

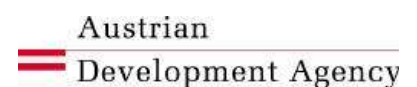
# **Women in AZERBAIJAN**

## **Peace, Security and Democracy from a Women's Rights perspective**

### **Desk Research**

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# 1. Introduction

The aim of this desk research is to underpin the advocacy work of the “Strengthening Women’s Capacity for Peace-building in the South Caucasus Region” Project financed by the European Union, the Austrian Development Agency, CARE International in Caucasus and CARE Austria and implemented by CARE International in Caucasus in partnership with the Armenian Committee of Helsinki Civil Assembly (Yerevan), the Association of Ossetian Women for Democracy and Human Rights (Tskhinval/i), the Association of Women of Abkhazia (Sukhum/i), the Centre for Civilian Initiatives (Stepanakert), the IDP Women Association ‘Consent’ (Tbilisi), the Women’s Problems Research Union (Baku) and the Ludwig Boltzmann Institute for Human Rights (Vienna).

The desk-research focuses on the situation of women in Azerbaijan related to “peace, security and democracy”. On the basis of the UN-Security Council Resolution 1325<sup>1</sup> and 1820<sup>2</sup>, the Comprehensive approach to the EU implementation of the UNSCR 1325 and 1820 on women, peace and security<sup>3</sup> as well as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) all aspects of women’s life, including violence, participation, employment, education, health and gender roles will be analysed in order to give an comprehensive picture about their role within society. Especially, gender equality is a precondition for sustainable peace and democracy in which women’s protection and involvement and participation in public life contribute gender-justice and welfare.

In addition, Azerbaijan has to cope with severe difficulties resulting from the conflict with Armenia over the Nagorno-Karabakh, which is still unresolved. Hundreds of thousands internally displaced people (IDPs) and refugees, half of them are women, are faced with bad socio-economic conditions and have unsure future perspectives.

Moreover, since the independence from the Soviet Union in 1991, the transition period is characterized by radical political, economic and social transformation. Having immense natural resources, particularly oil, at its disposal, in the last ten years Azerbaijan has made strong economic growth by increasing production facilities, mainly in the petroleum sector, decreasing inflation rates, promoting investments and regulating social structures.

In the light of these developments, it is crucial to have a look on the role of women, their representation, opportunities, challenges and obstacles. While these dramatic changes within society are still going on, the questions that inevitably come to mind are: “What are the consequences for women”? and “What are their opportunities for development”?

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<sup>1</sup> Adopted by the UN-Security Council, UN Doc. S/Res/1325 from 31<sup>st</sup> of October 2000, with special focus on the “important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution”;

<sup>2</sup> Adopted by the UN-Security Council, UN Doc. S/Res/1820 from 19<sup>th</sup> June 2008, with special focus on the fact “that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide;

<sup>3</sup> Adopted by the Council of the European Union, 15671/1/2008

## 2. Background

Azerbaijan has a population of 8.2 million Azerbaijanis, the predominant ethnic group, make up about 89% of the total population; Russians (3%), Dagestani (3%) and Armenians (3%). Approximately 51% of the country's population live in urban areas. Around one quarter of the population is under 15 years of age and 6% are over the age of 65. Women make up 51% of the population. Approximately 95% of the population of Azerbaijan is Muslim. The rest of the population adheres to other faiths or are non-religious. Azerbaijan is a secular country and everyone has a right to choose any faith and to adopt any religion. Among the Muslim majority religious observance varies and Muslim identity tends to be based more on culture and ethnicity rather than religion.

After the collapse of the Soviet Union in 1991, Azerbaijan and Armenia engaged in a protracted war over the territory of Nagorno-Karabakh. The roots of the conflict go back to early Soviet times, when Nagorno-Karabakh was declared an autonomous region within Azerbaijan. Ethnic conflict erupted in 1988 when the Soviet government of Armenia agreed with Nagorno-Karabakh to incorporate it into Armenia. Nagorno-Karabakh declared its own independence in 1992, leading to war between Karabakh Armenian and Azerbaijani forces. Active hostilities ended with a ceasefire agreement in 1994, but Nagorno-Karabakh's independence claim has not been withdrawn - although it was never officially recognised by Azerbaijan, Armenia or any other state - and a final resolution to the conflict is still pending. Nagorno-Karabakh and seven surrounding districts have been wholly or partially occupied by ethnic Armenian forces ever since.<sup>4</sup>

The Peace Research Institute of Frankfurt<sup>5</sup> reported that over 360,000 refugees fled from Azerbaijan to Armenia and over 70,000 people fled within Armenia, while over 200,000 refugees fled from Armenia to Azerbaijan and 570,000- 690,000 people were internally displaced within Azerbaijan. Azerbaijan has a population of 8.5 million people and the IDMC estimated around 7% (586,013) are internally displaced.

After the independence in 1991 the economy collapsed. However, already in 1995 the country showed first signs of an improved economic situation: it was the first year after the fall of the Soviet Union that registered economic growth. Petroleum exploration contracts with major international oil companies signed in 1994 (the 'Contract of the Century') and in subsequent years made the growth sustainable. GDP grew, inflation was brought under control, changes in social policy affected a steady increase in wages and pensions and the government obtained loans from international financial institutions towards reforming the education system, restructuring enterprises, developing investment policies, etc. Undoubtedly, one of the crucial underpinnings of these positive changes was the establishment of the cease-fire on the front-line in mid-1994.<sup>6</sup>

In the last years the further development of the natural resource base (oilfield development and construction of the Baku-Tbilisi-Ceyhan export pipeline), accumulation and use of petroleum revenues (establishment of the State Oil Fund and preparation of the first report for

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<sup>4</sup> Azerbaijan – After some 20 years, IDPs still face barriers to self reliance, Internal displacement monitoring centre (iDMC), Norwegian refugee council, 2010, p. 3.

<sup>5</sup> <http://www.hsfk.de> (2<sup>nd</sup> August 2011)

<sup>6</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 17.

the Extracting Industries Transparency Initiative), reconstruction of vital infrastructure (road construction, etc.) are considered to be major achievements of the Government of Azerbaijan.

However, according to the Household Budget Survey (HBS) from 2003 close to 3.7 million people or about 45% of the total population lived still in poverty, consuming less than USD 36.50 per capita per month. Between 2001 and 2008 the situation, however, improved according to the World Bank Assessment Report from 2010. Poverty headcount declined to 15.2 percent at the end of 2007 and further decreased to 13.2 percent at the end of 2008.<sup>7</sup> Analysis suggests that the Government of Azerbaijan has achieved success in reducing poverty through expanding passive social transfer programs. Although there is no doubt that social transfer measures have reduced the statistics of people below the poverty line, they do not automatically lead to sustainable poverty reduction. Such measures are effective for a short-term period. Therefore, it will be difficult to continue poverty reduction policy through passive social transfer activities while oil-gas revenues are expected to decrease in long-term period.<sup>8</sup>

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<sup>7</sup> Azerbaijan – Living Conditions Assessment Report (No. 52801-AZ), World Bank, 2010, p. xi.

