Azerbaijan

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<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>DV</td>
<td>Domestic Violence</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
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<tr>
<td>EPNK</td>
<td>European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>FAM</td>
<td>Field Assessment Mission</td>
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<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
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<tr>
<td>ILO</td>
<td>International Labor Organization</td>
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<tr>
<td>IKV Pax</td>
<td>Christi Interchurch Peace Council Pax</td>
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<tr>
<td>ICMP</td>
<td>Independent Civil Minsk Process</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>MoD</td>
<td>Ministry of Defense</td>
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<td>NATO</td>
<td>The North Atlantic Treaty Organization</td>
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<tr>
<td>NAP</td>
<td>National Action Plan</td>
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<tr>
<td>NK</td>
<td>Nagorno-Karabakh</td>
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<tr>
<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<tr>
<td>ODIHR</td>
<td>OSCE Office for Democratic Institutions and Human Rights</td>
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<tr>
<td>PACE</td>
<td>Parliamentary Assembly Council of Europe</td>
</tr>
<tr>
<td>SCFWCA</td>
<td>State Committee for Family, Women and Children Affairs</td>
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<tr>
<td>SGBV</td>
<td>Sexual and Gender-based Violence</td>
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<tr>
<td>SSR</td>
<td>Soviet Socialist Republic</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
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<tr>
<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
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<td>WPS</td>
<td>Women, Peace and Security</td>
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</table>
I. Women, peace and security profile

A. Nature of the conflict

The Republic of Azerbaijan is the largest country in the Caucasus region, located at the crossroads between Western Asia and Eastern Europe. It borders the Caspian Sea in the East, Russia in the North, Georgia in the Northwest, Armenia in the West and Iran in the South. It has a total area of 86 km² and a population of over 9,416 million people. Azerbaijan regained independence from the Soviet Union in 1991 and is currently a member of the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE), and the North Atlantic Treaty Organization (NATO) Partnership for Peace program. According to the 2009 population census, the ethnic composition of the population is: 91.60 percent Azerbaijanis, 2.02 percent Lezgians, 1.35 percent Armenians (almost all Armenians live in the break-away region of Nagorno-Karabakh), 1.34 percent Russians, 1.26 percent Talysh, 0.56 percent Avars, 0.43 percent Turks, 0.29 percent Tatars, 0.28 percent Tats, 0.24 percent Ukrainians, 0.14 percent Tsakhurs, 0.11 percent Georgians, 0.10 percent Jews, 0.07 percent Kurds, and 0.21 percent other.

The Nagorno-Karabakh conflict took place between 1988 and 1994, between Azerbaijan and Armenia over a territory in the west of Azerbaijan, populated by both Azerbaijanis and ethnic Armenians. The circumstances of the dissolution of the Soviet Union facilitated an Armenian separatist movement in Soviet Azerbaijan. As Azerbaijan declared its independence from the Soviet Union, it removed the autonomous enclave government established in the region by the Soviet powers. In 1991, the Armenian majority voted to secede from Azerbaijan, and proclaimed the Republic of Nagorno-Karabakh, which, has not been recognized by Azerbaijan and the majority of the international community. The declaration of secession from Azerbaijan was the final result of a territorial conflict.

In the winter of 1992, a full-scale war between Azerbaijan and Armenia broke out. By 1993, Armenian forces had occupied nearly 20 percent of the Azerbaijani territory surrounding Nagorno-Karabakh and expelled hundreds of thousands of ethnic Azeris. International mediation including aid from the OSCE failed to successfully reach an agreement between the warring parties. In the spring of 1993, Armenian forces captured regions outside the enclave itself, threatening the involvement of other countries in the region. By the end of the war in 1994, the Armenians were in full control of most of the enclave and still hold command of approximately 9% of Azerbaijan’s territory outside the enclave. As many as 230,000 Armenians from Azerbaijan and 800,000 Azeris from Armenia and Karabakh have been displaced as a result of the conflict. More than one-third of over 500,000 Internally Displaced Persons (IDP) in Azerbaijan are children. Azerbaijan has the largest internally displaced population in the region, and as of 2006, had the highest per capita IDP population in the world. The conflict resulted in the loss of 25,000 lives on both sides during the separatist struggle.

A Russian-brokered ceasefire was signed in May 1994 and peace talks were initiated. Since 1994, there have been a number of unsuccessful attempts to broker peace by the Minsk Group, a subset of the OSCE chaired by Russia, the United States, and France.

Upon the request of the Republic of Azerbaijan, and concerned about continued illegal activities perpetrated by the Republic of Armenia in the occupied territories of Azerbaijan, (including the illegal settlement practices, economic exploitation, and devastation of these territories), the OSCE Minsk Group Co-Chairs conducted a Field Assessment Mission (FAM) of the occupied territories of Azerbaijan surrounding its Nagorno-Karabakh region, between October 7 and October 12, 2010. The FAM revealed the continued practice of illegal settlement of ethnic Armenians in the occupied territories of Azerbaijan, as well as infrastructure changes and economic activities conducted in these territories in violation of Forth Geneva Convention and additional Protocols relative to the Protection of Civilian Persons in Time of War, which Armenia signed in 1993. After the FAM’s visit to the occupied territories, its report stated that the status quo in this region was unacceptable and parties need to "accelerate negotiations toward a political settlement in order, inter alia, to address the problem of the settlers and to avoid changes in the demographic structure of the region.” The FAM also discouraged any further settlement of Armenians on the occupied territories of Azerbaijan.

Today, Nagorno-Karabakh and the surrounding areas remain under Armenian control. As such, the region, effectively independent since the end of the war, is considered de jure a part of Azerbaijan. It must be noted that, despite the passing of four UN Security Council resolutions (a Resolution from Parliamentary Assembly Council of Europe (PACE), a Resolution in the EU Parliament, and the recent focus on the region), due to the Ukrainian crisis, the OSCE Minsk Group and the wider international community are allowing Armenia to continue the illegal occupation of Azerbaijani territories.

Several resolutions have been adopted on the Nagorno-Karabakh situation. In 1992 and 1993, the UN Security Council

5 Bode, Brigitta, Conflict Affected Communities in Azerbaijan, CARE International in the Caucasus, 2012.
debated the situation and passed four resolutions (822, 853, 874 and 884), condemning the occupation of Azerbaijani territories by the Armenian forces and calling for the “immediate complete and unconditional withdrawal of the occupying forces” from the recently occupied territories of Azerbaijan, the cessation of hostilities and establishment of a durable ceasefire and the return of IDPs to their homes. In 2008, the UN General Assembly adopted Resolution 62/243 on the situation in the occupied territories of Azerbaijan. The European Union has repeatedly called for a peaceful resolution of the conflict, in accordance with relevant UN resolutions, and does not recognize the independence of Nagorno-Karabakh. In 2005, the Parliamentary Assembly of the Council of Europe adopted resolution 1416, which referred to Armenia as an occupier and supported the UN Security Council’s resolutions. The Organization of the Islamic Conference has also adopted a number of resolutions condemning the military aggression against Azerbaijan, calling on Armenia to withdraw its armed forces from the occupied lands and to respect the sovereignty and territorial integrity of the Republic of Azerbaijan. At the OSCE Summits in Budapest in 1994, in Lisbon in 1996, in Istanbul in 1999 and in Astana in 2010, decisions were made on a peaceful political settlement of the conflict.

Despite the fact that in 1994 both sides signed a ceasefire, sporadic outbursts of gunfire are still taking place along the border of the Nagorno-Karabakh region and along the border between Armenia and Azerbaijan. There have also been reports of mine accidents. The villages near the border, mainly inhabited by women and children, are the most vulnerable.

