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## Alternative Report to the Committee on the Elimination of Discrimination against Women

For the 82<sup>nd</sup> Session of the UN CEDAW  
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### Gender Hub Azerbaijan:

The mission of Gender Hub Azerbaijan is to unite initiative groups, nonprofit organizations, feminists, and human rights activists in order to join forces and fight violence against women and sexual minorities in Azerbaijan by organizing consultancies, advocacy programs, awareness-raising activities, both on social media and in physical spaces; providing both psychological and legal support for young women and girls in order to help them to protect their rights and reintegrate back into society; connecting young women with shelters by ensuring a rights-based approach to cope with their personal domestic violence experience.

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### Supporting organizations:

**Anti-Discrimination Centre Memorial** is a Human Rights NGO protecting the rights of minorities and vulnerable groups against any form of racism, sexism, homophobia, and xenophobia in the former Soviet Union through advocacy, litigation assistance, Human Rights education, research, and publications.

<https://adcmemorial.org>

### FemACT Azerbaijan Women's Fund (FemACT):

FemACT is a local social change-oriented fund determined to assist in the development of feminist discourse and to address the main challenges that women and girls are facing today in Azerbaijan. The main purpose of FemACT is to support women organizations, feminist groups, and gender activists by providing funding, capacity-building activities, and different tools and resources to design, implement and evaluate their ideas and initiatives. FemACT's vision is to promote equal and meaningful participation of women in all spheres of Azerbaijani society. This vision requires women, girls and members of LGBTQI communities are able to freely and safely express themselves and contribute to the building of an equal, peaceful, and inclusive society in Azerbaijan.

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## ***Participation in public and political life***

Overall, women are underrepresented in the public and political life of Azerbaijan. However, several key government positions are currently held by women, such as the first vice-president and the spoke-person, and the chair of the Parliament, which can be evaluated as a positive step. However, on a lower administrative tier, only 1 executive power out of 88 is led by a woman. Although the percentage of female members of parliament increased from 11 to 18 percent between 2005 and 2020, and as of 2020, there were only 22 women in the 125-seat parliament (17.6%). Among these 22 female deputies, only 2 were under 35. Additionally, young women are not empowered enough to run for the elections to the Public Council of the State Committee for Family, Women, and Children Affairs, and the Council currently consists of the older generations (35+).

It is also mentioned in the state progress report that young people's, especially young women's participation in decision-making is lacking, thus the voice of youth is weak while drafting important policy recommendations and legislation projects. For instance, while several preparations and studies have been undertaken in the postwar period, the process of returning of IDPs to the liberated territories has not been analyzed from a gender perspective, which is cause for concern. Gender blindness in return plans, as well as a failure to include women at this phase, can lead to major challenges for the women's resettlement in those areas. Despite the launch of infrastructure projects, the construction of roads, the construction of an airport, and the conducting of surveys (ADA, State Committee for Refugees and Internally Displaced Persons) to assess the overall situation, observations reveal that the specific needs of women have been left out of these processes.

Among the barriers preventing women from achieving equality in the public and political sphere, there are restrictions imposed by the family; the burden of unpaid domestic labor; pervasive gender stereotypes; lack of financial resources and tools to run for office and organize an effective campaign; and fear of harassment in the workplace. The data suggest that similar barriers impede women's economic empowerment across several regions - this is the case regardless of the urban/rural divide and employment status.

## **RECOMMENDATIONS**

- To adopt the Action Plan on UN Security Council Resolution 1325
- Encourage and motivate women's participation in economical, social, and cultural fields that have a direct correlation with political participation;
- Empower female involvement in political parties by providing a minimum of 35% quota for young women representation in the parliament of the country;
- Promote women's political participation and encourage women to run for elections by providing them with tools for the effective campaign and special funds;
- Empower young women to apply for different public councils positions operating in districts of Azerbaijan

## ***Gender-based violence***

Legislation of the Republic of Azerbaijan stipulating the equal rights for men and women consists of the Constitution of the Republic of Azerbaijan, international documents, which the Republic of Azerbaijan is a state party of, and other relevant normative legal acts, including the Law on [“Guaranteeing Gender \(woman and man\) Equality”](#) (2006) which provides 21 Articles, however, in fact, none of them have been achieved yet in 2022.

The violence against women is increasing in Azerbaijan and results in the lower representation of young women in the community-building and decision-making processes. We believe that violence against women is a political issue which the government of Azerbaijan should take a systematic approach to protect women and girls by ensuring better implementation of the Law of the Republic of Azerbaijan and establish new policing to ensure all women have full access to and enjoyment of their legal rights.