<sup>8</sup> Policy paper: Review of Azerbaijan achievements in reducing poverty and vision on long-term sustainable income poverty reduction policy, Regional Competence-Building for Think Tanks in the South Caucasus and Central Asia, 2010, p. 3.

## 3. International and National Human Rights Framework on Gender Equality

### 3.1. International Framework

Since its independence in 1991, the Republic of Azerbaijan has ratified almost all essential international treaties relating to women's issues. In August 1992, it signed the UN Convention on the Political Rights of Women, and in 1995 became a party to the "UN Convention on the Elimination of All Forms of Discrimination Against Women" (CEDAW), agreeing to the Optional Protocol in 2001. In 2004, Azerbaijan submitted its second and third report to CEDAW. The CEDAW-Committee stated its appreciation in its "Concluding Observations" that Azerbaijan adhered to eight major international human rights instruments (see list below) but encouraged it to ratify also the "International Convention for the Protection of All Persons from Enforced Disappearance".<sup>9</sup> It is also a member of the Council of Europe since 2001. Azerbaijan ratified more than fifty Conventions of the International Labour Organization, including eight core Conventions.

Ratified international treaties constitute an integral part of Azerbaijan's legal system<sup>10</sup> and prevail over national legislation in the event of conflicting provisions. This rule does not, however, concern the Constitution and other adopted legal treaties by referendum.<sup>11</sup>

#### **Human Rights Conventions, Treaties and Resolutions, relevant in the context of this paper:**

- Universal Declaration of Human Rights 1948
- International Covenant on Civil and Political Rights 1966
- International Covenant on Economics, Social and Cultural Rights 1966
- Convention on the Elimination of All Forms of Discrimination against Women, 1979
- International Covenant on the Elimination of All Forms of Racial Discrimination 1965
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984
- Convention of the Rights of the Child 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990
- Convention on the Rights of Persons with Disabilities 2006
- European Convention on Human Rights and Fundamental Freedoms, 1950
- Beijing Declaration and Platform for Action, 1995
- The UN Security Council Resolutions 1325 (2000) and 1820 (2008; as well as Res 1888 and 1889)
- Millennium Declaration and Millennium Development Goals, 2000

<sup>9</sup> Concluding Observations of the Committee on the Elimination of Discrimination against Women, 7 August 2009, CEDAW/C/AZE/CO/4

<sup>10</sup> Art. 148, par. 2 of the Constitution of the Republic of Azerbaijan adopted in 1995

<sup>11</sup> Art. 151 of the Constitution of the Republic of Azerbaijan adopted in 1995

### **3.2. National Laws, Institutions and Policies related to Gender Equality**

The Azerbaijani government took the first steps towards mapping a national policy on “women’s issues” by signing CEDAW on the eve of the Fourth World Conference on Women in Beijing in 1995. The Azerbaijani delegation actively participated in the Beijing conference and reaffirmed the recognition of women’s rights within the general human rights framework.<sup>12</sup> Proposed by Azerbaijan in 1995 the UN Commission on the Status of Women adopted a resolution entitled “Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts” which was of universal humanitarian importance.<sup>13</sup>

In 1998 the “State Committee for Women’s Issues” was established by a Presidential Decree. Furthermore the government of Azerbaijan hosted an international conference entitled “Women’s Rights are Human Rights: Women and Armed Conflicts”, which was attended by 13 countries (including Armenia). The Declaration adopted at this conference, *the Baku declaration*, became a milestone for the United Nations Security Council Resolution 1325.<sup>14</sup> In 2000 the President issued a Decree on the State Women’s Policy in the Republic of Azerbaijan. At the same time, the Cabinet of Ministers approved the National Plan of Action (NPA) on Women’s Issues (2000-2005) and ordered the establishment of Gender Focal Points in all government institutions to bear the responsibility for promoting gender equality. An Intersectoral Council was tasked to monitor the implementation of the NPA and providing support and advice as required. In practice, however, and in the absence of regular meetings, the necessary annual monitoring reports for the NPA have not been prepared. It also became clear that only few ministries were aware of the content of the NPA; that even the Gender Focal Points were not fully aware of its tasks that had been outlined in the NPA.<sup>15</sup> The Gender Focal Points have no own budget for realizing gender equality and these duties are in addition to the official’s main work. In addition, in the regions there are no officials with clearly defined responsibilities for advancing gender equality goals.

The State Committee on Women’s Issues was renamed as the State Committee on Family, Women and Children’s Affairs (SCFWCA) in 2006. “As the name indicates the women issues are viewed more in the context of family, which affirms the traditional social division of labour again that the place of women is at home with her family.”<sup>16</sup> This could be considered as indication that the state regards women as vulnerable “reproductive units” who should be protected. This perception could also be affirmed due to the fact that the new NPA covering the years 2007 to 2011 primarily touched upon problems of families, particularly the position of women in the family whereas the NPA (2000-2005) was mainly linked to a wide variety of activities on 12 different women-oriented strategic fields<sup>17</sup>.

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<sup>12</sup> Gureyeva, Yuliya Aliyeva: Policy Attitudes towards Women in Azerbaijan: Is Equality Part of the Agenda? <http://www.gwi-boell.de/web/democracy-100-years-women's-day-azerbaijan-equality-3061.html> (31st of July 2011)

<sup>13</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 17.

<sup>14</sup> Adopted by the UN-Security Council, UN Doc. S/Res/1325 from 31<sup>st</sup> of October 2000.

<sup>15</sup> Azerbaijan - Country Gender Assessment, Asian Development Bank, 2005, p. 24f.

<sup>16</sup> Report on the monitoring of the implementation of (2003)3 Recommendations of the Committee of the Ministers of the European Council on Balanced Participation of Men and Women in the Process of Public Decision Making by Public Union for Gender Equality and Women’s Initiative, Baku, 2009, p. 6-

<sup>17</sup> NPA 2000-2005 focused on economics, education, health, violence against women, women problems in armed conflicts, problems of women-refugees and IDPs, human rights, mass media, environment, problems of female

In the 1995 Constitution of Azerbaijan the equality of men and women is reflected in article 1-25, as well as in other general legislative acts (Employment Act, Civil Code, Family Code, Labour Code, etc.). Article 25 of the Constitution defines the right to equality and guarantees the equality of rights and freedoms on grounds of sex.

In addition, the 1999 Labour Code provides special protection for pregnant women and young mothers with a child under age of 3, but prohibits all women from work places with difficult or potentially harmful labour conditions. This clause restricts access for women to certain positions in some profitable industries, such as oil and gas production – Azerbaijan’s most lucrative industry.<sup>18</sup>

Moreover, the law on “Guarantees on Gender (Men and Women) Equality” enacted in October 2006 seeks to eliminate “gender-based discrimination” while also containing clearly discriminatory provisions, including different ages of marriages and retirement for men and women, military service exclusively for men, as well as different punishment sentences and imprisonment regimes for men and women.<sup>19</sup> According to the Concluding Observation from the CEDAW-Committee the state is urged to equalize the minimum age of marriage for women and men to 18.<sup>20</sup> The most important provision of the law is that it bans sexual harassment at the workplace and makes possible the prosecution of the abuser as well as any employer who attempts to conceal sexual harassment in the workplace. However, no single court trial has been conducted in that context till now.