B. Impact of conflict on women

Today, hundreds of thousands of people have a direct connection to the conflict. They include Internally Displaced Persons (IDPs), refugees, returnees, war invalids, families who lost loved ones, as well as numerous communities that live in close proximity to the militarized borders that fragment the region and create a pervasive sense of insecurity and instability. As a result of the conflict, many people have to flee their homes. Some evacuees fled to neighboring towns or anywhere they could find temporary shelter. In other instances, evacuees eventually found shelter in old railroad boxcars, mud huts, abandoned buildings, government facilities, and other makeshift housing. In some instances, displaced Azeris moved as individual families, and in other instances they have moved as a community and resettled. The transition – seeking a safe haven from the war – was usually a troubling and traumatic process.

The state Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing People registered 4,015 missing citizens of the Republic of Azerbaijan, as of August 2014. This number includes 46 children (including 16 juvenile girls), 409 women (including 154 elderly women) and 199 elderly men. Since the beginning of the conflict, 1,401 Azerbaijan citizens (342 women and 1059 men) were released from Armenian captivity. There are 175 children (64 person juvenile girls) and 289 elderly (122 person elderly women) among them.

Women have faced particular hardships as a result of the conflict and the subsequent displacement. Women constitute 71 percent of the Azeris who were forcibly displaced, and after almost twenty years of displacement large numbers still live below the poverty line. IDP women face specific problems due to conflict and displacement. A 2005 report on Azerbaijan by the United Nations Development Fund for Women (UNIFEM) found that IDP women are ten times more likely to suffer from heart failure, anaemia, blood pressure, and infertility than non-IDP women. Although it is likely that women were raped during the conflict, they do not speak about it openly. Conflict-affected women often lack access to education, employment, health and housing and have no awareness of their rights. Furthermore, in the IDP camps, there appears to be insufficient psycho-social support and IDP women tend to suffer from trauma and feelings of insecurity and isolation due to war, poor living conditions and uncertainty of the future. Azeri IDPs and refugee women are the most vulnerable of all Azeri women. Crowded living conditions, giving birth to children in uncertain settings, poor medical care and nutrition, and unemployment, contribute to the precarious situation of women. They have minimal control over their social and physical environment as they have experienced a prolonged state of “temporary” displacement for nearly two decades. Throughout this period, their lives have been dominated by uncertainty: when will the dispute with Armenia be resolved, and when will they be allowed to return to their homelands.

There is confusion among IDP women’s understanding of the notion of rights, as they misinterpret their rights and obligations and do not demonstrate any knowledge of social poverty line. IDP women face specific problems due to conflict and displacement. A 2005 report on Azerbaijan by the United Nations Development Fund for Women (UNIFEM) found that IDP women are ten times more likely to suffer from heart failure, anaemia, blood pressure, and infertility than non-IDP women. Although it is likely that women were raped during the conflict, they do not speak about it openly. Conflict-affected women often lack access to education, employment, health and housing and have no awareness of their rights. Furthermore, in the IDP camps, there appears to be insufficient psycho-social support and IDP women tend to suffer from trauma and feelings of insecurity and isolation due to war, poor living conditions and uncertainty of the future. Azeri IDPs and refugee women are the most vulnerable of all Azeri women. Crowded living conditions, giving birth to children in uncertain settings, poor medical care and nutrition, and unemployment, contribute to the precarious situation of women. They have minimal control over their social and physical environment as they have experienced a prolonged state of “temporary” displacement for nearly two decades. Throughout this period, their lives have been dominated by uncertainty: when will the dispute with Armenia be resolved, and when will they be allowed to return to their homelands.

There is confusion among IDP women’s understanding of the notion of rights, as they misinterpret their rights and obligations and do not demonstrate any knowledge of social
institutions in their communities and whether IDP women are represented in them. IDP women idealize the past and feel abandoned at present. The predominant mood is passive and different, with self-designation of ‘strangers in a strange land’, showing mutual isolation of IDP and host women. The words of one elderly woman from Shusha succinctly express the thoughts and emotions of many women:

Too many have died. And now, many years have passed... what is our future? We want to return to our homes. We don’t want murder or war, we just want to return to our homes in Shusha and raise our families. But we are still living day-to-day and month-to month not knowing, just hoping and waiting.22

Azeri IDP/refugee women are not a homogeneous group, but rather reflect diversity. Two related points should be noted. First, many Azeri IDP/refugee women were highly educated and occupied major positions as physicians, teachers, cooperative leaders, and managers in their home communities prior to displacement. These women brought these same attributes with them as IDPs/refugees, and some were able to acquire employment in their newfound communities. However, more often IDP/refugee women either were only able to find lower-level employment or remained unemployed, while others gained income through work in the informal economy. Second, given that many husbands and sons of IDP/refugee women were killed, continue to be missing in action, or became physically disabled because of the war, significant numbers of IDP/refugee women — regardless of educational level or prior occupations — have become the core of their families and a major, if not the sole, economic provider.

Women’s employment and livelihood has also been affected. In the occupied lands, the Armenians have destroyed many culture centers: museums, galleries, and libraries, which were employing mostly women, thus depriving them of their source of income.23

The ongoing conflict between Armenia and Azerbaijan over Nagorno-Karabakh is an obstacle for political, economic, social and democratic reforms, in general. Women continue to be excluded from participation in decision-making, reinforcing discrimination and perpetuating violence against women. IDPs are also politically disadvantaged and marginalized. The number of IDPs who participate in elections is low and they are not able to stand for elections and represent their interests in municipalities. This is because they do not have permanent residency status in the new places of settlement, but are registered in their places of origin.24 Furthermore, they are generally not consulted in planning for their resettlement.

Although the government continues to actively work to improve the living conditions of IDPs/refugees, over 100,000 IDPs/refugees now live in government-constructed settlements. Hundreds of thousands of other IDPs/refugees continue to live in “temporary” and often substandard housing.25

The conflict has affected not only women IDPs, but also other Azerbaijani women, who have lost their husbands and sons in the war. In those places where IDPs have been resettled, the local youth is unemployed, partly because competition increased due to the influx of IDPs. The conflict has also brought about problems such as the trafficking of women for sexual exploitation. Azerbaijan is one of the target countries for the recruitment of young girls, and is used as a point of transit. In addition, military action has caused great damage to the economy. It is impossible to put a price on the damage done, both materially and psychologically, although initial and incomplete estimations by independent international experts place the loss to the economy of Azerbaijan at over USD $300 billion.26 All these factors have negatively affected women’s lives.

C. Relevant legal and policy framework


Azerbaijan closely cooperates with the OSCE Baku Office and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) regarding gender mainstreaming. Azerbaijan also cooperates with the Council of Europe (CoE) in the domain of protection of the rights of women. The country makes use of the recommendations of the CoE for the improvement of legislation from a gender point of view and also takes an active part in the work of the different bodies of CoE in the sphere of gender mainstreaming.

At the national level, since 2000, the Republic of Azerbaijan has adopted more than 110 strategies, some of them dealing with human rights of women and gender equality. The State Committee on Women’s Issues was established by the Decree of the President of the Republic of Azerbaijan in 1998, with a view to implement...
the state policy on gender. In 2006, it was renamed the “State Committee for Family, Women and Children Affairs” (SCFWCA). The main objectives and purposes of the Committee are the protection of the rights of women and increasing women’s participation in social and political life.

In 2000, the President of Azerbaijan signed the Decree “On Implementation of the National Gender Policy in the Republic of Azerbaijan.” This act envisages the ensuring of equal representation of women and men in all state structures of the Republic, and reviewing all legislation, taking into account the gender aspects. According to the Decree of the Government of Azerbaijan, women should be appointed as one of the Deputy Heads of the Executive Power in all regions of Azerbaijan. This Decree has already been implemented in a large number of regions. The law of the Republic of Azerbaijan on Guarantees of Gender Equality was adopted by the Parliament of the Republic of Azerbaijan in December 2006 and the law on Combating Domestic Violence was adopted in 2010.