As of 2022, the Istanbul Convention has been signed by 44 out of the 46 countries in the region that are members of the Council of Europe, with Azerbaijan being one of the few non-signatory members. In various Eastern European countries, opposition to signature and ratification has been a focus of rising conservative movements. Azerbaijan has no official statement explaining the exact reason for not adopting this convention, but the public discourse reproduces fears about “losing the tradition, culture, custom, and social norms”.

Women are considered to be responsible for family honor and dignity and perceived to be more vulnerable to both physical and societal dangers. There are also concerns about the safety of young girls walking in public spaces including to school and to the workplace as street harassment is a widely spread behavior by men who believe that it is ok to harass women and apply violence. As long as the Istanbul Convention remains unsigned by the Azerbaijani government, therefore victims of domestic violence are not protected or treated accordingly. The number of customized shelters available for women and girls (victims of domestic violence) is very limited. According to societal beliefs and norms, domestic violence is part of internal family affairs and cannot be changed. Even some police departments and local executive power representatives in rural areas believe that cases of domestic violence should not be registered because domestic violence is a family issue and it is not polite to interfere. Many victims of domestic violence are sent back from the police departments as an excuse that domestic violence is a “family issue”.

In 2020 Azerbaijan’s government approved a [3 years action plan](#) (2020-2023) on combating domestic violence in Azerbaijan. It is prepared in detail and covers cross-sectoral cooperation to fight domestic violence in Azerbaijan. This action plan received feedback from the public council of the State Committee for Family, Women, and Children Affairs. Unfortunately, young people’s opinion was not taken into consideration as the Public Council mainly consisted of representatives of older generations (30+).

Some critics of the domestic violence law asserted that a lack of clear implementing guidelines reduced its effectiveness. Activists reported that police continued to view domestic violence as a

family issue and did not effectively intervene to protect victims, occasionally resulting in the murder of women by their husbands:

[Baku, 2021](#) – S.M. ran away from her abusive husband on March 20 and filed a complaint with the police. Although various women’s rights organizations fought alongside her to achieve justice, no action was taken. S.M. then returned to her husband to be with her children. On August 3rd, she was murdered by her husband.

[Baku, 2021](#) - On September 30, Kh.M., together with her children, went to the 24th Police Department to file a complaint about her abusive husband, who served as a policeman at the same station. Despite the woman’s pleadings, the police called her husband and informed him about the complaint. He immediately went to the police station and shot and killed Kh.M. as well as their children and other policemen present in the room.

Special attention should be given to women belonging to minority groups, who are often subject to multiple discrimination. Although the Azerbaijani government claims it is “fully committed to the elimination of all forms of discrimination against women”, this statement does not seem to include minority groups.

Women of LBTQ+ identities are especially vulnerable. Daily discrimination and hate speech are “normal” occurrences. In the last year, hate speech towards LGBTQ+ has especially increased. In an analysis of public hate speech incidents targeting LGBTQ+ people in Azerbaijan, 100 examples were selected by [OC Media](#), of which 65 were performed by politicians. The examples consisted of MPs, party members, and government officials, including the chair of the parliament’s Human Rights Committee, who said to “unequivocally support the punishment of transgender individuals and the establishment of a moral police in the country”.

#### **Cases:**

[Baku, 2020](#) - A transgender sex worker was attacked and stabbed by a client in her flat and later was refused full treatment by a state hospital. The victim was carried to the hospital on sheets and was sent away after receiving first aid while still bleeding. According to her flatmate, doctors kept expressing transphobic comments and telling the victim that she “should have died”.

[BAKU, 2020](#) - On June 18, A.M., a sex worker, was stabbed 11 times in the head, neck, chest, and back by a client at the client’s home. The dead woman’s family had refused to collect her body from the morgue because of her gender identity. The client who killed the woman has not been punished despite the serious violent crime under Article 120.2.3 of the Criminal Code of Azerbaijan.

[Baku, 2021](#) - On June 8, a transgender sex worker who was beaten by a client was refused treatment in two different hospitals. The doctor from the second hospital not only refused to treat the woman but also hid and did not provide her MRI results, which showed that the victim’s skull was injured. No legal action was taken by the relevant agencies.

[Baku, 2022](#) - On February 22, A.H., one of the most prominent queer activists and a journalist in Azerbaijan was brutally murdered by his cousin. A.H. previously called for the government to take

action on hate crimes against LGBTQ+ people, specifically by the blogger Sevinj Huseynova who targeted him on social media.

LBTQ+ women, and specifically transgender women also face difficulties accessing healthcare services which also interferes with their right to health.

