced the State Committee for Women’s Issues of the Republic of Azerbaijan, which had been operating as a state body on women’s issues since 1998.

The national machinery responsible for gender and women’s advancement has been strengthened by way of capacity building training through provision of equipment, institutional restructuring and staff motivation.

The mandate of the new Committee was expanded and the staff increased according to the “Charter on the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan” approved by the according to the Presidential Decree # 444 of August 9, 2006 and its. With a much broader activity directions, the budget allocated to the Committee for its activities has also been increased considerably.

According to the Charter of the Committee, the mandate of the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan are as follows:

- To ensure protection of human rights and civil liberties, particularly those of women and children and prevent violation of these rights within its authority;
- To implement normative regulation in the relevant field concerning its competencies given by the legislation;

- To participate in elaboration of state programs in the relevant field;
- To ensure implementation of state programs and development concepts within its authority;
- To coordinate other executive bodies' work in the relevant field;
- To ensure implementation of the international treaties ratified by the Republic of Azerbaijan within its authority;
- Implement state family policy;
- To explore social problems of refugees and IDPs (children and women) and poor families and involve related state bodies in resolution of these problems;
- To conduct joint activities with relevant state bodies to raise awareness of women on modern management and market economy in order to develop woman entrepreneurship and family business;
- To elaborate projects and coordinate activities of relevant bodies in assisting women in gaining new professions and developing professionalism of women in accordance with state employment strategy;
- To file petitions addressing relevant state bodies to resolve problems of martyr's families who lost householder, single mothers, especially disabled women and children by state bodies;
- Provide training of professionals in the relevant field, development of professionalism and specialization of the Committee staff;
- To apply modern scientific achievements, learn modern international experience, conduct researches and studies in relevant sphere;
- To provide effective use of the budget, credits, grants and other financial resources in the relevant field;
- Provide population with the information on the Committee's activity;
- To take measures within its authority to improve the structure and the activity of the Committee;
- To consider applications and complaints related to the Committee's activity and take measures in accordance with the legislation;

- To implement measures to improve social protection, labor and living conditions of the Committee's staff;
- To fulfill other duties set up by the legislation in accordance with activity directions.

In addition to developing national mechanism to achieve gender equality and better protection of women's rights, the State has also created favorable conditions for the activities of NGOs in this sphere; there are nearly 90 NGOs dealing with women's problems and gender equality in the country.

The State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan closely collaborates with local and international NGOs in its activity. Local and international NGOs are closely involved in the elaboration and implementation of legislative acts and administrative activities relating to gender equality and improvement of women's status. The role of women NGOs and international organizations in the establishment of network for efficient solution of gender related problems is undeniable.

Since its establishment the State Committee for Family, Women and Children Affairs has established a Coordination Council consisting of representatives – focal points from all state bodies, active women in the sphere of culture, education, healthcare and mass media. Besides, the Committee has created and systematized database on representation of women in the sphere of education, women entrepreneurs, women in decision-making positions and other spheres through comprehensive questionnaire filled out in all the regions of the country.

Within the process of implementation of the National Action Plan of the Republic of Azerbaijan on Women's Issues for 2000-2005, important actions have been undertaken in preventing violence against women, combating human trafficking, expanding participation of women in decision-making process and empowerment of women. These will be discussed in details under the relevant articles.

Gender mainstreaming is central to the Government's efforts to improve policies, strategies and programs. Ministries, independent departments and agencies have also been strengthened by the establishment of Gender Focal Points. As a result gender continues to be mainstreamed in policies and programs of those structures. It has also become easier on the part of the ministries to monitor progress made in gender mainstreaming throughout the Government institutions and structures.

In order to give an impetus to further research of Gender Based Violence in Azerbaijan, increase the capacity of young Azerbaijani scholars in addressing Gender Based Violence related issues and prepare the foundation for focused studies planned for Round-table discussion on

“Grassroots responses to Gender Based Violence: policy implications”, b) Seminar on “Measuring Gender Based Violence – GBV Project’s experience: Quantitative Approach”, Seminar on “Gender and Gender Based Violence in Azerbaijan: a Qualitative Approach to Research” were organized by the State Committee for Family, Women and Children’ Affairs and UNFPA.