Worth mentioning is also the adoption of the “Law on Prevention of Domestic Violence” in 2010 which is an important legislative step towards the protection of women; however the implementation is quite weak, and the majority of women are not aware of it and still hesitate to contact NGOs or governmental institutions in case of domestic violence. Apart from that marital rape is not punishable.

The main problems concerning discrimination against women in Azerbaijan do not arise from the legal framework but from its implementation. In particular the deep rooted patriarchal attitudes in society subordinates women and the strong stereotypes regarding their roles and responsibilities in family and society contribute significantly to women’s disadvantaged position in political life, the labour market, education, health and other areas. Moreover, problems of corruption and lack of training within the judicial system present significant obstacles to access to effective remedies for violations.<sup>21</sup>

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teenagers, participation of women in decision making and development of relations with international women’s organizations.

<sup>18</sup> See Gureyeva, Yuliya Aliyeva, <http://www.gwi-boell.de/web/democracy-100-years-women's-day-azerbaijan-equality-3061.html> (31st of July 2011)

<sup>19</sup> See Gureyeva, Yuliya Aliyeva, <http://www.gwi-boell.de/web/democracy-100-years-women's-day-azerbaijan-equality-3061.html> (31st of July 2011)

<sup>20</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women, 7 August 2009, CEDAW/C/AZE/CO/4, p. 3.

<sup>21</sup> Alternative Report on the compliance of the Azerbaijan Republic with CEDAW produced from the Human Rights Center of Azerbaijan, Baku, 2009, p. 5.



### **Overview of Key Institutions, Policies and Laws on Gender Equality**

- Decree on the “Measures to Improve the Role of Women” 1998
- State Committee on Women’s Issues 1998 – renamed as the State Committee on Family, Women and Children’s Affairs 2006
- Decree on the “Implementation of the State Women’s Policy” 2000
- National Plan of Action for the Suppression of Human Trafficking 2004
- National Plan of Action on Women’s Issues 2000-2005
- National Plan for Action for Achieving Gender Equality for 2007-2011
- Law of Gender (Men and Women) Equality 2006
- State Program on Poverty Reduction and sustainable Development in the Republic of Azerbaijan for 2008-2015 (gender issues are an integral part)
- Law on Prevention of Domestic Violence (2010)

## **4. War and armed conflicts**

### **4.1. War crimes committed during armed conflicts**

An estimated 22,000 to 25,000 people were killed during the conflict, and an unknown number were injured or disappeared.<sup>22</sup> In the 2007 UNDP study about “Gender attitudes in Azerbaijan” the amount of about 100,000 injured and 50,000 disabled persons was indicated.<sup>23</sup> The government of Azerbaijan reported that, as of 2007, 4,471 citizens of Azerbaijan had been declared missing, of whom 51 were children and 278 were women. A total of 1,391 people were released from Armenian captivity, of whom 168 were children and 343 were women.<sup>24</sup>

According to the “State Commission on Prisoners of War, Hostage and Missing persons” of Azerbaijan a wide range of war crimes has been committed during the war. “Civilians on the occupied territories were subjected to tortures, mass murders, rape and degrading treatment.”<sup>25</sup> Sexual violence included targeting of ethnic minorities, for example Azerbaijani women in the Nagorno-Karabakh conflict.<sup>26</sup> However in regard to gender-based violence during the conflict no official data have been available some Azeri IDP women have informally acknowledged that rapes were committed by Armenian soldiers, according to a study about refugees and IDPs in Azerbaijan<sup>27</sup>.

Hundreds of individual cases (from Armenia and Azerbaijan) were brought to the European Court of Human Rights (ECHR) in the last years claiming abuse and discrimination during the war about Nagorno-Karabakh. On the Azerbaijani side, many cases relate to the hundreds of thousands of people who were forced to leave their homes. Two ongoing cases – “Chiragov versus Armenia” and “Sargsyan versus Azerbaijan” – had their initial hearings in Strasbourg in September 2010 and are almost exact mirror images of one another. In both, the plaintiffs are claiming damages under articles of the European Convention on Human Rights that enshrine rights of property, family life and access to justice. In both Azerbaijan and Armenia,

<sup>22</sup> Azerbaijan – After some 20 years, IDPs still face barriers to self reliance, Internal displacement monitoring centre (iDMC), Norwegian refugee council, 2010, p. 3.

<sup>23</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 64.

<sup>24</sup> Release of women and children taken hostage including those subsequently imprisoned, in armed conflicts. Report of the UN-Secretary General, Commission on the Status of Women, fifty-second session from 25 February to 7 March 2008, E/CN.6/2008/7, p. 3.

<sup>25</sup> <http://www.human.gov.az> (1<sup>st</sup> of August 2011)

<sup>26</sup> War on women. Time for action to end sexual violence in conflict. Nobel Womens’s Initiative. Advocating for peace, justice and equality, 2011, p. 10.

<sup>27</sup> <http://www.rhrc.org/resources/gbv/gbveurope.pdf> (9th August 2010)

critics accuse the other side of putting cases to the ECHR for political ends. “I don’t believe the ECHR is the right institution to sort out the issue of compensation and restitution of refugees in the Karabakh conflict”, Thomas de Waal, a senior associate at the Carnegie Endowment for International Peace in Washington, said.<sup>28</sup>

## **4.2. Women as internally displaced persons (IDPs) and refugees**

Azerbaijan has one of the highest per capita concentrations of IDPs in the world. The majority of IDPs – approximately 90% - originate from seven territories around Nagorno-Karabakh, which has been occupied by Armenia. Only a minority of ethnic Azeris were living in Nagorno-Karabakh before the war. The IDP population is more or less equally divided between women (50.4%) and men (46.6%), with a relatively high proportion of children (40.8%) and elderly people (10.1%).<sup>29</sup>

IDP and refugee women experienced enormous emotional stress, which, according to expert evaluation, had features of reactive or permanent mental disorder, because they witnessed atrocities, the destroying of 900 communities, over 130,000 houses and over 1,600 educational, cultural and healthcare facilities, as well as a multitude of irreplaceable material and immaterial losses. 73% of refugee women thought that the conflict adversely affected their physical health. Outcomes of the UNDP study from 2007 show that 93.3% of female refugees and 100% of IDP women view the conflict as an act of immense psychological pressure causing severe emotional stress.<sup>30</sup>

IDPs were required to register their place of residence with authorities and could live only in approved areas. The government asserted that registration was needed to keep track of IDPs to provide them with assistance. “However, the children of internally displaced women and non-displaced men do not acquire IDP status, and so they are not entitled to state benefits including monthly food allowances. As such, these children are discriminated against in law on the basis of the sex of their IDP parent.”<sup>31</sup>

