



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined second and third periodic reports of States parties**

**Azerbaijan\***

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\* The present document is being issued without formal editing.  
For the initial report submitted by the Government of Azerbaijan, see CEDAW/C/AZE/1, which  
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## I. Introduction

The Republic of Azerbaijan acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 10 June 1995. The Convention was adopted without reservations. On 6 June 2000, the Republic of Azerbaijan signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force on 16 February 2001.

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.

In accordance with article 18 of the Convention, the Republic of Azerbaijan submitted its initial report to the Committee on the Elimination of Discrimination against Women within a year of signing 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, included in document A/53/38 (Part I).

The conclusions of the Committee were translated into the national language and widely distributed.

On the whole, the initial report of the Government of Azerbaijan was endorsed by the Committee in 1998 and the Government therefore promulgated several legislative acts based on the Committee's conclusions to improve the status of women, fully in keeping with the main provisions of the Constitution and involving ever greater numbers of women in all aspects of the country's development process. Specific laws and statistical data will be cited in this report illustrating the implementation of the articles of the Convention on the Elimination of All Forms of Discrimination against Women in Azerbaijan for the period between 1996 and 2004. A number of recommendations, however, have not been fully implemented because difficulties have arisen, especially in connection with the continuing military conflict over Nagorny Karabakh and seven neighbouring regions seized and held by the Armenian aggressors. This has had a negative impact on the social, economic and civil life of the population, one eighth of which are refugees and displaced persons, including a majority of women, children and elderly. This is why the laws and economic reforms that have been adopted cannot be implemented fully. Nevertheless, during the past four years, much has been done to improve the status of women and the work accomplished inspires confidence that the Committee's recommendations and comments will be put into effect.

On 17 January 2004, the Government of the Republic of Azerbaijan instructed the State Committee on Women's Issues of the Republic of Azerbaijan to prepare the Republic's second and third reports under article 18 of the Convention.

The combined (second and third) reports of the Republic of Azerbaijan cover the period between 1996 and 2004 and were drafted in accordance with the guidelines of the Committee on the Elimination of Discrimination against Women.

This report includes the following:

- A description of the major changes that have occurred since the submission of the initial report;
- A progress report on legal standards and other measures to eliminate discrimination against women, significant changes in the area of promoting gender equality and measures planned to overcome the remaining difficulties that prevent women from participating actively in political, economic, social and cultural life. Special attention has been given in the report to the issues raised by the Committee in its conclusions and to the problems that Azerbaijan, as a State party to the Convention, has still been unable to solve;
- Information on changes in criminal, family and labour legislation that entered into force in 2000.

Special attention is given to the implementation of the conclusions and recommendations of the Committee on the Elimination of Discrimination against Women concerning the initial report of Azerbaijan.

This report was prepared using information provided by the ministries and departments in the Republic of Azerbaijan that deal with issues related to the elimination of all forms of discrimination against women. The following organizations also took part in drafting the report:

- The department dealing with new trends in philosophy and gender issues in the Institute of Philosophy and Political and Legal Studies of the National Academy of Sciences of Azerbaijan;
- The NGO Women Oil Workers;
- The NGO Research Society on Women's Issues (Women's Institute).

Document HRI/CORE/1/Add.117, submitted under various international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, is also part of this report.

## **II. Implementation of articles 1 to 16 of the Convention**

### **Article 1**

#### **Definition of discrimination against women**

The Constitution of the Republic of Azerbaijan adopted on 12 November 1995 fully guarantees the rights of Azerbaijani nationals irrespective of gender, as confirmed in chapter III, articles 24 to 80. Every paragraph of these articles clearly defines human and civil rights and the need to defend such rights in all bodies of the legislature, the executive and the judiciary.

The Government guarantees equal rights and freedoms for all and prohibits any gender-based restriction of the enjoyment of rights. In accordance with article 24 of the Basic Law, all are equal before the law and the courts.

The Constitution and laws do not contain a definition of "discrimination against women" as such. Nevertheless, the Criminal Code, the Marriage and Family Code, the Labour Code, the laws and decrees of the Azerbaijani President, such as

the decree on the establishment of the State Committee on Women's Issues and on implementation of the State policy on women in Azerbaijan, and the decision of the Cabinet of Ministers confirming the national plan of action on women's issues, are designed to eliminate de jure discrimination against women in the political, economic, social and civil fields.

As previously mentioned, current legislation does not contain a definition of discrimination against women. However, in the article of the Constitution on equal rights, a separate provision specifies that "men and women have equal rights and freedoms" (part II, article 25), and expressly prohibits "gender-based restriction of human and civil rights" (part III, article 25). There is also a general prohibition of discrimination against women in the ordinary laws (Labour Code, Education Act, Act on State Service and others). The Criminal Code criminalizes any "gender-based violation of the equal rights of nationals, undermining their rights and legitimate interests".

However, with the transition to a market economy, private foreign companies are permitting tacit forms of discrimination with respect to hiring and firing of women by establishing age and professional restrictions, shortening maternity leave after childbirth and imposing other restrictions. Unfortunately, these practices cannot be documented with specific figures because the companies keep such information confidential. However, individual instances are being publicized through the media and the necessary action is being taken.

In addition, as Azerbaijan has adopted a policy of incorporating international agreements into domestic law, a court or other competent body may, if necessary, directly invoke article 1 of the Convention. In accordance with part I, article 148, of the Constitution, "International agreements to which the Republic of Azerbaijan is a party are an integral part of the legislative system of the country". Moreover, part II, article 12, of the Constitution states that "The human and civil rights and freedoms enumerated in the present Constitution shall be applied in accordance with the international agreements to which the Republic of Azerbaijan is a party". Consequently, the Constitution clearly establishes the authority (and the obligation) to apply international human rights provisions, for instance in the event of discrepancy, unclear wording or gaps in domestic legislation.

In addition, a definition of gender discrimination modelled on article 1 of the Convention is included in the draft legislation on State guarantees to provide equal rights and equal opportunities for men and women, which is now under consideration by the relevant bodies. The draft, in particular, clearly prohibits all forms of gender discrimination, mentions some types of "positive discrimination" with respect to women not constituting gender discrimination, provides for guarantees of equal rights and equal opportunities as regards the civil service, entrepreneurship, job placement, remuneration, property rights, education, consumer rights and other matters and establishes the procedure for reviewing complaints of violations of gender equality and liability for such violations.

In accordance with articles 26 and 71 of the Constitution, every person is entitled to defend his or her rights and freedoms by lawful ways and means. The State ensures the defence of the rights and freedoms of all.

The legislature, executive and judiciary are required to respect and defend the human and civil rights enshrined in the Constitution.

No one may restrict the enjoyment of human and civil rights and freedoms.

In accordance with articles 25 and 35 of the Basic Law, all persons are equal before the law and the courts. Men and women have equal rights and freedoms. The State guarantees equality of rights and freedoms for all regardless of gender. Gender-based restrictions on human and civil rights and freedoms are prohibited.

Everyone has the right to work in safe and healthy conditions and to receive payment for such work amounting to no less than the minimum wage established by the State without any kind of discrimination.

There are no laws in Azerbaijan defining discrimination against women; however, in accordance with article 154 of the Criminal Code of 30 December 1999, gender-based violations of the equal rights of nationals which undermine the rights and legitimate interests of nationals are punishable by a fine amounting to between 100 and 500 standard accounting units or by a corrective labour term of up to one year.

The same acts committed by persons acting in an official capacity are punishable by a fine amounting to between 500 and 1,000 standard accounting units, by corrective labour for up to two years, or by a prison term of up to two years with or without forfeiture of the right to hold certain posts or engage in certain activities for up to three years.

## **Article 2**

### **Obligation to eliminate discrimination**

The main principles of human and civil rights and freedoms, irrespective of gender, are enshrined in the Azerbaijani Constitution. According to article 24 of the Constitution: "Everyone, from birth, enjoys inviolable, undeniable and inalienable rights and freedoms". Chapter III (articles 24 to 80) specifies the basic human and civil rights and freedoms.

The Constitution prohibits discrimination against women on the basis of gender or family status.

Article 25 of the Constitution, in the "Right to Freedom" section, stipulates that:

"II. Men and women have equal rights and freedoms;

"III. The State guarantees everyone equal rights and freedoms irrespective of race, ethnicity, religion, language, sex, origin, property situation, social status, convictions, and membership in political parties, trade unions and other social organizations."

Article 34 of the Constitution specifies the right 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;

“V. Children have a duty to respect and to take care of their parents. Able-bodied children who have reached 18 years of age shall support their disabled parents.”

As can be seen, there are no laws discriminating against women in Azerbaijan.

According to the provisions of article 3 of the Education Act of 7 October 1992, citizens are guaranteed the right to education irrespective of their gender.

The Government may place limitations on certain professions and specialities involving an age requirement and with regard to gender, health and criminal convictions.

As stated in article 6 of the Employment Act of 2 July 2001, one of the main aims of State employment policy is to ensure that all citizens, irrespective of gender, have equal opportunities to exercise the right to work and to free choice of employment.

Article 16 of the Labour Code of 1 February 1999 stipulates that discrimination among employees is not permitted on the basis of gender or other factors unrelated to the aptitude for work, professional skills and job performance of the employees, or in order to establish privileges and benefits or directly or indirectly limit rights on the basis of these factors.

Benefits, privileges and additional protection established for women in labour relations are not considered to be discrimination.

According to article 3 of the Nationality Act of 30 September 1998, Azerbaijani nationality is equal for all, regardless of the basis for its acquisition. The rights, freedoms and obligations of Azerbaijani nationals are equal, irrespective of gender and other circumstances.

Over the last four years the courts of the Republic have not considered any cases involving discrimination against women and there has been no legal recourse on this issue.

All Azerbaijani legislation (including the Labour 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 favour of women: preferential working conditions are stipulated for women, taking into account their reproductive functions, physical capacities and family situations. For example, women, with the exception of physicians, have no military service obligations, although there is no such limitation in the Constitution (article 76).

Under the Labour Code, it is prohibited to refuse to employ women on the grounds that they are pregnant or nursing a child (article 173); it is prohibited to reduce their pay on the grounds that they are pregnant or nursing a child (article

180); it is prohibited to assign women to heavy labour, work involving harmful conditions, and underground work, with the exception of certain types of underground work (non-physical work or cleaning and domestic services); women may not carry or move loads in excess of the limits prescribed for them (article 174); and women are given maternity and childcare leave (article 181). The Labour Code specifies that in labour relations discrimination among employees is not permitted on the basis of gender or other factors unrelated to the aptitude for work, professional skills and job performance of the employees, or in order to establish privileges and benefits or directly or indirectly limit rights on the basis of these factors.

Female labour is thus legally protected with many rules and regulations. In practice, the existence of a number of laws taking into account the physiological characteristics of women and granting them privileges has meant that many companies prefer to hire men rather than women. In a number of cases, the laws are simply not respected, so that a large number of women are employed in work involving harmful conditions. Women are also inadequately represented in management at the diplomatic and policymaking levels.

The Criminal Code contains 15 articles entirely or partially devoted to crimes committed by women only. There are also a number of actions for which the law punishes men only, although in principle these could also be committed by women, including: rape, forced sexual relations, forced marriage, obstruction of marriage and polygamy. The Criminal Code provides for punishment for rape, including the rape by a husband of his wife (article 109). However, owing to prevailing attitudes, statistical data on this subject are very hard to come by and do not reflect the real picture.

Women are not subject to some of the severest forms of punishment, such as a special custody regime during a period of imprisonment. Pregnancy is recognized as a circumstance mitigating criminal liability (article 36). The death penalty was abolished as a form of punishment for women one year prior to its national abolition. Actions which prevent women from participating in public social and cultural activities, thus significantly violating the equal rights of women, are punishable under article 131 of the Criminal Code if they are combined with the use or threat of use of force. The Criminal Code also provides for punishment for forcing a woman to have an abortion (article 116). The law also prohibits forcing a woman to enter into marriage, combined with the use or threat of use of force, and polygamy (articles 128, 129 and 130 of the Criminal Code).

Women's rights within marriage and the family are covered in the Marriage and Family Code, which regulates marriage on the basis of the provisions in the Republic's Constitution. The rights to marriage and a family are protected equally for women and men. Property acquired by spouses during marriage is their joint property (articles 23 and 24). The spouses have equal rights in respect of the ownership, enjoyment and disposition of such property, regardless of whether it was acquired by the earnings of the husband or of the wife. In the event of the division of property jointly owned by the spouses, they are awarded equal shares.

It should be noted that the norms of family law do not provide for a "marriage contract". Increasing unemployment and migration are making it easy to evade family maintenance obligations, and it is mainly women who suffer as a result. The introduction of a marriage contract would make it possible to clearly specify what



property the spouses contribute to the total amount, what they still have left, which parent will assume responsibility for child support in the event of a divorce, and much else besides.

After having ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1995, Azerbaijan ratified its Optional Protocol in 2001. The report of the representative of Azerbaijan was heard at the 1998 session of the Committee on the Elimination of Discrimination against Women. Taking into account the Committee's concluding comments on Azerbaijan's report, reforms were implemented in the Republic aimed at achieving gender equality. The President issued an order on measures to enhance the role of women in Azerbaijan, as a result of which a State Committee on Women's Issues was established by Presidential Decree of 14 January 1998, signifying that gender policy is recognized as one of the important State strategies. The statute of this Committee was approved on 20 February 1998, defining it as a State body implementing an organized policy for women in the Republic, developing proposals on the main thrust of State policy with respect to women and taking measures to protect the rights of women enshrined in international legal instruments. The Committee also identifies areas of activity to ensure the social, moral and intellectual development of women and implements joint measures with appropriate organizations so that women's social problems can be addressed and their rights protected, they can master various specialities, retrain and improve their qualifications, and they can find work. The State Committee on Women's Issues prepares annual reports on the status of women and their socio-economic and other problems.

The need to improve the status of women has been consistently reflected in all subsequent Government programmes. For the purpose of promoting the equality of men and women in practice, particularly their representation in the system of State administration at the required level, a Presidential Decree on implementing State policy for women in the Republic of Azerbaijan was adopted on 6 March 2000.

The Decree laid the foundation for establishing a State strategy to achieve gender equality and expand women's opportunities. The Decree prescribes achieving equal representation of women and men in all State structures of the Republic and performing a gender analysis of legislation. To monitor its implementation, the State Committee on Women's Issues submits an annual report to the Cabinet of Ministers, based on information received from the relevant ministries and departments, on progress in implementing this Decree.

On the basis of this Decree, the Cabinet of Ministers adopted a Decision on a National Plan of Action on Women's Issues for 2000-2005. This Plan was based on the strategies of the Beijing Platform for Action and the Committee on the Elimination of Discrimination against Women, taking into account the existing situation and national priorities. The National Plan of Action, which was prepared with the participation of ministries, committees and non-governmental organizations, is a State document. This document provides for the preparation of State programmes and the implementation of specific and urgent measures relating to women's issues. It has a special section covering the prevention of all forms and manifestations of violence against women, trafficking in women and exploitation through prostitution and providing for the implementation of appropriate measures, including prosecution, in accordance with the procedure established by law, of persons guilty of violating women's rights.

In order to implement the National Plan of Action and to promote gender balance, the State Committee on Women's Issues set up an Interdepartmental Council, comprising representatives of State departments (focal points) and women's non-governmental organizations, which performs a coordinating function. Members of the Interdepartmental Council hold periodic meetings to discuss the progress achieved in the implementation of the National Plan of Action and to identify obstacles and ways to remove them.

To promote gender equality and expand opportunities for women, the State Committee on Women's Issues and Parliament have held joint seminars, discussions and round-table meetings with the participation of experts from the Council of Europe, during which international instruments and obligations pertaining to Azerbaijan have been discussed. A group of experts was established and has drawn up a draft law on equal opportunities for men and women, which is currently under consideration in Parliament.

The enforcement of laws on women's civil, social, economic and political rights in Azerbaijan is guaranteed by the judicial system of general jurisdiction and the Constitutional Court. However, extrajudicial organizations currently in existence include:

- The Appeals Commission under the President of the Republic of Azerbaijan;
- The State Committee for Work with Religious Organizations;
- The Committee on Refugees;
- The Parliamentary Commission for Human Rights.

The National Plan of Action has enabled the procuratorial system to pay greater attention to the problem of achieving gender equality and to the problem of violence against women. Under article 16 of the Labour Code, employers or other individuals who permit discrimination between workers on the job (on the basis of gender or other factors), incur appropriate liability in the manner established by law. A person subjected to discrimination may seek recourse in a court of law to demand the restoration of violated rights.

One of the most important measures to protect human rights and freedoms in Azerbaijan was the creation of the institution of Human Rights Ombudsman. The activities of the Ombudsman were described and duly regulated in the Constitutional Act of 28 December 2001 adopted by Parliament. The post of Human Rights Ombudsman was created to restore human rights and freedoms violated by State bodies, local self-government bodies and officials of the Republic of Azerbaijan. A woman has been appointed to the post.

Work has begun on introducing changes into statistical reporting in order to create gender-segregated crime statistics, to develop legislative instruments aimed at enhancing the rights of victims in criminal proceedings and to safeguard more fully the guarantees to protect the rights of citizens who have been victims of criminal acts. Together with non-governmental organizations, proposals are being formulated for improving the Republic's legislation in order to overcome negative gender stereotypes that exist in its culture and traditions.

To eliminate overt and covert discrimination against women, gender analysis should be introduced at the level of legislation. Such analysis will make it possible

to analyse the state of affairs as regards the gender sensitivity of legislative and executive bodies and will facilitate the development of a policy not only of equal rights and equal responsibilities but — and this is particularly important — of equal opportunities for men and women.

In accordance with article 154 of the Criminal Code, gender-based violation of the rights of citizens is punishable by a fine amounting to between 100 and 500 standard accounting units or by corrective labour for a period of up to one year. The same acts committed by persons in their official capacity are punishable by a fine amounting to between 500 and 1,000 standard accounting units or by corrective labour for a period of up to two years, or by imprisonment for a period of up to two years, with forfeiture of the right to hold certain posts. Under article 164 of this Code, unjustified termination of an employment contract with a woman because she is pregnant or has a dependent child under three years of age is punishable by a fine amounting to between 500 and 1,000 standard accounting units.

As stated in article 6 of the Employment Act of 2 July 2001, one of the main aims of State employment policy is to ensure that all citizens, irrespective of gender, have equal opportunities to exercise the right to work and to free choice of employment.

The legislation of Azerbaijan does not discriminate between people on the grounds of gender. It protects the interests and rights of people regardless of gender and meets the requirements of the basic international humanitarian instruments. However, no way has been found to translate laws into concrete actions. Gender must be mainstreamed in legislative provisions, so that they reflect fuller de jure equality of the sexes and equal opportunities for men and women de facto. Women account for only 10 per cent of the members of Parliament, in a country where 51 per cent of the population are women. Such gender inequality in the area of legislation has perhaps contributed to the fact that women's rights issues have not been priorities.

Furthermore, most of the laws in force were enacted in the Soviet period and now need to be brought into line with international legal norms. To that end, there should be a programme for comprehensive gender analysis of national legislation as well as measures for its proper implementation as regards gender. Such measures could include the following:

- During the transition period, changes in the electoral law and a quota for women's participation in elections;
- Gender balance at all decision-making levels;
- Reflection in legislation of women's role in the family;
- Measures to reduce intermarriage;
- Introduction of marriage contracts;
- Increased liability for sexual harassment;
- Legislative protection for women in investigations and judicial proceedings concerning crimes of violence against women, including violence in the family, which must not be viewed as a private matter;
- Measures for combining work outside the home and within the family;

- Social leave for men consisting of paternity leave or leave to take care of parents and children;
- Systematic work to conduct gender analysis in all areas of family and social life, which will reveal gender disparities in specific cases of law enforcement, etc.

Another problem which was the subject of broad discussions involving representatives of the Government, Parliament, international organizations and local non-governmental organizations was the problem of trafficking in persons, especially in women and children. As a result of these discussions, Parliament ratified the United Nations Convention against Transnational Organized Crime and its Protocol and adopted a National Plan of Action to combat trafficking in human beings.

The Republic is devoting attention to the influence of globalization on gender equality. An information and analysis centre called “Globalization” has been established, whose aims include researching problems of gender relations in the context of globalization and creating conditions to increase the positive aspects of women’s involvement in the liberalization of markets and in information communication technologies.

There are no provisions discriminating against women in the Criminal Code.

In summary, it is only when women’s problems are considered from the viewpoint of gender equality (expressed in equal, parity representation) that it will be possible to talk about a true principle of gender equality, equal access to decision-making and equal responsibility for men and women, which are some of the fundamental principles on which a democratic society is built.

### **Article 3**

#### **Development and advancement of women**

The starting point for the development and advancement of women in Azerbaijan was the Fourth World Conference on Women and the ratification of the Convention on the Elimination of All Forms of Discrimination against Women. These two events led to a realization of the need for national machinery to promote gender equality.

The State Committee on Women’s Issues was established by Presidential Decree on 14 January 1998. This was followed on 20 February 1998 by a Presidential Decree approving the Committee’s statute and defining its status: the Committee Chairperson holds the equivalent of ministerial rank and the Committee is granted authority and financial, human and technical resources. A mechanism was thus created for influencing all government decisions on improving the situation of women.

The activities of the State Committee on Women’s Issues are based on the following strategies:

1. Gender mainstreaming in legislation, social policy and State programmes and projects;

2. Preparation and dissemination of gender-segregated statistics, reports and information.

The Committee's functions include:

- Implementing measures jointly with the relevant State and social organizations to seek remedies for women's social problems, protect their rights, promote their entry into a variety of occupations and facilitate retraining, further training and employment for women;
- Introducing measures to protect women's rights, as set out in international legal instruments;
- Coordinating the activities of women's organizations, federations and associations;
- Implementing measures to develop relationships between State structures and non-governmental and international organizations dealing with women's issues;
- Gaining an understanding of the social problems faced by women refugees and displaced persons and by women from poor families, and seeking action in that regard by the relevant state bodies;
- Drawing up proposals for the basic thrust of State policy on women.

A major factor in the increasingly active role played by women and the closer attention paid to unresolved problems facing them was Azerbaijan's first women's congress, which took place on 14 and 15 September 1998. The country's former President, Heydar Aliyev, participated throughout and gave a speech outlining a long-term strategy for the elimination of discrimination against women.

On 6 March 2000, the Presidential Decree implementing State policy on women's issues in the Republic of Azerbaijan was issued. This provided useful support for the smooth running of the system, addressing the numerous obstacles to the advancement of women in every area of life and creating the conditions and opportunities for gender equality. The head of the President's Office subsequently issued instructions that every government department should appoint focal points on gender policy to monitor implementation of the Presidential Decree. The Decree also imposed on ministries, departments and the executive the obligation to report annually on the translation of gender policy into action.

In implementation of the Decree, the State Statistical Committee prepares and publishes an annual report entitled "Women and men in Azerbaijan". On the basis of all the reports submitted, the State Committee on Women's Issues compiles a report assessing progress in achieving gender equality and the provision of opportunities for the advancement of women.