With a purpose to create an official baseline for policy-makers and to help them to formulate targeted policies and programs aimed at Gender Based Violence reduction as well as to contribute to awareness raising among population, the Project “Country wide survey on Violence against Women” initiated country wide surveys on Gender Based Violence to ensure a comprehensive analysis of accurate data on gender based violence, in particular on domestic violence against women. For this purpose, “World Health Organization (WHO) Multi-country Study on Women’s Health and Domestic Violence against Women” was used as the primary tool in developing quantitative survey methodology and questionnaires in order to ensure international comparability and reliability. The quantitative survey was implemented by the national implementing partner – State Committee for Family, Women and Children’ Affairs, under the supervision and guidance of international experts. The following actions were completed in the countries within the reporting period:

Since 1999 the annual statistical directory “Men and Women in Azerbaijan” was issued in the country with the support of UNFPA. This Directory comprises correlation in such spheres like education, healthcare, employment as well as international comparisons. In its turn, the State Committee for Family, Women and Children Affairs has created data base collected on the basis of questionnaires sent to the executive powers of the regions in order to explore the most vital problems in the sphere of gender equality by means of statistics.

There are still significant gaps in the availability of sex disaggregated data, especially in some areas such as violence against women, employment, women in decision-making positions. Improving data collection is a major challenge for the State Committee for Family, Women and Children Affairs which is fully aware of the crucial importance of available and accurate statistical information.

.Data collection requires finance and it is a fact that with the ongoing military conflict in the country, financial resources are limited. Efforts to improve the proper collection of sex disaggregated data and to establish an adequate data collection methodology is being addressed and the formulation of a request for technical assistance is being envisaged.

A number of initiatives have been taken by the Government, international organizations, as well as local NGOs to increase the employment opportunities of women and to provide them with necessary resources and skills to start and develop their businesses.

The activities of the Ombudsman who also holds the position of Commissioner for Human Rights of the Republic of Azerbaijan are very crucial. The promotion and protection of women's rights and gender equality ranks high on the agenda of the Ombudsman and to that end, an advisor in women's rights to the Ombudsman, has recently been appointed. Regular round tables are held at the initiative of the Ombudsperson on the implementation of the Convention with the participation of the State Committee for the Family, Women and Children's Affairs, parliamentarians, State structures, NGOs and the Experts' Council.

Part IV

A National Action Plan on Family and Women's Issues for the period of 2008-2012 implementation is underway. This Action Plan envisages activities in two areas, firstly, family issues which cover mainly demographic problems, family planning, reproductive health and secondly women issues which seek to address critical areas such as the need to increase women's participation in decision-making process, political, economic and social life etc.

The State Program on Poverty Reduction and Sustainable Development – 2008-2015 fully incorporates gender component into the Program. A gender expert joined the staff of the Poverty Reduction and Sustainable Development Secretariat. Regular meetings and constant collaboration with the UN Gender Focal Point and the UN Gender Theme Group are conducted and as a result Poverty Reduction and Sustainable Development Gender Component has been assessed as one of the strongest gender components among Central Asia and Caucasian countries, and proposed to be referred as “good practice” in the region. The Program is expected to be adopted within short period.

Taking into consideration the need for protection of women's rights within the family and concluding comments of treaty bodies in accordance with implementation of international obligations on human rights the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan has submitted proposals to the National Parliament for equalization of marriage age for women and men, making medical examination before the marriage and marital agreement compulsory. In relation with it, the State Committee for Family, Women and Children of the Republic of Azerbaijan intends to conduct awareness-raising activities among population on importance of marriage contract and medical examination.

The Project “Combating Gender Based Violence in the South Caucasus” is a 3-year (2008-2011) initiative aimed to create an enabling environment for reducing gender based violence in the society in order to support protection of human rights, gender equality and women’s participation. The Project in Azerbaijan is funded by UNFPA and the Government of Norway and is implemented by UNFPA Azerbaijan Country Office. The main goal is creating an environment to reduce gender based violence in the region in order to support protection of human rights, gender equality and women’s participation.

Main Activities:

1. Country wide Survey on Domestic Violence and Violence Against Women
2. Awareness raising including General Public Awareness Campaign, Target Group education and Victim Information Meetings.
3. Assessment of existing legislation and drafting of bills on gender-based violence. Supporting relevant institutions and monitoring bodies to produce national policies and action plans on gender-based violence.
4. Training of professional staff in national machinery on gender and gender-based violence issues and training of service staff (Health Care personnel, Law enforcement, NGO’s) in institutions encountering/working with gender-based violence problems.
5. Development of guidelines and models for preventive, protective and rehabilitative services for victims and potential victims of domestic violence. Supporting building gender statistics at NSI, police and health facilities units to develop data and statistics on gender-based violence.
6. Establishment of a new coordination, monitoring and advisory mechanism at the country level among actors (government authorities and NGOs) working on gender-based violence. Supporting inter-country networks agencies working on gender-based violence to share best practices, lessons learned and experiences.