**Living conditions** - 40% of IDPs live in the main cities of Baku and Sumgait. Privacy and space is inadequate as families typically occupy one or two rooms with no separation of the sexes or age groups, and households share a kitchen and bathroom with others on their floor. Outside of cities, housing conditions have been significantly improved with the establishment of new settlements. “During the year 2010 7,047 IDPs (1,566 families) were relocated to the new settlements in Aghdam, Yevlakh and Goranboy. By the end of the year, the total number of new settlements was 67 for 20,000 families comprising 90,000 individuals.”<sup>32</sup> However, the conditions in new villages sometimes raise several concerns as well. Many are located in isolated and economically depressed areas without adequate social services or public transport. IDPs in rural areas outside of the new settlements mainly live in small, crowded and improvised shacks. These bad living conditions compound already existing health problems. Poor sanitary conditions contribute to the spread of infectious disease in densely populated

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<sup>28</sup> Armenian-Azeri Dispute Shifts to European Court, Institute for War & Peace Reporting, <http://iwpr.net/report-news/armenian-azeri-dispute-shifts-european-court> (1st of August 2011)

<sup>29</sup> See Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced Persons (IDPs), European Commission, UNHCR, 2009, p. 10 and Azerbaijan – After some 20 years, IDPs still face barriers to self reliance, Internal displacement monitoring centre (iDMC), Norwegian refugee council, 2010, p. 3.

<sup>30</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 64.

<sup>31</sup> Azerbaijan – After some 20 years, IDPs still face barriers to self reliance, Internal displacement monitoring centre (iDMC), Norwegian refugee council, 2010, p. 3

<sup>32</sup> 2010 Human Rights Report: Azerbaijan. U.S. Department of State, 2011, p. 29. <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154413.htm> (1st of August 2011)

IDP settlements, as does the shortage and low quality of water and general unhygienic conditions.<sup>33</sup>

While the closing of the tented camps and the relocation of IDPs to new settlements or urban accommodation are significant achievements, these efforts have provided housing solutions to a relatively small percentage (i.e., approximately 14%) of IDPs in the country. Inadequate living conditions and infrastructure therefore remain the primary areas of concern for the majority of IDPs, in both rural and urban areas.<sup>34</sup>

**Health** - Conflict and displacement have a strong negative effect particularly on women's health, according to a 2005 UNIFEM study. IDP women fall ill ten times more often than non IDP women.<sup>35</sup> The main health problems facing IDPs, and in particular women and children, are malnutrition, diarrhoea, tuberculosis and a lack of skilled antenatal care.<sup>36</sup> Many IDP women also appear to be in need of psycho-social support. They seem to suffer most from trauma and feelings of insecurity and isolation due to war, miserable living conditions and uncertainty about the future. This prevents them from integrating into their community and the socio-political life of the country.

Women were twice as likely as men to have a mental health disorder, and children were also affected via the traumatic experience of their parents and their poor living conditions. Insufficient support has left many IDPs with mental illnesses isolated, marginalised and dependent. A national mental health policy and an accompanying strategic action plan were put in place in 2008, but services have remained underfunded and underdeveloped.<sup>37</sup>

Reproductive health services for IDP women are largely absent.<sup>38</sup> Women, and in particular single mothers, are often unable to access gynaecological care due to lack of resources or available specialized facilities and qualified staff.<sup>39</sup>

Azerbaijan generally has an insufficient number of hospitals, medical centres and pharmacies, and this problem is aggravated in the case of IDPs, who live in settlements not serviced by public transport and who therefore must pay taxis to bring them to the nearest medical centre. While IDPs are legally exempt from paying fees for treatment and most medicines, they are nevertheless often made to pay informal fees for them –although it should be noted, that in practice all citizens are subject to such fees, because the state also often does not cover all expenses.<sup>40</sup>

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<sup>33</sup> Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) for consideration at the 44th session of the Committee for the Elimination of Discrimination Against Women, 2009, p. 3.

<sup>34</sup> Report of the Representatives of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, A/HRC/16/43/Add.2, 23 December 2010, p. 7.

<sup>35</sup> The status of IDP women in Azerbaijan – a rapid assessment. UNIFEM, Baku, 2006.

<sup>36</sup> Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced Persons (IDPs), European Commission, UNHCR, 2009, p. 37.

<sup>37</sup> Assessment of mental health of IDP people in Azerbaijan, WHO, UNHCR, OHCHR, UNFPA and Ministry of Health of Azerbaijan, 2009.

<sup>38</sup> After some 20 years, IDPs still face barriers to self reliance, Internal displacement monitoring centre (iDMC), Norwegian refugee council, 2010, p. 8.

<sup>39</sup> Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced Persons (IDPs), European Commission, UNHCR, 2009, p. 37.

<sup>40</sup> Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) for consideration at the 44th session of the Committee for the Elimination of Discrimination Against Women, 2009, p. 4.

**Income and participation** - A World Bank assessment concluded that government benefits were the main source of income for 71% of IDPs, while only 15% dispose of their own earnings.<sup>41</sup> IDPs' inadequate access to economic opportunities and dependence on state benefits prevents them from realising their full economic and social potential. According to the 2005 UNIFEM report "poverty and unemployment were named as the most pressing problems for IDP women, who complained that when jobs were created in a close neighbourhood, specialists were usually brought in from outside the IDP community even when there were qualified and experienced women who could do the work."<sup>42</sup>

The government reportedly created special workplaces for IDP women, though it is not clear due to lack of assessment studies, whether and to what degree they have improved the lives of these women. IDPs also received land for temporary use, but much of the land is used inefficiently since it is difficult to obtain credit to establish factories, business or micro-projects related to the land. Most IDP women do not own property, whereas most non-displaced women do. In case of IDPs this is mainly a result of not having access to a remedy for lost property and not having collateral funds to purchase property. The lack of landownership means that internally displaced women are dependent on the state for housing, which deepens their sense of impermanence and instability.<sup>43</sup>

By law, IDPs have the right to vote and to participate in the political affairs of Azerbaijan. Many IDP women, as well as elderly and disabled IDPs, delegate their voting right to the head of family, mostly to a man. The number of IDPs participating as candidates in elections is low.<sup>44</sup> IDPs are not eligible to stand for office in municipal elections at their current place of residence. Article 212 of the Election Code of Azerbaijan states that a candidate may only be elected as a municipality member at their place of permanent residence. IDPs are still permanently registered at their place of origin, not at their current place of residence. As a result, they cannot be elected at their current electoral constituency.<sup>45</sup>

Besides the formal participation in election there is a demand in involving IDPs in decision-making processes that affect their lives. For example IDPs were not included in the development of new resettlement programs and it is unclear how much information has been provided to them on the location, infrastructure and livelihood opportunities available to them in new settlements.