II. Data presentation and analysis

A. Participation

Indicator 1 – Index of women’s participation in governance

Although women constitute 50.4 percent of Azerbaijan’s population, the number of women occupying seats in the parliament at decision-making levels is low.

There is a connection between the status of women in a society and its level of conflict. Violent conflicts are more common in countries with low women’s representation in parliament than in more gender-equal societies. Women and men have different experiences of violence and peace and therefore, women must be allowed to bring their unique insights on peacebuilding to the process of decision-making. Equal participation of women and men in decision-making leads to better functioning democratic state system, and decreases the likelihood of violence.

Table 1.1: Women’s participation in governance in 2013

<table>
<thead>
<tr>
<th></th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
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</thead>
<tbody>
<tr>
<td><strong>National level Executive</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ministers</td>
<td>0</td>
<td>20</td>
<td>0%</td>
</tr>
<tr>
<td>Deputy ministers</td>
<td>3</td>
<td>82</td>
<td>3.5%</td>
</tr>
<tr>
<td>Chairperson of the State Committee</td>
<td>1</td>
<td>9</td>
<td>10%</td>
</tr>
<tr>
<td><strong>National level Legislative</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliament</td>
<td>19</td>
<td>105</td>
<td>16%</td>
</tr>
<tr>
<td>Vice Speaker of the Parliament</td>
<td>1</td>
<td>2</td>
<td>33%</td>
</tr>
</tbody>
</table>

Officially, women in Azerbaijan enjoy the same legal rights as men; however, societal discrimination is a problem. Traditional social norms and lagging economic development in the country’s rural regions continue to restrict women’s roles in the economy, and there are CSO reports indicating that women have difficulty exercising their legal rights due to gender discrimination.

Azerbaijan’s Gender Inequality Index score for 2013 was 0.34, making it 76th out of 187 states included in the Human Development Report. According to the 2013 Global Gender Gap Report by the Global Economic Forum, Azerbaijan is 99th out of 136 countries in terms of the Gender Gap Index, indicating the gap between men and women with regards to economic participation and opportunity, educational attainment, health and survival, and political empowerment. Azerbaijan had the lowest score in health and survival (136th out of 136 countries) and political empowerment (114th out of 136 countries). This last score points to the problem with women’s representation and participation in decision-making.

The main causes of the problems are:

1. Persistence of gender stereotypes and failure to raise awareness about gender issues. The media neither covers women’s rights issues nor accepts information from women to the same extent they do from men. The extent that women’s issues are covered affects women’s image in society and political decision-making. Many journalists focus on fashion, cooking and cosmetics, and the traditional roles of women in the family, often resorting to clichés and reinforcing stereotypes. Articles on gender issues can rarely be found. The ignorant and inadequate representation of women’s rights issues in the media supports and deepens the misunderstanding of women’s rights.

2. Lack of information flow and consultation between policy and decision-making institutions (National Ministries, local and regional authorities) and organizations working on women’s rights in Azerbaijan.

3. The conception that women are more passive than men in society. The reasons for this are both the lack of knowledge among women about their rights, and the fact that society does not provide them with access to the political arena, resources etc. The patriarchal society is closed for women.

4. Lack of institutional capacity of women’s organizations to support and advocate for women’s rights in Azerbaijan.

5. The prevailing conditions in society, where men still enjoy the most power and women are often exploited. For example, salaries in the private sector are lower for women than for men.

The state intervention follows an essentially Soviet model, revised and adapted to modern times. The Soviet Union called on women to mobilize and take an active part in social production, without addressing the gendered division of labor in the household. It was assumed that women’s emancipation would automatically follow their participation in social and productive labor in the formal economy. In other words, the prevailing gender ideology – patriarchal structure of the family and the gendered division of labor in the household – was never addressed.

As a consequence, in Azerbaijan, formal gender equality in law is barely supported by the state, giving an impression that the state has largely withdrawn from the gender empowerment agenda. Inequalities arise from inadequate information and counseling services, which -- if provided adequately -- could bridge the gap between citizens and their human and legal rights. Service delivery and awareness rising are mainly understood by the government of Azerbaijan as CSOs’ tasks and not as the genuine role of the state.

Women have been particularly disadvantaged in Azerbaijan’s political system. Women’s participation in government has declined considerably since the removal of the quota system that was in place during the Soviet period. In 2004, only 14 out of 125 members (11 percent) of the National Assembly were women and following the recent election of 2010, women hold only 16 percent of the parliamentary seats.36 Further, there is not a single woman minister, though the deputy ministers for Health, Culture and Tourism, and Economic Development are women.37 However, at the municipal level, there has been a positive change as a result of the political parties making a conscious effort to increase women’s participation as a result of CSO action. As part of this effort, important conferences and training have been held to sensitize society on the importance of women participation in the public and political life of the country. As a consequence, in 2011 women made up 26.5 percent of elected members in Azerbaijan’s municipalities, compared to 4 percent in 2004.38 Currently, 4,137 municipality members and 302 municipality heads are women.

While overall representation of women is very high in some Ministries, the representation in decision-making positions is not necessarily reflective of this. The share of women in the Ministry of Health is 79.5 percent, but only 37 percent are in management positions. The number of women in the Ministry of Education is 68.1 percent, while in management positions it is 41.3 percent. In the State Committee on Deals of Refugees and Internally Displaced Persons, the share of women is 93.4 percent while in management positions it is four percent.

The Deputy Prime Minister of the Nakhchivan Autonomous Republic is a woman and so are the Commissioner for Human Rights (Ombudsperson) of the Republic of Azerbaijan, the Ombudsperson of Nakhchivan Autonomous Republic, the chairperson of the State Committee for Family, Children Affairs of Nakhchivan Autonomous Republic, the Vice-President of the State Oil Company and the Vice-President of the National Academy of Sciences of Azerbaijan.

91 out of 271 diplomats working at the Ministry of Foreign Affairs of the Republic of Azerbaijan are women. The following table shows their distribution by occupation:

Table.1.3 Number and percentage of women in the Ministry of Foreign Affairs

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambassadors at Large</td>
<td>0</td>
<td>4</td>
<td>0%</td>
</tr>
<tr>
<td>Head of office</td>
<td>2</td>
<td>17</td>
<td>10.5%</td>
</tr>
<tr>
<td>Counselor</td>
<td>5</td>
<td>16</td>
<td>23.8%</td>
</tr>
<tr>
<td>Head of department</td>
<td>9</td>
<td>17</td>
<td>34.6%</td>
</tr>
<tr>
<td>1st secretary</td>
<td>11</td>
<td>24</td>
<td>31.4%</td>
</tr>
<tr>
<td>2nd secretary</td>
<td>9</td>
<td>26</td>
<td>25.7%</td>
</tr>
<tr>
<td>3rd secretary</td>
<td>25</td>
<td>21</td>
<td>54.35%</td>
</tr>
<tr>
<td>Attaché</td>
<td>24</td>
<td>40</td>
<td>37.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>85</strong></td>
<td><strong>165</strong></td>
<td><strong>34%</strong></td>
</tr>
</tbody>
</table>


37 Ibid.
38 Ibid.
Women’s low political activity can be explained by a number of realities of political life. Financing an electoral campaign requires considerable amounts of money. In most cases women cannot stand the harsh competitiveness and their financial means for an electoral campaign are almost always a lot smaller than those of men. In a system based on appointments, rather than elections, women, who traditionally have less money and contacts, stand a smaller chance of advancing in political structures. Furthermore, women’s potential is circumscribed by norms prevailing in traditional, extended families. The adoption of the law on the prevention of domestic violence was a significant step forward by Azerbaijan in tackling the phenomenon.

