



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
4 February 2009

Original: English

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-fourth session

20 July-7 August 2009

List of issues and questions with regard to the consideration of periodic reports*

Azerbaijan

Data collection and analysis

1. The report (CEDAW/C/AZE/4) contains only limited statistical data disaggregated by sex on the situation of women in areas covered by the Convention, and almost no information comparing the situation of women to that of men. Please provide information on the steps taken or planned to put in place a comprehensive system of data collection as recommended by the Committee in its previous concluding comments (CEDAW/C/AZE/CO/3, para. 10).

Constitutional, legislative and institutional framework

2. Please clarify whether the Law on Gender Equality encompasses both direct and indirect discrimination and is extended to cover acts of discrimination by both public and private actors, as recommended by the Committee in its previous concluding comments (para. 14). Please also provide the text of the relevant sections of that law.

3. Please provide statistics on the use by women of the legal system to obtain redress for discrimination in all fields covered by the Convention and trends over time, as requested by the Committee in its previous concluding comments (para. 12). Please also provide examples of pertinent case law and redress obtained for acts of discrimination by both State and private actors.

4. Please provide updated statistical information covering the years 2007 and 2008 on the types of complaints of alleged discrimination lodged by women to the Commissioner for Human Rights (Ombudsperson) as well as on the number of investigations initiated, their outcome, and the subsequent compliance. Please also

* The page numbering in this list of issues refers to the English version of the report.

elaborate on the specific measures planned or taken to encourage women to seek redress against discrimination.

5. The report states on page 4 that article 3.2 of the Law on guarantees of gender equality provides a legal basis for the adoption of special measures when necessary to accelerate de facto equality and realize substantive equality for women. Please clarify whether this provision allows the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and provide information on any temporary special measures undertaken under the Law in 2007-2008 to enhance the realization of de jure and de facto gender equality, and their impact.

6. The Committee, in its previous concluding comments (para. 5) welcomed the establishment of gender focal points in every Government department to monitor the implementation of the State policy on women's issues. Please provide information on the work of these focal points, including information about any particular success in implementation of the State policy on women's issues and gender mainstreaming at the local level that has been identified by the focal points, as well as about obstacles that are impeding it.

7. Please provide information on the concrete measures envisaged for the year 2009 to implement the National Action Plan on Family and Women's Issues for the period 2008-2012 and the planned monitoring and evaluation mechanisms.

Violence against women

8. The report refers to the preparation of two laws on domestic violence, the "Law on prevention of domestic violence" (p. 6) and the "Law on fight against domestic violence" (p. 17). Please clarify whether it is a question of two different laws and provide updated information on the status of the law(s) and the estimated timetable for adoption.

9. The report refers to a number of programmes and projects which contain measures aimed at combating violence against women (pp. 8, 15, and 16). Please provide information on concrete actions taken to implement these measures and their impact. Please also provide information on any concrete steps taken or planned to improve access to justice by women victims of violence.

10. Please inform the Committee whether a review of the definition of rape in the Criminal Code has taken place or is envisaged to penalize any sexual act committed against a non-consenting person, including in the absence of resistance.

11. Please provide information on the extent of sexual harassment in the workplace. Please also provide information on complaints procedures and other types of mechanism available for women victims of sexual harassment to seek redress and to initiate criminal proceedings against alleged perpetrators and whether women avail themselves of these mechanisms; the number of complaints lodged in 2007-2008 and their outcome; and any compensation paid to victims in accordance with the new provision of the Labour Code. With reference to the new provision of the Labour Code, please also indicate whether it is common that women victims of sexual harassment decide to resign from their work as a solution to the problem.

Trafficking in persons and exploitation of prostitution

12. The report states on page 20 that during the period 2004-2007, 769 cases of trafficking were registered by the authorities and 766 persons were prosecuted. Please provide detailed statistical information on the outcome of the criminal proceedings in these cases and the sentences imposed.

13. Please provide information on the number of places in the shelter for victims of trafficking referred to on page 19 of the report, and indicate whether there are plans to open any new shelters for the victims. Please also indicate whether there are any shelters for women victims of violence.

14. The report refers on page 20 to an analysis of the profile of victims of trafficking which revealed that in most of the cases, the victims have been women from single-parent families, single mothers, women with low education or illiterate women. Please provide information on measures that are being taken to reduce the vulnerability of these women to becoming victims of trafficking and to address the root factors that encourage trafficking in women.

Participation of women in political and public life

15. The report states on page 21 that after the last elections held in 2005, women represent 11.2 per cent of the members of the National Parliament. Furthermore, according to the response to the questions posed concerning the second and third periodic reports (CEDAW/C/AZE/Q/3/Add.1, question 12), women constituted 5.01 per cent of the candidates and 4.08 per cent of those elected in the 2004 municipal elections. Please provide information on any concrete measures taken or envisaged by the Government to promote women's participation in political life and to increase the representation of women in elected bodies at the national and local levels, in particular at the next elections to the National Parliament in 2010.