**Education** - The access of IDP children to school is ensured, but attendance is not effectively free. IDP students benefit from free school bags, uniforms and supplies. However, parents report they do not always receive these items and so must pay for textbooks and clothing of their children. Poverty has caused some students to drop out of school. The quality of education is also an issue. IDP children may attend separate or mixed schools. While the

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<sup>41</sup> Azerbaijan – Living Conditions Assessment Report (No. 52801-AZ), World Bank, 2010, p. 36.

<sup>42</sup> The status of IDP women in Azerbaijan – a rapid assessment, Baku, 2006, p. 16 f.

<sup>43</sup> Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) for consideration at the 44th session of the Committee for the Elimination of Discrimination Against Women, 2009, p. 5.

<sup>44</sup> Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced Persons (IDPs), European Commission, UNHCR, 2009, p. 30.

<sup>45</sup> After some 20 years, IDPs still face barriers to self reliance, Internal displacement monitoring centre (iDMC), Norwegian refugee council, 2010, p. 94.

government is trying to preserve the social fabric of displaced communities through separate schools, this approach may hinder the social integration of children.<sup>46</sup>

**Sexual and gender-based violence (SGBV)** persists in Azerbaijan. Women and girls, including IDPs, are subject to early marriage, sexual violence and physical as well as psychological abuse. Perpetrators of physical violence are mainly current or former husbands or partners, and mothers or stepmothers. A 2009 survey of 90 representatives of local NGOs, international organisations and UN agencies with experience of working with IDPs and refugees revealed that 81% of respondents considered SGBV a common problem among these groups, with psychological and physical violence the most widespread manifestation. In line with a 2009 UNICEF report that early marriages were widespread in Azerbaijan among displaced and non-displaced people, 63% of the above mentioned survey also responded that early marriages were common.<sup>47</sup> Most of the girls interviewed were in the age of 16 years, but there were also cases of 14 years old.<sup>48</sup> Early marriages in Azerbaijan usually happen in impoverished areas where there is a tradition of dowry. Given the poor economic situation of IDP families, IDP girls are especially vulnerable to early marriage. However, the true extent of such marriages is hard to determine since they are often kept hidden.

The incidence of SGBV may be higher than studies reveal, as cases are rarely discussed, reported or brought to justice in Azerbaijan. The government has acknowledged combating violence against women as a priority issue and adopted a law on prevention of domestic violence in 2010.

### **Conclusion**

According to the “Concluding Observations of the CEDAW-Committee” from 2009 Azerbaijan is requested to strengthen its efforts of implementing measures regarding better access to education, employment, health and housing. Particular attention should be paid to the full participation of women as a means of empowerment.<sup>49</sup>

The majority of IDPs (including IDP women) express their strong desire to return to their place of origin and have thus not been capable to find durable solution to their displacement. An important step in this direction would be a comprehensive peace agreement over Nagorno-Karabakh that address the specific rights and needs of the displaced, including the right of return.

## **5. Peace and Security**

Azerbaijan and Armenia have agreed on the basic principles for peace-negotiations, facilitated by the Minsk Group of the Organisation for Security and Cooperation in Europe (OSCE), headed by a Co-Chairmanship consisting of France, Russia and the United States. “Core issues are the withdrawal of the Armenian armed forces from all the occupied territories of Azerbaijan; recognition of the territorial integrity of Azerbaijan; the return of the displaced

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<sup>46</sup> Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) for consideration at the 44th session of the Committee for the Elimination of Discrimination Against Women, 2009, p. 6 f.

<sup>47</sup> After some 20 years, IDPs still face barriers to self reliance, Internal displacement monitoring centre (iDMC), Norwegian refugee council, 2010, p. 10.

<sup>48</sup> Study on early marriages in Azerbaijan, United Nations Children’s Fund (UNICEF), 2009, p. 92; [http://www.unicef.org/azerbaijan/Brochure\\_Eng.pdf](http://www.unicef.org/azerbaijan/Brochure_Eng.pdf) (9th August 2011)

<sup>49</sup> Concluding Observation of the Committee on the Elimination of Discrimination against Women, CEDAW/C/AZE/CO/4, 7 August 2009, p. 9.

Azerbaijani population to their places of origin in and around the Nagorno-Karabakh region and provision of normal, secure and equal conditions of life for Armenian and Azerbaijani communities living there, which will allow an effective democratic system of self-governance to be built up in this region within Azerbaijan.”<sup>50</sup> The efforts have been supported by all four resolutions adopted by the Security Council on Nagorno-Karabakh<sup>51</sup>, expressing their “full support of the peace process being pursued within the framework of the Minsk Conference of the CSCE.” The key sticking points remain the status of Nagorno-Karabakh and the return of IDPs to the territory. Over the almost last 20 years a lot of meeting and negotiations between high representatives of Azerbaijan and Armenia have took place but a comprehensive peace agreement is not expected in the near future. The positions of the two states are radically different and both parties lack the will to comprehensively resolve the conflict. At present the dialogue between the president of Azerbaijan, Ilham Aliyev and president of Armenia, Serzh Sargsyan is determined by mistrust. The current situation is quite fragile and in 2010 violations of the ceasefire escalated and included fatal exchanges of fire across the line of contact.<sup>52</sup>

### **5.1. Women’s involvement in peace building**

In the general guidelines of the former “National Plan of Action on Women’s Issues 2000-2005” the following principles were set out in regard to participation of women in peace-building and post conflict democratic processes:

- to promote awareness-raising on the role of women in the conflict resolution and peace-building by conducting international seminar and conferences;
- to encourage the participation of women in the processes of post-conflict rehabilitation on the territories liberated from military occupation;
- to promote the implementation of relevant measures aimed at increasing the role of women in the formation of a culture of peace and peace-building activities;

Since then a lot of networking activities, projects, conferences, etc. from grassroots to governmental level took place. One important regional project supported by UNIFEM focused on “Women for Conflict Prevention and Peace-building in the Southern Caucasus”, which was carried out in two phases (phase I: 2001-2004; phase II: 2004-2007). One of the most important outcomes of this project was the establishment of the women’s group “Coalition 1325” working on the peace process in line of the principles of the UNSCR 1325 on Women, Peace and Security. Since its creation, the national coalition has carried out a number of initiatives in the field of women’s participation in peace-building.

Starting from 2010, UN Women with support of the European Union has been implementing another cross-regional programme “Women Connect Across Conflicts: Building Accountability for Implementation of UN SCR 1325, 1820, 1888, 1889” that aims to enhance the capacity of Women’s human rights activists and gender equality advocates and their networks to effectively and meaningfully engage, influence, and mobilize for dialogues on security and peace issues at various levels nationally and regionally in the South Asia (Pakistan and Afghanistan), the Southern Caucasus (Georgia, Armenia, Azerbaijan) and the Central Asia/Fergana Valley (Tajikistan, Uzbekistan and Kyrgyzstan). On May 2011 a meeting took place to define ways and format for the involvement of women into peace

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<sup>50</sup> Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced Persons (IDPs), European Commission, UNHCR, 2009, p. 11.