## **RECOMMENDATIONS**

- Sign and ratify the Istanbul Convention - Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence Istanbul Convention;
- Strengthen the judiciary preventive work. Although ten years have passed since the adoption of the Law on Domestic Violence, its enforcement mechanism is still unsatisfactorily active. As it is applied worldwide, psychologists, social workers, sociologists, and law enforcement officers should act in a coordinated manner as soon as the fact of violence occurs.
- Adopt comprehensive anti-discrimination legislation;
- Build regional shelters for victims of domestic violence in the 10 economic districts of Azerbaijan by providing different funding opportunities on the government level to Local Executive Powers and civil society organizations from those regions;
- Empower and improve the professionalism among social workers by organizing capacity-building activities in the large cities of Azerbaijan that will be able to support vulnerable girls and women with special needs (victims of the rape, violence and physically challenged, unemployed, etc.);
- Provide training for police officers on professional and non-abusive treatment of victims of domestic violence.
- Investigate attacks on LGBTQ+ people, put the cases to justice, and provide fair trial and responsibility for perpetrators;
- Take necessary precautions to ensure safety and equal opportunities for LGBTQ+ people.

## ***Discrimination in employment and access to education***

While the Labor Code of Azerbaijan proclaims equality between men and women in employment (Article 16, ban of discrimination in labor relations; and Article 12, equal opportunities and conditions), professional restrictions for women are still in place. Article 241 of Azerbaijan's Labor Code and Resolution No. 170 of the Cabinet of Ministers of the Republic of Azerbaijan "On the Approval of a List of Arduous and Harmful Sectors, Professions (Positions) and Underground Jobs Banned for Women" of October 20, 1999 places restrictions on the employment of women in over 600 professions, including jobs that are well-paid and in high demand in Azerbaijan. Professional bans also have an adverse effect on the already complex economic situation of women. In a country dominated by the oil and gas, energy, chemical, food, metallurgical, and machine- and ship-building industries, bans on the labor of women in a number of professions in these sectors deprive them of access to a large number of jobs, and, as a result, complicates their path to economic independence. Certain jobs in the railways, which are one of the country's main means of transportation, are also not accessible to women.

We welcome the fact that the authorities of Azerbaijan took into account the recommendations of international bodies and expressed their intention to abolish the List of about 700 banned professions (positions) and jobs (response to the List of Issues, 2022, [CEDAW/ C/AZE/RQ/6](#)).

To achieve gender equality in employment, it is necessary not just to repeal discriminatory bans, but also to create conditions for the training and hiring of women for jobs previously inaccessible to them by supporting training for women and girls in "non-traditional areas" and by encouraging their interest in professional realization.

Separate attention is needed to the improvement of girls' access to professional education and training at specialized secondary and higher educational institutions. The girls should be encouraged to make choices in favor of professional development, self-sufficiency, and independence, changing existing gender role models, and working in high-paying professions.

The stereotype of women as the keepers of the home and the family prevails in society, together with the 'family honor' concept. All of these factors limit women's mobility and decision to live independently.

For girls, the family pressure limits their access to education and leads to an increased number of drop-outs in higher school (after 9<sup>th</sup> grade or earlier). While parents in rural areas refuse to educate daughters in favor of sons, many girls get unofficially married at the age of 15-17. This practice is widespread despite the criminal responsibility (under Article 176-1.1 and 176-1.2 of the Criminal Code of Azerbaijan, forced marriage is punishable by up to four years' imprisonment or a fine of AZN 2,000-4,000 (\$1.176-\$2.352) for forcing an adult woman and/or a minor into marriage).

The burden of unpaid domestic work increased during the COVID-19 pandemic. Women experienced a decrease in working hours and a majority of them were forced to work from home in contrast to men, which meant that they had to spend more time at home doing unpaid domestic work. In fact, one in two women reported an increase in at least one unpaid domestic chore ([the survey by the UNFPA, 2020](#)). Women's access to health services including access to sexual and reproductive care and contraceptives also decreased during the outbreak. Negative impacts on household income and mental well-being triggered intra-family tensions and domestic violence. Especially during the lockdown periods, organizations that worked to provide protection to women and domestic abuse victims, including the State Committee for Family, Women and Children Affairs, had to work remotely and could not operate in full capacity. Consequently, women's access to violence protection measures decreased significantly, and many women failed to seek help from violence. The pandemic saw a rise in the number of femicides. While the number of abuse cases increased by 34% in the first year, women made up 70% of the victims.

