

TREATY BODY MONITOR

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

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Key facts²

| Ratified CEDAW | Reservations | Party to Optional Protocol? | Submission of State party report | Other core treaties ratified |
|----------------|--------------|-----------------------------|--|------------------------------------|
| 1995 | None | Yes, 2001 | Due: 9 August 2008 Submitted: 13 Nov 08 | ICCPR, ICESCR, CAT, CRC, CMW, CRPD |

Opening remarks by the delegation

The delegation of Azerbaijan was led by Ms Hijran Huseynova, Chairperson of the State Committee for Family, Women and Children's Issues of the Republic of Azerbaijan. She was supported by a small, high-level delegation consisting of chiefs of departments and deputy ministers of the Department of Human Rights and Public Relations of the Ministry of Justice; Ministry of the Interior; Ministry of Labour and Social Protection of the Population; Ministry of Education; Department of International Law and Treaties of the Ministry of Foreign Affairs; and the Azerbaijan Mission to the UN in New York.³

The delegation's opening remarks to the Committee were accompanied by a lengthy, but detailed PowerPoint presentation outlining the State's numerous achievements toward the effective implementation of the

¹ The 6th periodic report of Azerbaijan was postponed at the country's request while the Committee considered the country's 4th periodic report.

² The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

³ The list of members of Azerbaijan's delegation is available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>.

Convention. Highlighting the period from 2004 through 2008, and expanding upon the delegation's written replies, the Head of delegation noted with pride the establishment of the State Committee for Family, Women and Children's Issues, the allocation of State funds for gender analysis, the introduction of draft legislation on domestic violence and on the equalisation of the minimum marriage age for men and women, accomplishments in the area of poverty reduction among internally displaced and refugee women, and the State's focus on the advancement of women in education, politics and small business. While the delegation acknowledged that the country was still in a rebuilding stage after years of conflict, its constructive interaction with Committee members and the State's efforts to implement the Committee's previous recommendations signalled the State's genuine commitment to achieve greater implementation of the Convention.

Overview of key issues

The Azerbaijani delegation engaged in positive and productive discussions with Committee members, several of whom commended the government for considerable progress in a short amount of time.⁴ The delegation provided detailed responses and statistical data to the Committee, but it was apparent that certain areas of Azerbaijan's traditional cultural stereotypes remained of concern to Committee members.

Following up on the delegation's response to an earlier inquiry from Ms. Patten (Mauritius), Ms. Neubauer (Slovenia) strongly disagreed with the delegation that discriminatory laws on marriage age, pensions, and divorce were necessary to protect women and expressed concern that the delegation misunderstood the proper use of special temporary measures in article 4(1) of the Convention. Echoing concerns raised by an NGO shadow report⁵ on hate speech campaigns in the media against individuals based on their sexual orientation, Mr. Bruun (Finland) also received a disappointing response from the delegation that the press had full freedom of expression and was regulated by its own set of journalistic ethics. Finally, although a law on domestic violence was currently under debate in the Azerbaijani Parliament, Ms. Ameline (France) expressed frustration and disappointment with the country's failure to enact legislation despite the Committee's recommendation to this effect two years ago.

Violence against women

Concluding Observation:

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

⁴ Ms. Patten (Mauritius), Ms. Neubauer (Slovenia), Mr. Bruun (Finland), Ms. Ameline (France), and Ms. Rasekh (Afghanistan).

⁵ Gender & Development Social Union NGO Shadow Report, "Discrimination and Violence Against Lesbians, Bisexual Women and Transgender People in Azerbaijan Republic," available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>.

While noting areas of concern, Committee members offered encouragement for the government's commitment to address violence against women. Ms. Ameline was "pleased" with the government's launching of its "XXI Century Without Violence Against Women" campaign, but she also reiterated the frustration expressed by certain NGOs⁶ over the two years of parliamentary debate on the new domestic violence law. While the government demonstrated promising initiatives to address violence against women, the delegation's responses prompted Ms. De la Vega's (Spain) to comment that the country was still in a "period of transition." Several Committee members⁷ pressed the delegation on a timetable for adoption of the new domestic violence bill and asked for clarification regarding its content. For instance, several members⁸ asked whether the new legislation included restraining and other protective orders for victims. Others inquired as to whether the government had established adequate shelters for domestic violence victims,⁹ the severity of punishments, protections for vulnerable groups, and criminalisation of rape.