The National Plan of Action on Women's Issues, 2000-2005, approved by the Cabinet of Ministers on 6 March 2000, was drawn up on the basis of the strategies contained in the Beijing Platform for Action, taking into account the country's existing situation and priorities. The National Plan of Action is a State document drafted with the participation of ministries, committees and non-governmental organizations, its purpose being to ensure equal rights for women in all problem areas.

The Plan provides for the preparation of State programmes and the implementation of specific urgent measures to address women's issues.

In the interests of implementing the Plan and introducing gender mainstreaming, the Committee set up the Interdepartmental Council, comprising representatives of State departments and women's non-governmental organizations, to coordinate activities. It also includes focal points who are responsible for gender policy in ministries and departments.

The focal points have their own role to play in certain projects organized by the Committee or international organizations.

The Interdepartmental Council holds periodic meetings, at which progress achieved in implementing the National Plan of Action is discussed, obstacles are identified and ways to overcome them are considered.

The Committee undertakes educational work to ensure that focal points are better informed on gender issues. Committee officials and staff regularly travel to all parts of the country. Consultations, seminars and training courses are periodically held. The Committee also provides them with the necessary background, which involves extensive work on translating the literature, international instruments and recommendations. Training materials are being developed.

The country's second women's congress was held in September 2003. Among other topics, the work of the focal points was assessed, successes identified, failures brought to light and prospects for further development outlined.

In 1997-2000, the Government started to work jointly with the United Nations Development Programme on the Gender in Development Project. Components of the Project included the dissemination of information on gender-related organizational work on institution-building and technical assistance for the State Committee on Women's Issues and women's non-governmental organizations, which at that time had only recently been set up.

To promote gender equality and enhance opportunities for women, the Committee, working jointly with Parliament, held seminars, discussions and round tables, attended by Council of Europe experts, at which international instruments and Azerbaijan's obligations were discussed. A group of experts was set up to prepare the draft law on equal opportunities for women and men, which is currently under consideration by Parliament.

The proper functioning of the system depends to a significant extent on the support provided by society. The Committee therefore conducts its activities in tandem with women's non-governmental organizations, women's sections in political parties, trade union organizations and associations of women in the media. The establishment of gender research centres, the implementation of projects targeted at women's issues and improved knowledge of gender issues in society have all contributed to the success of the Committee's work.

In matters relating to gender equality and enhanced opportunities for women, the Committee works closely with Parliament. Thus, in cases where a piece of legislation pays insufficient regard to the question of gender equality, the Committee holds joint consultations with Parliament.

The conditions of gender mainstreaming have changed significantly during the lifetime of the Committee and the strategy of educating the country on gender issues has developed into an awareness that gender policy is a crucial component of the country's democratization.

The strategy of involving a large number of women in the decision-making process remains a priority. Success in achieving our basic aim, however, will not be reflected only in terms of improved statistics. Gender policy goals are achieved by changing public opinion and overcoming traditional stereotypes. This is the long-term strategy and it will be achieved by focusing on educational programmes.

Women in Azerbaijan are largely to be found in lower and middle management. The greatest number of women managers is concentrated in those sectors where female workers are predominant: trade, public catering, health and education. Women are poorly represented in the highest echelons of power. This state of affairs is perpetrated by the existing stereotypes in society.

Women's participation in the decision-making process at the political, legislative and executive levels and their access to social security, health care, medical services, education, literacy development programmes and social welfare are predicated on their involvement in social and political activity and are among the most important ways that they will achieve equal rights with men.

As a country that was caught up in armed conflict for over 15 years, Azerbaijan seeks to resolve conflicts by peaceful means. In that context, particular attention is being paid to the role of women in conflict prevention and resolution and in the peacemaking process.

The Republic of Azerbaijani is also carrying out a range of reforms aimed at achieving the Millennium Development Goals. A number of State programmes that take account of gender factors and women's issues have been adopted. Particular mention may be made of the State programme on poverty reduction and economic development.

In recognition of the fact that Azerbaijan is a country with a particularly large number of refugees and internally displaced persons, the Government has adopted the State Programme on the settlement of the problems of refugees and internally displaced persons, one section of which is devoted to the problems faced by women belonging to this particularly vulnerable group and seeks to enhance their opportunities.

Although progress has been made in a number of areas, it should be noted that there are factors hindering the country's development. Women have suffered, above all, from the negative effects of the occupation of 20 per cent of Azerbaijani territory as a result of Armenian aggression, the presence of over a million refugees and internally displaced persons and the difficulties of the transitional period.

#### **Article 4**

#### **Accelerating equality between men and women**

Equality between men and women is assured in article 25 of the Azerbaijani Constitution and was subsequently affirmed by the relevant laws and legislative

acts, as well as the Presidential Decrees of 14 January 1998 and 6 March 2000 (see art. 3).

A number of long-term changes have been introduced, which have had the effect of mitigating individual cases of discrimination and advancing women to the decision-making level. The establishment of equal opportunities with equal rights for women and men is enshrined in the draft act on State guarantees to ensure equal rights and equal opportunities for men and women, which was drawn up in cooperation with Council of Europe experts and is currently under consideration by the relevant bodies. Basic provisions on the active involvement of young women in the world of work are contained in the relevant articles of the Labour Code, which was adopted in 1999.

Under article 16 of the Code, any on-the-job discrimination between workers on the grounds of gender or on other grounds unconnected with a worker's aptitude for work, professional skills or job performance is prohibited. The granting of privileges, advantages and additional guarantees to women in the labour context is not considered discrimination.

To protect pregnancy, maternity and women's health and safety in the workplace, the relevant articles of the Labour Code provide for the following special measures:

Article 79 prohibits the cancellation by an employer, on the grounds set out in article 70 of the Code, of an employment contract with a pregnant woman or with a woman who has a child under three years of age.

Article 91 prescribes shorter working hours for a pregnant woman or a woman with children under 18 months of age, which must not exceed 36 hours a week.

Under article 94, an employer is obliged to arrange part-time working hours (as applied) to the working day or working week, at the worker's request, for workers whose health or physical condition (pregnancy or disability, or any chronic disease suffered by a child or other member of the worker's family, as medically certified) obliges them to work part-time, or for a woman with a child under 14 or a disabled child under 16 years of age.

Under article 98, it is forbidden to assign a pregnant woman or a woman with a child under three years of age to night work.

Article 112 provides for a worker's right to basic leave, and to such forms of leave as social leave for a woman caring for a child.

Under article 117, whatever the duration of basic and additional leave, a woman with two children under 14 years of age is entitled to two calendar days' additional leave; if she has three or more children of that age or a disabled child under 16 years of age, she is entitled to five calendar days' additional leave.

Entitlement to additional leave, as defined in the article, is retained where one of the children attains the age of 14 before the end of the relevant calendar year.

Under article 125, a working woman is entitled during pregnancy and following childbirth to 126 calendar days' leave (70 calendar days before the birth and 56 after). In the case of complications or multiple births, the duration of leave following childbirth is 70 calendar days.



The duration of leave during pregnancy and following childbirth for a woman working in agricultural production is as follows:

- where the birth is normal, 140 calendar days (70 before the birth and 70 after);
- where the birth is complicated, 156 calendar days (70 before the birth and 86 after);
- in the case of multiple births, 180 calendar days (70 before the birth and 110 after).

Under article 126, a woman who has adopted or is fostering a child under two months of age is entitled to fixed social leave of 56 days' duration, to additional leave, as established by article 117, and to partially paid leave, as provided for by article 127 of the Code.

Under article 127, one parent or other family member who is directly caring for a child is entitled to partially paid social childcare leave, and benefits at the level fixed by law.

A worker caring for a child is entitled, upon written application, to partially paid social leave taken in one or several instalments.

Under article 130, a woman or single parent with a child under 16 years of age is entitled, at the worker's request and with the employer's agreement, to unpaid leave of up to 14 calendar days.

Under article 131, regardless of when the work contract was concluded, a woman is also entitled to basic leave before and after childbirth during her first working year, to be taken directly before or after her social leave.

Under article 133, a woman with two or more children under 14 or disabled children under 16 years of age may take basic leave at a time of her own choosing.

Under article 135, it is prohibited to withhold from a worker the nature of whose work confers entitlement to additional leave, or from a pregnant woman, basic leave for a period exceeding one working year or to transfer it to another working year.

Article 228 states that the specific features of labour protection for women, and also for workers engaged in work involving harmful or arduous working conditions, are regulated by the Labour Code and by the relevant laws and regulations.

Under article 240, a woman may not be refused an employment contract on the grounds that she is pregnant or has a child under three years of age. This provision does not apply if an employer refuses to hire a woman in cases where no suitable position is available or to workplaces where the employment of women is prohibited.

Where an employer refuses to conclude an employment contract with a pregnant woman or a woman having a child under three years of age on those grounds, the woman is entitled to request a written explanation for the employer's refusal. She may challenge a refusal to conclude an employment contract in court.

Under article 241, it is prohibited, unless provided otherwise, to assign female workers to workplaces with arduous or harmful working conditions or in underground tunnels or mines or to other forms of work underground.

It is prohibited to assign a woman to jobs involving the lifting and carrying of loads exceeding the established weight limit.

Work or services involving the lifting by hand and carrying of loads are permissible for a woman only if the following average standards are observed:

(a) Where the woman has other duties, objects to be lifted by hand and carried to another place may weigh no more than 15 kilograms;

(b) Objects to be raised to a height exceeding 1.5 metres may not weigh more than 10 kilograms;

(c) Over the course of a working day or working week, no one object to be lifted by hand and carried to another place may exceed 10 kilograms in weight;

(d) Objects to be carried on a trolley or other conveyance may not require an application of force exceeding 15 kilograms.

A pregnant woman or a woman with children under three years of age may not be assigned to work covered by this article.

A list of industries, occupations and functions involving harmful or arduous working conditions, and of underground work where female labour is prohibited, has been approved by the Cabinet of Ministers of the Republic of Azerbaijan (Decision of the Cabinet of Ministers of the Republic of Azerbaijan, of 20 October 1999, approving the list of procedures, occupations and functions, and of underground work involving arduous or harmful working conditions, for which the use of female labour is prohibited.

Under article 242, it is prohibited to assign a pregnant woman or a woman with children under three years of age to work at night, overtime, at weekends, on holidays or on other days not considered working days, or to send her on mission.

A woman with a child between 3 and 14 years of age or a disabled child under 16 years of age may not be assigned to work overtime, at weekends, on holidays or on other days not considered working days, or be sent on mission, without her consent.

Under article 243, productivity and performance standards are lowered for a pregnant woman on the basis of a medical certificate or she is transferred to an easier job not subject to unfavourable factors of production.

Where a woman with a child under 18 months of age has difficulty nursing the child at the same time as performing her duties at work, the employer is required, at the woman's request, to transfer her to other easier work until the child has attained the age of 18 months or to provide the necessary nursing facilities.

Where a woman is transferred to easier work in the circumstances provided for in this article, she maintains her average earnings in her original post.

It is prohibited to reduce a woman's pay on the grounds that she is pregnant or a nursing mother.

Under article 244, a woman who has a child under 18 months of age is given breaks during working hours, in addition to the usual rest and meal period, in order to nurse her child. A break is given not less than every three hours and lasts not less than 30 minutes. Where a woman has two or more children under 18 months of age, the duration of each break is fixed at not less than one hour.

Nursing breaks are included in the woman's working time, with maintenance of average earnings.

If the woman so wishes, nursing breaks may be accumulated and combined with rest and meal periods or taken at the beginning or end of a working day or shift. Where a woman decides to accumulate her nursing breaks and use them at the end of the working day, her work day is shortened by the duration of those breaks.

Under article 245, at the request of a woman who is pregnant, has a child under 14 or a disabled child under 16 years of age or is on the basis of a medical certificate caring for a sick relative, the employer is required to establish a partial working day or a partial working week, with earnings proportionate to the time worked. In such case, the duration of the woman's daily or weekly working time is fixed by agreement between the parties.

A woman who is pregnant or who has a child under three years of age continues to be paid her average wage for a day spent attending a clinic or outpatient department or a medical consultation for either herself or the child at a medical institution. The employer is obliged to provide a pregnant woman with the conditions required to attend a medical examination.

Under article 251, the work duties of female workers between 16 and 18 years of age may include, in addition to other work, the lifting and moving by hand of loads not exceeding an average of 10 kilograms in weight or the lifting to a height above 1.5 metres of objects not exceeding an average of 5 kilograms in weight.

## **Article 5**

### **Sex role stereotyping**

As the Convention seeks to modify the social and cultural patterns of conduct which maintain discrimination against women, including violence based on gender, this article provides for two basic measures: a legal ban on discriminatory cultural practices and an education and awareness-raising campaign regarding discriminatory cultural and social practices.

The legal measures prohibiting any discrimination against women in the family are determined by article 34 of the Constitution and by the Marriage and Family Code adopted on 28 December 1999, which provides that spouses have equal rights and the same personal and property rights within the family.

Azerbaijan spent many years under direct colonial rule; the discovery of oil on the Apsheron Peninsula at the end of the nineteenth and beginning of the twentieth century brought a strong European influence, as a result of which attitudes towards women became more liberal than in other Muslim countries.

The Republic of Azerbaijan is one of the three States of the Southern Caucasus and has a population of over 8 million. The main religions represented are Islam (65 per cent Shia, 35 per cent Sunni), Orthodox Christianity (about 200,000) and

Judaism (18,000 Mountain Jews, 6,000 Ashkenazi Jews, several hundred Georgian Jews). There are more than a dozen non-traditional Christian missionary organizations, Catholic, Lutheran and Protestant missions, many traditional groups (Molokans, Baptists, Adventists, etc.) and new sects (Baha'i, followers of the Hare Krishna movement, etc.).

Differences between Sunni and Shia Muslims on family and marriage issues have all but disappeared in Azerbaijan, and social and cultural gender roles and relationships between the sexes are regulated by common standards and values. The role of religion in the family and culture used to be enormous, with all family events (birth, marriage and death) being influenced by Islam and marked according to its teachings, transformed by "popular" Islam after the Russian colonization.

As it has everywhere else, traditional culture in Azerbaijan established strictly regulated relations in society and defined social roles for men and women. However, traditional culture changed significantly after the forced Sovietization of Azerbaijan. Women de jure acquired all the rights which had hitherto belonged only to men, and became actively involved in economic activity and society. De facto, they remained trapped in traditional cultural roles, as the State did not release working women from their family, home-making and child-rearing obligations and provided no material incentive for women's roles in those fields. In the family and in society, women continued to be the "second" sex. This was especially noticeable in decision-making, and in politics and government of the State, where leadership positions were held exclusively by men. Even "feudal socialism" could be summed up as a kind of traditional culture which strictly delineated the social roles of the sexes. Under the influence of these twin traditions, society espoused strict stereotypes regarding gender roles and behaviour. They have persisted to this day, and their effects are still felt, hindering women's advancement in society.

Unfortunately, traditional religious practice in Azerbaijan does not always make it possible to assert equality of rights between men and women. This may result from incorrect interpretation of those very traditions and of Shariah law.

The role of men is usually to take decisions, look after the family's well-being and earn money, while women are expected to be compassionate, understanding, gentle and obedient and have no interests outside family and home. Any departure from the models of behaviour which Azerbaijani culture considers appropriate to each gender tends to be punished by social disapproval. Clearly, a comprehensive gender policy is needed to prevent stereotyped impressions in Azerbaijani society.

As they are socialized, children learn the cultural roles determined by tradition. These include seeing women as mothers, as responsible for bringing up children, as custodians of the home and as the man's substitute when he is absent, in other words, as the "second" sex. This shows the considerations that surround socialization, in which a personality is formed with the help of stereotyped gender roles creating an impression of what is natural for each gender. In the family, parents treat children of different genders differently. For example, there is excessive supervision and monitoring of girls, making them less active and independent. The same is true at school, where teachers treat boys and girls differently. For example, teachers concentrate more on the boys, the boys are more frequently encouraged to be active, boys are expected to perform better and their work is more highly valued.

Gender roles are assigned at an early age. Parents pay closer attention to the achievements of their sons than to those of their daughters, especially as they fail to devote appropriate attention to their daughters' independent efforts and tend to devalue them.

Young men and young women grow up with rigid gender stereotypes which they sincerely believe to be immutable and therefore support. The situation depends on where they live. Gender stereotypes are stronger in rural areas and in the regions, while in Baku they are eroding and changing faster.

Except in the case of the south of Azerbaijan and the villages of Apsheron, where the population is extremely devout, religious customs and beliefs do not directly prevent improvements in the status of women. However, in terms of transforming the expectations of traditional culture, those customs and beliefs dictate that women's status depends on men, and that women are subject to traditional culture's standards and values. Women themselves rarely protest actively, as stereotypes have been imposed on them from an early age and are seen as the "genuine" gender roles of the sexes. Women are supposed to take care of the home and the children. Men take the final decisions in the family. Women are incomplete without a man by their side. Men are always stronger and better able to cope with life, especially society, than women. That is why, even now when the situation is changing, the head of the family — the husband — rules the roost.

Historically, the practice of bride price has never existed in Azerbaijan. Dowries are voluntary and are not required by tradition, although even today the man is usually considered responsible for acquiring living space and the woman for furnishing it. Recently there have been cases of marriage contracts of a financial nature, as well as cases of divorce in which the courts divided up property.

By law, individuals contracting matrimony have equal rights. By tradition, the man is considered the head of the family. Men and women have equal responsibility for the children's upbringing. However, in practice, the main burden in that regard falls on the mother, who spends most of her housekeeping time with the children. In almost all cases of divorces, the children stay with the mother, and the father must always pay part of his earnings in child support.

Under article 17 of the Constitution, parents have a duty to care for and educate their children. The State monitors compliance with that duty.

Articles 29 and 58 of the Family Code stipulate that decisions regarding children's upbringing and education, and other family issues, are made jointly, in accordance with the principle of equality between spouses.

Parents have the right and duty to care for their children. They are responsible for their children's upbringing and health, and for their psychological or physical and spiritual development. Parents' rights over their children's upbringing take precedence over the rights of others in that regard. Parents must ensure that their children receive basic general education. They have the right, taking the interests of the children into account, to choose an educational institution and a form of teaching until the children have completed general secondary education.

The State has the right to intervene in parents' rights and duties, in the manner prescribed by law, only if the child's interests so require.

Pursuant to article 61 of the Family Code, a parent living separately from the children has the right to contact with them and the right to participate in decisions regarding their upbringing and education.

The parent with whom the children live is not allowed to prevent contact between the children and the other parent if that parent presents no threat to their physical or psychological health or their moral development.

Parents living separately from their children have the right to conclude a written agreement governing the exercise of their parental rights. If the parents cannot reach agreement, the dispute will be settled by the courts, at the request of one or both of them, with the involvement of the local executive authority's agency in charge of guardianship and wardship.

A parent who fails to implement the decision of the court will be subject to the measures established by civil procedural law. In cases of malicious failure to comply with its decision, the court, at the request of a parent living separately from the child, may rule that the child is to be transferred to that parent, taking into account the child's interest and the child's own opinion.

Parents living separately from their children have the right to receive information about the children from social welfare institutions and childcare, healthcare or other institutions.

Such information may be withheld only if there is a threat to the life or health of the child from the parent. Withholding of information may be challenged in the courts.

Articles 136.1 and 136.2 of the Family Code provide that guardianship of children under 14 years of age left without parents (article 114.1 of the Family Code) may be established for their upkeep, upbringing and education and the defence of their rights and obligations.

The situation is now changing because of the country's social and economic circumstances: the presence of over one million refugees and displaced persons, the transition to a market economy and the high unemployment rate have exacerbated family conflicts. While men used (by tradition) to be the family breadwinners, women now often get jobs and become the family breadwinner, bringing a gradual change in roles. Women rarely refuse jobs for family reasons, especially if their husbands are unemployed, because to do so would reduce the family income. Women find employment more easily because they are willing to take a job which lacks prestige. However, a Decision of the Cabinet of Ministers of 20 October 1999 adopted a list of industries, occupations and functions, as well as underground work in arduous and harmful conditions, in which female labour is prohibited.

The traditional classification of "men's work" and "women's work" changed substantially, both in Soviet times and in more recent times, because of the radical change in Azerbaijan's industry. The concept of a "prestigious" job has also changed; nowadays, it is one which provides more power, and often material gain. The education sector has lost prestige for men, who account for less than 20 per cent of its employees, and the same is true of the health-care sector. However, most of the managerial functions in both professions are filled by men.

Women's high rate of employment is becoming a fundamental cause of lower birth rates.

These family stereotypes spill over seamlessly into the system of gender expectations in society, which uses them to entrench differences between men and women and to prescribe particular roles for each sex in employment and leisure activities.

The law prohibits any form of violence or threat in the family and provides for sufficiently severe sanctions (criminal proceedings) if they occur.

Articles 126 to 133 of the Criminal Code criminalize the following: deliberate causing of major harm to health; deliberate causing of less serious harm to health; deliberate causing of minor harm to health; deliberate beating or other violence causing physical pain; infliction of physical or psychological suffering through systematic beating or other violence and any similar action, or incitation to similar action, by a person acting in an official capacity.

In accordance with article 242 of the Criminal Code, illegal production of pornographic materials or items for distribution or advertising, the actual distribution or advertising of such materials or items, and illegal trade in printed publications and films or videos, images or other items of a pornographic nature are punishable by a fine of between 1,000 and 3,000 standard accounting units, restriction of freedom of up to two years or corrective labour of up to two years.

Violence against women, including violence against women in a family setting, is decisively halted by the institution of criminal proceedings, if the woman concerned reports the violence to the local police and submits to an examination at an appropriate court forensics institute or a polyclinic. Recently, a number of non-governmental crisis centres have opened; victims of violence can contact them, and will receive psychological, medical and legal assistance. The staff of the centres work with the law-enforcement agencies.

The Criminal Code provides for penalties establishing liability for sexual abuse of minors in the following articles:

Under article 150, pederasty or other sexual acts involving the use or threat of use of force against a person known to the perpetrator to be a minor or with respect to other persons taking advantage of a victim's helpless condition are punishable by imprisonment for a term of five to eight years.

The same acts committed against persons known to the perpetrator to be under 14 years of age are punishable by imprisonment for a term of eight to 15 years.

Under article 152, sexual intercourse or other sexual acts engaged in by an adult with a person known to be a minor are punishable by restriction of freedom for a period of up to three years or imprisonment for the same term.

Under article 153, lewd conduct without the use of force with persons known to the perpetrator to be under 14 years of age is punishable by a fine of 500 to 1,000 standard accounting units or by corrective labour for a term of up to two years or restriction of freedom for a term of up to two years or imprisonment for a term of up to two years.

