



ADC Memorial Brussels  
Rue d'Edimbourg 26  
1050 Ixelles, Belgium  
adcmemorial.org

## **Submission regarding gender discrimination in Azerbaijan ahead the EU-Azerbaijan Human Rights Dialogue**

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The present document covers two main issues: gender discrimination in employment and conservative gender stereotypes leading to early marriages, selective abortions and other adverse consequences. The detailed recommendations are also presented below.

### **Gender Discrimination in Employment**

The Labor Code of Azerbaijan proclaims equality between men and women: Article 16 bans discrimination in labor and Article 12 requires employers to create equal opportunities and conditions regardless of gender and to take measures to prevent gender discrimination. However, the labor rights of women are still being infringed.

Article 241 of the Azerbaijan's Labor Code<sup>1</sup> 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<sup>2</sup> place restrictions on the employment of women in over 600 professions in 37 branches of industry, including well-paid and high-demand jobs, and in 34 positions common to all branches of industry.

**Azerbaijan's list of professions banned for women, which is a vestige of the Soviet era, contains the largest number of restrictions among Eastern European and Central Asian countries** and is the only list in effect in the South Caucasus. Meanwhile, Moldova, Ukraine, and Uzbekistan have repealed these discriminatory documents, recognizing these restrictions superfluous and infringing the women's rights, and Georgia and Armenia decided that the bans were only necessary for pregnant women and lactating women. UN CEDAW has repeatedly recommended countries in the region to repeal their lists of professions banned for women and provide women with the right to choose their own profession and job (decision of UN CEDAW in the case of Svetlana Medvedeva (2016)<sup>1</sup>). The need to repeal this outdated bans has been recognized by some state officials at Azerbaijan's State Committee for Family, Women, and

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<sup>1</sup> Views of the Committee on the Elimination of Discrimination against Women under article 7 (3) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (sixty-third session) concerning Communication No. 60/2013 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/63/D/60/2013&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/63/D/60/2013&Lang=en)

Children's Affairs,<sup>2</sup> the head of the Business Development Fund, human rights defenders, feminists, and, of course, women themselves.

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 deprives them of access to a large number of jobs, and, as a result, complicates their path to economic independence. The railways, which are one of the country's main means of transportation, are also not accessible to women.

While the government reports that it has been successful fighting unemployment, independent experts believe that in reality 20 or more percent of population are unemployed. Most unemployed people are women and only one out of every three is officially unemployed. Women mainly work in low-paying sectors: education (68.5 percent), medical and social services (73.1 percent), and leisure, recreation, and the arts (59.9 percent). One-fifth of all women in the country are entrepreneurs; the problem of the gender wage gap is pressing.<sup>3</sup>

Moreover, the situations is deteriorated by the significant negative stereotypes of gender defined roles that also shared by the government officials. The state representatives continues to state that women cannot work in "male" sectors. For example, representative of the Ministry of Internal Affairs answering why the minuscule percentage of women work at the Ministry (10 percent) clarified that "obviously, the number of women is less than the number of men" because of the type of work, which would be difficult for women to succeed in. This includes identifying and arresting criminals, preventing and solving crimes, and maintaining law and order.<sup>4</sup> It is especially tragic that, by 2017, only 6.7 percent of Azerbaijani women had driver's licenses and that this figure increased by only 2.1 percent over nine years.

Guided by the list of banned professions, the government prohibits women from making choices in favour of professional development, self-sufficiency, and independence, changing existing gender role models, and working in high-paying professions and essentially forces them to earn less than men while supporting the stereotype of women as the keepers of the home and the family.

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<sup>2</sup> Speech of the Committee's chair at the June 2019 conference of the Business Development Fund: "Gender on the Agenda: Almost 700 Professions in Azerbaijan are Still Banned for Women," 1news.az, <https://1news.az/mobile/news/gender-na-povestke-700-professiy-v-azerbaydzhane-vse-esche-pod-zapretom-dlya-zhenschin-foto> [in Russian].