There are about 2,750 CSOs, 90 of which are women’s CSOs in Azerbaijan. A survey of civil society in Azerbaijan shows that women CSOs work in the following areas: protection of women’s rights and interests; promotion of women’s business and professional activities; provision of social services and charity; peacebuilding; women’s leadership; and elimination of violence against women. Overall, compared to previous years and election cycles, women’s participation in governance is increasing. This increase is mostly the result of awareness raising among women politicians and the general public on the importance of participation of women in the public sphere. CSOs also play a big role through their active participation in CSOs. Azerbaijan’s women address many issues, including human rights, children’s issues, healthcare, ecology, sustainable development, trafficking, etc. The CSOs attract women to elections, hold training sessions with them, explain the role of women in decision-making to the society and help women lead election campaigns.

**RATING: Moderate progress**

**Indicator 2 – Percentage of women in peace negotiating teams and detailed breakdown of gender issues addressed in peace agreements**

The Presidents and the Ministers of Foreign Affairs of Azerbaijan and Armenia were the principal negotiators over the Nagorno-Karabakh conflict. They were joined by the co-chairs from the OSCE Minsk Group, which spearheads OSCE’s efforts to find a political solution to the conflict in and around Nagorno-Karabakh. Women’s organizations participated only in informal meetings on conflict resolution, as well as in parliamentary assemblies organized by OSCE and CoE.

Peacebuilding means different things in different contexts in Azerbaijan.39 The root causes of the conflict have not been discussed in the public debate, even if the government is no doubt aware of it. A link between peace and development is not made by the Azerbaijani society. There are no active, forward-looking peace processes in the region, to which civil society can contribute. The current focus is on management of stability and prevention of further escalation, which leads to an essentially "status quo-oriented" agenda.

In this context it is important to mention civil society initiatives such as the formation of the Standing Conference of the Independent Civil Minsk Process (ICMP), which was initiated by the South Caucasus network of the Helsinki Citizens’ Assembly and the Interchurch Peace Council, Pax Christi (IKV Pax Christi). The ICMP possesses potential which, if properly organized and adequately used, may have a positive effect on the peaceful resolution to the Armenian-Azerbaijani Nagorno-Karabakh conflict. For this to happen, it is essential to:

- expand and consolidate a group of independent experts and peace-minded local CSOs;
- continue regular discussions with a view of appraising the current situation and developing an agreed stand on the issue;
- hold meetings with leaders and functionaries of political parties, and MPs;
- organize meetings of civil society experts with youth activists and student organizations;
- organize meetings of experts and NGO peace activists with refugees and IDPs;
- advance a proposal to the Foreign Ministry providing regular consultations regarding the Nagorno-Karabakh resolution;
- prepare a grant application to the EU, other donors for backing the expert network intended for peace resolution of the Nagorno-Karabakh conflict; and

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In order to ensure that women have access to affordable, accessible and timely legal assistance, including access to judicial authorities and courts, a “State Program on the Development of Justice System in Azerbaijan for 2009-2013” was approved in 2009. With the Judicial Modernization Project implemented jointly by the Ministry of Justice and the World Bank, 20 Regional Legal Advisory Service Centres have been established with the aim of sensitizing the poor, especially women, about their rights, raising their awareness and enhancing their access to free legal aid services, including in relation to violence against women. The project had four components, namely: strengthening management capacity; upgrading facilities; improving quality of operations of judges, judiciary staff and other legal professionals; and improving citizen information and access to justice.

The Ministry of Justice, in collaboration with the State Committee for Family, Women and Children Affairs (SCFWCA), also regularly publishes special materials for their internal use, with the aim of raising employees’ awareness. With SCFWCA as the central body responsible for the implementation of the

### Indicator 3 – Index of women’s participation in the justice, security sector, and peacekeeping missions

#### Justice Sector

Women continue to be underrepresented in decision-making and leadership positions in the justice sector. According to recent data of the Ministry of Justice, only 14 percent of judges in Azerbaijan are women. The only leadership positions that women occupy in the justice sector are those of the Deputy-Chairperson of the Constitutional Court and the Chairperson of the Board on Civil Cases of the Supreme Court.

Ironically, more women than men are accepted to law school, and they tend to have do better academically. Women make up a majority among trainees at law firms, but they still only make up around 17 percent of the owners of the firms. At large, women are more equally represented in the judiciary, than within the Police or Armed Forces, as the below data demonstrates.

Despite the fact that representation of women in the judiciary is low, a slight growth has been noted in recent years.

<table>
<thead>
<tr>
<th>Ministry of Justice</th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister</td>
<td>0</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Deputy minister</td>
<td>0</td>
<td>4</td>
<td>0%</td>
</tr>
<tr>
<td>Chair of administration head</td>
<td>0</td>
<td>12</td>
<td>0%</td>
</tr>
<tr>
<td>Chair of Constitutional Court</td>
<td>0</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Deputy-Chairperson of the Constitutional Court</td>
<td>1</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Chairperson of the Board</td>
<td>1</td>
<td>6</td>
<td>14.2%</td>
</tr>
<tr>
<td>Chairperson of the Supreme Court</td>
<td>0</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Judges[^42]</td>
<td>47</td>
<td>288</td>
<td>14%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>49</strong></td>
<td><strong>313</strong></td>
<td><strong>13.5%</strong></td>
</tr>
</tbody>
</table>


gender policy in the country, gender focal points in government bodies and representatives of NGOs also benefit from trainings conducted by the Ministry of Justice. The training is provided to all government officials and, in particular, the legal professionals and the judiciary. In line with its obligation under CEDAW to ensure that the protection provided under the law is effective, that women can assert their rights before the relevant courts and that public authorities and institutions do not engage in discrimination against women, the Government, through the Ministry of Justice, has undertaken education and training programs on the Convention and its Optional Protocol.

**Security Sector**

The Ministry of National Security is a republican body with executive authority, which elaborates and implements the national security policies of the Azerbaijan Government and manages national security bodies. The security sector is still dominated by men, and more men than women hold operational positions. Women are generally assigned administrative work and hold lower ranking positions.\(^\text{44}\) It is only recently that women have had the opportunity to finish education and training on government programs necessary to perform operational duties.

**Table 3.2 Women participation in the police in 2013**

<table>
<thead>
<tr>
<th>Ministry of Internal Affairs</th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister</td>
<td>0</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>Deputy Minister</td>
<td>0</td>
<td>5</td>
<td>0%</td>
</tr>
<tr>
<td>Chair of Departments</td>
<td>0</td>
<td>30</td>
<td>0%</td>
</tr>
<tr>
<td>Police officer(^\text{ii})</td>
<td>50</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td><strong>Total Police</strong></td>
<td><strong>50</strong></td>
<td><strong>No data available</strong></td>
<td><strong>No data available</strong></td>
</tr>
<tr>
<td>Ministry of Defense</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td>Ministry of Defense Industry</td>
<td>No data available</td>
<td>No data available</td>
<td>No data available</td>
</tr>
<tr>
<td><strong>Total Military</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Historically, the Armed Forces have been heavily male dominated. The Ministry of Defense (MoD) blocks access to any kind of information and data about women’s participation in the security sector. In the Army, women in all units also work in administrative posts. The majority of women working in the MoD are civilians. The dominant perception is that women are physically weaker than men and unable to perform military duties. In the MoD, the representation of women is 39.8 percent but only 11.6 percent of managerial positions are held by women.

Admission of women to High Military School has been terminated in 2009. The official reason, given to the Azerbaijani news agency APA, was the “social disbalance..., various social problems, psychological confrontations, and some other problems.”\(^\text{45}\) The explanation is very vague and the real reason for the restriction is not known. APA reports that the Parliament is currently debating lifting the restriction.