An analysis of statistical data for the past seven years reveals significant progress in meeting the key indicators in the Beijing Platform for Action and the Millennium Development Goals. In 2003, for example, the State Statistics Committee published a statistical compilation entitled "Families in Azerbaijan" in

connection with the International Year of the Family. It includes gender-disaggregated statistics on such areas as family demographics, health care, employment, standards of living, household income and crime. However, it should be pointed out that there are several areas in which it is difficult to obtain statistical data. One example is domestic violence, as the victims of domestic violence quite often do not report the incidents to law enforcement bodies.

Various media programmes are being developed to teach women about their rights.

Such programmes often appear and quickly disappear after donor assistance ceases. Examples were the television programme *Bir bül iki*, the private company ANS and the “Femina” Saturday supplement to the newspaper *Zerkalo*. Almost all the media, however, frequently cover these issues and the Republic’s gender problems have become a particularly popular subject for the press. Internews has trained a group of television reporters from Baku and the regions who highlight the topic of women’s rights and gender and the Azerbaijan Open Society Foundation sponsors literature, conferences, seminars and gender-oriented theatrical performances.

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. Several women’s NGOs work directly with law enforcement agencies on the problem of domestic violence.

On the whole, women are adequately protected, but prefer not to emphasize instances in which they suffer from violence. Their work with law enforcement agencies is aimed at overcoming the “lenient” handling by their representatives of cases of violence that do not have serious consequences for the woman’s health.

Changing the social and cultural models underlying stereotypes or reinforcing the notion of women’s subordinate role requires a two-pronged approach: legislative and practical, i.e. mechanisms for overcoming stereotypes. In the Soviet era, religious influence was excluded by law from the sphere of family and marital relations and the secular nature of the Government resulted in a system of strict prohibitions and penalties for drawing up religious marriage contracts, polygamy, forced marriage, under-age marriage and other practices. The entire system, with few exceptions, continues in effect today. Then as now, however, there has been unspoken public agreement regarding the privacy of family life and unwillingness on the part of both society and government structures to interfere in this sphere unnecessarily.

A counselling system had already been set up in the Soviet era, which worked with young families, albeit mostly in the area of reproductive health. Various women’s and youth NGOs are now doing similar work using grants provided by foreign foundations and organizations. Some of the work is being done by the Government through cooperation with international organizations and their missions in Azerbaijan such as the United Nations, the World Health Organization, the World Bank and others. Within the education system, the topic is studied at special medical, social and economic training institutions, but is generally covered in a very limited way in schools.

Secondary schools in Baku as well as in the regions have courses on gender issues. The Centre for Gender Studies, which is directly responsible for



mainstreaming gender in the higher education system, gives courses on 15 subjects, conducts training courses on gender education with a view to the further introduction of gender courses in institutions of higher education for teachers, master's degree candidates and students and organizes academic workshops, round tables, seminars and training courses with the participation of leading specialists and experts in the field. The Department dealing with new trends in philosophy and gender issues in the Institute of Philosophy and Political and Legal Studies of the National Academy of Sciences of Azerbaijan publishes pamphlets, journals and books and conducts academic research in the field. The Azerbaijan Gender Information Centre puts all the information existing on gender on a network. The obstacles to overcoming stereotypes stem from the ethnopsychology and the mentality of Azerbaijani society.

Measures to change the social and cultural models underlying stereotypes and exacerbating the subordinate status of women are reflected in legislation, the media and various education and advocacy programmes. Measures to this end are being taken by the State Committee on Women's Issues, the United Nations Development Fund for Women (UNIFEM) and various education and advocacy centres, including the Centre for Gender Studies at Western University and the Department dealing with new trends in Philosophy and gender issues in the Institute of Philosophy and Political and Legal Studies of the National Academy of Sciences of Azerbaijan.

Schools undoubtedly have a major role to play in changing the existing stereotypical notions of the roles of men and women, although the overwhelming majority of school textbooks are insensitive to gender issues and are written within the traditional framework of a patriarchal culture that perpetuates simplistic stereotypes concerning the roles of men and women. At best, the textbooks are gender neutral. The media basically continue this tradition, although recently several publications and radio and television programmes have emerged that deal with women's issues and gender perspectives. It is still too early, however, to speak of a deliberate gender policy, much less one systematically implemented by the Government.

As mentioned above, legislative and practical measures are being taken to eliminate stereotypes about men and women. Moreover, the development of women's non-governmental organizations, particularly after the Fourth World Conference on Women held in Beijing in 1995, should be noted. International organizations and foundations represented in Azerbaijan appreciate and fund activities in this sector.

Azerbaijan has now signed virtually all the international conventions designed to eliminate all forms of discrimination against women and grant them their universal rights and freedoms. These provisions have been reflected in the Constitution of Azerbaijan; the State Committee on Women's Issues was established and is working in this area; a decree on enhancing the role of women in social and political life has been enacted; there are gender focal points in many ministries and committees; and the humanitarian departments of many bodies of the executive branch in the provinces are headed by women.

The policy on violence against women included in the National Plan of Action covers such issues as the social, economic and psychological causes of violence, protection of women from violence, trafficking in women and the study and

application of international instruments on the protection of women against violence.

A gender analysis of the Criminal Code was conducted with respect to these problems and resulted in the introduction of amendments.

Insofar as violence against women is an obstacle to the achievement of equality, progress and peace and infringes on women's basic rights and freedoms and hinders their enjoyment, many women's NGOs have implemented projects and programmes designed to eliminate violence against women.

A programme on the elimination of violence against women has been organized for law enforcement agencies (police, public prosecutor's office and courts) since 2001. It included several interactive seminars for heads of police departments in Baku, instructors from the Police Academy, prosecutors and judges. At each of these seminars, information was provided about gender equality and its connection with domestic violence and the work of law enforcement agencies, and the term "domestic violence" was defined. The attention of participants in the seminars for judges and prosecutors was drawn to the standards of the European Union and the Council of Europe and recommendations and standards were formulated for Azerbaijan.

An optional course was prepared for the Police Academy on the prevention of violence and protection of women from violence. Studies and surveys among members of the police, prosecution officials and judges revealed the attitude of law enforcement agencies towards this issue and knowledge gaps, as well as the insufficient participation of women at the decision-making level within law enforcement agencies.

Since 2001, Azerbaijan has been involved in the UNIFEM regional public awareness campaign, entitled "A Life Free of Violence".

Beginning in 2002, the State Committee on Women's Issues, together with women's non-governmental organizations and women's groups in political parties, joined the 16-day campaign of activism against gender violence in the Caucasus, during which seminars, conferences and media discussions were held.

One of the most widespread forms of violence against women is domestic violence, which is itself an indication of tension within the family. Women are afraid and have limited prospects for improving their lives; this thwarts their aspirations for equal rights and development and, in addition, hinders the establishment of normal conditions for raising children, which gives rise to negative behavioural stereotypes. Only 7 per cent of women victims of violence consider it to be a factor that complicates their family life. This illustrates the marked tendency to make violence an everyday and acceptable phenomenon. Unfortunately, official statistics do not give a true picture of crimes against women in this area.

Because of the ineffectiveness of the law enforcement agencies, the inadequacy of government statistics, the weak performance of the social institutions that defend victims of violence, the disapproval of public discussion of the issue of violence, especially sexual violence, and women's financial dependence on men within the family, women and girl victims refrain from reporting violence to law enforcement agencies. These factors do make it impossible to evaluate the true situation and provide appropriate assistance to victims.

In 2003, the State Committee on Women's Issues translated the recommendation of the Council of Europe on the protection of women against violence and on trafficking in women for the purpose of sexual exploitation into Azerbaijani and, in that connection, established a working group made up of experts from government and non-governmental organizations and media representatives. The working group made an analysis of the compatibility between national legislation and international instruments in this area and formulated recommendations and measures aimed at the elimination of violence against women and the successful fulfilment by Azerbaijan of its obligations.

## **Article 6**

### **Exploitation of women**

Since Azerbaijan is a secular State with a population which mostly professes Islam, it lacked legislation to prevent trafficking in women and children until recently. The existing patriarchal basis of the family has ruled out any concept of prostitution and any question of its taking place or being legalized.

Trafficking has been one of the negative consequences of the transitional period.

As a result of its convenient geographical position, until recently Azerbaijan was mainly a transit country. It has provided a fertile environment for criminal acts such as trafficking in persons, narcotics and weapons because of the permeability of its borders, its law enforcement agencies' lack of knowledge and experience and the fact that 20 per cent of its territory, accounting for 132 kilometres of State border, is still under occupation and therefore outside its control. The latest research from the International Organization for Migration has shown that Azerbaijan is also a country of origin.

At the end of the 1980s, growing unemployment, attributed mainly to the aftermath of the fall of the Soviet Union, the sharp downturn of industry and closing of many industrial enterprises and the occupation of 20 per cent of the territory of Nagorno Karabakh and seven adjacent districts, resulting in over a million refugees and displaced persons, caused unemployment and an exodus of men and women seeking work in neighbouring countries. In these countries, which were the destination for many women "shuttle traders" seeking to make money, various foreign firms began to force young women into prostitution and trafficking, mostly by deception. The trafficking problem that has developed is a source of concern and has been severely condemned by society.

In May 2003, Parliament ratified the United Nations Convention against Transnational Organized Crime and its additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

In order to step up efforts to combat such trafficking, and in line with the instruments mentioned above, a Presidential Decree of 6 May 2004 adopted a national plan to combat trafficking in persons. The plan seeks to establish an effective system to combat trafficking which would provide the necessary conditions for cooperation among all interested parties, including the establishment of a legislative basis for strengthening efforts to combat trafficking.

Parliament is currently considering a bill on combating trafficking in persons. The bill establishes the legal and organizational basis for combating trafficking in persons and the legal status of victims of trafficking. In addition, Parliament is considering a bill supplementing certain legislative acts of Azerbaijan with provisions relating to combating trafficking in persons.

In accordance with that bill, an article entitled “Trafficking in persons”, reading as follows, would be added to the Criminal Code: “Trafficking in persons, that is, trading, recruiting, transporting, transferring, harbouring or receipt of persons for the purpose of exploitation shall be punished by imprisonment of between six and eight years”. The same article specifies “exploitation of persons is taken to mean exploitation by prostitution and other forms of sexual exploitation, forced labour or servitude, slavery, slavery-like practices and removal of human tissue or organs”.

The bills seek to protect women and girls from trafficking and prostitution. There are no employment agencies engaged in illegal trafficking in persons in Azerbaijan. There are almost no obstacles to eliminating exploitation by prostitution and trafficking in women or the sale of women’s sexual services through third parties. The articles of the current Criminal Code and Administrative Code referred to below provide for various penalties.

Pursuant to article 106.3 of the Criminal Code, the slave trade (detention of persons with the aim of enslaving them or exploiting them as slaves, selling or exchanging such persons, disposing of them or undertaking any action connected with the slave trade or transportation of slaves, with sexual slavery or with infringement of sexual freedom through slavery) is punishable by imprisonment of between five and ten years.

Prostitution is banned in Azerbaijan. Pursuant to article 308 of the Code on Administrative Violations of 11 July 2000, involvement in prostitution is punishable by a fine of between 35 and 40 standard accounting units.

Article 171 of the Criminal Code establishes liability for inciting minors to prostitution or other immoral acts; such actions are punishable by imprisonment of between three and six years.

Furthermore, pursuant to article 108 of the Criminal Code, forced prostitution or other acts of sexual coercion against persons are punishable by imprisonment of between 10 and 15 years, or by a life sentence.

Article 243 of the Code stipulates that incitement to prostitution by violence or threat of violence, blackmail, destruction or damage to property or deception, where committed with the intention of obtaining income or other profit is punishable by a fine of between 500 and 1,000 standard accounting units, by community service of between 160 and 240 hours or by imprisonment of up to three years.

In accordance with article 149 of the Criminal Code, rape (sexual intercourse accompanied by the threat or use of force against the victim or other persons, or while the victim is helpless), is punishable by imprisonment of between four and eight years.

Article 87.1 of the Code of Criminal Procedure of 14 July 2000 considers a victim to be an individual who may reasonably be assumed to have suffered direct moral, physical or material harm as a result of actions covered by the criminal law.

There are no indications that immigrants and emigrants are engaged in prostitution in Azerbaijan, but a number of legislative acts, described below, are in force to regulate foreign labour migration.

In accordance with the provisions of articles 5, 8 and 13 of the Labour Migration Act of 28 October 1999, corporations, individuals engaged in an enterprise not constituting a corporation and branches and representative offices of foreign corporations (hereinafter corporations and individuals) may hire aliens to work in Azerbaijan. To hire foreign workers corporations and individuals are required to obtain, in accordance with the procedure established by law, a special permit from the Ministry of Labour and Social Protection.

Corporations and individuals are required to ensure that aliens hired on the basis of a special permit work solely in their employ and to conclude employment contracts with them. Aliens must be provided with a copy of the contract before leaving their country. The hiring of aliens for the purpose of employment with another corporation or individual is prohibited.

Special permits are not required for aliens hired as chief executives, or deputy chief executives, of foreign corporations or branches and representative offices of foreign corporations, or for aliens engaged in an enterprise.

Corporations and individuals must inform the Ministry of Labour and Social Protection of the hiring of aliens for work in Azerbaijan and of the conclusion or termination of employment contracts with them.

Rules governing migrant workers' entry into, stay in and departure from Azerbaijan are established by the appropriate legislation of the Republic of Azerbaijan.

Aliens hired by corporations and individuals may enter Azerbaijan using a visa conferring the right to work in Azerbaijan, issued on the basis of a personal permit by the Ministry of Foreign Affairs or diplomatic missions of the Republic of Azerbaijan abroad.

The documents prescribed by law entitling a migrant worker to stay in Azerbaijan are issued for the term of validity of the individual permit.

Migrant workers have the right, in accordance with the procedures established by law, to cancel employment contracts and leave Azerbaijan freely.

On expiry of a migrant worker's individual agreement, or on cancellation of the employment contract, the worker must leave the Republic of Azerbaijan. If the migrant worker's contract is cancelled before expiry for reasons beyond his control, repatriation expenses for him and for members of his family must be borne by the hiring corporation or individual.

If a migrant worker undertakes paid employment in the Republic of Azerbaijan in violation of the provisions of the Act, he will be expelled from the Republic of Azerbaijan and the expenses of repatriating him and the members of his family must be borne by the hiring corporation or individual.

Corporations registered in the Republic of Azerbaijan may act as agents in the placement of Azerbaijani nationals for work abroad.

In order to conduct activities in this area, corporations are required to obtain a special permit in accordance with the procedure established by domestic law.

Corporations holding a special permit to act as agents may hire Azerbaijani nationals for paid employment abroad on the basis of contracts concluded with foreign corporations and individuals, once they have been approved by the appropriate executive authority of the Ministry of Labour and Social Protection.

The contracts concluded by corporations acting as agents with foreign corporations and individuals, and the proposed employment contracts must provide social security guarantees for Azerbaijani nationals which comply with international standards.

Corporations acting as agents must ensure that migrant workers receive a copy of the employment contract before their departure from Azerbaijan. The receipt by such corporations of payments from migrant workers for services rendered is prohibited.

Corporations acting as agents must inform the Ministry of Labour and Social Protection of Azerbaijani nationals hired by them for paid employment in foreign countries.

Individuals may not act as agents.

On the basis of article 12.1 of the Criminal Code, Azerbaijani nationals and stateless persons permanently residing in Azerbaijan who commit actions or omissions beyond the borders of Azerbaijan are subject to criminal liability under the Criminal Code of Azerbaijan, if these are considered a crime in Azerbaijan and in the State in whose territory they were committed, and if such persons have not been tried in the foreign State.

## **Article 7**

### **Political and social life**

The Azerbaijani Constitution guarantees women the unconditional right to take part in all elections. Under article 56 of the Constitution, women have the right to vote in all elections on the same footing as men. The right of any national of Azerbaijan to vote is not circumscribed by any requirement, except that the voter should not suffer from mental or legal incapacity. Women can stand as candidates for any elected body on the same terms as men.

Under article 3 of Azerbaijan's Electoral Code, of 27 May 2003, all nationals of the Republic of Azerbaijan are entitled, regardless of gender or other characteristics, to take part in elections, to be elected and to participate in referendums.

Article 55 of the Constitution establishes the right of all Azerbaijani nationals, including women, to participate in the administration of the State. They are entitled to serve on State bodies.

Provision for women's right to participate in the administration of State affairs is also made in the Act on election to the Milli Mejlis of the Republic of Azerbaijan and the Act on electing the President of the Republic of Azerbaijan, which contain important measures on maintaining legal and social equality between women and

men and prohibiting any form of discrimination. Women vote in elections and public referendums, take part in the formulation and implementation of government policy, occupy State posts, are active at every level of State administration and are fully involved with issues affecting the country's social and political life. There are no obstacles preventing women from campaigning for an elective party or committee position.

No statistics on women's participation in elections are kept. Demographically, however, women make up 52 per cent of the country's population. This has a positive impact on their participation in elections, in which they form the majority of voters.

There are over 40 political parties active in Azerbaijan, including some that are not registered with the Ministry of Justice. According to surveys, the proportion of women members ranges from 7 per cent to 65 per cent, although in parties with a large membership the average proportion of women is 30 per cent to 33 per cent. Only one party is headed by a woman. Almost every party has an official "women's council", "women's society" or some such body. Women are represented in the highest ranks of party executives, commissions, supreme assemblies and secretariats, so that the variety of their activities is extremely wide, ranging from specifically women's issues to cross-party concerns. The parties are not adopting any special measures to increase the number of women represented, although the importance of resolving this question has recently been understood. Thus, in response to the survey question, "Has the issue of gender been reflected in your organization's official documents (Charter, Platform, Regulations, Programme)?", 60 per cent of parties replied in the affirmative and 25.7 per cent in the negative, while 5.7 per cent gave evasive answers, such as "Civic responsibilities are not dependent on gender" or "In view of the fact that no such requirement exists in our society, the official documents make no provision for this issue". Meanwhile, 8.6 per cent of parties declined to reply altogether.

It is clear from these answers that, generally speaking, the political parties have not yet understood the full significance of the gender issue but mostly consider it a women's issue. It is telling, in this connection, that, in reply to the question: "Does your organization need to hold seminars, courses or conferences on the issue of women or gender?", 65.7 per cent of parties said "Yes, it does", 22.9 per cent said "No" and 5.7 per cent failed to answer. A mere 5.7 per cent of parties replied that they conducted seminars, with the support of their women's councils. So once again the gender issue is perceived in these parties only in terms of women's councils.

This is why women are today only nominally involved in political parties and the likelihood of women candidates appearing on party lists is diminishing.

Women's participation in the decision-making process is held back by the enduring strength of tradition, the legacy of political indifference left by the Soviets and domestic problems due to the economic difficulties of the transitional period, which have burdened women with worries that had not existed before about how to provide for their families. The main reasons for the fact that there are no women in leadership positions, however, are lack of interest, lack of time, lack of understanding of what leadership means and women's conviction that a leader has to be a man.

In the former Soviet Union, the representation of women was increased by means of quotas requiring a 33 per cent inclusion of women in State structures, which ensured that the percentage of women remained stable. After perestroika and the collapse of the Soviet Union, quotas ceased to exist and as a result women were squeezed out of all management positions, including their seats in Parliament. Until 1990, women accounted for 39 per cent of the Supreme Council of Azerbaijan, but in 1991 that proportion fell by 4.8 per cent and in 1992 by 6 per cent. In Parliament (Milli Mejlis), there were 15 women out of 125 in 1995 and 13 out of 125 in 2000. Out of 83 administrative bodies in regions and cities, only three are headed by women. Women are generally to be found in the role of deputy head of the department for humanitarian and social issues.

The State Committee on Women's Issues has been established by Presidential Decree and instruments aimed at extending women's participation in the decision-making process have been adopted. International conventions aimed at eliminating discrimination against women have been signed. Non-governmental organizations have set up various centres to involve women in the life of society and services are operating to give women moral and social support by providing them with legal, medical and other counselling.

There are about 50 non-governmental organizations dealing with women's issues in Azerbaijan. Many of them target their activities at involving women in the social, economic, political and cultural areas of the nation's life. The bodies that promote such involvement are still largely elective, but a positive factor is the excellent coordination provided by the State Committee on Women's Issues.

The Central Administration of the Ministry of Justice with responsibility for implementing judicial decisions has not identified a single instance of women prisoners being subjected to sexual abuse by anyone. There are no women political prisoners in Azerbaijan and there is no discrimination against women who engage in political activities within women's organizations.

The first trade unions in Azerbaijan were founded in 1905 and women became members on equal terms with men. The organization with the largest membership at the present time is the Azerbaijan Confederation of Trade Unions, the umbrella organization for the various unions, which has 1,341,083 members, 43 per cent of whom are women.

Ever since the days of the Soviet Union, women have enjoyed equal rights with men as members of trade unions, participation in which used to be compulsory. The situation remains the same today, except that now participation is voluntary. The Confederation has no special programme to attract women members and encourage their participation.

Under article 58 of the Basic Law, "Every person has the right to establish an association of any kind, including a trade union or other social organization, or to join an existing organization." This is reinforced by article 3 of the Act on Trade Unions, which states: "Workers, pensioners or persons in receipt of education are entitled, without discrimination, freely and voluntarily to establish trade unions without prior authorization, to join trade unions for the protection of their lawful interests or their labour or social and economic rights and to engage in trade union activities."



The trade unions are hoping to make a real impact with their campaign for the introduction of a gender-based approach to the contractual process involved in concluding tripartite agreements between the Government, the Confederation of Trade Unions and the National Confederation of Entrepreneurs (Employers) or collective agreements or contracts within industries or enterprises. Particular attention is paid to the participation of women themselves in the negotiation process.

The Confederation of Trade Unions has developed and approved regulations on trade union committees for women's issues and gender equality. Such committees have started to be established in trade union organizations at every level.

## **Article 8**

### **International representation and participation**

Under article 35 of the Constitution, every person has the right to choose freely, on the basis of his or her working capacities, his or her own form of activity, profession, occupation and place of work.

It follows that women have the right and the opportunity to represent the country at various international organizations including the United Nations. The Order of the President of the Republic of Azerbaijan of 20 May 2000, for example, approved the membership of the women's delegation of Azerbaijan to participate in the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

The diplomatic corps representing Azerbaijan at embassies and consulates abroad comprises 175 people, of whom 10 (5 per cent) are women. Of 25 ambassadors, one (4 per cent of the total) is a woman, as is one of two vice-consuls.

The central administration of the Ministry of Foreign Affairs has a staff of 199 in its diplomatic section, of whom 41 (21 per cent) are women. Of the 14 heads of department, only one is a woman. Of 22 heads of section, five are women.

The female members of the staff of the Ministry of Foreign Affairs periodically participate in various international events, are included in delegations to high-level conferences and serve as members of expert committees and working groups within international organizations.

There are 18 Azerbaijani nationals working in international organizations, including five women (28 per cent of the total).

At the initiative of the Ministry of Foreign Affairs and with support from the United Nations Development Programme and the United Nations Development Fund for Women (UNIFEM), a programme to promote women's role in diplomacy was launched in May 2003. The aim of the programme is to establish dialogue between the Ministry of Foreign Affairs and women diplomats from foreign countries working in Azerbaijan so as to create opportunities for young Azerbaijani women diplomats to further their careers by gaining the necessary experience.