<sup>51</sup> Security Council Res. 822, 30 April 1993; Res. 853, 29 July 1993; Res. 874, 14 October 1993 and Res. 884, 12 November 1993

<sup>52</sup> See also Progress Report Azerbaijan. EU Commission staff working document. SEC(2010) 519/2010.

dialogues within the cross-region, particularly focused on Nagorno-Karabakh conflict. Representatives of women NGOs and networks from Armenia, Azerbaijan and women from the Women Peace Corps participated.

As a result of the meeting the participants outlined inter alia the following challenges and opportunities for women's participation in the peace processes:

1. Lack of exchange of information on peace activities
2. Lack of cooperation with various political groups
3. Non-existence of common understanding of the "Peace" concept
4. Non-involvement of youth in the peace-building processes
5. Lack of clear demand from the society (activities of women organizations and networks should be demand-driven and based on opinions, needs and requirement of the society)

Another example of an extensive initiative aimed at supporting women's participation in peace processes is the project: "Strengthening Women's Capacity for Peace-building in the South Caucasus Region", which is carrying out by CARE Austria and financed by EU. Within the scope of this project this desk research is conducted and can be considered as comprehensive approach integrating women's needs in a participatory way. Therefore the specific women's related areas of concern are identified and elements of advocacy and lobbying for policy makers on the local, national and international level developed in order to facilitate women's participation for peace-building processes.

Although women play a vital role in the peace-process related to the Nagorno-Karabakh conflict on a rather informal level they are not involved in any official decision-making processes towards the peaceful resolution of the conflict. Obviously, there is no woman in Karabakh conflict's official negotiation process neither from conflicting parties, nor from "Minsk Group" mission. Taken into consideration that Azerbaijan approved UNSCR 1325 which outlines the promotion of women's active participation in all operations on peaceful resolution and reconciliation on conflict, one of the strategic aims should be the practical involvement of women in these peace-processes.

### **Violence against women**

The transition period has been characterized by an increase of violence against women in many forms, including sexual harassment in the workplace, assaults, rapes, and domestic violence (physical and emotional). A 2004 International Rescue Committee survey of both resident and IDP/R communities found that 43% of the married women surveyed had experienced violence in their current relationship, including emotional abuse, physical violence and rape.<sup>53</sup> In recent years violence against women remains problematic, particularly in rural areas. In 2009 according to the Website of AGIC (Azerbaijan Gender Information Center) 11,389 act of violence against women were registered.<sup>54</sup> Rape is illegal and carries a maximum 15-year prison sentence; yet, most victims reportedly knew their assailants but did not report incidents out of fear and shame. The government reported "only" 35 rapes during 2009.

The first Azerbaijan shelter was established in 2003. Besides this shelter for victims of domestic violence, which is operated by WAVE Focal Point "Clean World's Especial Shelter,

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<sup>53</sup> Azerbaijan – Country Gender Assessment, Asian Development Bank, 2005, p. 8. and 55.

<sup>54</sup> Azerbaijan Gender Information Center, <http://www.gender-az.org> (3<sup>rd</sup> August 2011)



there are two shelters for victims of trafficking. 346 victims of domestic violence applied for shelter place in 2006 while 2007 the number of applications increased up to 628. Moreover there is one national helpline for women victims of family violence and human trafficking, which was established in 2005.<sup>55</sup>

The ODIHR Gender Program i.e. has focused on combating domestic violence and building a regional women's network. The program has set up a relationship with the Azerbaijani police academy that trains new recruits and seasoned officers in techniques for addressing domestic violence.

An important step in combating against domestic violence against women is the adoption of the law on "Prevention of Domestic Violence" in June 2010. A number of activities will be carried out in 2011 to promote this Law, including holding of roundtables with the joint participation of the State Committee for Family, Women and Children Affairs, law enforcement officials and civil society members. Apart from these activities it is crucial that also rural women are targeted and provided with information and knowledge.

Most cases of domestic violence are not reported due to certain social and psychological pressures. Victims go to law-enforcement agencies only when there are serious consequences, such as actual and grievous bodily harm or even death. Assault and battery, intimidation and threats (even if they are perpetrated systematically), forced sexual contact, economic oppression and other types of "latent" violence are kept in the house and remain "invisible" for the public.<sup>56</sup>

## 6. Peace and Gender Democracy

In this chapter a brief look on the situation of women in different areas such as participation, employment, education, health and gender roles should give a short assessment to what extend women are represented in Azerbaijani's society and which obstacles on their way to equality can be identified.

### 6.1. Women and participation

*Politics* - Currently women play a very small role in Azerbaijan's public life and decision-making processes. Women's participation in politics and governance structures has declined sharply in the transition period, although their participation is nowhere legally restricted. Women still made up 40% of the Supreme Soviet of the Azerbaijan Republic in 1989, largely due to the quota system that set the level of women's representation at a minimum of 33%. Within one year after independence, women's representation in parliament had declined to only 6% (1990). In 2004, also only 14 out of the 125 member of the National Assembly (Milli Majlis) or 11.2% were women. After the recent elections in 2010 the percentage of women remains low, only 15% of women hold parliamentary seats.

On the level of municipal election in 2004 (where also a quota of 33% existed in the Soviet Area) only 4% elected members were women.<sup>57</sup> This proportion of women increased significantly to 26% after the last elections in 2009, as a result of a conscious effort by both

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<sup>55</sup> Country Report 2009 – reality check on european services for women and children victims of violence, WAVE (Women Against Violence Europe), 2010, p. 38f.

<sup>56</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 66.

<sup>57</sup> See Azerbaijan – Country Gender Assessment. Asian Development Bank, 2005, p. 59.



ruling and opposition parties to increase female participation. However, no woman is currently in the position of a minister, only in deputy roles<sup>58</sup>, including deputy speaker of parliament. The chairperson of the State Committee for Family, Women and Children and two deputies are women. Azerbaijan uses a single-member district electoral system, which usually reduces the chances for women to be elected.

**Civil Society** - According to a UNDP report from 2007, there are 2,200 officially registered NGOs in the country, of which 67 are women's organisations, which mainly address the problems of women and the protection of their rights. Only 4.6% of women and 3.7% of men were engaged in civil society activities.<sup>59</sup> At present it is difficult to estimate the number of women's organizations and groups in Azerbaijan. The directory of the national gender portal ([www.gender-az.org](http://www.gender-az.org)) provides a list of activities carried out by 124 women's organizations and includes a list of 69 other NGOs who were involved in the implementation of projects related to women's issues.<sup>60</sup> Despite the low number of women currently engaging in civil society activities an increase of women's participation could be observed in the recent years. One explanation can be that women are almost excluded from the "power centers of government and big business, therefore NGOs offer women a chance for public engagement."<sup>61</sup> Nevertheless women are faced with several obstacles on their way to full participation. One of them is the negative perception of a woman, who is leaving home and becoming involved in social activities. The presumption that the household is the main place for women still persists in the society.