There are no data available on the exact number of female and male police officers. However, according to interviews conducted with members of the police force, the number of women joining the police force is increasing. This is a welcome development because it can help addressed cases of violence against women. For example, women victims of domestic violence as well as other members of families who have such problems, feel more comfortable talking about their cases with female police officers. However, women hold lower positions, while the higher posts are mostly reserved for the men. This is a result of the general inequality and prejudice against women in the Azerbaijani society.

In addition to its focus on the implementation of the new law on domestic violence, SCFWCA has raised awareness about the law through conferences, roundtables, lectures and seminars and meetings such as: the International Conference on "Police Supported by Society” Project, jointly implemented by the OSCE Baku Office and the Ministry of Internal Affairs--- the aim being to increase the number of women in the Police Force and to achieve a more effective intervention of the police in cases of domestic violence and human trafficking. Representatives of all law enforcement agencies, including from the Ministries of Internal Affairs, Justice and National Security, General Prosecutors Office, the State Migration and Border Services and the State Customs Committee regularly participate in trainings organized by the International Organization for Migration.

**Women in Peacekeeping Missions**

Currently, Azerbaijan does not participate in any peacekeeping missions. However, it is worth noting that the country does not have a NAP in relation to resolution 1325 and that, as a result, women’s participation and inclusion is not part of the National Security Concept.\(^\text{46}\) Azerbaijan is in the midst of a comprehensive set of reforms, setting the international standards of security sector management. It is hoped that one outcome of this effort will be an increased participation in peacekeeping missions, with equal share of men and women, and an increased number of women in the security sector in general.

**RATING: Slight progress**


Indicator 4 – Number and percentage of women participating in each type of constitutional or legislative review (including security sector review)

Information is not available on this indicator, since most laws regarding security sector were adopted before 2011, and no major constitutional or legislative reviews outside of parliamentary procedure or the courts have occurred. Amendments were made to seven legislative acts only in order to ensure implementation of the Law “On Combating Domestic Violence,” adopted on June 22, 2010. Five new normative and legal acts were adopted and members of Parliament and the Constitutional Court took part of this process. The number of women who participated in these legislative and constitutional reviews was 16 percent and 14.2 percent, respectively.

Indicator 5 – CSOs in task force/committees on UNSCR 1325 and 1820 (out of total task force members)

There are no Task Forces on UNSCR 1325 and 1820 in Republic of Azerbaijan at present, since no National Action Plan has been adopted. UN Security Council Resolution 1325 is a very important document for increasing women’s role in peace-building and conflict transformation. However, women’s and civil society groups in Azerbaijan have always criticized these efforts, claiming that the state is not sufficiently committed to accomplishing its international or domestic obligations. Yet, this constitutes a first step to peace for all citizens in the region.

On September 6, 2002, the Baku Office of the UNIFEM regional project “Women for Conflict Prevention and Peacebuilding in the Southern Caucasus” initiated the establishment of a new women Coalition in Azerbaijan – “Coalition 1325.” Twenty-two women from different strata of the society – Parliament, state agencies, NGO community, political parties and mass media – participated in a special meeting at the UN House in Azerbaijan and decided to set up a women coalition in support of the United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. The coalition advocates for the increased role of Azerbaijani women in decision-making with regard to conflict prevention and resolution at the national, regional and international levels. It also aims to involve refugee and IDP women in the peacebuilding process, promoting the culture of peace, establishing cooperation with women coalitions and working on similar issues abroad in Georgia and in Armenia.

RATING: No change

B. Prevention and protection

Indicator 6 – Number and percentage of SGBV cases reported, investigated, prosecuted and penalized

Because of cultural stigma, sexual and gender-based violence (SGBV) still remains a taboo in Azerbaijan and women are not encouraged to talk about it openly. Consequently, there are no representative surveys conducted by the state institutions. There is also a lack of professionals in the field and no official statistics. Hence, the lack of data quite often creates an illusion that SGBV does not exist. The only available data come from research conducted by women’s CSOs.

In the post-conflict period no attempt has been made to calculate the relevant number of SGBV cases, which occurred during the conflict over Nagorno-Karabakh.

In the post-conflict period, the prevalent type of SGBV is domestic violence, and the number of reports of women killed in the family context is increasing, compared to the time before the adoption of the law on domestic violence.47 Previously, such cases did not fall under the general category of “crime” and neither the government nor society paid any attention to them. The dominant view was that whatever happens in family must remain in the family. Consequently, most victims of domestic violence would perceive it as normal and even prefer not to talk about the most severe forms of abuse. Feeling of shame and humiliation and fear of re-living the moral and physical suffering silence the victims and contribute to making domestic violence one of the most common forms of abuse in the society, as does the sense of hopelessness due to traditional believes that on should not interfere in family relationships. The introduction of law, as well as the work of the civil society, contributed to creating greater awareness and openness about domestic violence. The increase in the number of women killed in the context of family is thus an indication that more women are willing to report. However, it should be assumed that the actual number is still higher than the number reported.

The law defined domestic violence and included SGBV cases as instances of it. This, as well as awareness-raising in the society and among law enforcement officers, drew more attention to the issue. Therefore, the adoption of the law was a big step towards the protection of women. By including psychological violence and the use of economic restrictions at home within the definition of domestic violence, these are made punishable by law, although they are not included in the Criminal Code. According to the new law, the cases of domestic violence should be reviewed by relevant executive authorities, the police and the prosecutor’s office and the judiciary, in accordance with their jurisdiction, as defined by law. Criminal prosecution with respect to complaints related to physical domestic violence should be undertaken in a manner set forth in the Criminal-Procedural legislation.

Despite the introduction of new law, social and psychological factors, such as the perceived responsibility of the women to keep silence and not “rock the boat” for the good of the family, prevent many cases of domestic violence from being reported. As a consequence, many cases of violence are reported to law enforcement agencies only when there is grievous bodily harm or even death. Assault and battering, intimidation and threats (even if they are perpetrated systematically), forced sexual contact, economic oppression and other types of “latent” violence rarely leave the house and remain “invisible” to the public. According to data from the Ministry of Internal Affairs of Azerbaijan Republic,
the numbers of cases of domestic violence against women in 2007-2013 are:

Table 6.1 Cases of domestic violence against women in 2007-2013

<table>
<thead>
<tr>
<th>Years</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of cases</td>
<td>3,851</td>
<td>4,370</td>
<td>4,696</td>
<td>4,489</td>
<td>4,280</td>
<td>3,218</td>
<td>1,803</td>
</tr>
</tbody>
</table>


In addition to the law on domestic violence, there are other legal provisions against SGBV, including provisions against sexual harassment in the workplace.

Employees are protected from sexual harassment by Article 4 of the Law of the Republic of Azerbaijan on Guarantees of Gender Equality, which strictly forbids sexual harassment. However, there have not been any cases brought to court regarding sexual harassment in the workplace. There is no information available as to why this has been the case.

The definition of rape in the Criminal Code of the Republic of Azerbaijan envisages punishment for rape, forced prostitution, forced biological sterilization or other deeds connected with rape. However, the definition of rape does not include marital rape, making women more vulnerable to this form of abuse. This definition has not been reviewed yet; however, a review is possible in the future as a part of legislative reforms.

There is one shelter for trafficking victims, operated by the Ministry of Internal Affairs, which provides places for 45 victims. There is also a shelter for victims of violence operated by a local CSO. Other NGOs plan to open new shelters in the future.

In 2007 a research on the Status of Sexual Harassment Issue in the country found that 33 percent of women defined themselves as victims of sexual harassment. There was also a clear link between their job and educational status, and the likelihood of sexual harassment. More than half (53 percent) of the women were harassed by their supervisors (mostly in the private sector), 26.3 percent experienced harassment in the education sphere and 5.6 percent were harassed by colleagues. Around 80 percent of these women recognized that they depended on the perpetrator for their job. Women who refused indecent proposals recognized that it impacted negatively on their employment (17 percent) and education (33 percent).