Even after stating that the law on domestic violence was a "thorny issue," the Head of delegation assured the Committee that the new bill would be considered by the parliament before the end of the year and would receive overwhelming support from legislators. Other members of the delegation explained that rape was considered a crime in the new bill, and that it provided for restraining orders, legal, medical and psychological assistance for victims, and general provisions aimed at preventing family violence. The Head of delegation went on to advise that one shelter existed to address the needs of both domestic violence and trafficking victims, and a further five would be built by the end of the year. She offered insight into the considerable task that lies before the government in combating violence against women by "appealing to the Committee for support" for the numerous women who suffered severe physical and mental injuries as a result of years of abuse.

Trafficking

Concluding Observation:

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

The Committee members' concerns regarding human trafficking in Azerbaijan were evident by the significant time spent questioning and re-questioning the delegation on this issue. Although Ms Awori (Kenya) "commended" the government for increasing its efforts to prosecute perpetrators of human trafficking in recent years, she was of the view that not enough had been done to get at the "root causes" of the problem. Citing information received from an NGO shadow report and testimony before the Committee,¹⁰ Ms. Awori asserted that the government's anti-trafficking strategy was "ineffective," with insufficient training of the judiciary and municipal officials, a lack of shelters for victims, and a failure to impose serious penalties on perpetrators. Referencing a United States State Department Report and an NGO shadow report¹¹ on the

⁶ NGO testimony provided by Call for Healthy Lifestyle and Gender Association "Symmetry." These NGO shadow reports are available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>.

⁷ Ms. De la Vega (Spain), Ms. Patten, Ms. Awori (Kenya), and Ms. Rasekh (Afghanistan).

⁸ Ms. Patten, Ms. Simonovic (Croatia), and Ms. Rasekh.

⁹ Ms. Simonovic and Ms. Awori.

¹⁰ Human Rights Center of Azerbaijan (HRCA) NGO Shadow Report, "Alternative Report on the Compliance of the Azerbaijan Republic with the Convention on Elimination of All Forms of Discrimination Against Women," available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>.

¹¹ HRCA NGO shadow report.

complicit involvement of police in human trafficking, Ms. Rasekh (Afghanistan) claimed there was a “failure of a strong effort,” by the government to investigate and prosecute traffickers.

The delegation’s overall response suggested that although Azerbaijan had been slow to in its efforts to tackle trafficking, the government was now more intent on taking action. For example, the Head of delegation admitted that better services for trafficking victims were needed, but pointed to the five new shelters under construction. Further, Mr. Gurbanov claimed that the government had successfully prosecuted over one hundred perpetrators of human trafficking between 2006 and 2008. Other delegation members outlined a wide range of government anti-trafficking initiatives, including the second Plan of Action on trafficking in human beings for implementation from 2009 through 2013; cooperation with the UN and Interpol on the prosecution of perpetrators; training of law enforcement officials with the assistance of NGOs; and the establishment of a hotline and vocational rehabilitation program to assist victims. Unfortunately, a denial by the delegation of any law enforcement involvement in the commission of this crime and a statement by Mr. Zalov that the “involvement of women in the crime is why men get lighter sentences,” was indicative of how far not only the society but the government still has to come in understanding and combating this crime.

Participation in political and public life

Concluding Observation:

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

Committee members were disappointed by the low level of participation of women in political life and decision-making posts. Ms. De la Vega and Ms. Belmihoub-Zerdani (Algeria) advised the delegation that the government must improve its implementation of Articles 7 and 8 of the Convention through positive discriminatory measures. Ms. De la Vega asserted that it is “well and good to say anyone can be a candidate, but if not many women stand for elections,” then the government is not achieving equality. Ms. Belmihoub-Zerdani reminded the delegation that women’s participation in parliament was crucial because it was where “everyday problems of the people are discussed.” She further recommended that to achieve parity in parliament, the government should work with women at the municipal level by first getting them involved with low level elections. Ms. Ameline inquired as to whether the government intended to reform its electoral code to increase women’s participation in political life.

Responding to the recommendation that women’s participation at the municipal level was needed, the Head of delegation noted there were already a good number of women deputy mayors, and the government sent legal and other information to the municipalities to encourage women’s participation in local elections. She added that men were not the real impediment to women taking up political positions, rather the challenge was to convince women they were capable of the work. On a positive note, the Head of delegation indicated that she felt the “time is right to raise the issue of quotas” to bring more women into the political sphere.

