

AZERBAIJAN

CEDAW A/53/38 (1998)

37. The Committee considered the initial report of Azerbaijan (CEDAW/C/AZE/1) at its 361st, 362nd and 367th meetings on 20 and 23 January 1998 (see CEDAW/C/SR.361, 362 and 367).

38. The representative of the Government informed the Committee that 20 January is the Azeri national day to commemorate the victims of totalitarianism. The adoption by the Supreme Soviet of the Azerbaijani Republic of the Declaration on the Restoration of the State Independence of the Azerbaijani Republic, on 30 August 1991, and the Constitutional Act of State Independence, on 18 October 1991, formed part of the outcome of the struggle for independence.

39. The implementation of socio-economic and political reforms commenced upon independence, but, according to the representative of the Government, the situation in the country has been affected by the socio-economic crisis and Armenia's armed aggression, which has had an impact on the whole population. In addition, 85 per cent of the population remains below the poverty line. There is also a large population of refugees and displaced persons, including women and children.

40. In spite of those difficulties, the Government attaches great importance to the implementation of international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which the Government had acceded without any reservations in June 1995. The Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and the follow-up implementation at the national level has also been important in the context of women's rights in Azerbaijan.

41. The initial report of Azerbaijan was prepared one year after its accession to the Convention during a period of economic difficulties, the occupation of 20 per cent of the territory of Azerbaijan and the existence of more than a million refugees and displaced persons. Those factors have had a negative effect on the implementation of the Convention.

42. The representative of Azerbaijan provided a comprehensive retrospective analysis of the changes in the situation of women in the country and paid tribute to the contributions of prominent women in that process.

43. A special State committee on women's issues has been established recently, and the Government is actively pursuing the policy of equal rights and equal opportunities. That approach forms the basis for interaction with non-governmental organizations.

44. The Committee was informed that the new Constitution, adopted in 1995, underscores the principle of equality of human rights of men and women. *De jure*, women enjoy full guarantees of human rights and freedom from discrimination. The difficult socio-economic situation, however, has resulted in a severe decline in the standard of living and an increase in the unemployment rate. This has resulted in widespread poverty among women and men. The high rates of infant and maternal mortality are also issues of great concern.

45. A large number of women in Azerbaijan have achieved a high level of education, and since 1996 the number of women seeking higher education has exceeded that of men. However, more women than men are unemployed, and there are fewer women than men at all levels of decision-making. Women constitute 12 per cent of all deputies in the Parliament and 20 per cent among managers in decision-making positions. Women in the labour market are usually concentrated in the fields of health care, social welfare, education and culture.

46. The Government of Azerbaijan is particularly concerned about the large number of refugees and displaced persons in the country, where women and children constitute the majority. Currently, the Government is implementing a wide set of measures aimed at the integration of refugee and displaced women into social and economic life.

47. The Government of Azerbaijan recognizes that much remains to be done in order to achieve full equality between women and men. In that regard, the Committee is assured of the willingness of the Government to continue to undertake all the necessary measures to implement the obligations of the Convention.

Concluding comments of the Committee

Introduction

48. The Committee expresses its appreciation to the Government of Azerbaijan for ratifying the Convention without reservations after the proclamation of its independence.

49. The Committee appreciates the submission of the report one year after ratification and welcomes the supplementary information given to it in an excellent oral presentation by a high-level delegation.

Factors and difficulties affecting the implementation of the Convention

50. The Committee recognizes that Azerbaijan is facing economic, social and political challenges as a result of its post-war condition, the high number of refugees and the transition to democracy and a market-oriented economy. In that connection, it notes that the State party is undergoing severe economic and social problems, which had a negative impact on the whole population, 85 per cent of which live below the poverty line. Such a situation affects women in particular, who constitute the majority of the population as well as the majority of refugees and displaced persons, and impedes full implementation of the Convention.

Positive aspects

51. The Committee expresses satisfaction at the fact that the Convention has been translated into Azeri and widely disseminated.

52. The Committee takes note of the willingness expressed by the State party's delegation to strengthen the national machinery for the advancement of women and to engage non-governmental organizations in the realization of the goals of the Platform for Action adopted by the Fourth World

Conference on Women.

53. The Committee notes the high number of women involved in the professional and cultural life of the country and the relatively high percentage of women in the decision-making process.

54. The Committee welcomes information on the establishment, with the help of the United Nations Children's Fund (UNICEF), of six regional family-planning centres, which will provide a larger number of women and men with assistance in matters of reproductive health.

55. The Committee also welcomes information on the proposed establishment of a women's bank to provide loans and credits for small enterprises organized by women.

Areas of concern

56. The Committee is concerned by the fact that, although the Constitution proclaims that men and women have equal rights and freedoms, there is no definition of discrimination in the Constitution or in the laws and no mechanisms to strengthen the prosecution of discriminatory practices against women.