16. The report states on page 21 that the State Committee for Family, Women's and Children's Affairs compiles a database on the average percentage of women in State bodies, including in decision-making positions. Please provide the Committee with the available information covering the years 2007 and 2008.

Stereotypes and education

17. The report states that research studies conducted during recent years confirms that men in Azerbaijan hold leading positions in the society and that traditionally, women in Azerbaijan are engaged in family life, child care and similar activities voluntarily and that it constitutes a part of the mentality of the society. The report also describes a number of actions being taken to overcome stereotypical attitudes on the roles of women and men (pp. 13-15). Please indicate the impact of these various initiatives and provide information on the main challenges identified.

18. In its previous concluding comments (CEDAW/C/AZE/CO/3), the Committee expressed concern at the persistent stereotypes found in school textbooks. The report (CEDAW/C/AZE/4) states that stereotypical images are not allowed in school textbooks (p. 14) and that gender analysis of textbooks has been conducted with the support of the Ministry of Education (p. 26). Please provide information on the results of this analysis and on the action taken on that basis to ensure that school textbooks do not give stereotypical images of the role of women and men.

19. Please provide statistical information covering 2007 and 2008 on the enrolment ratio of girls and boys in primary, secondary and tertiary education, disaggregated by urban/rural areas. Please also indicate what measures have been introduced to address the main reasons why girls and young women discontinue their education, as identified by Azerbaijan in its response to the questions posed concerning the second and third periodics (CEDAW/C/AZE/Q/3/Add.1, question 14), and their impact.

Employment

20. According to the combined second and third periodic report submitted by Azerbaijan to the Committee, “on average, women’s salaries are about 70 per cent of men’s salaries” (CEDAW/C/AZE/2-3, p. 47). Please provide updated information on the gap in the wages of men and women and indicate what measures have been taken to narrow and close the wage gap as recommended by the Committee in its previous concluding comments (para. 24).

21. On page 27 of the report, a reference is made to a quota-based system for providing employment, especially for socially vulnerable groups. Please provide more information on the functioning of this system and the employment sectors involved.

22. The report states on page 29 that since 2007, the National Foundation for Support to Entrepreneurship has expanded the sources of financing for women entrepreneurs and that the established micro-credit mechanisms are playing a great role in the provision of primary capital. Please provide information on the impact of these new sources of financing on women’s entrepreneurship, in particular the number of women, disaggregated by rural/urban areas, who have benefited from these mechanisms.

Health

23. The report indicates that the maternal mortality rate increased between 2004 and 2006 in spite of the measures taken to combat the problem (pp. 30 and 34). Please indicate what further steps have been taken or planned to address this situation, and provide relevant statistical data covering the years 2007 and 2008, if available.

24. Please provide information on the status of implementation of the State programme for the protection of the health of mother and child for 2006-2010 and the impact of the measures taken.

25. In the previous concluding comments (CEDAW/C/AZE/CO/3, para. 25), the Committee expressed concern that Azerbaijan does not use a definition of maternal death that is in line with the standard World Health Organization definition. However, the report states that this definition has been in use since 2001. Please provide the committee with the definition of maternal deaths currently used by Azerbaijan.

26. The report notes the limited use and availability of modern contraceptives and the resulting increase in the number of abortions (pp. 38 and 39). The report also notes an increase of sexually transmitted diseases, along with HIV/AIDS (p. 40). Please provide information on concrete steps taken or planned to ensure that women and men, including adolescents, have access to information on reproductive health

and family planning and to affordable contraceptive methods, and to foster responsible sexual behaviour, and their results. Please also provide relevant statistics for 2007 and 2008, if available.

Internally displaced women and girls

27. Please provide information on the concrete measures taken to improve the situation of internally displaced women and girls on the basis of the presidential order on increasing women's role in Azerbaijan, the programme to combat daily violence in democratic society and the project to stop violence against women referred to on pages 2, 8 and 10 of the report and their impact, as well as any challenges encountered in their implementation.

28. Please provide information on any steps taken to ensure that internally displaced women awaiting resettlement participate in the planning of the location, design and equipment of the new settlements and to implement the corresponding recommendation of the Representative of the Secretary-General on the human rights of internally displaced persons (A/HRC/8/6/Add. 2, para. 64). Please refer, in particular, to the efforts taken in this regard in Baku, Sumgait and Ganga.

Marriage and family life

29. Please provide updated information on the status of the proposed amendment to the Family Code for equalization of the ages of marriage of women and men. Please also elaborate on the content and purpose of the proposals for making medical examination and conclusion of a marriage contract compulsory before marriage.

30. The Committee reiterates the request made to the State party in its previous concluding comments (para. 30) to provide it with data on marriages involving girls under 18 and information on religious and traditional marriages, including their legal status.