## **6.2. Women and employment**

The transition period also had a negative impact on the employment of women in Azerbaijan. In 1990, women constituted almost half of the formal workforce, by 2004 the situation has changed dramatically: one in six women of working age in urban areas was classified unemployed.<sup>62</sup> Of the total Azerbaijan population, by 2008 4,371,000 persons were counted as economically active<sup>63</sup> among them were 72.7% men and 66.0% women. In comparison with 1999 a strong differentiation by sex can be observed, with men coming down to 77.2% (- 4,5%) and women going up to 61.8% (+ 4,2%).<sup>64</sup> However, most of the employment growth among females is in the informal sector, especially in subsistence agriculture.

There is also an issue of gender segregation of the labour market. Female employment share shows the following picture: with over 72%, this majority is largest in health and social work, followed by wholesale and retail (68%); education (67%); restaurants and hotel (52%) and agriculture (51%). By contrast the female share in public administration (25%); gas, water,

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<sup>58</sup> The Ministry of education, the ministry of health, the ministry of culture and tourism and the ministry of economic development.

<sup>59</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 78.

<sup>60</sup> See Gureyeva, Yuliya Aliyeva: Policy Attitudes towards Women in Azerbaijan: Is Equality Part of the Agenda?, <http://www.gwi-boell.de/web/democracy-100-years-women's-day-azerbaijan-equality-3061.html> (31st of July 2011)

<sup>61</sup> See article, "Women, Civil Society, and NGOs in Post-Soviet Azerbaijan", the International Journal of Not-for-Profit-Law, Volume 7, Issue 1, 2004, [http://www.icnl.org/knowledge/ijnl/vol7iss1/special\\_4.htm#\\_edn12](http://www.icnl.org/knowledge/ijnl/vol7iss1/special_4.htm#_edn12), 9<sup>th</sup> August 2011.

<sup>62</sup> Azerbaijan – Country Gender Assessment. Asian Development Bank, 2005, p. 4.

<sup>63</sup> The share of the population over 14 of age in employment or registered unemployed.

<sup>64</sup> An overview of Women's Work and Employment in Azerbaijan. Decisions for Life MDG3 Project. Country Report No. 9, University of Amsterdam, 2010, p. 15.

electr. (17%) and construction (15%) is rather low.<sup>65</sup> Almost all female employment sectors have a lower average wage.

In regard to unemployment the rate for females (8.1%) is lower than for males (11.4%) – suggesting that more women are economically inactive and not actively participating in the labour market. Moreover, Azerbaijan’s social model based on males as breadwinners may have contributed to the discrepancy in the male and female labour force participation rates.<sup>66</sup>

Some of the women, who have been pushed out of formal sector employment, after the independence, have reemerged in the informal sector, where they work at a variety of trades both inside and outside the home. Some are working in subsistence farming and very few, and mostly those with some capital asset, have started small businesses.<sup>67</sup>

**Gender pay gap** - With over 43% the over-all gender pay gap in 2008 was extremely large, also in international perspective. Across different industries the gap was by far largest in “real estate and other business” (58.2%) followed by “other community and personal services” (47%) and “construction” (45.7%). The lowest gap could be considered in “agriculture” (21.8%), “restaurant, hotel” (8.9%) and “wholesale and retail” (7.1%).

**Poverty** - The economic independence of women is beyond reach for many women, in particular for many young women. Female-headed households are much more locked in poverty than male-headed households. Nearly 40% of the households run by 18-29-year-old women were in the poorest 10% of the population (against 28% of households headed by men of the same age).<sup>68</sup>

### **6.3. Women and education**

The educational system is one of the few fields of occupation in Azerbaijan where women are in the majority. Women make up 71% of all educators employed in this field, men only 29%. At the same time, a vertical gender concentration exists despite the small number of men working in the educational system. Men form the overwhelming majority (83%) among secondary school principals across the country. Corruption, the ineffectiveness of existing methods of managing and administering the educational system, the low quality of text-books, the low salaries paid to teachers and the lack of funds for the training and re-training of teachers are listed by experts among the main factors generating the education system’s low efficiency.<sup>69</sup>

On the level of primary education (6-14) the completion rate was quite high; the girls’ rate was 90% and the boys’ rate 93.7%. The enrolment in secondary education (15-16/17) was 77.8%, divided in 76.4% for females and 79.2% for males. Beyond the age of 16, enrolment rates drop off sharply: in 2004 only 13% of young adults aged 17-24 were enrolled in postsecondary institutions. Enrolment of young women in tertiary education at University, by 47%, is lower than of young males. However, with 29% female participation in vocational schools and vocational lyceums is relatively low. The same applies for institutions with

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<sup>65</sup> An overview of Women’s Work and Employment in Azerbaijan. Decisions for Life MDG3 Project. Country Report No. 9, University of Amsterdam, 2010, p. 24 f.

<sup>66</sup> Azerbaijan – Living Conditions Assessment Report (No. 52801-AZ), World Bank, 2010, p. 88.

<sup>67</sup> Azerbaijan – Country Gender Assessment. Asian Development Bank, 2005, p. xii.

<sup>68</sup> An overview of Women’s Work and Employment in Azerbaijan. Decisions for Life MDG3 Project. Country Report No. 9, University of Amsterdam, 2010, p. 20 f.

<sup>69</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 34.

postgraduate courses with doctor's degree, where the female share stuck at 28%. Choices of study at state higher educational institutions are still very gendered. Young women tend to opt for courses in fields such as education (88%), public health (67%), humanities and social sciences (58%) and men for geology (13% women), engineering and electronics (11% women) and economics and management (24% women).<sup>70</sup>

“It is revealing that while there were 47.5% girls among the pupils of public schools (formally free of charge, but nowadays parents often have to pay for textbooks, trainings, etc.) in 2007/08, in the non-state (private) schools there were only 22,5% female students. This number demonstrates the unwillingness of parents to pay for the education of girls, as they consider early marriage and future housewife status.”<sup>71</sup> According to the UNDP report from 2007 a vast majority of respondents (70.4%) stated that for boys a sufficient level of education would be a Master's program whereas only 49.7% of the participants of the survey considered this would be desirable for girls.<sup>72</sup>

In 2009, a new education law was adopted by the Parliament, re-organising the levels and types of education including preschool, general schooling and vocational training. Higher education was organized as a three-degree structure (bachelors, masters and a two-level doctorate) approximating relevant provisions of the Bologna Process.<sup>73</sup>

#### **6.4. Women and health**

As many facets of life in Azerbaijan, the health system is going through radical changes. Transition to a market economy and the system of private health services<sup>74</sup> and health insurance requires radical changes in organizing healthcare and attitudes to health issues. Due to the fact that many health services are not free anymore, a vast majority did not go for regular checks, although they know these examinations would be necessary. According to the UNDP report from 2007<sup>75</sup> also for reproductive health service and child delivery service, which are legally free, costs have to be covered partly by patients.

In Azerbaijan induced abortion has been the main method of fertility control over the last decade. A growing problem is the use of selective abortions of families who would prefer a son over a daughter. Birth rates in recent years show a boy:girl ratio of 53:47.<sup>76</sup> Some obstetricians expressed their concern that four out of ten women that refer to them and want to discontinue pregnancy are doing so, because they are bearing a girl.<sup>77</sup> The government figures are much lower than those gathered by international and national non-state organizations.