## **Article 9**

### **Nationality**

Under article 52 of the Constitution, a person having political and legal ties with the Republic of Azerbaijan, and the corresponding rights and obligations, is a national of the Republic. A person born in the territory of Azerbaijan or to a national of Azerbaijan is a national of the Republic. A person one of whose parents is a national of Azerbaijan is a national of the Republic.

Under articles 3, 7 and 14 of the Nationality Act, all nationals of the Republic of Azerbaijan are equal, regardless of how they acquired nationality. The rights, freedoms and obligations of nationals of the Republic are equal, regardless of gender or other circumstances.

Marriage between a man or woman who is a national of the Republic of Azerbaijan and an alien or stateless person, or the dissolution of such marriage, does not entail a change in the nationality of the husband or wife.

A change of nationality by a husband or wife does not entail a change in the nationality of the spouse.

An alien or stateless person who has lived in the territory of the Republic of Azerbaijan for the previous five years and submits a document certifying knowledge of the State language of Azerbaijan may, regardless of any personal characteristics, including gender, be granted Azerbaijani nationality, upon application, in accordance with the Act.

If a person who has submitted an application for Azerbaijani nationality advocates the use of force to effect change in the State system provided for by the Constitution of the Republic of Azerbaijan or performs actions that are damaging to State security or to public order, health or morals or promotes racial, religious or national exclusiveness or is connected with terrorist activity, the application for nationality is refused.

Decisions on granting Azerbaijani nationality are taken in accordance with article 109, paragraph 20, of the Constitution.

A person applying for Azerbaijani nationality pays State duty in accordance with the procedure and in the amount provided for by Azerbaijani law.

Under articles 6, 7 and 8 of the Act on Registration at Place of Residence and Sojourn, of 4 April 1996, an alien who wishes to stay in Azerbaijan for more than 30 days is required to apply to the relevant State organ to register his residence within three working days of his arrival at the place of residence, submitting the following documents: the second part of the alien registration certificate, passport, a document confirming immigrant status and right of entry (visa), a document certifying the basis for occupying the living space concerned (a certificate of right of ownership, a voucher for living space, a rental or leasing agreement or any other document required under Azerbaijani law) or a declaration by the national providing the living space.

An alien who is registered at his place of residence is issued a registration certificate.

A stateless person permanently residing in the Republic of Azerbaijan may register at his place of residence by submitting, in accordance with the procedure established by Azerbaijani law, the relevant identification papers and a document establishing immigrant status.

The rules governing the residence registration of a stateless person are set out in article 5 of the Act, which concerns nationals' residence registration.

The Ministry of Internal Affairs and its related bodies refuse a residence registration certificate where:

- The documents stipulated by the Act are not submitted;
- Restrictions on registration have been introduced on the grounds set out in article 4 of the Act;
- Following registration (except where a person takes up residence as a family member, on the basis of the Housing Code), the dimensions of the living space are found to be below the standard size for one person, established under article 40 of the Housing Code;
- The house (living accommodation) at which the person intends to register is in danger of collapse.

Under article 13 of the Labour Code, unless a law or an international agreement to which the Republic of Azerbaijan is party provides otherwise, aliens or stateless persons are, while in Azerbaijan, entitled to all labour rights on equal terms with Azerbaijani nationals. They are also subject to the corresponding obligations.

It is prohibited to restrict the labour rights of aliens and stateless persons provided for by the Labour Code and other laws and regulations, except where the law provides otherwise.

It is not permitted on the job to extend to aliens and stateless persons rights more favourable than those of Azerbaijani nationals.

Under articles 2, 3 and 4 of the Act on Exit, Entry and Passports, of 14 June 1994, a national under 18 years of age may leave the country with the consent of the parents or legal representative, as certified by a notary public or according to the procedure required by law. Where one of the parents does not consent, the question of a minor's departure from the country is decided by the courts.

Exit from the country for permanent residence abroad by a national under 18 years of age is permitted only with the written consent of both parents or the lawful representative, as certified by a notary public or in accordance with the procedure required by law.

According to the procedure provided for under the Act, a passport is issued to an Azerbaijani national who has attained the age of 18, or in exceptional cases to one under 18 years of age who is travelling abroad to study, to participate in international events, to obtain medical treatment or to take up permanent residence. The passport is valid for all countries.

A national leaving the country with children under 18 years of age must have the names and photographs of such children inserted in his or her general civil passport.

As stated in article 3 of the Act on Exit, Entry and Passports, of 14 June 1994, the passport of an Azerbaijani national is the only document confirming the identity of a national beyond the borders of Azerbaijan but is also issued to permit the exercise of the right to leave and enter the country.

Under part III, article 28, of the Constitution, any person lawfully in the territory of the Republic of Azerbaijan is free to move around, choose a place of residence and travel beyond the borders of Azerbaijan.

## Article 10 Education

In accordance with part I, article 42, of the Basic Law every Azerbaijani national has the right to an education.

Nationals are guaranteed the right to education regardless of gender.

The Government may place restrictions on some professions and specialities based on age requirements, as well as gender, health and criminal record.

In accordance with article 12 of the Education Act of 7 October 1992, the same government standard is applied to all forms of education within the framework of the relevant education programmes, and there are no restrictions or limitations on the choice of subjects for girls and boys at any educational level.

The number of graduates from general education schools is as follows:

- In 1995, 77,208 persons received general secondary education diplomas;
- In 2000, there were 101,587 students, including 51,138 boys (50.3 per cent) and 50,449 girls (49.7 per cent);
- In 2003, there were 101,124 students, including 52,120 boys (51.5 per cent) and 49,004 girls (48.5 per cent).

### Number of persons graduating from vocational schools at the end of the year

	1995			2000			2002		
	<i>of which</i>			<i>of which</i>			<i>of which</i>		
	<i>Total</i>	<i>Urban</i>	<i>Rural</i>	<i>Total</i>	<i>Urban</i>	<i>Rural</i>	<i>Total</i>	<i>Urban</i>	<i>Rural</i>
Total number of graduates	5 888	4 446	1 442	2 052	380	672	2 213	355	858
Boys	8 870	709	169	179	196	983	125	162	963
Girls	10	737	273	873	184	689	88	193	895
As a percentage of the total number									
Boys	2.9	4.1	1.4	7.9	5.8	0.2	6.5	5.5	7.7
Girls	7.1	5.9	8.6	2.1	4.2	9.8	3.5	4.5	2.3

**Persons graduating from higher educational institutions**

(Persons)

	1995			2000			2002		
	Total	of which		Total	of which		Total	of which	
		Urban	Rural		Urban	Rural		Urban	Rural
<b>Secondary specialized educational institutions</b>									
Total number of trained specialists	282	282		1 309	1 309		5 100	5 100	
Men				6	6		66	66	
Women				303	303		1 034	1 034	
As a percentage of the overall number									
Men				6.6	6.6		6.9	6.9	
Women				3.4	3.4		3.1	3.1	
<b>Higher educational institutions</b>									
Total number of trained specialists	7 436	7 436		4 488	4 488		8 460	8 460	
Men				5 047	5 047		6 782	6 782	
Women				441	441		1 678	1 678	
As a percentage of the total number									
Men				1.4	1.4		9.0	9.0	
Women				8.6	8.6		1.0	1.0	

The statistics on graduates from general education schools, vocational schools and higher educational institutions in 2003 show a steady increase in the proportion of women compared to 1995.

The following table reflects the general literacy rate for men and women, broken down into ages 15 to 24, 25 to 44 and over 45.

**Literacy rate**

(According to census data, in percentages)

<i>Years</i>	<i>Age groups</i>	<i>Both sexes</i>	<i>Men</i>	<i>Women</i>
1970	15-24	97.3	98.7	95.9
	25-44	86.8	91.6	82.3
	45+	45.2	59.6	36.0
1979	15-24	99.5	99.6	99.3
	25-44	96.8	98.4	95.3
	45+	73.2	84.4	65.0
1989	15-24	99.9	99.9	99.9
	25-44	99.9	99.9	99.9
	45+	91.5	96.4	87.6
1999	15-24	99.9	99.9	99.9
	25-44	99.8	99.8	99.8
	45+	96.0	98.3	94.0

The single act on education provides for co-education, with the exception of military professions, for which mainly boys are trained.

The following table shows the percentage of men and women by profession:

Specialists trained in 2003 by field of study (persons)	<i>Total</i>	<i>Of which</i>	
		<i>Men</i>	<i>Women</i>
<b>Secondary specialized educational institutions</b>			
Total number of specialists trained	15 100	4 066	11 034
By field of study:			
Technical studies	2 207	1 828	379
Agriculture and fishing industry	83	63	20
Humanities and social sciences	5 911	1 056	4 855
By speciality:			
Health	3 619	299	3 320
Law	705	380	325
<b>Higher educational institutions</b>			
Total number of specialists trained	28 460	16 782	11 678
By field of study:			
Technical studies	6 024	5 208	816
Agriculture and fishing industry	296	239	57
Humanities and social sciences	10 018	4 801	5 217
By speciality			
Health	1 430	451	979
Law	1 624	1 236	388

There is no separate law or policy aimed at keeping girls in secondary schools until they have fully completed their studies: the State guarantees to all nationals, in accordance with part II, article 42, of the Basic Law, free, compulsory general secondary education regardless of gender.

In 2003, of the 1.7 million children receiving general education 48 per cent were girls. Women accounted for 31 per cent of students in technical vocational schools, 67.3 per cent in specialized secondary educational institutions and 40 per cent in institutions of higher education.

The following table shows the percentage of women teachers in primary and secondary schools and universities:

<i>Teachers (persons)</i>	<i>1995</i>	<i>2000</i>	<i>2003</i>
<b>General education schools</b>			
Total number of teachers (regular staff)	152 959	161 492	169 398
Men	51 255	50 741	51 337
Women	101 704	110 751	118 061
As a percentage of the overall number			
Men	33.5	31.4	30.3
Women	66.5	68.6	69.7
<b>Vocational schools</b>			
Total number of teachers (regular staff)	1 994	1 972	1 827
Men	1 012	939	876
Women	982	1 033	951
As a percentage of the overall number			
Men	50.8	47.6	47.9
Women	49.2	52.4	52.1

In 2000, women accounted for 8.4 per cent and men 91.6 per cent of doctors of science; women accounted for 25.7 per cent and men 74.3 per cent of holders of first postgraduate degrees; women accounted for 25.1 per cent and men 74.9 per cent of professors; and women accounted for 24.3 per cent and men 75.7 per cent of senior lecturers. In 2003, women accounted for 9.5 per cent and men 90.5 per cent of doctors of science; women accounted for 29.6 per cent and men 70.4 per cent of holders of first postgraduate degrees; women accounted for 10.1 per cent and men 89.9 per cent of professors; and women accounted for 25.2 per cent and men 74.8 per cent of senior lecturers.

**Number of directors and deputy directors of general education schools**

(Persons)

	1995	2000	2003
Total number of directors	3 950	4 071	4 132
Men	3 356	3 441	3 400
Women	594	630	732
As a percentage of the overall number			
Men	85.0	84.5	82.3
Women	15.0	15.5	17.7
Total number of deputy directors	7 500	7 484	7 714
Men	5 023	4 896	4 784
Women	2 477	2 587	2 930
As a percentage of the total number			
Men	67.0	65.4	62.0
Women	33.0	34.6	38.0

All these tables confirm that women have the same access as men to education in the area of family life, including family planning.

A government programme entitled “Young Family” developed by the Ministry of Youth, Sports and Tourism was approved by the Government on 16 February 1999. Under the programme, the network of outreach services for young families is being expanded, as well as pre-marriage training of young women for family life; social and psychological assistance centres are being established; support is being given for the development of family sports; and work is being done to protect reproductive health, strengthen morality and a family-oriented society, and enhance child-rearing.

On 6 May 2002, the Youth Policy Act entered into force. It has three sections and 14 articles. One of the main principles of the Act, as stated in article 2.3, is the obligation to respect equality between men and women in the implementation of government youth policy.

There are no restrictions on the participation of women in sports, and participation is voluntary, regardless of gender.

**Number of persons engaged in physical education**

	1995	2000	2003
Total number of persons	394 050	355 189	410 262
Men	301 633	272 271	315 488
Women	92 417	82 918	94 774

As the table shows, there is an upward trend in the number of women involved in sports.

During the reporting period, several training courses were conducted in secondary schools and institutions of higher education in conjunction with the



Association of Women Managers of Azerbaijan, a women's NGO, as part of the project entitled "Strengthening measures to prevent violence against women".

The development of a theoretical basis for the protection and teaching of women's rights mainly involves:

- Development of teaching curricula;
- Mainstreaming of gender in the humanitarian and social sciences;
- Consultations and training courses for women's movement activists and teachers;
- Publication of textbooks on gender issues, including translations of foreign works;
- Contacts with foreign experts working on gender issues.

"Summer schools" have been organized to train teachers in the following subjects:

- History of women's education in Azerbaijan and abroad;
- Psychology and methodology of teaching gender courses;
- Mainstreaming of gender in humanities studies.

During studies and discussions, teachers, students and schoolchildren have learned to analyse social policy problems through the prism of gender relations and obtained information about gender projects carried out in the Republic and abroad. Attendance at a basic course has enabled trainees to take a proper approach to gender issues.

Some universities in Azerbaijan have established gender centres where curricula have been developed and textbooks, teaching aids and supplementary literature have been published. The main focus of these centres is studying and disseminating gender information needed for the analysis of social life, raising awareness of gender issues and incorporating gender studies into academic programmes. The gender centres are taking a number of measures in this area. For example, research centres have developed curricula for nine social and humanitarian disciplines, published a collection on gender training and prepared a teaching aid, which was approved by the Ministry of Education and is being used in institutions of higher education. With the support of the Ministry of Education, humanities and social science teachers at institutions of higher education attended training courses on gender education from March to June 2003. In addition, humanities and social science students at Baku State University, the Academy of State Management in the office of the President of the Republic of Azerbaijan, Western University and Khazar University were taught a special course on basic gender theory.

Measures are being taken in Azerbaijan to develop and improve gender education through: gender analysis of textbooks; gender mainstreaming in training and further training of teaching staff; establishment of full-time gender-study summer schools for teacher training instructors at institutions of higher education; use of gender topics in students' final examinations and master's dissertations; inclusion of a special course on gender in master's degree curricula for the relevant fields of study; competitions in institutions of higher education for the best textbook on basic gender theory; provision of the relevant literature to libraries of institutions

of higher education; establishment of national gender research centres in educational establishments; creation of appropriate departments; and publication of textbooks and other materials.

## **Article 11**

### **Employment**

The Republic of Azerbaijan has been a member of the International Labour Organization (ILO) since 1992 and has ratified 55 ILO Conventions, several of which contain legal standards relating to women in the field of labour and employment. They include: Convention concerning the Employment of Women on Underground Work in Mines of All Kinds (Convention No. 45), Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100), Convention concerning Maternity Protection (Convention No. 103) and Convention concerning Discrimination in Respect of Employment and Occupation (Convention No. 111).

Labour policy towards women in Azerbaijan continues to be based on the principle of facilitating their work by providing them with appropriate benefits, preferences and supplementary guarantees in connection with motherhood and fulfilment of family obligations.

In accordance with article 16 of the Labour Code, the establishment of benefits, preferences and supplementary guarantees on the job for women and other persons in need of social protection is not considered discriminatory.

The Labour Code, which entered into force on 1 July 1999, strengthens this policy through the appropriate legal regulations.

At the legislative level, there are no provisions that discriminate against women in the area of employment.

In order to provide employment for women in practice, several high-level decisions as well as appropriate measures by the government employment service have been adopted.

Under article 35 of the Constitution, everyone has the inalienable right to work.

Azerbaijani law does not allow hiring practices that discriminate between men and women, with the exception of cases where the work represents a danger to the health of the woman.

Labour relations between employees and employers are based on written employment contracts concluded according to procedures governed by the Labour Code. Part IV, article 35, of the Constitution and part 1, article 42, of the Labour Code specify that employment contracts are concluded freely.

In accordance with part 3, article 42, of the Labour Code, "Any person who has reached the age of 15 may become a party to an employment contract as a worker. Persons deemed to be incompetent under the procedure established by law may not be parties to employment contracts.

There are no regulations or provisions in the Labour Code affecting equality of employment opportunities for women, including the use of common hiring criteria, with the exception of cases involving concerns about the woman's health.

In accordance with article 241 of the Labour Code, “It is prohibited to assign female workers to work places with arduous or harmful working conditions or in underground tunnels or mines or to other forms of work underground; as a rule, women may be engaged for a specific period in appropriate underground work not involving manual work, as managers or social and medical workers as well as in underground work requiring them to descend mines and return to the surface without performing manual labour; women may not be employed to lift and carry loads exceeding the established weight limit.”

A specific list of industries and professions (posts) involving harmful and arduous working conditions as well as underground work where the use of female labour is prohibited was confirmed by Decision No. 170 of the Cabinet of Ministers of 20 October 1999.

The legislation on labour and employment contains rules to ensure equal access of men and women to employment, and specific measures are being taken.

Article 35.II of the Constitution states that everyone has the right to choose freely any type of activity, profession, occupation and place of work on the basis of his or her ability to work.

In accordance with article 6.2.1 of the Employment Act, which entered into force on 15 August 2001, the main objective of government policy in the area of employment is to ensure that all Azerbaijani nationals — regardless of race, national origin, religion, language, gender, family situation, social background, place of residence, property status, beliefs and membership of political parties, trade unions and other public associations — enjoy equal opportunities to exercise their right to work and free choice of employment.

Vocational training, further training and retraining is covered in article 19 of the Employment Act, which includes no restrictions concerning women. Azerbaijani nationals seeking employment in government service are guaranteed, regardless of gender, appropriate opportunities for vocational training, further training or retraining. These are provided at the appropriate courses run by the employment services or run for the employment services by educational establishments. During the period of study, a stipend is provided from the State Social Insurance Fund.

Persons who lost their job or earnings during the 12 months prior to applying to an employment service and who had at least 26 weeks of paid work during that period are paid a stipend amounting to 70 per cent of the previous salary but not exceeding the average monthly salary in the Republic.

First-time employment seekers or persons who have ceased working for more than a year are paid a minimum stipend. The minimum level is confirmed by the Cabinet of Ministers and is increased to reflect the growth of the economy. It amounted to 30,000 manats until June 2004 and has doubled since then to 60,000 manats a month.

Specific categories of persons, regardless of gender, receive a higher stipend, as follows:

- Persons who became unable to perform their previous work because of an injury caused by an industrial accident receive 100 per cent of their former average salary;
- Persons who have dependent children under 18 years of age receive stipends of up to 50 per cent of their previous salary, at the rate of 10 per cent for each child.

The State employment service's practical work in promoting female employment is reflected in the information given below.

Guided by Presidential Decree No. 289 of 6 March 2000 on implementation of the State policy for women, the State employment service agencies are paying special attention to: female employment, including that of female refugees and displaced persons; professional training of women, taking into account the real requirements of the labour market; placement of women in paid public work; facilitation of self-employment; and placement of women in new jobs created under the State employment service agencies in border areas and in areas densely populated by refugees and displaced persons.

In 2003 alone, 7,343 people (48 per cent) provided with suitable work and over 1,155 people (50 per cent) placed on professional training courses were women. In addition, 396 women were placed in paid public work and 3,043 women were given unemployment benefits, which is 45 per cent of the number receiving such benefits.

In the period from 1997 to 2003, the Republic's State employment service agencies found suitable work for 52,539 women. Over that period, taking into account employers' actual requirements, 5,826 of these women were placed on training courses for modern or national professions, retrained, or placed on courses to improve their qualifications, and 7,275 women were placed in paid public work.

Through the creation of additional jobs, specialized enterprises and organizations (including enterprises and organizations employing disabled persons) and through special training programmes and the adoption of other measures, the State is providing additional guarantees to categories of citizens who are particularly in need of social protection and are experiencing job placement difficulties: young people under 20 years of age, parents raising one or more minor children, women raising disabled children, persons who are less than 2 years from pensionable age, disabled persons, citizens released from serving a prison sentence, displaced persons, war veterans and shekhid (martyr) families.

The State employment service has constant control over the work provided to single women and to women with many children bringing up minor and disabled children, who are particularly in need of social protection, by assigning them to jobs at organizations, institutions and enterprises on the basis of a quota. In the period from 1997 to 2003, 2,985 women were provided with jobs on the basis of a quota.

"Labour exchanges" operating in the towns of Baku, Sumgait and Nakhichevan are particularly important in providing women with temporary work. For the period from 1999 to 2003, 3,510 women were assigned to temporary work.

At the "work fairs" held periodically in the Republic's towns and regions, particular attention is also paid to the question of providing women with suitable work. Of those provided with suitable work, 13,131 persons (or 38 per cent) were women and 549 women were placed in paid public work.

Enterprises or industries established through the employment service agencies give priority to the hiring of women, especially women in the occupied regions. Thus, in the enterprises and industries that are currently operational, 462 of the 1,800 people provided with work are women.

Entitlement to vocational training and retraining, including apprenticeships, higher-level vocational training and regular on-the-job training is governed by labour legislation, which contains no provisions restricting women's rights.

Article 7, parts 4 and 5, of the Labour Code provide that an agreement to learn a new profession and/or to acquire new specialist skills may be concluded directly by mutual agreement between the employer and employee when an employment contract is concluded or on the job. The conditions, rules, duration and parties' obligations with respect to an employee's training in a new profession or acquisition of new specialist skills are governed by an appropriate contract concluded on the basis of the agreement reached or by the employment contract.

In accordance with article 9 of the Labour Code, employees are entitled to improve their professional capabilities to acquire new specialist skills and to improve their qualifications.

In accordance with article 11 (d) of the Labour Code, an employer has the right to promote employees to a suitable function (professions), commensurate with their work abilities, job performance and professional standing.

In accordance with the Labour Code, provision of employment, training and retraining to workers and improvement of their qualifications are issues that are the subject of collective bargaining and are enshrined in the collective agreements concluded by enterprises.

Unlike other countries, the Republic of Azerbaijan has no legislative restrictions on the advancement of women in work (employment) or on their occupation of high-level positions, and the State is putting into effect measures aimed at ensuring this in practice.

For various reasons, women are striving to become economically active members of society. However, it cannot be denied that national legislation, including labour legislation, plays an important role in achieving this goal and in establishing full and productive female employment under conditions that favour combining family obligations with work.

A high level of female employment has been provided through the implementation of our country's decades-old labour policy for women. This is built on the principle of easing their work by providing them with a number of privileges, advantages and additional guarantees relating to the protection of motherhood and the fulfilment of family obligations.