Employment

Concluding Observation:

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

While commending the government for its employment strategy (2006 through 2015), Committee members also expressed concern over gender gaps in compensation, male-dominated private sector jobs, and high rates of female unemployment. Ms. Patten noted that women's salaries were 70% of men's, and inquired whether the government would conduct a wage analysis of the public and private sectors and amend its labour law to provide for equal pay for equal work in compliance with the ILO Convention and CEDAW. Echoing concerns raised by certain NGOs,¹² Mr. Bruun focused on the high numbers of unemployed women and the penalties contained in new legislation on sexual harassment in the workplace. Ms. Ameline congratulated the government for the "best economic growth in the region," but expressed disappointment that this growth had not translated into a substantial or positive impact on women's involvement in the labour market.

In response, the Head of delegation and Mr. Mammadov claimed that according to the country's law on gender equality, employers were obligated to pay men and women equally. Disagreeing with Ms. Ameline, the Head of delegation detailed the government's program for economic development aimed specifically at women in agriculture, which provided training and granted loans to rural women business owners. Mr. Mammadov also noted that in 2008, women comprised almost half (46.9%) of the unemployed population, suggesting that unemployment impacted equally on men and women. On the issue of sexual harassment in the workplace, Mr. Gurbanov noted that changes were being made to the law on gender equality, including monetary fines for harassers and compensation for victims.

Health

Concluding Observation:

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

¹² NGO shadow reports provided by Gender Association "Symmetry," and the HRCA, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>.

Despite the government's achievements in women's healthcare, Committee members were concerned with the rise in maternal mortality rates, HIV and abortions. Ms. Xiaoqiao (China) asked for clarification as to why abortions increased from 2004 to 2008 and maternal mortality rates increased by 1.2 times in 2006. Further, Ms. Xiaoqiao inquired about the measures taken by the government to provide family planning services, and to reduce abortion, maternal mortality and HIV rates. Ms. Rasekh reiterated concerns over maternal mortality rates, especially among rural women, and asked for clarification regarding all women's access, including those with disabilities, to obstetrical and other forms of healthcare.

The delegation responded to the Committee's concerns with specific statistical data about the numerous efforts taken by the government to address women's healthcare needs. The Head of delegation cited several government initiatives aimed at improving women's health: a new reproductive health strategy adopted in January 2008; the creation of a regionalised health system that improved the maternal mortality rate in 2007; the establishment of 904 maternity clinics, 300 new primary care institutions in villages, and 3 prenatal centres; training of medical professionals; use of new updated medical equipment; and a new law in parliament on family planning and reproductive health which allowed contraceptives to be provided for free and made abortion illegal if it was motivated by sex selection. Addressing concerns raised about disabled women, Mr. Mammadov commented that there were 15 rehabilitation centres which provided free medical services and occupational therapy for these women.

Other issues

The Committee also engaged the delegation in discussion on the following matters that were not addressed in the concluding observations: discriminatory laws (other than the marriage age) including pensions, military service, and a husband's right to request a divorce (Article 1); hate speech media campaigns against individuals based on sexual orientation (Article 2); and Azerbaijan's national action plan on women and families.

Conclusions and next steps

The delegation did not provide lengthy concluding remarks as it used its remaining moments to complete its responses to the Committee's final inquiries. Offering her high regard for the past recommendations provided by the Committee, the Head of delegation simply reiterated Azerbaijan's "firm commitment to the norms and obligations of the Convention" and to an ongoing and open dialogue with Committee members.

While the Chair thanked the delegation for its "good and frank dialogue" and acknowledged Azerbaijan's achievements in the areas of violence against women and poverty reduction, she also recommended that more effort was needed to include women in politics and decision making, eliminate cultural stereotypes against women in the workplace, and adopt a law on violence against women in a timely manner.

The Committee invited the State party to submit its fifth periodic report by 9 August 2013.

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TREATY BODY MONITOR STAFF

Eléonore Dziurzynski, Communications Officer, Geneva

Gareth Sweeney, Deputy Manager, Geneva

Katrine Thomasen, Manager International Programme, Geneva

Michael Ineichen, Human Rights Officer, Geneva

Michelle Evans, Representative to the UN, New York

Vanessa Jackson, Human Rights Officer, New York

AUTHOR OF THE AZERBAIJAN REPORT

Mary Mercadante, Consultant

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