## **RECOMMENDATIONS**

- Amend the Labor Code and repeal the List of jobs prohibited for women;
- Promote and facilitate the entry of women into previously restricted or prohibited jobs by improving working conditions and adopting appropriate temporary special measures to encourage such recruitment;
- Take legal measures for preventing the pay gap between women and men both in government and in private companies;
- Promote women's employment in the workplaces both in corporate and government sectors despite their marital status, number of children, pregnancy, age, etc.;
- Address the adverse impact of career breaks relating to childbearing, part-time employment, and the gender pay gap on women's pensions and other security benefits;
- Offer incentives such as tax decrease, increase in the annual budget, or special awards to corporate and government organizations in case they empower women to leadership positions;
- Introduce special measures to maintain women's employment in order to address the disproportionate impact of the COVID-19 outbreak on working arrangements and existing gender stereotypes
- Conduct gender expertise in the education system at 3 levels: micro (teachers, pupils), meso- (textbooks, methodology, programs), and macro- (education policy and related legislation) to ensure equal education opportunities for both girls and boys and eliminate gender-based discrimination and stereotyping;
- Create commissions / working groups on the involvement of young women in Vocational Education and higher levels of education. This commission should be created on the level of local executive powers and have a mission of a watchdog: to raise awareness of the importance of education for young women, to lobby for advocacy campaigns within specific districts and cities, and involve the police department in case any girl's right to education is violated by her family/society;
- Apply the Articles 176-1.1 and 176-1.2 of the Criminal Code of Azerbaijan strictly in line with the legal provisions, regardless of the status and/or religious motives of the perpetrators;

- Apply administrative measures to the perpetrators regardless of their status and/or religious motives;
- To ensure the engagement of girl children and young girls in education by applying specific measurement methodology in the education system connected with the Ministry of Education and The State Statistical Committee of the Republic of Azerbaijan.

### ***The right to adequate healthcare, the issue of harmful practices, and the lack of sexual education***

Women, particularly from rural and remote areas, have poor access to healthcare, including reproductive healthcare. The maternal mortality ratio is still high (26 per 100,000 live births in 2017). There is low use of modern contraceptive methods. Comprehensive and age-appropriate education on sexual and reproductive health and rights is not provided in schools. Information on family planning methods is not consistently provided to women before or after they undergo an abortion. Although the number of people living with HIV/AIDS is relatively low, there is no universal access to medicines, including for the prevention of mother-to-child transmission of HIV.

2% percent of girls in the country were married by the age of 15 (UNICEF, State of the World's Children report, 2019). There are reported cases of suicide of children who were forced to be married (for instance, in July 2019, Zagatala district, a 17-year-old girl).

Illegal early marriages (-18) and traditional marriages which are based on religious units between couples negatively impact women's access to healthcare. Even though the official marriage age in Azerbaijan is 18 and above, families still push their teenage daughters to get married and since state registration can not approve marriage below 18 years old, parents ask religious leaders to proclaim their children wife and husband. Due to economic instability and cultural beliefs in the families, parents tend to 'marry' their young daughters to men who are 15-20 years older than them. Parents in the districts of Azerbaijan consider women as "keeper of family honor" and the only job of women should be household management and childcare. Access to opportunities in districts of Azerbaijan and lack of media awareness on the role of women in society make parents think that the only call for women is to get married and have kids.

At the state level marriage registration while applying to get registered is mandatory for couples to go through a health test and prove that they don't have transient diseases such as AIDS. However, this is not the case for early and traditional marriages where couples are not visiting doctors before having their sexual life started.

At schools and in families, parents mostly don't educate their daughters on reproductive and sexual life. It is considered a taboo topic among parents as they believe that children will find out by themselves when "the right time comes". Lack of education and awareness on this important topic leads to dangerous early pregnancies and sexual harassment:

*LERIK 2020 - On August 11, a family in Lerik district found out that their daughter is 7 months pregnant and had been left pregnant by the girl's 60-years-old Russian language school teacher who was sentenced unfairly to one year in prison by the Court of Lerik District. The locals accepted this*



*decision of the court and required a clear examination of harassment and more serious sentences. The vulnerable girl does not even know the definition of `being pregnant' and did not even know what happened to her due to a lack of understanding of reproductive health.*

The analysis of the UN in 2020 for the demography population observed in the country [reveals](#) a persistent prevalence of boys among newborns resulting in a skewed sex ratio at birth of 1.14 (114 boys born for every 100 girls) which considerably exceeds the biological norm – 1.05/1.07 (105-107 boys per 100 newly-born girls). At the same time, as mothers become more aged, families are more inclined toward son preference. Boy children are considered as a guarantee of economic stability of parents/families when they are getting old.

A high proportion of women did not know where to seek help if someone was experiencing domestic violence.

## **RECOMMENDATIONS**

- Raise awareness of the importance of reproductive health making it viral on TV and radio channels, especially in the regions of Azerbaijan where TV and radio are still considered a source of information
- Adoption of the Law 'On Reproductive Health' by the Parliament
- Organize pieces of training / educational sessions for teachers and parents on the topic of the difference between gender and sex, and reproductive health;
- Raise awareness on the negative impact of early/child marriages on the reproductive and sexual health of women
- Empower youth organizations to prioritize this topic by increasing funding opportunities provided by the State Committee For Family, Women, and Children Affairs.