In our country women account for over 50 per cent of the population of active working age, and the indicator for female employment is close to the world average and moving upward. While in 1991 the proportion of women employed in the economy was 42.8 per cent of the total number of workers, in 2003 it was 50.9 per cent. Female employment is traditionally high in health care, physical education and sports, and social welfare (over 75 per cent), and also in the fields of education, culture and art (around 70 per cent). Operations involving real estate, leasing and commercial activities have 46 per cent female employment, science and scientific service, 45 per cent, and industry, around 40 per cent of the total workforce.

According to data provided by the State Statistical Committee of the Republic of Azerbaijan (Goskomstat), 45.7 per cent of the total workers for hire in 2002 were women.

In May and June 2003, a one-time household survey was conducted by Goskomstat on the economic activity of the population.

According to the survey data, out of the total number of economically active and inactive women, the proportion of women aged from 15 to 24 years is 33.9 per cent; from 25 to 44 years, 61.1 per cent; and over 45 years, 31.4 per cent, respectively. In all, based on the results of this one-time survey of female employment, 53.1 per cent of economically active and inactive women are 16 to 56 years of age.

According to the data from this one-time survey, out of all the women exercising a paid activity under an employment contract at a principal workplace, 16.6 per cent have fixed-term employment contracts, 3.5 per cent have seasonal agreements, 4.7 per cent have an agreement to perform a certain amount of work or to work over a certain time period and 11.6 per cent have casual agreements.

Out of the total number of workers with such agreements, 31.3 per cent, 31.8 per cent, 23.4 per cent and 42 per cent, respectively, are women.

The duration of the normal working week in Azerbaijan was established under the Labour Code as no more than 40 hours. In addition, for some categories of workers (teachers, physicians and workers with harmful working conditions), a reduced working week of no more than 36 hours was established.

In that light, employment can be assessed on the basis of the data provided below from the aforementioned one-time survey.

Out of the total number of employed women, 50 per cent work 31 to 40 hours a week; 24.4 per cent work 41 hours or more; 1 per cent work less than 9 hours; 3.9 per cent work 9 to 15 hours; 6 per cent work 16 to 20 hours; and 13.8 per cent work 21 to 30 hours a week.

Out of the total number of persons employed for less than 9 hours a week, 56.2 per cent are women; for 9 to 15 hours, 67.5 per cent; for 16 to 20 hours, 58.6 per cent; for 21 to 30 hours, 52.8 per cent; for 31 to 40 hours, 43.9 per cent; and for 41 hours and above, 30.1 per cent.

In promoting the principle of equality, the principle of equal pay for work of equal value is particularly important. Our Republic, as already noted, has ratified International Labour Organization Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and has legislatively strengthened the principle of the inadmissibility of discrimination against women, starting with hiring for work. Paragraph 2 of article 154 of the Labour Code prohibits any reduction of employees' wages in violation of the principle of the inadmissibility of discrimination, including the inadmissibility of gender-based discrimination.

In accordance with paragraph 1 of article 158 of the Labour Code: "The forms and systems of labour remuneration and the amounts of tariff rates (salaries), salary supplements, bonuses and other incentives are specified in collective agreements and employment contracts. If no collective agreement has been concluded, they may be specified in an employment contract or by mutual agreement between the employer and the trade union."

The systems, forms and amounts of labour remuneration for employees in institutions, enterprises and organizations financed from the budget are specified by the Cabinet of Ministers of the Republic of Azerbaijan.

In accordance with the Labour Code, labour relations are regulated on the basis of written employment contracts. The conclusion of a written employment contract is obligatory. In accordance with paragraph 2 of article 49 of the Labour Code, if an employee in fact begins work without having concluded an employment contract, but having concluded a preliminary agreement with the employer, an employment contract is considered to have been concluded from that time and a written employment contract must be drawn up within a maximum period of three days.

Written contracts must also be concluded with persons working at home on a shorter day or week, and labour legislation shall apply to these workers without any restrictions in respect of the duration of, procedure for and payment of leave and for a period of temporary incapacity to work.

Azerbaijani legislation does not provide for paid public holidays, except in cases of work on public holidays. In such a case, double time is paid.

Labour remuneration (daily, hourly) rates for persons working at home on a shorter day or week are the same as those for full-time workers employed directly at an enterprise.

The overall level of payment to these workers depends on the amount of work done and the hours worked, taking into account their level of qualification and the quality of the work. According to part 3, article 158, of the Labour Code, the amount of an employee's salary is based on the results of his work performance, personal efficiency and level of qualifications and may not be restricted by any limit.

Women working at home are mainly involved in such sectors as carpet weaving, food processing and several other kinds of national occupations.

In accordance with paragraph 3 of article 158 of the Labour Code: "The amount of an employee's salary is based on job performance, personal efficiency and level of qualifications and may not be restricted by any limit."

Labour remuneration systems in effect in the budgetary sphere and in non-budget enterprises, including the private sector, are based on the principle that the amount of payment depends on the level of qualifications and the complexity of the work, regardless of gender.

However, the statistical surveys conducted reveal that women in fact receive lower pay for their work, even within a profession. On average, women's salaries are about 70 per cent of men's salaries. Analysis shows that the reasons for this situation are differences in actual levels of qualifications, the fact that women occupy lower-level positions than men, and so on.

At the legislative level, predominantly female domains have not been established. However, in practice female employment is traditionally high in health care, physical education and sports, and social welfare (over 75 per cent), and also in the fields of education, culture and art (around 70 per cent).

Traditionally, there are more men in construction work (90 per cent), fish farming and agriculture (80 per cent), the mining and quarrying industry (78 per cent), and industry (around 60 per cent).

In a number of sectors, the male-to-female ratio is close to equal: operations involving real estate, leasing and commercial activities have 46 per cent female employment and 54 per cent male employment, while science and scientific service have 45 per cent female employment and 55 per cent male employment.

The State gives women the opportunity to work in traditionally male domains through the adoption of legislative norms precluding discrimination against women concerning their choice of an education and access to employment. An exception is made for arduous and harmful work, where female labour is prohibited on health protection grounds. These considerations, in accordance with labour legislation, do not constitute discrimination.

An example can be provided by statistics on female employment in the transport sector, where the proportion of female employees increased from 10 to 16 per cent between 1991 and 1998.

In promoting the principle of equality, the principle of equal pay for work of equal value is particularly important. Our Republic, as already noted, has ratified International Labour Organization Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and has legislatively strengthened the principle of the inadmissibility of discrimination against women, starting with hiring for work. Paragraph 2 of article 154 of the Labour Code prohibits any reduction of employees' wages in violation of the principle of the inadmissibility of discrimination, including the inadmissibility of gender-based discrimination.

In accordance with paragraph 1 of article 158 of the Labour Code: "The forms and systems of labour remuneration and the amounts of tariff rates (salaries), salary supplements, bonuses and other incentives are specified in collective agreements and employment contracts. If no collective agreement has been concluded, they may be specified in an employment contract or by mutual agreement between the employer and the trade union."

The systems, forms and amounts of labour remuneration for employees in institutions, enterprises and organizations financed from the budget are specified by the Cabinet of Ministers of the Republic of Azerbaijan.

In accordance with labour legislation, employees have the right to: leave from work and social, study and refresher leave; paid days during temporary incapacity to work (sick leave); professional training, both in a period of work and in the event of the loss of work (period of unemployment); and social security in cases of old age or invalidity. All these rights are granted regardless of gender, the only distinction being that women enjoy a number of privileges of a non-discriminatory character.

The right to social security for everyone is laid down in article 38 of the Constitution. Everyone is entitled to social security on attaining the age established by law or on grounds of sickness, invalidity, loss of the breadwinner, incapacity to work or unemployment and in other cases covered by law. The minimum amount of pensions and social benefits is established by law.

The right to social security — particularly in cases of retirement, unemployment, sickness, invalidity, old age and other cases of incapacity to work — is guaranteed on the basis of the relevant acts: the 1992 Act on Pension Coverage for Citizens, together with the subsequent amendments of 1997; the 2000



Employment Act, together with the amendments of 2001; the 1992 Act on the Prevention of Disability and on Rehabilitation and Social Protection for Disabled Persons, together with the amendments and additions of 1997 and 2001; and the 1997 Social Security Act, together with the subsequent amendments and additions.

Labour and social pensions, invalidity pensions, unemployment benefits and allowances in the event of temporary incapacity to work are paid using resources from the State Social Insurance Fund. Employers make compulsory contributions to the fund in the amounts established by law. No gender-based distinctions are made in establishing the amount of the compulsory contributions. This is a single amount which depends on the amount of funds paid by the employer for labour remuneration.

Pension legislation contains a number of privileges for women.

In accordance with the Act on Pension Coverage for Citizens, men are entitled to receive a pension on reaching the age of 62 with at least 25 years' service, and women receive one on reaching the age of 57 with at least 20 years' service. Women with three children who have cared for the children up to the age of eight and have at least 16 years' service have the preferential right to retire at the age of 51. For each additional child, one year is deducted from a woman's retirement age and length of service.

Women with 9 children who have cared for the children up to the age of eight are entitled to an old-age pension, if they have at least 10 years' service and have reached the age of 45.

Mothers of children disabled from birth who have cared for the children up to the age of eight are entitled to an old-age pension on reaching the age of 50 with at least 15 years' service. The period spent caring for the children in these cases is included in the length of service.

Invalidity pensions are awarded in accordance with the procedure established by the Act on Pension Coverage for Citizens.

The conditions for the award of invalidity pensions and their amounts are not dependent on gender, except for the duration of invalidity pensions where privileges are granted to women.

In accordance with article 35 of the Act on Pension Coverage for Citizens, pensions are awarded throughout a period of invalidity, as established by a medical and social expert commission. Pensions for life are awarded to disabled men over 62 years of age and to disabled women over 57 years of age, and are re-examined only at their personal request.

This rule is non-discriminatory in character and is related to the conditions for the award of old-age pensions, which for women are awarded at the more preferential age of 57, compared with 62 years for men. In other words, women are entitled to retire at a younger age than men.

In addition to the varieties of pension described above, social pensions are awarded to particular categories of individuals who are unable to work and are not entitled to a worker's pension.

Pension levels are not related to gender. In the case of women, the conditions governing payment include provisions for age-related advantages similar to those

described above. In other words, where claimants' entitlement to a social pension is in other respects the same, women may receive payments from age 62 (65 in the case of men). In addition, social pensions may be awarded to women unable to work and not in employment who have reached the age of 57 and have had and cared for three or more children up to the age of eight, and to women who have reached the age of 57, are the mothers of children disabled since birth and have cared for them up to the age of eight.

Employed individuals' entitlement to social security in cases of illness takes the form of periodic benefit payments for temporary incapacity to work from the State Social Insurance Fund. Benefit conditions and levels are not related to the employee's gender. The benefit, determined by length of service, is:

- 150 per cent of salary, in the case of disabled persons;
- 100 per cent of salary, in the case of workers with eight or more years' total length of service or who have dependent children under 16 (under 18, if they are students) or who have more than one child;
- 80 per cent of salary, in the case of workers with between five and eight years' total length of service, or in the case of orphans with neither parent who are under 21 and have under five years' total length of service;
- 60 per cent of salary, in the case of workers with under five years' total length of service.

The Employment Act establishes the procedure for and level of unemployment benefit paid from the State Social Insurance Fund; it contains no conditions restricting women's entitlement. Individuals in unemployed status receive 70 per cent of their previous salary, provided that they had been in paid employment for not less than 26 calendar weeks in the 12 months before becoming unemployed. In all other cases, the unemployment benefit will be set at the minimum level, as determined by the Cabinet of Ministers. The minimum level of the unemployment benefit increases with economic growth. Prior to June 2004, it was 30,000 manats; after June 2004, it doubled to 60,000 manats. In the case of unemployed individuals with dependent children under 18 years of age, the unemployment benefit increases by 10 per cent, with a maximum increase of 50 per cent. The unemployment benefit may in no circumstances exceed the average monthly salary for Azerbaijan, or be lower than the minimum level.

The right to paid leave is provided for in the Constitution, which specifies minimum paid leave of 21 calendar days, and in the Labour Code.

Article 110 of the Labour Code stipulates that, irrespective of their function (profession), working conditions or length of employment contract, employees are entitled to leave as specified in the Code. The employee's entitlement to leave, and the procedure for taking leave, as determined by the Code, must not be restricted.

In addition to the basic duration of leave established in the labour legislation (21 or 30 calendar days, depending on function or profession), women with two children under 14 receive an additional leave allocation of two calendar days. Women with three or more children under 14, or with a disabled child under 16, receive an additional leave allocation of five calendar days. The Labour Code provides for other leave-related advantages for women: the right, regardless of the duration of their employment contract, to take basic leave for their first year of

employment immediately before and after social leave; the granting of basic leave at a convenient time for them to women with two or more children under 14, or with a disabled child under 16; and the authorization of part-time working arrangements for women with a child under 14, or with a disabled child under 16, at their request.

Part 2, article 16, of the Labour Code specifies that the advantages, privileges and additional guarantees provided for women are not discriminatory. Labour legislation establishes not just basic leave, but also the procedure for and length of study and refresher leave, which is granted irrespective of gender.

The Labour Code provides for partially paid social leave to care for children under three years of age. Benefits are paid at the rate prescribed by law. Employees caring for children are entitled, upon written application, to partially paid social leave in one or several instalments.

The legislation of the Republic of Azerbaijan provides for equal rights for men and women with family obligations. In other words, single fathers and adoptive parents are entitled to additional leave of the same duration as described above. One parent, or another working member of the family directly responsible for the care of a child, is entitled to social leave for that purpose, and to payment of the appropriate benefits, until the child reaches three years of age. All the guarantees of entitlement which the Labour Code gives to women with young children also apply to fathers who, for a number of reasons (mother deceased, deprived of her parental rights or confined for a long period to a health-care establishment or place of detention) are bringing up children without a mother, as well as to foster parents and guardians.

Entitlement to vocational training and retraining, including apprenticeships, higher-level vocational training and regular on-the-job training is governed by labour legislation and contains no provisions restricting women's rights.

Article 7, parts 4 and 5, of the Labour Code provide that an agreement to learn a new profession or to acquire new specialist skills may be concluded by mutual agreement between the employer and employee directly on conclusion of an employment contract or on the job. The conditions, rules, duration and parties' obligations in connection with an employee's training in a new profession or acquisition of new specialist skills are governed by an appropriate contract concluded on the basis of the agreement reached or by the employment contract.

In accordance with article 9 of the Labour Code, employees are entitled to increase their professional capabilities, acquire new specialist skills and improve their qualifications.

In accordance with article 11 (d) of the Labour Code, an employer has the right to promote an employee to a suitable function (profession), commensurate with the employee's work capabilities, job performance and professional standing.

In accordance with the Labour Code, provision of employment, training and retraining and to employees and improvement of their qualifications are issues that are the subject of collective bargaining and are enshrined in collective agreements concluded by enterprises.

Entitlement to vocational training during periods of unemployment is determined in accordance with the Employment Act and involves no restrictions regarding women.

Job-seekers approaching the State employment service are given the appropriate opportunities to undertake vocational training, to improve their qualifications or to retrain, irrespective of gender. This is achieved through courses run by the employment services or run for the employment services by educational establishments. During the period of study, a stipend is provided from the State Social Insurance Fund.

Between 1997 and 2003, employment service agencies found suitable employment for 52,539 women. Of that number, 5,826 were enrolled during the same period in training for modern, national occupations, in retraining or in courses to improve qualifications, taking into account employers' actual requirements.

Azerbaijan's Act on Pension Coverage for Citizens specifies no compulsory retirement age. Individuals retire voluntarily on reaching the pensionable age laid down by law.

Entitlement to a pension on general grounds occurs at age 62 for men and age 57 for women. Pensions in Azerbaijan are paid from the State Social Insurance Fund, which is constituted using obligatory contributions from employers and voluntary contributions from employees. The amount contributed by men and women is identical, and is established as a percentage of wage or salary.

Social security legislation consists of the Act on Pension Coverage for Citizens of 1992, as amended in 1997; the Employment Act of 2000, as amended in 2001; the Act on the Prevention of Disabilities and on Rehabilitation and Social Protection for Disabled Persons of 1992, as amended in 1997 and 2001; the Social Security Act of 1997, as subsequently amended and expanded, and other laws and legislative and normative acts.

This legislation covers men and women equally.

Entitlement to a pension for loss of a breadwinner applies equally to wife and husband.

Article 240 of the Labour Code regulates the special conditions applying to the conclusion of an employment contract with a pregnant woman or a woman with a child under three years of age, specifying that it is prohibited to refuse an employment contract to women on the grounds that they are pregnant or have children under three years of age. That provision does not apply if an employer refuses employment because no suitable position is available, or to workplaces where the employment of women is prohibited.

It further specifies that, if an employer refuses to conclude an employment contract with a pregnant woman or a woman with a child under three years of age, on those grounds, the woman is entitled to request a written explanation for the employer's refusal; she may challenge a refusal to conclude an employment contract in court.

Article 79 of the Labour Code prohibits the dismissal, on the initiative of management, of pregnant women or women who have taken social leave to care for children under three years of age, except in cases where a fixed-term employment contract has expired or in cases of total liquidation of the enterprise.

Violations of labour legislation carry an administrative penalty in the form of a fine. The State Labour Inspectorate is responsible for State monitoring of

compliance with labour legislation. During the reporting period, the Inspectorate has imposed no penalties for the illegal dismissal of pregnant women or women with children under three years of age.

Article 16 of the Labour Code prohibits gender-based discrimination in employment.

The Labour Code has a separate chapter on the labour rights of women and enforcement of those rights. The legal norms protecting women's labour rights in Azerbaijan exceed international standards in many respects. It is prohibited to refuse to employ women on the grounds that they are pregnant or have children under three years of age. The dismissal, on the initiative of the management of an enterprise, of pregnant women, of women who have children under three years of age or of women bringing up preschool-age children on their own and whose sole source of earnings is that enterprise is prohibited.

Article 110 of the Labour Code stipulates that, irrespective of their function (profession), working conditions or length of employment contract, employees are entitled to leave as specified in the Code. The employee's entitlement to leave, and the procedure for taking leave, as determined by the Code, must not be restricted.

In addition to the duration of basic leave established in the labour legislation (21 or 30 calendar days, depending on function or profession), women with two children under 14 receive additional leave of two calendar days. Women with three or more children under 14, or with a disabled child under 16, receive additional leave of five calendar days. The Labour Code provides for other leave-related advantages for women: the right, regardless of the duration of their employment contract, to take basic leave for their first year of employment immediately before and after social leave; the granting of basic leave at a convenient time for them to women with two or more children under 14, or with a disabled child under 16; and the authorization of part-time working arrangements for women with a child under 14, or with a disabled child under 16, at their request.

Part 2, article 16, of the Labour Code specifies that the advantages, privileges and additional guarantees provided for women are not discriminatory. Labour legislation establishes not just basic leave, but also the procedure for and length of study and refresher leave, which is granted irrespective of gender.

The Labour Code provides for partially paid social leave to care for children under three years of age. Benefits are paid at the rate prescribed by law. Employees caring for children are entitled, upon written application, to partially paid social leave in one or several instalments.

The legislation of the Republic of Azerbaijan provides for equal rights for men and women with family obligations. In other words, single fathers and adoptive parents are entitled to additional leave of the same duration as described above. One parent, or another working member of the family directly responsible for the care of a child, is entitled to social leave for that purpose, and to payment of the appropriate benefits, until the child reaches three years of age. All the guarantees of entitlement which the Labour Code gives to women with young children also apply to fathers who, for a number of reasons (mother deceased, deprived of her parental rights or confined for a long period to a health-care establishment or place of detention) are bringing up children without a mother, as well as to foster parents and guardians.

Traditionally, leave to care for children under three years of age has been taken by mothers, but there have been some recent cases of such leave being taken by fathers.

The Labour Code (article 79) prohibits the dismissal of pregnant women and women with a child under three years of age. It also establishes (part 1, article 76) that an employer may terminate an employment contract only on the grounds stated in articles 68, 69, 70, 73, 74 and 75. Employers are prohibited from terminating employment contracts on the grounds stated in article 70 (dismissal on the initiative of management): dismissal of pregnant women, of women who have children under three years of age, of workers bringing up preschool-age children on their own whose sole source of earnings is that enterprise or of workers who have temporarily lost their ability to work; dismissal because of membership of a trade union organization or any political party and dismissal while a worker is on leave or on mission, or involved in collective bargaining. The above provisions do not apply in the cases covered by article 70 (a) — liquidation of an enterprise — or by article 73 — expiry of a fixed-term employment contract.

This shows that an employee cannot be dismissed because of his or her family situation. In particular, a woman cannot be dismissed because of her marital status, as that is not a ground listed in the Labour Code. Such violations of the Labour Code rarely occur in practice.

The paid basic leave provided for in the Labour Code is available equally to men and women.

The duration of such leave is not dependent on gender, profession (function) and working conditions. During leave, the worker retains his or her average salary and post (profession or function).

The labour legislation of Azerbaijan provides for the concept of part-time work, meaning that the employer and employee agree to working arrangements which differ from the normal arrangements. This provision applies equally to men and women. In addition, there are instances in which the employer, at the request of a pregnant woman or a woman with a child under three years of age, is obliged to arrange for part-time work. In all cases, the salary paid is either proportional to the hours worked or is that agreed by the parties. Such part-time working arrangements have no effect on other employment rights — duration of basic or other leave, promotion or entitlement to employment advantages.

The legislation provides for no restriction on employment based on family situation. A special statistical study of households by the State Statistical Committee of Azerbaijan in 2003 showed the following distribution of the working population according to family situation:

		<i>Men</i>	<i>Women</i>
Total employees	100%	58.5	41.5
<i>Including:</i>			
Registered families	100%	61.0	39.0
Unregistered families	100%	57.5	42.5
Widows/widowers	100%	20.6	79.4
Divorces	100%	28.7	71.3
Never married	100%	60.3	39.7

Of the total number of employed women, 59.1 per cent are officially married. The equivalent percentage for employed men is 65.7 per cent.

The Labour Code lays down the general direction of State employment protection policy and includes the establishment of healthy and safe working conditions. All employment protection norms apply equally to men and women.

In addition, labour legislation includes norms which prohibit the recruitment of women to perform certain hazardous jobs; they impose limits on lifting and load carrying and restrictions on night work, overtime and work on days off and holidays.

Labour law contains a number of provisions aimed at the protection of motherhood and women's reproductive functions.

A working woman is entitled to 126 calendar days' pregnancy and maternity leave (70 days before the birth and 56 after); in the case of complications or multiple births, the leave is extended to 70 calendar days. The duration of such leave for a woman working in agricultural production is as follows: 140 calendar days for a normal birth (70 before and 70 after the birth), 156 calendar days in the case of a complicated birth (70 before the birth and 86 after) and 180 calendar days in the case of multiple births (70 before the birth and 110 after).