Victims are often reluctant to bring the cases to court due to rumors it may lead to, the difficulty of proving sexual harassment and discrimination, and the fear of losing their job.

Almost no organizations or companies (including the state bodies) have a gender policy explaining sexual harassment as an issue of employee safety. There are also no gender indicators included in the monitoring systems of labor safety and rights, measuring levels of gender-based discrimination and revealing its cases in workplaces.

There are two further problems regarding the protection from sexual harassment and violence. On the one hand, the lack of penal provisions for strengthening the law “On State Guarantees of Gender Equality” and weak mechanisms for promoting and implementing gender policies further undermine the law. The law does not provide any penal provisions and does not refer to already existing normative legal documents in cases of sexual harassment. On the other hand, lack of awareness about rights and laws among population, as well as the biased media coverage of these issues, seriously impair women’s rights and status in the workplace and deteriorate the issue.

Furthermore, the number of newborn boys has been higher than the number of girls in the last four to five years. Currently, there is a study underway on the disturbance of gender relations of children born in the Republic of Azerbaijan, jointly with the UNFPA and SCFWCA. It is possible that this difference is due to selective abortion, with preference being given to male fetuses. If this is the case, such practice would constitute yet another instance of SGBV, as defined by many organizations, including the Interagency Gender Working Group.

Analysis of the assessment results shows that women’s access to justice in Azerbaijan is a real concern. Some barriers to the access to justice observed at national level were: lack of free legal aid and protection, unwillingness to involve others (particularly state organs because of fear of ostracism and rumors), high level of corruption, structural barriers of the legislation system and low level of awareness among women about their rights.

The adoption of the Law on Domestic Violence, and some recent developments in legislation and policy-making, such as: the adoption of the Law of the Republic of Azerbaijan “On Amendments to the Family Code” in November 2011 to bring the age of consent to marriage to 18 for both men and women; the amendment of The Criminal Code in November 2011 to prohibit early and forced marriages and to increase sanctions for such offences; the adoption of the National Plan of Action for the implementation of Resolution 1325; and the creation of Gender Focal Points in State structures were positive steps forward. These developments, as well as awareness raising are encouraging.

Although the government promotes the belief in equality of men and women, gender imbalance in power structures, the high degree of acceptance of the existence of psychological, physical and, to some degree, sexual violence, and the insufficient implementation of adopted laws, plans and international mechanisms remain a problem.

The State’s and civil society’s response to women’s rights issues, the availability of legal aid and access to justice remain uncoordinated, and have limited resources, which leads to great uncertainties in

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their work. The existence of legal and crisis centers organized by NGOs and the government contributes to the resolution of women’s problems. However, their number and capacities are limited financially and geographically. The civil society actors and state workers, including lawyers and police officers working in the field, require professional trainings, particularly related to gender and women issues.

RATING: Slight to moderate progress

Indicator 7 – Number and quality of gender-responsive laws and policies

Table 7.1. National legislation

<table>
<thead>
<tr>
<th>Law name &amp; year</th>
<th>Purpose</th>
<th>Result of the law</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution of the Republic of Azerbaijan, 1995</td>
<td>Article 25: specifically prohibits any restriction of these rights on the grounds of gender</td>
<td>Article 12(2) of the Constitution of the Republic of Azerbaijan further states that human rights and liberties listed in the Constitution shall be applied in accordance with international conventions ratified by the Republic of Azerbaijan.</td>
<td>Gender legislations</td>
</tr>
<tr>
<td>Decree of the President of the Republic of Azerbaijan &quot;On state women policy of the Republic of Azerbaijan,&quot; 6 March, 2000</td>
<td>This document envisages ensuring equality between women and men in all state bodies, providing employment of IDP and refugee women in accordance with relevant state programs, revision of legislation from the gender point of view.</td>
<td>This led to the development of laws on gender.</td>
<td>Gender legislations</td>
</tr>
<tr>
<td>Decision of the Cabinet of Ministers of the Republic of Azerbaijan &quot;On National Plan of Action on women's issues of the Republic of Azerbaijan for 2000-2005,&quot; 6 March 2000</td>
<td>The National Plan of Action was elaborated on the basis of Beijing Strategies with taking into consideration the national priorities.</td>
<td>The parts of the National Plan of Action cover the following issues: Women and economics; Women and education; Women and health; Women and violence; Women and armed conflicts; Refugee and IDP women; Women and mass media; Women and Environment; The girl child;</td>
<td>The increasing participation of women in state structures and in decision-making. Development of contacts with international women's organizations.</td>
</tr>
<tr>
<td>Law on Guarantees of Gender Equality, adopted in December 2006</td>
<td>The main purpose of this act is ensuring equal opportunities for women and men in the political, economic, social, cultural and other spheres of public life and elimination of all forms of discrimination on gender basis.</td>
<td>Mechanisms are also not elaborated, but documents to be referred are NGOs or women who suffered discriminations.</td>
<td>This act defines main directions and purposes of state policy on achieving gender equality in the country, for example increasing number of women in Parliament and municipality.</td>
</tr>
<tr>
<td>Law On Combating Domestic Violence adopted in 2010</td>
<td>Raising public awareness and supporting legislative initiatives, to improve coordination among state institutions engaged in combating domestic violence.</td>
<td>Explanatory and advocacy work of SCFWCA and NGOs with society: trainings, brochures, clips, roundtables.</td>
<td></td>
</tr>
<tr>
<td>Amendments to the Family Code, 2011</td>
<td>Bring the age of consent to marriage to 18 for both men and women</td>
<td>The Government of Azerbaijan is fully conscious that the exploitive nature of early marriage affects more girls than boys and those girls suffer extreme disadvantage in losing their opportunities for education and personal freedoms as compared to boys of the same age.</td>
<td></td>
</tr>
<tr>
<td>A second National Plan of Action for 2009-2013, which was approved by a Decree of the President of the Republic of Azerbaijan</td>
<td>Contains no less than 70 policy measures for victims of human trafficking</td>
<td>The Criminal Code was accordingly amended in 2011, to prohibit early and forced marriages and to increase sanctions for such offences.</td>
<td></td>
</tr>
</tbody>
</table>

Azerbaijan’s current Constitution was adopted in 1995. Article 25 of the Constitution, guaranteeing the right to equality states:

I. All people are equal with respect to the law and law court.
II. Men and women possess equal rights and liberties.
III. The state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging.51

Article 34 of the Constitution specifies the rights related to marriage:

I. Everyone has the right to establish a family on attaining the age prescribed by law;
II. Marriage is contracted on the basis of voluntary consent. No one may be forced to marry;
III. Family and marriage come under the protection of the State. Maternity, paternity and childhood are protected by the law. The State provides assistance to large families;

IV. Spouses have equal rights. Parents have both the right and the duty to take care of and to raise their children.52

All Azerbaijani legislation (including the Labor Code, the Criminal Code and the Marriage and Family Code) is based on the Constitution and embodies the basic rights and freedoms of equality between man and woman. However, a number of acts have provisions that reflect exclusively female-specific factors and assert the difference between man and woman in the form of "positive discrimination" in favor of women. For example, preferential working conditions are stipulated for women, taking into account their reproductive functions, physical capacities and family situations. Moreover, women, with the exception of physicians, have no military service obligations, although there is no such limitation in the Constitution (article 76).

Under the Labor Code, it is prohibited to refuse to employ women, or reduce their pay on the grounds that they are pregnant or nursing a child (articles 240 and 245); it is prohibited to assign women to heavy labor, work involving harmful conditions, and underground work, with the exception of certain types of underground work (non-physical work or cleaning and domestic services).53 Furthermore, according to the law, women may not carry or move loads in excess of the limits prescribed for them.