57. The Committee is concerned that the Government of Azerbaijan has not yet put in place its plan for implementation of the Platform for Action.

58. The Committee is concerned that, although Azerbaijan is a secular State in which the provisions of the Convention should be relatively easy to implement, there is, as yet, insufficient governmental commitment to eliminating deeply rooted patriarchal attitudes and avoiding the danger of the resurgence of fundamentalist tendencies, which impedes the full implementation of the Convention, in particular the measures outlined in subparagraph (a) of article 5.

59. The Committee regrets that the role of national machinery has not yet been clearly identified so as to permit a consistent and comprehensive strategy for the full involvement of women in the development process of the country.

60. The Committee notes with concern discrepancies that still exist between *de jure* and *de facto* equality, particularly in the context of the implementation of articles 10 and 11 of the Convention, and the great number of highly educated women who are living below the poverty line.

61. The Committee is concerned by the fact that although women's rights, as set out in article 11 of the Convention, are guaranteed, there is a growing percentage of unemployment among women and that no measures have been introduced to address that situation.

62. The Committee expresses concern at the fact that paragraph 1 of article 4 of the Convention, which advocates the adoption of temporary special measures aimed at accelerating *de facto* equality between women and men, has not been used to eliminate the inequality between women and men, particularly in the context of the integration of women into politics and employment and with regard to assistance for displaced and refugee women.

63. The Committee is particularly worried about the high level of maternal, as well as infant mortality rates and the fact that there are insufficient resources for international emergency aid in that field.

64. The Committee is seriously concerned that insufficient efforts have been introduced to assess and combat violence against women, particularly in the light of the fact that socio-economic and physical hardships usually increase the incidence of violence, particularly in the domestic sphere.

65. The Committee expresses serious concern about the situation of women victims of prostitution and trafficking. The Committee is of the view that the content and the implementation of legislation to address those problems may be discriminatory and might not always respect the rights of victims or produce positive results. For example, the Committee notes that forced medical control of prostitutes, where such measures are not implemented with respect for clients, is discriminatory and might be counterproductive.

66. The Committee is alarmed by the widespread use of abortion as a basic means of family planning. It is also concerned about the general health situation of women, particularly in view of the spread of tuberculosis and other contagious diseases.

67. The Committee expresses concern regarding the situation of women in rural areas, in particular with regard to basic health protection and education, as well as social protection, as outlined in article 14 of the Convention.

68. While understanding the difficult economic situation and the difficulty of reaching durable solutions to the refugee problem, the Committee expresses its concern about the precarious material and psychological conditions of women refugees. It also notes that insufficient attention has been paid to refugee women, including through failure to seek the support of relevant international agencies.

Suggestions and recommendations

69. The Committee recommends that the Government take the steps necessary to ensure respect for, and the effective implementation of, the provisions contained in the Convention. In particular, it recommends that a definition of discrimination closely modelled on article 1 of the Convention be incorporated in the Constitution or relevant laws. It also recommends that the provisions of the Convention be reflected in legislation, in particular legislation concerning health, education and labour.

70. The Committee encourages the Government of Azerbaijan, through appropriate legislation, to identify the role of the national machinery for the advancement of women and to provide it with the necessary human and budgetary resources.

71. The Committee encourages the elaboration of a national plan of action for the implementation of the Platform for Action adopted in Beijing and suggests close cooperation with non-governmental organizations working in the field of human rights and other representatives of civil society to enhance gender awareness and to promote the campaign to combat traditional stereotypes regarding

the roles of women and men.

72. The Committee recommends that appropriate institutions consider the utility and necessity of affirmative action, in particular to encourage greater participation of women in decision-making bodies.

73. The Committee further recommends the elaboration of adequate family-planning programmes, with the help of the United Nations Population Fund, so as to avoid the use of abortion as a means of family planning and thereby diminish the risks of maternal mortality resulting from unsafe abortions.

74. The Committee recommends that the Government review the legislation relating to the exploitation and trafficking of women so as to eliminate the discriminatory content of such legislation.

75. The Committee recommends that refugee and migrant women be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

76. The Committee recommends that the Government make efforts, and support those initiated by non-governmental organizations, to assess the extent and prevalence of all forms of violence against women in Azerbaijan and to introduce programmes and measures to combat this problem.

77. The Committee recommends that the provisions of the Convention be widely publicized among the general public and, in particular, among teachers, social workers, law enforcement officials, prison staff, medical personnel, judges, lawyers and members of other professions who are concerned with the implementation of the Convention.

78. The Committee recommends the introduction of human rights education, including the Convention, in schools and universities.

79. The Committee requests the wide dissemination in Azerbaijan of the present concluding comments in order to make the people of Azerbaijan, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.