A shorter working week, not exceeding 36 hours, with maintenance of full pay, must be provided for a pregnant woman or a woman with a child under 18 months of age. In addition to maintaining her earnings, a woman with a child up to 18 months of age must be given breaks to nurse the child, while a pregnant woman or a woman with a child under three years of age continues to be paid for a day spent undergoing an examination for herself or her child at a clinic or outpatient department of a medical institution. Productivity and performance standards are lowered for a pregnant woman on the basis of a medical certificate or she is transferred to an easier job not subject to unfavourable factors of production. Where a woman with a child less than 18 months old has difficulty nursing the child at the same time as performing her duties at work, the employer is required, at the woman's request, to transfer her to other, easier work until the child has attained the age of 18 months or to provide the necessary facilities for nursing the child. Where a woman is transferred to easier work in the above circumstances, as provided for by the Labour Code, she maintains her average earnings in her original post. It is prohibited to reduce a woman's pay on the grounds that she is pregnant or nursing.

It is prohibited to assign a pregnant woman or a woman with children under three years of age to work at night, overtime, at weekends, on holidays or on other days not considered working days, or to send her on mission. A woman with a child

aged between 3 and 14 or a disabled child aged up to 16 may not be assigned to work overtime, at weekends, on holidays or on other days not considered working days, or be sent on mission, without her consent. These restrictions and privileges, which are dictated by concern for women's health, having due regard for their physiological characteristics, are not, in accordance with article 16.2 of the Labour Code, considered to constitute discrimination.

There is a requirement that a shorter working week not exceeding 36 hours (the normal working week being not more than 40 hours), with maintenance of full pay, should be provided for a pregnant woman.

A pregnant woman continues to be paid her wage for a day spent undergoing examination in a clinic or outpatient department. Productivity and performance standards are lowered for a pregnant woman on the basis of a medical certificate or she is transferred to an easier job not subject to unfavourable factors of production. Where a woman is transferred to easier work or in other circumstances indicated above, she maintains her earnings in her original post. It is prohibited to reduce a woman's pay on the grounds of pregnancy. It is prohibited to assign a pregnant woman to work at night, overtime, at weekends, on holidays or on other days deemed in law not to be working days, or to send her on mission. These provisions oblige an employer to find another post for a pregnant woman, since she may not be dismissed or transferred to other work without her consent.

Female labour is restricted in industries where the work has a negative impact on women's health. A specific list of industries, occupations or functions involving harmful working conditions, including underground work, where female labour is prohibited, was approved by Decision No. 170, of 20 October 1999, of the Cabinet of Ministers of the Republic of Azerbaijan. In a number of cases, women are permitted to engage in underground work not involving manual labour, as managers or social and medical workers or if they descend mines and return to the surface without engaging in manual labour. Restrictions on night-shift work are imposed only on women with children under three or pregnant women. Since an employer may not dismiss a pregnant woman or a woman with a child under the age of three, the restriction on night work does not entail a drop in the woman's earnings, for the employer is obliged to provide her with equivalent work.

The list of industries, occupations and functions involving harmful working conditions is periodically reviewed. It was last amended in 1999.

Azerbaijan is taking practical measures to establish and develop essential social services.

Traditionally, these services take the form of childcare in preschool institutions or in extended-day groups in general schools.

According to statistical data, there were 1,784 permanent preschool institutions in operation at the end of 2003, of which 1,018 were in urban and 766 in rural areas. These institutions were attended by 111,500 children, 79,700 of those being in urban and 31,800 in rural areas. Out of the total number of children attending preschool institutions, 57,000 were boys and 54,000 girls.



Out of the total number of children aged one to five, 19.4 per cent attended preschool institutions, of whom 18.9 per cent were in urban and 20 per cent in rural areas. This indicator shows a rising trend: by comparison, in 1995 the corresponding figure was 15.4 per cent and in 2000 16.9 per cent.

The number of children attending general schools in extended-day groups at the beginning of 2003 was 19,234, of whom 11,006 were in urban and 8,228 in rural areas.

In addition, Azerbaijan has, in recent years, devoted significant attention to inspection measures for the prevention of disability and the treatment of disabled children and children with limited capacities for health reasons.

The Children's Rehabilitation Centre, with a 42-bed hospital attached, was opened in Azerbaijan in January 2003. The Centre is maintained under the State budget and provides free rehabilitation services.

Under current national legislation, children with limited capacities for health reasons, including disabled children, are educated at home at their request or the request of their parents.

Special preschool institutions are provided for disabled children whose mental or physical development precludes their education in normal preschool institutions.

The following table shows the educational level of educational workers in preschool institutions in 2002:

<i>Educational level</i>	<i>Per cent</i>
<b>Higher education</b>	23.0
With teacher training	82.5
With preschool teacher training	67.8
<b>Incomplete higher education</b>	2.8
With teacher training	60.8
With preschool teacher training	70.6
<b>Secondary specialized education</b>	64.2
With teacher training	87.0
With preschool teacher training	83.3
<b>General secondary education</b>	10.0

The legislative basis for the operations of preschool institutions is the 1992 Education Act and the relevant laws and regulations of the Cabinet of Ministers and the Ministry of Health.

The following table shows the changing trends in preschool institutions in Azerbaijan:

<i>Permanent preschool institutions</i>	1995	2000	2002
	<i>as at 31 December</i>		
Total	1 973	1 790	1 784
Urban areas	1 137	1 014	1 018
Number of children attending	136 800	111 000	111 500
Urban areas	99 900	78 800	79 700
Total boys	76 000	57 000	57 000
Total girls	61 000	54 000	54 000
Children aged 1-5 attending, as percentage of total	15.4	16.9	19.4
Boys	16.5	16.5	18.9
Girls	14.3	17.2	20.0

The data for the beginning of the school year 2003-2004 show that, out of the total number of education workers employed, 57.9 per cent were employed in preschool institutions.

Traditionally, children of school age are cared for in extended-day groups in general schools.

**Number of children attending general day schools in extended-day groups, beginning of school year**

<i>Preschool institutions</i>	1995	2000	2003
Total	50 674	23 008	19 234
Urban areas	21 511	10 850	11 006
Rural areas	29 164	12 158	8 228
Percentage of total			
Urban areas	42.4	47.2	57.2
Rural areas	57.6	52.8	42.8

Under article 244 of the Labour Code, a woman who has a child under 18 months of age is given breaks during working hours, in addition to the usual rest and meal periods, in order to nurse her child. Such a break is given not less than every three hours and lasts not less than 30 minutes. Where a woman has two or more children under 18 months of age, the duration of each break is fixed at not less than one hour.

Nursing breaks are included in the woman's working time, with maintenance of average earnings.

If the woman so wishes, nursing breaks may be accumulated and combined with rest and meal periods or taken at the beginning or end of a working day or shift. Where a woman decides to accumulate her nursing breaks and use them at the end of the working day, her working day is shorter by the duration of those breaks.

Women avail themselves of such breaks in practice.

Statistics show that, as at 1 June 2004, 26 industry trade union organizations were active in Azerbaijan. The total membership of these organizations is 1,338,568.

Of the total number of members, 564,112, or 42.1 per cent, are women. Of that number, 222,491, or 39.4 per cent, are women under 25.

Out of the total of economically active women, 70 per cent of those employed in light industry belong to a trade union, as against 65 per cent in the educational system and 60 per cent in the health-care system.

Under articles 149 (“Rape”) and 150 (“Sexual acts involving the use of force”) of the Criminal Code, persons committing acts in the above categories are punished by deprivation of liberty for a period of 4 to 15 years.

For acts covered by article 151 (“Coercion into a sexual act”), the punishment takes the form of a fine in the amount of 500 to 1,000 times the minimum wage, punitive deduction of earnings for up to two years or deprivation of liberty for up to three years.

Article 152 (“Sexual intercourse and other sexual acts with a person under the age of 16”) provides for punishment in the form of restriction of liberty for up to three years or deprivation of liberty for the same period.

Article 153 (“Lewd acts”) provides for punishment in the form of a fine in the amount of 500 to 1,000 times the minimum wage, punitive deduction of earnings for up to two years, restriction of liberty for up to two years or deprivation of liberty for up to two years.

On 6 January 2004, the Republic of Azerbaijan ratified the European Social Charter (Revised), which includes article 26 (“The right to dignity at work”). This article requires the Parties, with a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

Proposals on amending the Labour Code have been drawn up accordingly and submitted to the Office of the President of the Republic of Azerbaijan so that it can be brought into line with the requirements of the European Social Charter.

## **Article 12**

### **Equal access to health-care services**

There is no discrimination against women in the field of health care in Azerbaijan. Women’s rights in this field, like those of men, are protected by law.

Under article 1 of the Public Health Protection Act of 26 June 1997, among the main principles underlying public health protection are the State’s guarantee of human rights and citizens’ rights in the field of public health care and the associated responsibility of natural and legal persons to ensure universal access to medical and social assistance. Women have the same access to medical services as men.

In addition, during pregnancy, childbirth and the post-natal period, every woman receives free, specialized medical care in State health-care institutions (art. 17 of the Act).

Although, in accordance with chapter 3, article 17, of the Act, a woman receives free health care throughout her pregnancy and after the birth, a pregnant woman or a nursing mother is not provided with free food.

Medical services are provided in midwife centres, rural central hospitals or medical outpatient clinics, depending on the locality, and district hospitals with maternity and gynaecological departments. Also available are women's counselling centres and family planning and reproductive health centres. The Scientific Research Institute of Obstetrics and Gynaecology provides women with specialized services.

#### Basic health-care indicators, as at 31 December

<i>Indicators</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
Physicians, all specialities	29 200	29 000	29 500
Per 10,000 population	38.4	36.5	36.5
General medical staff	67 000	60 000	59 100
Per 10,000 population	88.1	75.4	73.1
Hospitals	768	735	738
Hospital beds	74 600	69 900	68 700
Per 10,000 population	98.1	87.8	85.0
Maternity homes	33	26	26
Midwife centres	2 100	1 900	1 800
Outpatient clinics	1 779	1 614	1 603
Outpatient clinic capacity, all shifts	102 700	105 600	105 900
Per 10,000 population	135.0	132.7	131.0
Women's counselling centres or institutions containing such centres	295	313	314
Ante- and post-natal beds, including medical and gynaecological beds	7 600	7 500	7 400

The following table shows the principal causes of female mortality and morbidity.

**Female mortality, by principal cause of death, per 100,000 population**

<i>Cause of death</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
Total deaths, all causes	609.2	547.8	538.9
Circulatory disease	342.2	331.7	327.7
Neoplasm	52.6	53.1	63.1
Infectious or parasitic disease	19.3	10.9	8.9
Respiratory disease	77.1	47.9	35.1
Accident, poisoning or injury	22.4	13.0	10.9

Mortality is generally highest among women of low levels of social development, and especially among refugees and displaced persons.

**Maternal mortality (deaths in pregnancy and childbirth from complications arising during pregnancy, childbirth and the post-natal period)**

<i>Year</i>	<i>Deaths</i>	<i>Per 100,000 live births</i>
1995	53	37.0
2000	44	37.6
2002	22	19.9

The following tables show infant and child mortality levels and the principal causes of infant and child mortality and morbidity among girls and boys.

The level of maternal mortality is 3.23 women per 1,000 live births and of infant mortality (under one year of age) 12.8 per 1,000 live births.

**Infant mortality (children under one year old)**

<i>Infant deaths</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
<b>Total</b>	3 677	1 501	1 422
Boys	1 964	846	793
Girls	1 513	655	629
<b>Per 1,000 live births, total</b>	23.3	12.8	12.8
Boys	26.2	13.5	13.3
Girls	22.2	12.0	12.3

**Child mortality (children up to five years old)**

<i>Child deaths</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
<b>Total</b>	6 197	3 024	2 552
Boys	3 450	1 690	1 410
Girls	2 747	1 334	1 142
<b>Per 1,000 live births, total</b>	43.2	25.9	23.1
Boys	45.9	27.0	23.6
Girls	40.3	24.5	22.4

**Infant mortality (children up to one year old), boys, by principal cause of death**

<i>Cause of death</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
<b>Total deaths, all causes</b>	1 964	846	793
– Respiratory disease	940	385	377
– Perinatal condition	339	232	172
– Infectious or parasitic disease	311	80	92
– Congenital abnormality	86	38	64
– Accident, poisoning or injury	31	15	1
<b>Per 1,000 live births, all causes</b>	261.5	135.2	132.7
– Respiratory disease	125.2	61.5	63.1
– Perinatal condition	45.1	37.1	28.8
– Infectious or parasitic disease	41.4	12.8	15.4
– Congenital abnormality	11.5	6.1	10.7
– Accident, poisoning or injury	4.1	2.4	0.2

**Infant mortality (children up to one year old), girls, by principal cause of death**

<i>Cause of death</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
<b>Total deaths, all causes</b>	1 513	655	629
– Respiratory disease	778	345	309
– Perinatal condition	211	113	96
– Infectious or parasitic disease	238	67	72
– Congenital abnormality	86	33	48
– Accident, poisoning or injury	25	9	10
<b>Per 1,000 live births, all causes</b>	221.8	120.4	123.4
– Respiratory disease	114.1	63.4	60.6
– Perinatal condition	30.9	20.8	18.8
– Infectious or parasitic disease	34.9	12.3	14.1
– Congenital abnormality	12.6	6.1	9.4
– Accident, poisoning or injury	3.7	1.7	2.0

**Child mortality (children up to five years old), boys, by principal cause of death**

<i>Cause of death</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
<b>Total deaths, all causes</b>	3 450	1 690	1 410
– Respiratory disease	1 768	844	694
– Infectious or parasitic disease	457	149	156
– Congenital abnormality	138	69	91
– Accident, poisoning or injury	211	93	41
<b>Per 1,000 live births, all causes</b>	45.9	27.0	23.6
– Respiratory disease	23.5	13.5	11.6
– Infectious or parasitic disease	6.1	2.4	2.6
– Congenital abnormality	1.8	1.1	1.5
– Accident, poisoning or injury	2.8	1.5	0.7

**Child mortality (children up to five years old), girls, by principal cause of death**

<i>Cause of death</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
<b>Total deaths, all causes</b>	2 747	1 334	1 142
– Respiratory disease	1 508	731	589
– Infectious or parasitic disease	359	120	122
– Congenital abnormality	148	53	51
– Accident, poisoning or injury	151	53	48
<b>Per 1,000 live births, all causes</b>	40.3	24.5	22.4
– Respiratory disease	22.1	13.4	11.6
– Infectious or parasitic disease	5.3	2.2	2.4
– Congenital abnormality	2.2	1.0	1.0
– Accident, poisoning or injury	2.2	1.0	1.0

**Life expectancy at birth**

	<i>1995</i>	<i>2000</i>	<i>2002</i>
Total population	69.1	71.8	72.2
Males	65.2	68.6	69.4
Females	72.9	75.1	75.0

The average life expectancy is 73 years for women and 68 for men.

The average number of male births is 59,495 and female births 50,861. The average number of deaths is 23,725 for males and 21,559 for females.

**Birth rates and death rates, per 100,000 population**

	1995	2000	2002
Birth rate	18.9	14.8	13.8
Males	20.2	16.1	15.1
Females	17.7	13.4	12.4
Death rate	6.7	5.9	5.8
Males	7.4	6.3	6.2
Females	6.1	5.5	5.4
Overall fertility rate	2.3	2.0	1.8

Any woman receives prenatal care on application to medical institutions.

There is a marked difference in the number of live births per woman in urban and in rural areas, owing to the fact that in urban areas women tend to have two to three children but in rural areas three to four.

**Contraceptive use**

<i>Contraception method</i>	1995	2000	2002
Intrauterine device, total users	13 900	30 900	33 400
Women aged 15-49, per cent	0.7	1.4	1.4
Hormonal contraception, total users	4 500	53 900	45 400
Women aged 15-49, per cent	0.2	2.4	1.9
Sterilization, total users	99 000	255 000	173 000
Women aged 15-49, per cent	4.9	11.1	7.3

Sterilization is carried out on medical grounds and with the consent of both husband and wife.

Calculations of contraceptive use are based on the premise that, in the course of a year, a woman of childbearing age will use 13 packets of hormonal oral contraceptives, or 144 condoms, or one and a half intrauterine devices.

All the modern methods of contraception are available in Azerbaijan. There is, however, a preference for oral contraceptives, intrauterine devices and barrier contraceptives (condoms and natural methods).

There is no legal obstacle in Azerbaijan to a woman having access to health-care services, including family planning. By “family planning”, the Public Health Protection Act, mentioned above, articles 29 to 31, means artificial fertilization and embryo implantation (art. 29), artificial termination of pregnancy (art. 30) and medical sterilization (art. 31).

Women form the bulk of health-care workers. No specific statistics are kept, but women work in all areas of health care and are active in management positions.



<i>Health-care workers</i>	<i>1995</i>	<i>2000</i>	<i>2002</i>
Health-care and social services personnel, total	164 600	123 900	135 500
Female personnel in health-care and social services	115 300	93 300	102 800
Female personnel in health-care and social services, per cent	70.0	75.3	75.9

Practitioners of traditional medicine are operating in Azerbaijan, with a special focus on diagnostics and therapeutics.

Any woman who has reached the age of majority is entitled to artificial fertilization and embryo implantation. Such a procedure requires the formal agreement of both husband and wife, or the single female (art. 29).

A woman is entitled to make her own decisions about maternity. An artificial termination of pregnancy may be carried out, at the request of the woman concerned, up to the twelfth week of pregnancy (art. 30).

Medical sterilization is performed in order to prevent the possibility of reproduction or to protect a woman from pregnancy, on the basis of a written application by the patient and on medical grounds (art. 31).

The Public Health Protection Act provides for family planning measures, as described above.

Articles 29 to 31 of the Act provide that persons guilty of unlawful artificial fertilization and embryo implantation are liable to punishment in accordance with the procedure established by law (art. 29). Artificial termination of pregnancy by a physician outside a hospital or other medical institution is forbidden (art. 30). Persons guilty of unlawfully performing medical sterilization are liable to punishment in accordance with the procedure established by law (art. 31).

Article 136 of the Criminal Code contains the following provisions:

136.1 The punishment for performing artificial fertilization or embryo implantation for a woman or minor without her consent is a fine in the amount of 500 to 1,000 times the minimum wage, or punitive deduction of earnings for up to two years, or deprivation of liberty for up to three years, with or without forfeiture of the right to hold a given post or engage in a given activity for up to three years.

136.2 The punishment for performing a medical sterilization operation without the patient's consent, for the purpose of removing reproductive capacity or preventing pregnancy, is a fine in the amount of 500 to 1,000 times the minimum wage, or punitive deduction of earnings for up to two years, or deprivation of freedom for up to three years, with or without forfeiture of the right to hold a certain post or engage in a certain activity for up to three years.

136.3 Where an action referred to in articles 136.1 and 136.2 of the Code causes death or more or less serious damage to health as a result of negligence, such action is punished by a fine in the amount of 1,000 to 5,000 times the minimum wage, or punitive deduction of earnings for up to two years, or deprivation of freedom for a period of two to five years, with or without forfeiture of the right to hold a certain post or engage in a certain activity for up to three years.

Under existing law, a woman may receive medical services, including family planning services, without her husband's consent. In certain regions of Azerbaijan, however, current laws and customs oblige a woman to obtain her husband's approval for all her actions, including family planning.

Legal abortions are carried out in outpatient clinics up to the sixth week of pregnancy but only in a hospital between the sixth and twelfth weeks. Beyond the twelfth week, abortions are carried out on medical or social grounds. A fee is charged, except for women in receipt of benefits.

#### Abortions, by age group

	1995	2000	2002
Total	25 228	17 529	16 635
Up to 19 years	630	572	868
20-24 years	5 339	4 249	4 371
25-29 years	7 600	5 064	4 759
30-34 years	6 940	4 572	3 940
35-49 years	4 719	3 072	2 697
Total per 1,000 women aged 15 to 49	12.0	7.7	7.0
Up to 19 years	1.8	1.5	2.1
20-24 years	17.4	12.3	12.2
25-29 years	23.0	15.6	14.7
30-34 years	18.9	12.9	11.5
35-49 years	6.4	3.5	2.9

Pregnant women are given a prenatal ultrasound examination. If any weakness in the development of a foetus is revealed by an examination, a pregnancy may be terminated, but only with the woman's agreement.

There is no legislation requiring the performance of an abortion in Azerbaijan. Under article 30 of the Public Health Protection Act, every woman has the right to make her own decision concerning maternity. An artificial termination of pregnancy may be performed at the woman's request up to the twelfth week of pregnancy. A termination may be performed up to the twenty-second week of pregnancy on social grounds.

A pregnancy may be terminated artificially, regardless of its duration, on medical grounds and with the woman's consent.

An induced abortion must be performed by qualified physicians in State and private medical institutions.

The list of medical and social grounds for induced abortions was established by the Cabinet of Ministers.

Physicians working outside hospitals or other medical institutions are prohibited from performing induced abortions.

Under article 141 of the Criminal Code, the performance of an abortion by a physician who is not working in medical institutions is punishable by a fine of up to 200 standard accounting units or by up to six months of corrective labour.

The performance of an abortion by a person with no special advanced medical training is punishable by a fine of up to 300 standard accounting units, or by social work for a period ranging from 180 to 200 hours, or by up to one year of corrective labour.

The actions specified above, if they caused serious harm to the health of the victim as a result of negligence, are punishable by a fine ranging from 300 to 500 standard accounting units, by corrective labour for a period up to two years, or by deprivation of freedom for a period of up to one year with or without forfeiture of the right to hold a certain post or engage in a certain activity for up to one year.

The actions, specified above, if they caused the death of the victim as a result of negligence, are punishable by imprisonment for up to five years with forfeiture of the right to hold a certain post or engage in a certain activity for up to three years.

In Azerbaijan abortions are legal. Medical services are provided to women who request incomplete abortions. Women receive counselling regarding unwanted pregnancy as well as contraceptives, at their request.

Sterilization of women is performed during an operation on medical grounds only and with the requisite written consent of both spouses. In Azerbaijan, male sterilization is not performed.

No laws exist providing for forced sterilization. Under the provisions of article 31 of the Law on Safeguarding the Health of the Population, medical sterilization is performed in order to prevent the possibility of reproduction, or to protect a woman from pregnancy, on the basis of a written application by the patient and on medical grounds.

Grounds for medical sterilization are established by the Cabinet of Ministers and medical sterilization is performed in State and private medical institutions.

Persons guilty of unlawfully performing medical sterilization are liable to punishment in accordance with the procedure established by law.

Female circumcision is not practised in Azerbaijan.

There are no groups or persons in Azerbaijan that deprive pregnant women of food, which may be harmful to their health. On the contrary, traditionally families pay special attention to the nutrition of pregnant women and provide the best possible conditions for pregnancy.

Public health education is provided, particularly for groups at risk, and pregnant women are given check-ups.

As a result of well-targeted activities, as of 1977 there was a sharp growth in the number of HIV infections detected. In Azerbaijan, 625 instances of AIDS infections were detected, of which 120 were among women (19.9 per cent). Azerbaijan created an AIDS control service under the National AIDS Centre, a unique State institution with administrative, coordinating and control functions in this area. The structure of the Centre includes 12 regional laboratories. Each local treatment centre has an AIDS control officer.