52 Ibid.
Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan,

The Law on Guarantees of Gender Equality bans sexual harassment at the workplace. In articles 17 and 18, the article places the responsibility for sexual harassment on the employer. These articles state:

- **Art 17.1:** An employer may not subject an employee to harassment on the grounds that the employee has rejected the employer’s sexual advances or has reported the employer for sex discrimination.55
- **Art 17.2:** The employer is responsible for the harassment towards an employee based on the provision 19.1. of the current Law and in accordance with the legislation of the Republic of Azerbaijan.56
- **Art 19.1:** It shall be prohibited to specify requirements in job advertisements or education opportunities advertisements, giving priority to one of the sexes, and to request information from job seekers about their family status, private life or family plans.57

It should be noted that there is an inconsistency between the formal gender equality and the actual unequal access of men and women to economic, social and cultural resources. The most serious obstacle to achieving the real equality is the existence of traditional ideas about the division of the social roles between the two genders. Such ideas are especially deeply rooted in the field of political and public decision-making, which is traditionally considered a male field. The existing institutional mechanism is not sufficient to resolve this problem.

In March 2000, the President of Azerbaijan signed the Decree “On Implementation of the National Gender Policy in the Republic of Azerbaijan.” This act envisages the ensuring of equal representation of women and men in all state structures of the Republic; providing refugee and internally displaced women with working places by preparing the relevant state program; reviewing the legislation by taking into account the gender aspects.

In order to launch the practical implementation of the above-mentioned Decree the gender focal points were appointed in the governmental structures. According to the Decree of the Government of Azerbaijan women should be appointed as one of the Deputy Heads of the Executive Power in all regions of Azerbaijan. This decree has already been implemented in large number of the regions.

In June 2000, the Cabinet of Ministers of the Republic of Azerbaijan adopted the National Plan of Action on Women Issues for 2000-2005. This program was elaborated on the basis of Beijing Strategies with taking into consideration the national priorities. It covers political, social, economic, cultural, educational, and health issues, as well as the problems of refugee and IDP women. The National Plan of Action includes both the participation of state structures and NGOs. The inter-agency group was established in order to implement the provisions of the National Plan of Action. The Plan was approved with the aim of raising the effectiveness of efforts to protect human rights and freedoms, promote legal culture and ensure sustainability of activities to improve the regulatory and legal frameworks and the human rights protection system.54

The Law on Guarantees of Gender Equality was adopted in December 2006. The main purpose of this act is to ensure equal opportunities for women and men in the political, economic, social, and cultural spheres, as well as the other spheres of public life, and to eliminate all forms of discrimination on the basis of gender. This act defines main directions and purposes of state policy on achieving gender equality in the country, for example by increasing number of women in Parliament and on municipality level.

The Law on Guarantees of Gender Equality bans sexual

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56 Ibid.

57 Ibid.
Although there are certain seemingly discriminatory provisions in the Azerbaijani law, such as the exemption of women from military service and protection from divorce while pregnant, in practice these measures had a positive impact on the protection of women.

Women’s NGOs focusing on efforts to combat violence and change men’s mentalities conduct awareness-raising campaigns on the issue of violence against women in the family, at work and in daily life. Even educated women are not well-informed on women’s rights, gender, male-female relationships and the government’s gender policy. Interviews indicated that even progressive males are against gender propaganda, believing it is contrary to their interests. All this necessitates trainings for both sexes to explain that gender equality is not against either sex. On the contrary, gender policy aims to establish collaboration between men and women.

In accordance with article 148 of the Constitution of the Republic of Azerbaijan, international agreements to which the Republic is a party are an integral part of the Azerbaijani legislative system. Under article 151 of the Constitution, in the event of a conflict between the laws and regulations of the Azerbaijani legislative system (excluding the Constitution of the Republic of Azerbaijan and acts adopted by referendum) and the international agreements to which the Republic of Azerbaijan is a party, the international agreements prevail.

The Republic of Azerbaijan acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 10 June 1995. The Convention was adopted without reservations. On 6 June 2000, the Republic of Azerbaijan signed the Optional Protocol to CEDAW, which entered into force on 16 February 2001. In accordance with article 18 of the Convention, the Republic of Azerbaijan submitted its initial report to the CEDAW Committee within a year of ratifying the Convention. The representative of Azerbaijan delivered the report for discussion by the Committee in January 1998. Following the statement by the representative and subsequent discussion, the Committee prepared its conclusions and recommendations, which were translated into the national language and widely distributed. NGOs prepared shadow reports to the CEDAW committee. The aim of the shadow reports was not to criticize or deny efforts and progress made by the Azerbaijani government to achieve gender equality and equal treatment for women and men in the country, but to point out areas of concern regarding the status of women in the country and comment on some significant changes.

The mechanisms for the implementation of national laws are also not elaborated, but the laws are used by the CSOs, as a reference in their work for the protection of women.

**RATING: No change**

**Indicator 8 – Number and nature of provisions/recommendations in the Truth and Reconciliation Commission (TRC) and other transitional justice reports on women’s rights**

There is no information available on the transitional justice proceedings in Azerbaijan. To the best of the researchers’ knowledge, there no Truth and Reconciliation Commission has been established, and therefore there are no such provisions to speak of.

**Indicator 9 – Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes**

There is no statistical data about the number and percentage of women who receive economic packages in conflict resolution. In the instance of support for IDPs, there is not any discrimination, if the IDP is female. The number of women IDPs is higher than that of men because most men died during war, which left many women as breadwinners.
C. Promotion of a gender perspective

Indicator 10 – Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law

The education program for military and police includes a course on international humanitarian law. Besides the training programs, the Ministry of Justice also holds seminars on CEDAW and other human rights treaties, which are attended by judges, prosecutors and lawyers. Education of judges at the Academy is dispensed in cooperation with the European Council, OSCE, UNICEF, German Technical Cooperation Organization (GTZ) and other agencies. The Ministry of Justice has also been involved in a continuing joint Project with the European Commission called “Application of the European Convention for the Protection of Human Rights and Fundamental Freedoms” for the court system and human rights advocates. In addition to its focus on the implementation of the new law on domestic violence, SCFWCA has raised awareness about the law through conferences, roundtable meetings, lectures, seminars and meetings such as the International Conference on “Police Supported by Society” Project, jointly implemented by the OSCE Baku Office and the Ministry of Internal Affairs. The project aims to increase the number of women in the Police Force and to achieve a more effective intervention of the police in cases of domestic violence and human trafficking.

Representatives of all law enforcement agencies for example those from the Ministries of Internal Affairs, Justice and National Security, General Prosecutor’s Office, the State Migration and Border Services and the State Customs Committee regularly participate in trainings organized by the IOM Azerbaijan Office. These trainings are organized with the aim of improving the professionalism and knowledge of representatives of state implementing the National Referral Mechanism associated with victims of human trafficking (hereinafter: “the National Referral Mechanism”) in accordance with the Decree No. 123 of the Cabinet of Ministers dated August 11, 2009.

We could not receive information about peacemaking trainings for military and police.

Rating: Slight progress

Indicator 11 – Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and government

There is no information on the amount of funds allocated and disbursed to WPS programs in Azerbaijan.

The Government of Azerbaijan works closely with International Organizations such as UN, OSCE, ODIHR, CoE in the sphere of gender mainstreaming. As a result of this cooperation, several projects in the field of women’s participation have been carried out. In addition to that, international donors, such as Kvinna till Kvinna Women Foundation, CARE International in The South Caucasus, Ebert Foundation, Marshal Foundation and EPNK program also contributed to WPS programs in Azerbaijan. However, information about the amount of funds allocated is not available.