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<sup>70</sup> An overview of Women's Work and Employment in Azerbaijan. Decisions for Life MDG3 Project. Country Report No. 9, University of Amsterdam, 2010, p. 27 f.

<sup>71</sup> Alternative Report on the compliance of the Azerbaijan Republic with CEDAW produced from the Human Rights Center of Azerbaijan, Baku, 2009, p. 11.

<sup>72</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 37.

<sup>73</sup> EU-Commission staff working document, Progress Report Azerbaijan, Brussels, 12/05/2010, SEC (2010) 519, p. 16.

<sup>74</sup> “The law on the Protection of Public Health” endorses the provision of municipal and private health services and grants that nay medical establishment is entitled to provide any and all paid health services to any patient. “The Law specifically designates birth-related reproductive health services as free.

<sup>75</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 48.

<sup>76</sup> Evaluation of ODIHR gender programme work in Kyrgyzstan, Azerbaijan, Armenia and Georgia. Jefferson Institute, 2009, p. 55 f.

<sup>77</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 50.

The maternal mortality during pregnancy, childbirth and the puerperium is still high: 9.3 per 100,000 live birth in 1990 in comparison to 35.5 in 2007. There are only 4.8 gynaecologists per 10,000 women. Pregnancy in 28% of cases is complicated, 30% of pregnant women are not followed by a doctor and the main illness they are suffering is anemia (70.5%). Other problems facing women may result from cultural attitudes. “Anecdotal evidence suggests that women can be reluctant to visit a doctor in the absence of male family member. If a male escort is not available, the women may simply not seek the care. They may also fail to seek aid in cases that male family members deem shameful – such as domestic violence, sexually-transmitted diseases or for complications in pregnancy.”<sup>78</sup>

According to the Concluding Observations of the CEDAW-Committee the decrease of the maternal mortality rates should be prioritized by establishing adequate obstetric delivery services run by qualified medical personnel and by providing adequate prenatal care to all women. The Committee recommended also that family planning and reproductive health education should be widely promoted and targeted at girls and boys, with special attention being paid to contraceptive medicine.<sup>79</sup>

### **6.5. Women and gender roles and cultural attitudes**

Traditional gender roles dominate the Azerbaijani family structure, which are learned and reproduced from older generations. The consideration of men as a “breadwinner” also provides them with authority in family. When a man dies, his authority passes not to his widow, but to the eldest son. And then it is the son who sets the rules for his sisters. Women on the other hand were considered the main people to do housework, such as cleaning, cooking, ironing, child care and “implementing decisions” taken by their husbands and obligations of mother and wife.

In regard to gender relations there is also a big gap between the situation in urban and rural areas. Women in Baku are more self-determined and engaged in public life as in remote villages, where strong patriarchal traditional norms still limit the participation of women. Azeri women, especially in rural areas, find themselves under tight societal restrictions regarding dating, marriage, and divorce. Young people, and especially young women, are expected to live at home with their parents until they marry. The restrictions on young women are strongly reinforced by the social fear of what older men and women will think or say about them.

95% of Azerbaijanis identify themselves as Muslim, but it is rather unclear, due to the lack of studies, to what extent the religion does influence the gender relations within the society. According to the UNDP study from 2007 only 9% of the female and 11% of male respondent considered themselves as “strongly religious”<sup>80</sup>. However, some religious practices seem to preserve traditional gender roles and the subordination of women. For example in Azerbaijan there are two types of alternative marital forms, Islamic marriage – permanent and temporary. The ceremonial registration of a permanent Islamic marriage, often referred to in Azerbaijan as *kebin*, is becoming a common practice. In many cases it is undertaken by couples as complimentary to civil registration. Temporary marriage – *sighe* – is a part of the Shi’a religious tradition and designates a union between a man and a women, which lasts for a

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<sup>78</sup> Evaluation of ODIHR gender programme work in Kyrgyzstan, Azerbaijan, Armenia and Georgia. Jefferson Institute, 2009, p. 56.

<sup>79</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women, 7 August 2009, CEDAW/C/AZE/CO/4, p. 8.

<sup>80</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 82.

limited period of time indicated in the marital contract and can exist parallel to man's permanent marriage. However, neither type of Islamic marriage is recognized in Azerbaijan as legally binding marital contracts. In the families, where civil registration was neglected, women's rights are not protected by the existing Family Code<sup>81</sup>. In Azerbaijan the circle of communication of a married woman should be limited to her relatives, husband's relatives and neighbours, which is widely accepted. Early marriages under the full legal age (17 for women, 18 for men) are on the rise in Azerbaijan and sometimes women are even forced to. In addition family arranged marriages are also very common and the divorce rates are very low, 0.8 per 1000 people annually.

In regard to women's economic development women pursuing careers have become increasingly common in the last years, but this phenomenon, however, depends still on socio-cultural values and degree of patriarchy society. The financial situation and educational achievements are also important influencing variables. Often women are faced with the dilemma of balancing family obligations with the need or wish to earn money.

## 7. Conclusion

Overall, Azerbaijani society, is undergoing a transition from Soviet totalitarianism to democracy and is in the midst of overcoming stereotypes of gendered behaviour, however, especially in rural areas traditional gender roles are still persisting and narrow the scope of women's action, i.e. in cases of early or family arranged marriages and the fact that women are almost excluded from decision-making processes in public and private spheres.

After the collapse of the Soviet Union the participation of women in politics and labour market dramatically decreased and pushed them back to their roles as mothers and housewives. Since the last ten years numerous governmental efforts, especially on the legal side, have been made to advance women's position and integrate them into public life. However, effective measures for implementation are still too weak and real political commitment towards the integration of women is missing.

Women in Azerbaijan are often not aware of their rights. The State Committee for Women's Issues, UNIFEM and a number of NGOs have undertaken legal education programmes targeting women. However, most of these initiatives reach only a few numbers of women and especially women in rural and remote areas have often no access to such information and limited capacity for engaging due to multiple burdens in their daily lives.

In addition, the situation of IDPs, who are still not fully integrated in society, although they are living there for almost 20 years, is problematic. They make up about 7% of the whole population and are amongst the poorest of the country. In particular, IDP-female-headed households are especially vulnerable and are concerned by poverty.

Poverty in general is a huge challenge for Azerbaijan, whereby some policies – especially the “State Program on Poverty Reduction and sustainable Development” – improved the situation through massive social transfers coming from the oil business. But a long-term solution for poverty reduction needs sustainable changes and reforms.

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<sup>81</sup> Gender Attitudes in Azerbaijan: Trends and Challenges, UNDP Azerbaijan Human Development Report 2007, p. 61.

Finally, a condition for the well-being of society is balanced gender relations and the harmonious partnership of women and men in their personal and public lives. The realization of this objective in Azerbaijan, however, will probably takes even some generations.

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