The Government has adopted a number of laws to combat AIDS. On 16 April 1996, the Act on preventing the spread of HIV/AIDS was adopted. The President

signed a decree on the enforcement of this law. On 20 October 1997, the National AIDS Control Programme was approved by the Cabinet of Ministers.

The State Programme reflects the Government's commitments and its strategy for HIV/AIDS control. It includes theoretical approaches, as well as the medical, coordination and other aspects of AIDS control. However, possibilities for government financing are limited. A donor blood certification service was established in Azerbaijan in order to ensure the safety of blood and its derivatives, as ordered by the Ministry of Health.

The National Aids Centre focuses on protecting the rights of people with HIV/AIDS. All HIV/AIDS patients are clinically tracked by the Centre and receive free medical assistance, treatment and counselling. Social benefits are provided by the issuance of disability certificates and allowances.

Unfortunately, the National AIDS Centre is not included in the numerous programmes and projects whereby international organizations provide social and material support. Screenings for HIV infections among the group at risk is carried out to raise public awareness, reduce the risk of infection, allow prompt HIV detection and prevent the spread of the disease. From 1997, a round-the-clock anonymous counselling and AIDS testing service, as well as a hotline, have functioned. At the Centre, a "Youth Against AIDS" movement has been established, which is proactive in fighting AIDS.

At the initiative of the AIDS Centre, starting from sixth grade in all high schools and at universities, on 10 December a "Stop Aids Hour" is held. The classes are held under the "Save Yourself from AIDS programme", developed by the AIDS Centre. In addition, information kits and leaflets have been developed for parents, which are given to children at home. These classes, organized by special order of the Ministry of Education, have increased awareness among children, teenagers and youth, and habits of safe behaviour and healthy lifestyles are being formed. National and international NGOs are playing an important role in protecting the rights of people with HIV/AIDS and in developing various actions to combat the disease.

The Imdad-SOS Association for people with HIV/AIDS was established in 1998 with active support from the AIDS Control Centre. This Association, which is the only society-based public organization in the country, was created to provide moral, material, social, psychological and legal help to people living with HIV/AIDS. The Association includes HIV-infected persons and members of their families, as well as physicians, lawyers, psychologists, sociologists and others. The National AIDS Centre works closely with the Imdad-SOS Association.

In the opinion of international experts, Azerbaijan, among a number of other South Caucasus countries, is on the brink of an AIDS epidemic. This means that all efforts and available potential must be mobilized urgently, otherwise all HIV/AIDS control activities may be too late and ineffective.

Apart from the current serious financial obstacles, mention should be made of the insufficient level of awareness among the public about the HIV/AIDS problem and means of contamination. This problem requires grass-roots mobilization to tackle the social and economic problems which increase the risk of HIV infection.

It is also necessary to strengthen coordination in the sphere of HIV/AIDS prevention and control in all State, public and international organizations.

In addition to the foregoing, the following articles from the Criminal Code of Azerbaijan provide for criminal liability as follows:

*Article 139. Spread of venereal diseases*

139.1 Transmission of venereal disease by a person aware that he is infected with the disease is punishable by a fine ranging from 300 to 500 times the minimum wage, or by up to two years' corrective labour, or by deprivation of liberty for up to two years.

139.2 The same action, when committed against two or more persons or against an adolescent, is punishable by up to four years' deprivation of liberty.

*Article 140. HIV contamination*

140.1 Deliberate exposure of another person to the risk of HIV contamination is punishable by corrective labour of up to two years, or by restriction of liberty for up to two years, or deprivation of liberty for up to one year.

140.2 HIV transmission by a person aware that he is infected is punishable by deprivation of liberty for a period of two to five years.

140.3 An action specified in article 140.2 of the Code which results in HIV contamination of two or more persons or of a teenager is punishable by deprivation of liberty for a period of five to eight years.

140.4 HIV transmission as a result of professional negligence is punishable by deprivation of liberty for up to three years with forfeiture of the right to hold a certain post or engage in a certain activity for up to three years.

Women are working in all spheres of HIV/AIDS-related medical services.

**Incidence of venereal disease**

	1995	2000	2002
Number of registered patients diagnosed with syphilis for the first time. Total number of:			
– Men	399	244	151
– Women	280	268	137
Per 10,000 population			
– Men	1.1	0.6	0.4
– Women	0.7	0.7	0.3
Number of registered patients diagnosed with gonorrhoea for the first time			
– Men	1 400	615	720
– Women	639	337	343
Per 10,000 population			
– Men	3.7	1.6	1.8
– Women	1.7	0.8	0.8

## **Article 13**

### **Social and economic benefits**

Under article 25 of the Constitution, the State guarantees equal rights and freedoms for all, regardless of race, national origin, religion, language, gender, property status, occupation, beliefs, or membership of a political party, trade union or other public organization. It is prohibited to restrict the rights and freedoms of a person or citizen on the basis of membership of a particular race, national origin, religion, language group or gender or of origin, belief or political or social convictions.

On the basis of that principle, Azerbaijan has no legislation or other regulations restricting women's entitlement to family benefits, loans, mortgages or other forms of credit or the right to participate in recreational or sporting activities and all areas of cultural life.

Over the reporting period 1996-2004, the policy of the newly independent State of Azerbaijan on eliminating discrimination against women in the area of economic and social life has been pursued purposefully and consistently, providing for equal rights for men and women in every area. In order to address this issue, several decrees and legislative acts have been adopted on social protection, organization of leisure, sporting activities and cultural life. The practical effects will be reviewed in an appendix to each paragraph of article 25.

One form of discrimination is undoubtedly the infringement of women's economic and social rights as set out in article 25. It is, however, clear that the legislative acts regulating social benefits contain no provisions restricting or infringing women's rights. Moreover, all forms of benefit are available to women as to men, regardless of whether they live in an urban or a rural area. The procedure for the granting and payment of State social insurance benefits is established by the provisions adopted by Decision No. 189 of the Cabinet of Ministers, of 15 September 1998. This states that women are entitled, on equal terms with men, to benefits paid in connection with a temporary incapacity to work. In order to enhance social protection, Presidential Decree No. 613, of 26 December 2001, on the payment of benefits in connection with the abolition of subsidized communal, transport and other services for certain categories of citizen establishes a benefit system whose scope and conditions are identical for both sexes. Subsequently, Presidential Decree No. 833, of 28 December 2002, introduced amendments whereby, from 1 January 2003, widows of soldiers killed in action were to be paid a pension of 60,000 manats a month and widows of soldiers who had died subsequently a pension of 30,000 manats.

The rules governing the various levels of payment made to pensioners to supplement their pensions apply equally to women and men, in accordance with presidential decrees. Under the Constitution and current legislation, there is a whole range of benefits designed specifically for women and children, such as:

- Pregnancy and childbirth allowance for working women, amounting to 100 per cent of average salary;
- Monthly allowance of 15,000 manats for childcare leave once the child has attained the age of three;
- One-time payment of 70,000 manats on the birth of each child;

- Monthly allowance of 9,000 manats for children of needy families until the age of 16 or, if they are in full-time education and not receiving a student grant, up to the age of 18, provided that expenditure on any one member of the family does not exceed 16,500 manats;
- Monthly allowance of 12,500 manats for children of soldiers performing compulsory military service;
- Monthly allowance of 20,000 manats for the children of veterans of the events of January 1990;
- Monthly allowance of 35,000 manats for children of Shekhid (martyr) families;
- Monthly allowance of 25,000 manats for children of families that suffered as a result of the accident at the Chernobyl nuclear power station;
- Allowance in the amount of 100 per cent of the average monthly wage for care of a sick child.

Families with children are also entitled to benefits for the care of a sick child under the age of 14. In such cases, the benefit is paid to the mother, father or other working family member caring for the child for the whole period during which the child requires care, whether at home or in combination with hospitalization.

A one-time funeral allowance in the amount of 150,000 manats is also payable.

Great importance is attached to protection of motherhood. The purpose of measures to that end, such as pregnancy and childbirth leave or special working conditions for pregnant and nursing mothers — nursing breaks, a preferential working regime or prohibition of night work — is not to allow motherhood to be used as grounds for discriminating against women. Under Azerbaijan's labour legislation, working women are entitled to pregnancy leave and childbirth leave amounting to 140 to 180 calendar days for women working in agricultural production and 126 to 140 days for those in other industries, depending on the difficulty of the birth. During this period, an allowance amounting to 100 per cent of the average wage is paid, irrespective of length of service.

After pregnancy and childbirth leave, a woman is entitled, if she wishes, to partially paid leave to care for a child under the age of three. She receives a social allowance for the whole period of this leave and retains her job.

At the legislative level, Azerbaijan is adopting measures to facilitate a balanced division of women's and men's work obligations and family duties. Thus, for example, the leave for care of a child under three, with payment of the appropriate benefits, may be taken by either parent or by another member of the family who is actually undertaking the childcare. It should, however, be noted that this option has not been widely taken up by men.

In 2002, the total cost to the State budget of paying all the above-mentioned forms of family benefit was 190.8 billion manats. In order to strengthen the family's social protection, these benefits are periodically increased, when government finances allow. This is clearly borne out by the statistics, which show that expenditure for this purpose in 2002 was 3.6 times higher than government expenditure for similar purposes in 1995.

Under current procedures, family allowances are paid to women. Allowances paid in respect of childbirth or childcare, benefits for children of needy families and other child benefits are paid to women with children regardless of whether they are officially married or not.

The one-time payment in respect of childbirth and the monthly child allowance for needy families are paid out through the woman's place of work or, if she does not work, at her husband's place of work. If neither parent works, the payment is made to the mother at the district or municipal social protection centre. The allowance is paid out of the State budget by the State Social Insurance Fund.

The monthly child allowance for needy families is paid at the woman's place of work or, if she does not work, at her husband's place of work. If neither parent works, it is paid to the mother at the district or municipal social protection centre. The allowance is paid out of the State budget.

The monthly allowance paid for the period of leave taken by one of the parents to care for a child up to the age of three is paid at the place of work of the parent taking such leave. The payment is made by the State Social Insurance Fund.

The monthly allowance paid to the children of people who died or were disabled as a result of the accident at the Chernobyl nuclear power plant is paid to the mother or father by the district or municipal social protection centre. The allowance is paid out of the State budget.

The monthly allowance to children under 16 whose parents became Shekhids is paid to the mother, father or guardian by the district or municipal social protection centre. The allowance is paid out of the State budget.

The one-time funeral allowance is paid to the heirs of the deceased by the district or municipal special protection centre. The payment is made from the State Social Insurance Fund.

The payment is made direct to the mother or father, as indicated above.

Notwithstanding the fact that the concept of "family allowance" is not used in Azerbaijani legislation, all the above benefits are generally paid to women, and only in rare cases to men, but they are all intended as family support.

Pension legislation and other legislative acts relating to social system payments provide for equal entitlement by men and women to social protection. Under article 12 of the Act on Pension Coverage for Citizens, women are entitled to retire on an employment pension on attaining the age of 57 and on completing 20 years' service, whereas men must reach 62 years of age and have 25 years' service.

Women have equal entitlement with men to social pensions. In every case, the age and length-of-service requirement for the receipt of such a pension is lower for women than for men. The same Act provides that heroine-mothers (with 10 or more children) are entitled to a full pension, regardless of age, with at least 10 years' service, or, on attaining the age of 50, regardless of length of service.

The same article provides that the age and length-of-service requirements for entitlement to a full employment pension are reduced for women who have had three or more children and have cared for them up to the age of eight, depending on the number of children they have.



Mothers of disabled children who have cared for the children up to the age of eight are entitled to an old-age pension on attaining the age of 50 with at least 15 years' service. Time spent on childcare is included in the length of service.

Under the country's pensions legislation, the age and length-of-service requirements for an old-age pension are lower for women than for men in the case of blind persons, midgets, dwarfs, war veterans and persons in receipt of a social pension (arts. 15, 60 and 90).

Thus, under article 90 of the Act, women without sufficient length of service are entitled to a social pension in the following cases:

- On reaching the age of 62 (compared with 67 for men);
- On reaching the age of 57 and having raised three or more children up to the age of 8;
- On reaching the age of 57 and having raised disabled children up to the age of 8.

Women and men have equal entitlement to disability pensions in the event of illness, industrial accident or occupational disease. Disabled men over 62 and disabled women over 57 are entitled to a pension for life.

Men and women have equal rights to a pension at the end of their years of service.

Azerbaijan has a social security payment system financed by contributions to the compulsory State social insurance system and by the State budget.

The agencies of the State Social Insurance Fund pay the following benefits:

- State social insurance benefits (benefits in the event of temporary incapacity to work due to pregnancy or childbirth, allowances on the birth of a child or care for a child up to three years of age and funeral allowance);
- Eight kinds of benefit paid to supplement existing pensions;
- Eleven kinds of benefit for certain categories of people in connection with the abolition of subsidized communal, transport and other services.

There is no provision for special family credits or loans at the State level.

In private institutions and commercial banks, loan applications are dealt with following general principles, with no distinction between men and women, if they can provide security and can repay the loan at the established rate.

The rules governing the granting of loans are the same for men and women.

The Government's main obligation in providing social protection services is to develop an effective safety-net strategy that will target recipients more rationally, help the poorest and weakest groups in society and, in the short term, facilitate the operation of the new State communal policy.

One of the main priorities of the planned policy to reform the social protection sector is to target social assistance benefits more effectively. Existing benefits are too restricted to meet the needs of a rational policy to provide a safety net and there is a need to reach the poorest and weakest sectors of society. Another basic principle of social assistance is to simplify administrative procedures: the process for

applying for benefits and the assessment of entitlement to receive such benefits should be extremely simple and transparent. To determine who should be entitled to benefits, a new targeting system should be developed and introduced on the basis of “categories” of social assistance. To this end, monitoring indicators should be established in order to make it possible to assess the effectiveness of the social assistance system. This will result in a complete list of targeted benefits and established rules for the payment of benefits. The amounts for new social assistance benefits, and the rules of payments, will depend on the State’s financial circumstances.

The country has recently embarked on a reform of the social assistance system in the interests of better targeting and more direct payment of family allowances to needy families. To that end, a bill on State targeting of social assistance has been drafted and is currently under consideration by the Government. Its adoption will result in the elimination of a whole range of anomalies arising out of the current social and economic benefit system.

By presidential decree and the corresponding legislative acts, women as well as men — without distinction as to sex — are entitled to lodge a complaint with any court, without exception, orally or in writing (Presidential Decree of 10 July 1997 on the consideration of citizens’ complaints and appeals to State and government structures).

The procedure for the submission of complaints by people who consider themselves to be the victims of unfair treatment is established by the legislation of the Republic of Azerbaijan and makes no distinction between men and women.

Women as well as men are entitled to lodge a complaint with the appropriate court or to take court action.

For example, if an employed woman is refused the benefits described above, she is entitled to apply to the State Labour Inspectorate, the Ministry of Labour and Social Protection of the Population, the State Social Insurance Fund or other senior State bodies, or direct to the courts.

An unemployed woman may apply to the Ministry of Labour and Social Protection of the Population, the State Social Insurance Fund or other senior State bodies, or direct to the courts.

There are no legal obstacles preventing women from participating in sporting or recreational activities or in any kind of cultural event in the Republic of Azerbaijan.

As for social, economic or cultural obstacles, a woman naturally has to decide such issues for herself, on the basis of her own outlook on life, educational level and income. Within those limitations, a woman has freedom of choice.

As indicated in the previous report, the Government established the Ministry of Youth, Sports and Tourism by Presidential Decree of 26 July 1994. Over a short space of time, it has done considerable work in coordinating State bodies in their implementation of national policy on facilitating the all-round development of children and young people, including the protection of women’s rights and interests.

A huge role in the development of sports in Azerbaijan was played by the election of the President of the National Olympic Committee, Mr. Ilham Aliyev,

now the President of the Republic. Thanks to his organizational skills, the “Young family” State programme was drawn up and approved by the Government on 16 February 1999. Once it had entered into force, the programme extended the network of counselling services for young families and the prenuptial preparation of young women for family life. Social and psychological assistance centres were set up and support is given to the development of family sporting activities.

The Youth Policy Act came into force on 6 May 2002. One of its main principles, set out in article 2.3, is the requirement that equality between women and men should be observed in the conduct of State policy. Needless to say, particular emphasis is placed, in all projects and programmes, on protecting women’s rights and interests and eliminating violence and discrimination against them. One example is women’s active participation in the White Ribbon campaign, which was part of the regional campaign entitled “16 days of activism against gender violence in the Caucasus”.

The development of physical culture and sports is an issue to which the State attaches great importance. Despite all the difficulties of the transitional period, considerable successes have been achieved over the past four years in popular sports and competitive sports. This was greatly facilitated by the entry into force of the Act on Physical Education and Sports, adopted in 1998. A large-scale programme is under way to build new sports complexes and facilities in Azerbaijan, meeting existing high international standards. The placement of such sports complexes is carefully planned and they are being built in all regions of the country. Speaking at the opening of the complex in Quba, a region in the north-west of the country, Mr. Ilham Aliyev, elected President of Azerbaijan on 15 October 2003, said that the development of sport and the corresponding building of sports complexes was one of the country’s long-term priorities.

As a result, at the summer Olympic Games held in Sydney, Azerbaijani athletes came 34th out of 200 countries taking part and 23rd among European countries, even though, in terms of population size, Azerbaijan is 79th in the world and, by size of territory, 116th. The winners included one woman. The athletes’ unprecedented success gave a strong impetus to the development of physical culture and sports. As a result, a larger team, including female participants, went to the Olympic Games in Athens in August 2004. Needless to say, there are no restrictions on women’s participation in sports and the women’s national volleyball team Azerreil, one of the strongest teams in Europe, has become a symbol for girls in Azerbaijan, whose numbers are rising year by year. The country’s main problem — the continued occupation by Armenia of 20 per cent of Azerbaijan’s territory, and the presence of over a million refugees and displaced persons — has, however, had a negative impact on the social and economic situation of the country and its people.

One serious problem that has a negative effect on women, on the family situation and on children’s education is the difficulty of organizing summer and seasonal holidays for preschool and school-age children. Owing to the mass expulsion by the Armenian invaders of people from the occupied territories of Nagorny Karabakh and the neighbouring districts, where the country’s health resorts are situated, the Government was forced to relocate most refugee families in sanatoriums, rest homes, recreation areas, children’s camps and health zones in the Apsheron Peninsula, Mingechaura, Quba and many other districts. This deprived the public of the possibility of taking family holidays there, which adversely affected

their well-being, especially that of women. The resolution of the conflict, with support from the United Nations and international organizations, would undoubtedly make it possible to improve women's ability to bring up their children and keep them healthy.

Despite the current situation, the Government and private entrepreneurs have started to build new holiday units. The number of units already built or being built, however, cannot yet satisfy popular demand, for places are limited and prices are too high for mass-market holidays.

In order to attract the public to cultural entertainment, mass performances of concert programmes featuring famous exponents of art and culture have been organized since 2000 not only in the capital, Baku, but in regional centres. These concerts are attended by hundreds of thousands of people; entry is free and unrestricted. They are generally televised and have become a favourite form of cultural entertainment.

Women have free access to all cultural entertainment and sporting activities and they face no legal or practical restrictions.

#### **Article 14** **Status of rural women**

The difficult transition to a market economy has required rural women, accustomed to the traditional protection of men, to take charge of providing for the family in order to overcome the burden of poverty. The number of households headed de facto by women has increased, as men have been forced to seek employment abroad.

For women, the transition to a market economy was characterized by the need to adapt to new circumstances as well as the lack of start-up capital, of confidence in their own abilities and of professional skills to start their own businesses. Moreover, responsibility for family care and housework falls mainly to women regardless of their occupations.

Social services and medical care are less developed in the rural regions than in the towns. Women sometimes have to travel significant distances to avail themselves of these services.

The overall level of education of rural women is not significantly different from the level of education of urban women thanks to the fact that secondary education was compulsory for all during the Soviet era (see table below).

### Illiteracy rate of the population in urban and rural areas

(according to census data, in percentages)

<i>Year</i>	<i>Age group</i>	<i>Both sexes</i>	<i>Men</i>	<i>Women</i>
<i>In urban areas</i>				
1970	15-24	1.6	0.9	2.5
	25-44	9.3	6.2	12.4
	45+	42.6	28.0	51.7
<i>In rural areas</i>				
1970	15-24	4.3	2.0	6.3
	25-44	18.1	11.4	24.4
	45+	70.2	55.8	79.6
<i>In urban areas</i>				
1979	15-24	0.4	0.3	0.5
	25-44	2.2	1.2	3.3
	45+	20.1	10.8	26.8
<i>In rural areas</i>				
1979	15-24	0.7	0.5	0.9
	25-44	4.7	2.4	6.8
	45+	35.1	21.4	45.5
<i>In urban areas</i>				
1989	15-24	0.1	0.0	0.1
	25-44	0.1	0.1	0.1
	45+	5.8	2.3	8.5
<i>In rural areas</i>				
1989	15-24	0.1	0.1	0.1
	25-44	0.1	0.1	0.2
	45+	11.8	5.0	17.3
<i>In urban areas</i>				
1999	15-24	0.1	0.1	0.1
	25-44	0.1	0.1	0.1
	45+	2.8	1.1	4.2
<i>In rural areas</i>				
1999	15-24	0.2	0.2	0.2
	25-44	0.3	0.2	0.3
	45+	5.4	2.3	8.0

### Agricultural development programme for mountainous and highland areas

In developing countries, there is a marked difference between mountain regions and low-lying regions with respect to the development of agriculture and social services. Special development programmes are therefore being formulated and implemented to promote the development of mountain regions. Azerbaijan is

also conducting research and developing programmes in this area. The most wide-ranging of these is the Rural Development Programme for Mountainous and Highland Areas.

Under a loan agreement between the Government of Azerbaijan and the International Fund for Agricultural Development signed on 27 November 2000, a Rural Development Programme for Mountainous and Highland Areas was confirmed by both parties on 16 January 2001 by Presidential Decree and commenced activities under the direction of the Agency for Agricultural Private Sector Support and Development under the control of the Cabinet of Ministers.

The long-term 12-year Programme is designed to support the development of mountainous and highland areas, allowing programme activities to develop over the period in response to changing circumstances and new opportunities. The main goal of the Programme is to raise the standard of living of inhabitants of mountainous and highland areas through protection of the environment and mineral wealth as well as to increase the cash income of the beneficiaries.

One of the main Programme components is the principle of joint development. This essentially means taking into consideration the views and proposals of all community members, including women, when determining priority areas for future work. The action plans for rural development seek to involve women within the framework of the Programme.

For a number of reasons, it is hard for women to take charge of providing for the family, following the loss of support from male family members as well as of the protective environment that had been afforded by the collective farm, but they have demonstrated remarkable perseverance and resourcefulness in seeking opportunities for development.