III. Conclusion and Recommendations

Conclusion

In Azerbaijan, unequal opportunities for women remain the main problem in the area of equal rights between men and women. The principle of equality between the sexes is enshrined in the Azerbaijan Constitution and reflected in the national legislation. The Republic of Azerbaijan has ratified most of the international policies relevant for improvement of women’s human rights and gender equality but there is a huge gap between law adoption and implementation. Strategic documents and action plans for implementation are not enough.

The lack of participation and equality is not perceived as a problem neither by the state nor by the women themselves, who are getting used to the idea that inequality and discrimination are the norm. Targeted state action to improve existing gender equality policies and standards, and to foster long-term comprehensive women’s rights and empowerment agenda is essential as the state remains the paramount political actor and gender inequality continues to be invoked in law, public performance and informal behavior.

The difficult times following independence and the subsequent conflicts have impacted women’s rights, particularly with regard to their health, human security, economic opportunities, justice and participation in decision-making processes. The unresolved political tensions stemming from the armed conflicts over Nagorno-Karabakh in the late 80s and early 90s remain among the most serious impediments to long-term, just, inclusive and sustainable development for all of the peoples in Azerbaijan. Hundreds of thousands of people have been directly affected by these conflicts and still suffer their consequences today. They include internally displaced persons, refugees, returnees, war invalids, families who lost loved ones, as well as numerous communities that live in close to proximity to the militarized borders that have fragmented the region and creates a pervasive sense of insecurity and instability. The negative atmosphere during the elections, lack of rule of law and the positive tools to empower women during campaigns are the main reasons for the low political participation of women.

The security sector is still considered a male profession and women continue to be under- represented, especially in leadership positions. Lack of understanding and sensitivity of policemen to the issues of sexual violence and sometimes difficulty of proving facts of this kind of violence prevent women from appealing to
police and opening a case. Another reason preventing them is a fear of rumors it may lead to.

Due to minimal problem recognition and acknowledgement, women in Azerbaijan continue to have limited access to justice, have limited availability of relevant and timely services or opportunities for different type of aid. Without a concerted effort by all actors to address this problem, it is unlikely to change and every single day in Azerbaijan, women will continue have unsolved problems and stay as one of marginalized group of population.

Taking into consideration that it is very difficult for the victims of sexual violence to apply to the law-enforcement bodies, it is recommended to involve more women in the work of the police system. This will create a more welcoming environment for the victims on the one hand, and will strengthen the mechanisms for their protection on the other hand.

In Azerbaijan, there are no support centers for victims of sexual violence. Opening such centers would significantly contribute towards development of prevention mechanisms and would provide support to many women faced with sexual violence, and assist them in tackling the problems they encounter. Furthermore, development of prevention mechanisms and educational and social programs, with the help of social workers, would lead to elimination of any type of violence in society and would increase the population’s awareness of the harm done by different forms of violence, as well as of the ways to prevent and fight it.

Low political participation of women has direct influence on their involvement in decision-making and peace negotiation initiatives. Insufficient influence of women in the peace making process stems from the following reasons:

▶ Women are often unaware of their rights;
▶ Women cannot contribute to analyzing the existing situation because there are no forums in which they could get involved;
▶ There is no positive experience in peacebuilding;
▶ There is no exchange of experience in peacebuilding;
▶ Women's potential is underestimated by both men and women in positions of authority. Qualified women or men who are in leadership positions might not necessarily have a firm grasp of what a gender perspective means, know how to act in gender-responsive ways or be committed to enhancing gender equality.
▶ There are not enough women in decision-making process and bodies;
▶ There is no coordination between NGOs and state structures.

Currently, international efforts to resolve the conflict between Azerbaijan and Armenia are slow and take place only within the domain of international diplomacy. Consequently, only limited amount of information is "filtered down" to the general population. Therefore, the relationship between political leadership and civil society is polarized. Any independent discourse on the conflicts that falls outside of official narratives can be seriously punished by the authorities, or heavily criticized by the public, or by the media. There are people in society who do not believe in a peaceful solution of the conflict. Furthermore, the mass media plays an important role in manipulation and intensification of the conflicts within society. Journalists write about the problems of ethnic minorities to create sensation, and thus make the situation much more complicated, since they do not have enough information about the origins and development of the conflicts, nor the possibilities of a peaceful solution. Often, the misrepresentation of the conflicts in the media leads to more aggressive reactions to cultural variety, peacemaking process and refugees and internally displaced persons who suffered from the war.

An initiative should be taken to provide the following: to participate in structures that define women's local political course; to participate in the processes of appointment and assignment of candidates; to motivate women to be appointed to decision making processes by developing their leadership skills and self-esteem; to form a mentoring system for the inexperienced women and to suggest leadership, decision making and public negotiations courses, as well as taking part in political campaigns. Moreover, women’s organizational and managerial skills and capacity to conduct, to control, to manage and to assess the local programs should be highly appreciated by the management of the institutions. Supporting changes, the development of appropriate means of gender perspectives of the staff and gender knowledge about the work, gender analysis and daily training programs about gender planning should be taken into consideration.

Considering that women constitute the majority of the society, inclusion of women into peacemaking process is essential. Women and men have different experiences of violence and peace, women must be allowed and encouraged to bring their unique insights and gifts to the process of peace building. Therefore, the creation of the National Action Plan on UNSCR 1325 in the Azerbaijan is of strategic importance.

**Recommendations**

**To Government:**

▶ Create and implement National Action Plan on UNSCR 1325.
▶ Mainstream gender into all government policies, programs and projects through the National Action Plan, as well as affirmative action and specific programs targeted at women's empowerment and participation.
▶ Take ownership of these processes to improve implementation of adopted national gender action plans and consult regularly with civil society on development, implementation and monitoring and evaluation.
Mainstream concerns and rights of special vulnerable groups of women (e.g. rural, poor and IDP women) into existing national policies and create special provisions to address topics regarding IDP women’s inclusion and protection, in close consultation and cooperation with IDP women’s groups. Welcome women representatives of IDPs to cooperation with decision-making bodies at municipal and national level.

- Implement a labor law with anti-discriminatory gender provisions and ensure that employers give proper training to their employees on gender discrimination.
- Implement a gender-budgeting plan that covers all government policy areas.
- Involve more women in the work of the police system.
- Open support centers for victims of sexual violence that will contribute towards development of prevention mechanisms and measures, as well as assist women who experience sexual violence.
- Assist respective governments financially and operationally in managing national action plans on IDPs and create a special focus on IDP women as they constitute more than a half of IDP populations and bear multiple burdens.

To the UN:

- Establish and fund UN Women offices in Azerbaijan. Support the establishment of UN Women offices in every country in the region as a peace promoting instrument for the implementation of UNSCR 1325.
- Support capacity building for women’s groups to monitor UNSCR 1325 and its components.

Integrate UNSCR 1325 and 1820 into the analysis for country strategy papers in conflict and post-conflict countries, and include earmarked financial resources to support local women's organizations in implementing UNSCR 1325.

- Create opportunities for persons from all parts of the region to travel internationally in order to participate in regional meetings, and to work with the authorities in the region to ensure respect for the right of freedom of movement and to engage directly on conflict issues.
- Provide opportunities for civil society to work in a regional format that includes all of the polities of the South Caucasus.

To civil society:

- In order to develop the National Action Plan on UNSCR 1325 and 1820, advocate for creating a working group in Azerbaijan consisting of both members from governance and civil society organizations.
- Work within conflict-affected communities to create a base of active citizens that can act as an intermediary between the people and the authorities.
- Put gender equality at the top of the agenda for development and reform, emphasizing the contribution of gender equality to social, political and economic life.
- Specialists (both female and male) need to learn to apply gender principles.
- Develop capacities of women to take on decision-making roles of governance.
IV. Bibliography


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**Laws and documents**


**Online resources**


(Endnotes)


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