<sup>3</sup> Fourth Periodic Report of Azerbaijan to the UN CESCR, December 2018, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW6MBygnIgQsj%2bYCoTNmRieBWRKmewhjUUeqGvdNIZ3EZ7FafUBYk1ECnz%2fc9mv%2bWU2i%2bLmSk4EvIu%2b3BnJdsnQEgiuJSYiYOplALSpY9B0q0>

<sup>4</sup> Ibid.

Noting the significance of problems related to gender equality in employment, in 2019 UN CESCR experts asked the government of Azerbaijan about measures to lift restrictions on the employment of women, ensure their regular, stable, and official employment, resolve problems of gender segregation, and promote women's representation in non-typical areas. They devoted separate attention to the need to improve girls' access to professional education and training at specialized secondary and higher educational institutions.

### **Early Marriages, Selective Abortions and other adverse effects of conservative stereotypes in the society**

Widespread discriminatory practices that have an adverse effect on the situation of women and girls are rooted in Azerbaijan's patriarchal society and its ingrained traditional stereotypes about the role of women in the family and their priorities in life.

Parents, who see their sons as having better prospects, as the bearers of the family name, and as protectors of the country, try to set them on a career path that will guarantee high salary and invest more in them. Daughters, who are seen as having limits in their educational and professional development and being obliged to take care of the home and family, are less desirable as children. In fact, men frequently leave their wives if the last do not give birth to sons. This results in selective abortions, which are one of the clearest indicators of gender inequality. Azerbaijan is one of top five countries where more boys are born than girls. According to the state statistics, 46.6 percent of births were girls in 2018, which is 0.2 percent less than in 2017. Alternative studies provide evidence of more frightening figures, noting that one-third fewer girls are born than boys in the rural areas.

The school sex education program, which was proposed by the authorities as a measure to combat selective abortion, may become a reason for parents to keep their daughters from schools, particularly in rural areas, where so-called "traditional values" are highly significant.

Another problem that young women face under gender stereotypes is early marriage, which is practiced in spite of a legislative ban. The desire to escape the disgrace for young women having sexual relationships before marriage is one of the most popular causes for decisions on early marriage, so parents try to marry their daughters off as early as possible. However, the opinion of minor daughters is generally not taken into account. As a result, young women commit suicide because they do not want to accept the arranged early marriages. In 2019 media reported at least 2 suicides because of unwanted early marriages.<sup>5</sup> Because the marriages of minors cannot be officially registered, civil registration is frequently replaced with religious marriage ("kyabin"). In these cases, it is difficult for women to make claims on the property of their husbands and to prove paternity. Among other things, early marriages mean that young women stop their education before graduating from school.

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<sup>5</sup> OC Media, Two suicides in one week: the cost of forced marriages in Azerbaijan, August 2019  
<https://oc-media.org/features/two-suicides-in-one-week-the-cost-of-forced-marriages-in-azerbaijan/>

## Recommendations

### **To promote gender equality in employment:**

- Repeal the list of occupations prohibited for women: to cancel 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 and Article 241 of Azerbaijan’s Labor Code (as the best practice in the region could be used Labor Code of Moldova, article 248 that provides additional guarantees for pregnant and lactating women<sup>6</sup>)
- Develop and conduct an effective campaign to combat negative gender stereotypes of the society and introduce gender trainings for the government officials

### **To overcome early marriages, selective abortions and other effects of conservative stereotypes:**

- Take measures to stop the practice of selective abortions and early marriages by conducting effective awareness campaigns targeted rural and more conservative communities
- Introduce the appropriate educational and awareness raising courses in schools

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<sup>6</sup> Labor Code of Moldova, article 248 [http://www.legis.md/cautare/getResults?doc\\_id=113032&lang=ro](http://www.legis.md/cautare/getResults?doc_id=113032&lang=ro)