#### **Mortality rates for the population in urban and rural areas**

(per 100,000 inhabitants)

	1995	2000	2002
In urban areas	6.6	5.8	5.8
Men	7.5	6.5	6.4
Women	5.9	5.2	2.0
In rural areas	6.8	6.0	5.8
Men	7.2	6.2	6.0
Women	6.3	5.7	5.5

#### **Maternal mortality in rural areas (mortality of pregnant women and women in labour from complications during pregnancy, labour and the post-natal period)**

Year	Persons	Per 100,000 live births
1995	23	29.4
2000	21	31.2
2002	13	21.3

**Life expectancy at birth in rural areas**

(Number of years)

	1995	2000	2002
Total population	69.3	71.8	72.1
Men	65.6	68.8	69.1
Women	72.6	74.8	75.1

**Infant mortality in urban and rural areas**

	1995	2000	2002
In urban areas	1 471	642	554
Boys	868	388	318
Girls	603	254	236
In rural areas	2 006	859	868
Boys	1 096	458	475
Girls	910	401	393

**Infant mortality rate in urban and rural areas**

(per 1,000 live births)

	1995	2000	2002
In urban areas	21.8	12.9	11.1
Boys	25.2	14.4	11.8
Girls	19.8	11.2	10.4
In rural areas	24.7	12.8	14.2
Boys	27.0	12.8	14.5
Girls	24.2	12.7	13.9

The Federation of Agricultural and Food Industry Trade Unions coordinates union activities for rural workers in Azerbaijan. It has over 186,000 members, 30 per cent of whom are women. The Federation is a member organization of the Confederation of Trade Unions of Azerbaijan.

Particular efforts are made to encourage persons working on individual, family and collective farms to join trade unions to defend their interests and rights.

In accordance with article 29 of the Basic Law of Azerbaijan, everyone has the right to own property regardless of gender.

Everyone may own movable and immovable property. The right to own property includes the right of the owner alone or jointly with others to possess, use and dispose of property.

No one may be deprived of his or her property except by a court decision.

The Land Code of 25 June 1999 specifies that nationals and legal persons of the Republic of Azerbaijan are entitled to own private plots of land.

The right of ownership of plots of land consists of the right of the owner to individual or joint possession, use and disposal thereof.

The Land Reform Act of 16 July 1996 contains the legal basis and rules for implementing land reform in Azerbaijan.

The aim of land reform is the establishment of new land ownership relations based on the principles of financial independence and social equality, development of a market economy and entrepreneurial initiative and achievement of economic independence by the country, including provision of food to the population, thereby raising the material well-being of the Azerbaijani people.

Land reform is delimiting public land, facilitating the transfer of land to municipal and private owners and protecting the right of owners to possess, use and dispose of land.

The Act on the Bases of Agrarian Reform of 18 February 1995 defines the main thrust of reform of the agro-industrial complex (agrarian sector) and the means for its legal enforcement. The Act serves as a basis for other regulatory acts on agrarian reform. In accordance with the Act, the reforms are aimed at resolving the crisis in the agrarian sector, stabilizing the economy and improving the social and economic situation of the population.

The reform is to forge new land ownership and property relations and change and enhance production relations through the establishment and development of various types of productive enterprises and infrastructure suitable for a market economy.

## **Article 15**

### **Equality before the law and civil law**

In accordance with the Constitution, Azerbaijani nationals, regardless of gender, have equal rights before the law. For the purpose of concluding contracts and managing property, one of the principles of Azerbaijani civil legislation is the equality of persons under civil law, as specified in article 6.1.1 of the Civil Code, confirmed on 28 December 1999. In accordance with article 26, paragraphs 2, 3 and 6 of the Code, natural persons (both men and women) acquire and exercise rights and obligations under their own names: upon the conclusion of a contract, women acquire rights, including the right to credit, immovable or other property as well as to conduct other commercial transactions under their own name.

In the cases and under the procedure specified by law, natural persons may use a pseudonym (alias).

The acquisition of rights and obligations under the name of another person is not permitted.

In accordance with the provisions of articles 33 and 34 of the Family Code, the right of spouses to own, use and dispose of common property is exercised by mutual consent.



When one spouse disposes of common property, it is assumed that he or she is acting with the consent of the other spouse.

A transaction involving the disposal of common property by one spouse may be nullified by a court on the grounds of lack of consent by the other spouse and in cases in which the other party to the transaction knew or should have known about the lack of consent by the other spouse to the transaction in question.

For the conclusion by one spouse of a transaction involving the disposal of immovable property and for transactions requiring notarized certification and/or registration, a notarized certificate of consent is required from the other spouse. A spouse who has not provided a notarized certificate of consent to conclude the said transaction is entitled to request that the transaction be nullified within a year from the date when he or she discovers or has the opportunity to discover the conclusion of the transaction.

Property belonging to each spouse before the marriage as well as property received by one spouse during the marriage as a gift, by inheritance or through a transaction not involving payment (property of each spouse) is the separate property of each of the spouses.

Personal items (clothing, footwear, etc.) are deemed to be the property of the spouse who used them even if they were acquired during the marriage using the spouses' joint assets.

In accordance with the provisions of article 8 of the Code of Civil Procedure, justice is administered in civil cases and financial disputes on the basis of the principle of the equality of all before the law and the courts.

The courts deal equally with all persons involved in a case, regardless of their race, national origin, faith, language, ethnic origin, wealth, occupation, beliefs, membership of political parties, trade unions or other public associations, place of residence, corporate affiliation, property status and other distinctions not provided for by law.

As stated in article 11 of the Code of Criminal Procedure, criminal proceedings are conducted on the basis of the equality of all before the law and the courts.

Bodies conducting criminal proceedings do not give any of the participants in the proceedings preferences based on gender or other considerations not founded in law.

Any natural or legal person may bring an action in court personally or through a representative whose powers are certified (established), as appropriate (article 69.1 of the Code of Civil Procedure).

Any person with legal capacity duly empowered to appear in court, with the exception of persons listed in article 71 of the Code, may be a representative *ad litem*.

Lawyers or other persons holding a power of attorney certified by a notary public and issued by the appropriate person may act as a representative of the injured party, claimant or civil defendant in criminal proceedings (article 102.2, Code of Criminal Procedure).

In accordance with article 1 of the Act on Lawyers and Advocacy of 28 December 1999, lawyers also practices on the basis of equality of members of the bar association.

In the light of the foregoing, it follows that women in Azerbaijan have the right to represent clients in court, to serve as jurors and to work as judges in Azerbaijani courts. Today, for example, 14 per cent of the Azerbaijani judiciary is composed of women jurists, and the chief justices of the Supreme and Appellate Courts are also women.

In accordance with article 61 of the Constitution, every person has the right to receive qualified legal aid. Women have the same access as men to legal services.

In cases specified by law, legal aid is free and paid for by the State.

Every person has the right to a defence counsel from the moment he or she is detained, arrested or charged with commission of a crime by a competent State body.

In accordance with article 19 of the Code of Criminal Procedure, during criminal proceedings the person conducting the initial inquiry, investigator, prosecutor or judge must take steps to guarantee that the injured party, suspect or accused receive qualified legal aid.

The body conducting criminal proceedings, the injured party (private plaintiff), the claimant or his or her legal representative, the legal representative of the suspect or the accused and the civil defendant must respect the right to legal aid of a representative whom they have themselves invited during the criminal proceedings.

During the questioning of an injured party or witness, the body conducting criminal proceedings may not prevent a lawyer invited by the person being questioned to represent him or her from approaching his or her client.

The body conducting criminal proceedings must guarantee the following rights of the suspect or accused:

The right to the assistance of a defence counsel before detention or remand in custody or, where appropriate, before the first questioning as a suspect or from the time that charges are brought against the accused;

The right to assure his or her own defence or to use a defence counsel of his or her own choosing or, if the person has no money to pay a counsel's fee, to receive free legal aid.

A lawyer involved in a case in the manner established in the Code provides legal aid to persons who are unable because of their financial situation to engage a counsel at their own expense, for free or from public funds. Such funds, paid out in the amount established by law, may be recovered from the person against whom a court decision has been handed down, in proportion to the part of the lawsuit that has been granted, and are itemized in the State budget (see article 121.2 of the Code of Civil Procedure).

In accordance with articles 12.2 and 60 of the Code of Criminal Procedure, persons injured by acts of a criminal character are entitled to compensation, according to the procedure established in the Code, for moral, physical and material damage sustained by them.

In accordance with articles 47.4 and 53.5 of the Criminal Code, community service and restriction of liberty are not prescribed as criminal penalties for pregnant women, women with dependent children under eight years of age and women and men of pensionable age. In accordance with article 57.2 of the Code, life imprisonment is also not prescribed for women.

In accordance with part III, article 28, of the Basic Law, every person legally present in the territory of the Republic of Azerbaijan may freely move, choose his or her place of residence and leave the country.

In accordance with article 29.3 of the Family Code, a spouse is free to choose a place of residence.

In accordance with article 10 of the Migrant Labour Act of 28 October 1999, the imposition of restrictions on the reunion of migrant workers with their families is prohibited.

On 11 December 1998, the Republic of Azerbaijan acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 18 December 1990, which also provides for the right of migrant workers to reunite with their families.

## **Article 16**

### **Equality in marriage and family law**

As stated in article 2 of the Family Code, the Code establishes the rules and conditions for entry into and termination and annulment of marriage, regulates property and personal non-property relations between family members (spouses, parents and children) or, in the cases and within the limits specified by law, between other relatives and other persons, as well as the rules for the foster care of children who have been left without the guardianship of their parents.

The legal regulation of family relations reflects the principles of the voluntary nature of marriage between a man and a woman, equality of rights of the spouses, settlement of family matters on the basis of mutual consent, preference for raising children within the family, concern for their well-being and development and priority protection of the rights and interests of minor and disabled family members.

Marriage is a voluntary union between a man and a woman registered with the State Civil Registry of the Ministry of Justice for the purpose of founding a family.

Any restriction of the rights of citizens upon entry into marriage and in family relations on grounds of social origin, race, national origin, language or religious affiliation is prohibited.

The rights of citizens within the family may be restricted only on the basis of the law for the purpose of protecting the morals, health, rights and legitimate interests of other family members and other citizens.

In accordance with articles 4 and 5 of the Family Code, the regulations of civil legislation which are compatible with the nature of family relations apply to the above-mentioned property and personal non-property relations between family members not regulated by family legislation.

In the event that relations between family members are not regulated by family legislation or by agreement between the parties, and in the absence of civil law regulations directly governing such relations, family and/or civil law regulations governing similar relations apply to such relations unless incompatible with their nature. In the absence of such regulations, the rights and obligations of family members are determined in accordance with the general principles of family and civil law and the principles of humanity and justice.

Article 17.1 of the Family Code provides that, if a marriage between spouses with no common minor children is dissolved by mutual consent, dissolution is performed by the Ministry of Justice's State agency for the registration of acts of civil status.

Articles 15 and 18 of the Family Code establish that a husband may not start proceedings for the dissolution of his marriage without his wife's permission if she is pregnant or if less than one year has elapsed since the birth of a child. Independently of the dissolution of the marriage by the Ministry of Justice's State agency for the registration of acts of civil status, disputes regarding division of the spouses' common property, disputes regarding payment of maintenance to a spouse in need who is unable to work, disputes between the parties in cases in which a court has ruled one of them to be incapable or imposed a custodial sentence of three or more years, or disputes regarding children, are settled by the courts.

In accordance with articles 14 and 15 of the Family Code, a marriage ends upon the death of one of the spouses or if a court deems one of the spouses to be deceased.

A marriage may be ended on application of one or both spouses, or on application of the guardian of a spouse deemed by a court to be incapable.

A husband may not start proceedings for the dissolution of his marriage without his wife's permission if she is pregnant or if less than one year has elapsed since the birth of a child.

In accordance with articles 84 to 87 of the Family Code, the spouses have an obligation to provide each other with material support.

If such support is denied, or if there is no agreement between the spouses regarding payment of maintenance, the party possessing the requisite resources may be the subject of court action by the other party in order to claim maintenance payments in the following circumstances:

- The individual is unable to work and is in need of material assistance from his or her spouse;
- During the wife's pregnancy or within the three years following the birth of a common child;
- The spouse in need of assistance is caring for a disabled common child under the age of 18;
- The spouse in need of assistance is caring for a common child with a category I disability.

Following the dissolution of a marriage, a claim for maintenance payments from a former spouse possessing the requisite resources may be made in the following circumstances:

- During the former wife’s pregnancy with a common child or within the three years following the birth of a common child;
- The former spouse in need of assistance is caring for a common minor child or child with a category I disability since birth;
- The former spouse is unable to work and is in need of material assistance, having become unable to work before the dissolution of the marriage or within one year of the dissolution of the marriage;
- The spouse in need of assistance has reached pensionable age within five years of the dissolution of a long-standing marriage.

The amount of the maintenance and the procedure for payment to a former spouse following dissolution of a marriage may be determined by agreement between the former spouses.

In the absence of agreement between the spouses or former spouses regarding payment of maintenance, the amount of maintenance allocated to a spouse or former spouse through judicial action will be decided by the courts on the basis of the material and family situation of the former spouses and other relevant interests of the parties as a concrete sum of money to be paid monthly.

The court may release one spouse from the obligation to support the other spouse in cases in which the latter is unable to work and is in need of assistance, or may restrict that obligation to a certain length of time, during the marriage or following its dissolution:

- If the inability to work of the spouse in need of assistance occurred as a result of alcohol or drug abuse or commission of a premeditated crime;
- If the spouse claiming maintenance has behaved inappropriately within the family;
- If the spouses were married for a short time.

In accordance with its Family Code, the Republic of Azerbaijan recognizes as marriage only a voluntary union between a man and a woman, registered by the Ministry of Justice’s State agency for the registration of acts of civil status, with the aim of founding a family. Accordingly, the Family Code covers only legal arrangements for the assets of legal spouses, and not the assets of individuals who have cohabited outside a registered marriage. The legal arrangements for the assets of men and women who have cohabited outside a registered marriage is consequently determined in accordance with the Civil Code of the Republic of Azerbaijan.

Pursuant to articles 56 to 61 of the Family Code, parents have equal rights and equal responsibilities with regard to their children.

Parents who are minors have the right to live with and care for their children.

Unmarried parents who are minors have the right to exercise their parental rights independently on reaching 16 years of age provided that maternity and/or

paternity of any children born to them has been established. A guardian may be appointed to care for children of parents who are under 16 years of age.

Parents who are minors have the right to acknowledge or claim maternity or paternity on an equal basis. On reaching the age of 14, they have the right to assert maternity or paternity of their children through the courts.

All matters relating to the upbringing and education of children are decided by mutual agreement between the parents, taking account of the children's rights, interests and opinions. The parents (or one of the parents) may request the appropriate executive authority, or the courts, to settle a dispute between them.

The children's place of residence is determined by mutual agreement between the parents, if the parents live apart. If there is no agreement, the dispute between the parents is settled by the courts, on the basis of the rights and interests of the children, and taking account of their wishes (attachment to brothers and sisters and to each parent, parents' behaviour and other personal characteristics, children's age and establishment of conditions for their development and upbringing).

A parent living separately from the children has the right to contact with them and the right to participate in decisions regarding their upbringing and education.

The parent with whom the children live may not prevent contact between the children and the other parent if that parent presents no threat to their physical or psychological health or their moral development.

Parents living separately from their children have the right to establish a written agreement governing the exercise of their parental rights. If the parents cannot come to an agreement, the dispute will be settled by the courts, at the request of one or both of them, with the involvement of the local executive authority's agency in charge of guardianship and wardship.

A parent who fails to implement the decision of the court will be subject to the measures established by civil procedural law. In cases of malicious failure to comply with its decision, the court, at the request of a parent living separately from the child, may propose a decision to transfer the child to that parent, depending on the child's interest and taking into account the child's own opinion.

Parents living separately from their children have the right to receive information about those children from social security establishments and childcare, healthcare or other institutions.

Such information may only be withheld if there is a threat to the life or health of the child from the parent. Withholding of information may be challenged in the courts.

Upon their marriage, each of the spouses may choose to adopt the family name of either of them as their common family name, retain their pre-marriage family names or add their spouse's family name to their own.

Family names cannot be combined if the pre-marriage family name of one or both spouses already has two components.

A change in the family name of one spouse does not cause a consequent change in the family name of the other spouse.

If the marriage is dissolved, the spouses are entitled to keep their common family name or revert to their pre-marriage family names (article 30 of the Family Code).

Article 53 of the Family Code establishes that a child's family name is determined by the parents' family name. If the parents of the child have different family names, the child will carry either the father's or the mother's family name, by agreement between the parents.

If the parents disagree about the child's first name or family name, the difference of view will be settled by the appropriate executive authority.

If the paternity of the child is not established, the child's name will be determined by the mother and the child will be given a patronymic derived from the name of the person registered as the child's father in accordance with article 46.3 of the Code and a family name matching that of the mother.

As indicated in article 54 of the Code, the local executive authority's agencies in charge of guardianship and wardship may permit the first name of a child under 18 to be changed, or permit that child's family name to be changed to the family name of the other parent, following a joint request from the parents and based on the interests of the child.

If the parents live apart and the parent with whom the child resides wishes the child to carry his or her family name, the local executive authority's agencies in charge of guardianship and wardship decide the matter on the basis of the view of the other parent and the interests of the child. The view of the parent need not be considered if he or she cannot be found, has been deprived of parental rights, is deemed incapable or has refused without valid reason to bring up and maintain the child.

If a child is born to persons who are not married to each other and paternity has not been established in the manner prescribed by law, the local executive authority's agencies in charge of guardianship and wardship, taking into account the interests of the child, may authorize the mother to change the child's family name to the family name she herself carries at the time of submission of the request.

The first or family name of a child who has reached the age of 10 may be changed with his or her agreement.

In accordance with articles 56.1, 61.1 and 61.2, parents have equal rights and carry equal responsibilities over their children.

Parents living separately from their children have the right to contact with them and the right to participate in decisions regarding their upbringing and education.

The parent with whom the children live is not entitled to prevent contact between the children and the other parent if that parent presents no threat to their physical or psychological health or their moral development.

Women have the same rights as men in connection with guardianship, wardship, trusteeship and adoption of children.

In accordance with article 120 of the Family Code, individuals of either gender who have reached the age of majority may become adoptive parents, unless:

- They have been deemed by a court to be incapable or of limited capability;
- A court has deprived them of, or restricted, their parental rights;
- They have been relieved of guardianship or wardship duties because of failure to discharge their obligations appropriately;
- They are former adoptive parents whose right to that role has been removed by a court through their own fault;
- They are unable to fulfil parental obligations because of their state of health.

Individuals not married to each other cannot jointly adopt one and the same child.

The age difference between an unmarried adoptive parent and his or her adoptive child must be at least 16 years. That age difference may be reduced for reasons recognized as valid by a court.

If a child is adopted by a stepfather or stepmother, the age difference requirement described above does not apply.

Guardianship or wardship will be entrusted only to individuals who have reached the age of majority and are fully capable.

When guardianship or wardship of a child is established, the moral and personal characteristics of the individual with that responsibility will be taken into account, as will his or her ability to assume that responsibility, his or her relations — and his or her family's relations — with the child, and, wherever possible, the wishes of the child.

In accordance with articles 22.1 and 22.2 of the Family Code, if a marriage is dissolved by a court, the spouses may present to the court an agreement establishing, among other matters, with which of them any minor children are to reside.

If the spouses fail to agree on the matters referred to in article 22.1 of the Code, or if the agreement violates the interests of the child or of one of the parties, the court must determine with which parent any minor children are to reside after the divorce, and other matters.

Article 34, paragraph 5, of the Constitution establishes that it is a duty of children to respect and care for their parents, and that children able to work and over 18 are obliged to support parents who are unable to work.

Articles 46.4 and 47.4 of the Family Code establish that, if married persons who have given written consent for the use of artificial insemination or embryo implantation have a child by those methods, their names may, with the agreement of the birth mother (surrogate mother), be recorded as parents on the birth certificate.

Neither spouses who have consented to the transfer of an embryo to another woman, nor the birth mother (surrogate mother), may invoke those events in claims regarding paternity or maternity once the parents have been recorded on the birth certificate.



Year	Average age of marriage		Average age of initial marriage	
	Men	Women	Men	Women
1995	27.5	23.0	26.5	22.9
2000	28.4	23.6	27.3	23.1
2002	28.6	23.8	27.6	23.4

Article 10 specifies that the minimum age for marriage in Azerbaijan is 18 for men and 17 for women.

The local executive authorities of the place of residence of minors who wish to marry may, at their request and if there is a valid reason to do so, reduce that minimum age by no more than one year.

Child marriages are not recognized by the legislation of Azerbaijan.

Child engagements are not prohibited.

In accordance with articles 152 and 153 of the Criminal Code, a person who has reached the age of majority engaging in sexual relations or other sexual acts with a person who is clearly under 16 is liable to restriction or deprivation of liberty of up to three years.

Lewdness not involving violence against persons who the perpetrator knows to be under 14 are punished by a fine of 500 to 1,000 times the minimum wage, corrective labour of up to two years, or restriction or deprivation of liberty of up to two years.

The registration and dissolution of marriages is regulated by law, through the Marriage and Family Code. Registration of marriages is governed by articles 9 to 13 and by chapter 23, articles 171 to 175, and registration of dissolution of marriages is governed by articles 14 to 23 and by chapter 25, articles 179 to 185.

In accordance with article 1134 of the Code, in matters of legal succession, the following may be heirs: persons who are alive up to the time of the testator's death and children of the testator born after the latter's death.

In testamentary succession the following may be heirs: persons who are alive up to the time of the testator's death, and persons conceived before, but born after, the testator's death; the persons may or may not be the testator's children and may or may not be legal persons.

In matters of legal succession, articles 1159.1, 1162 to 1164, 1166, 1193 and 1194 of the Civil Code provide for the following to be recognized as primary heirs entitled to equal shares of an inheritance: children of the deceased, a child born after the testator's death, *a spouse*, parents (or adoptive parents).

The inheritance rights of a living spouse do not cover his or her share of the spouses' joint assets.

Spouses whose marriage has been dissolved cannot follow each other in the line of inheritance.

If it is confirmed that the marriage of the spouse to the testator had *de facto* ceased to exist three or more years before the inheritance arose, and that the spouses

lived apart, a court may decide that the spouse should be denied legal inheritance rights.

A natural person may bequeath part or all of his or her assets at death to one or more heirs or other persons.

The testator's children, parents and spouse have a compulsory share of the inheritance regardless of the content of the will. That share must be half of the share to which they would be entitled under legal succession (compulsory share).

The right to claim a compulsory share exists from the moment the inheritance becomes available. That right is transferred through the line of succession.

There is no practice of levirate in Azerbaijan; women decide whether and whom to remarry following the death of their husbands.

Women head 24.4 per cent of households in the Republic of Azerbaijan. In terms of consumer expenditure per head of population, the gender factor has no influence on the risk of poverty. The risk of poverty is virtually identical for men and women (50 per cent for men and 48 per cent for women). Similarly, a family's chances of poverty are not affected by whether its head is a man or a woman, in other words, families headed by women are no poorer than families headed by men (the rate is 49 per cent in both cases).

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