

## Policy Attitudes towards Women in Azerbaijan: Is Equality Part of the Agenda?

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### Abstract

Since independence, the government of Azerbaijan has been struggling to formulate its policy approach to the so-called “women’s question.” This issue should have been reconsidered in the light of the social transformations during the transition to a market economy that resulted in the increasing disempowerment of women and the provision of fewer opportunities to them. The global feminist agenda that was gaining greater prominence in international institutions was thus lagging behind in Azerbaijan. The “women’s question” in Azerbaijan continues to be challenging since the dominant national discourse primarily regards women as mothers and guardians of national traditions. However, the international agenda advocates for the broader active participation of women in public life. This paper presents a brief account of how these two approaches coexist in the policy attitudes towards women in Azerbaijan

### National Machinery for Gender Mainstreaming

The Azerbaijani government took the first steps towards mapping a national policy on “women’s issues” by signing the UN Convention on the Elimination of All Forms of Discrimination against Women (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. In 2000, Azerbaijan acceded to the Optional Protocol of CEDAW, thus recognizing the competence of the Committee on the Elimination of Discrimination against Women (the body that monitors states’ compliance with the Convention) to receive and consider complaints from individuals or groups within its jurisdiction. And in 2001 Azerbaijan joined the Council of Europe, actively participating in the work of its Committee on Gender Equality.

Azerbaijan’s foreign policy has thus recognized the issue of gender equality. Azerbaijani delegations have regularly attended international and regional meetings on women’s issues. The delegations have not only sought to demonstrate a concern for gender equality, but also to remind the international community about the Nagorno-Karabakh issue and that more than one million refugees, mainly women and children, have been displaced as a result of the conflict. Almost all government reports on women’s issues in Azerbaijan exhibit reservations about the possibility of making progress in the protection of women’s rights before a resolution of this conflict.

In addition to the implementation of international obligations on this issue, it is particularly interesting to see how the global agenda on women’s issues is being translated into domestic policy language. A decree on the “Implementation of the State Women’s Policy in the Republic of Azerbaijan” was signed by the President of Azerbaijan on the eve of the 8<sup>th</sup> of March, 2000, Inter-

national Women’s Day. This was meant as a symbolic present to women. The decree is not only a brief statement of the policy intention to provide equal representation of women and men at the decision-making level in all state bodies. It is also an account of the accomplishments of the women of Azerbaijan who are praised for being a “source of life and an embodiment of wisdom”, thus playing a significant role in sustaining national values. The rhetoric of the document suggests that its major aim was not only to outline the domestic gender mainstreaming policy, but to justify the policy by declaring that the women of Azerbaijan “deserved” a new policy due to their virtues.

The protectionist policy approach<sup>1</sup> became more visible when the State Committee on Women’s Issues was renamed as the State Committee on Family, Women and Children’s Affairs (SCFWCA) in 2006. This was an indication that the state regards women as vulnerable “reproductive units,” who should be protected by the state in exchange for their devotion to “family values”. The head of the committee, Hijran Guseynova, is the only woman in the Cabinet of Ministers of Azerbaijan. During interviews she has expressed regret that the word “gender” is often confused in Azerbaijan with the term “feminism,” which has negative connotations. She also called for women to actively pursue careers while not neglecting their family responsibilities.<sup>2</sup> In

1 “The protectionist approach which, while recognising differences, seeks to curtail or curb women’s activities or freedoms with the rationale that the aim is to ‘protect’ women from harm or wrongdoing. This approach does not challenge gender discrimination, but reproduces it in the guise of protecting women”. For more information about various policy approaches towards women, please visit IWRAW-Asia Pacific knowledge portal at: <http://www.iwraw-ap.org/convention/equality.htm> (Last accessed November 26, 2010).

2 Interviews with the head of the SCFWCA, Hijran Huseynova can be accessed here: [http://gender-az.org/index.shtml?id\\_main=26&id\\_sub=59&id\\_sub\\_sub=55](http://gender-az.org/index.shtml?id_main=26&id_sub=59&id_sub_sub=55) (last accessed October 11, 2009)

addition, she stated her opposition to the introduction of quotas for women even though women in Azerbaijan are extremely underrepresented at decision-making levels in all state bodies across the country.

The state's protectionist approach is also evident in many legal documents. For example, the state takes a mixed approach towards women's employment, simultaneously encouraging family-friendly employment policies, such as legislative measures specifically assisting pregnant and breastfeeding women, while adopting provisions based on stereotypes about gender roles. Thus, the 1999 Labor Code provides special protection for pregnant women and young mothers with a child under the age of 3, but prohibits all women from work places with difficult or potentially harmful labor conditions.<sup>3</sup> This clause restricts access for women to certain positions in some profitable industries, such as oil and gas production—Azerbaijan's most lucrative industry.

Moreover, the law on "Guarantees of Gender (Men and Women) Equality" enacted in October 2006 seeks to eliminate "gender-based discrimination" while also containing clearly discriminatory provisions that take into account the "special nature of women", including different ages for marriage and retirement for men and women; military service exclusively for men, as well as different punishment sentences and imprisonment regimes for men and women. 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, there have been no court trials related to sexual harassment in the workplace to date.

The most recent positive development in Azerbaijan is the adoption of the Law on Domestic Violence in October 2010. Unfortunately, the SCFWCA popularizes this law in the regions under the banner of "strengthening domestic culture" and traditional family values, and not within the gender equality framework.

These shortcomings and inadequacies in the implementation of international commitments on gender mainstreaming in Azerbaijan indicate that the state so far has failed to formulate a clear and sustainable policy that would address the disempowerment of women. It continues to operate within the framework of a traditional patriarchal ideology that maintains that a woman's primary role is with family and children, as indicated in the name of the State Committee on Family, Women and Children Affairs.

3 Labour Code of the Republic of Azerbaijan. Available at: [http://www.gender-az.org/index\\_en.shtml?id\\_doc=100](http://www.gender-az.org/index_en.shtml?id_doc=100) (last accessed October 11, 2009).

## Civil Society's Response

It is difficult to estimate the number of women's organizations and groups in Azerbaijan, especially since many have problems gaining state registration. Nevertheless, some unregistered groups are actively implementing projects, whereas some of the registered NGOs have suspended their activities for various reasons. 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>4</sup>. A data base of the gender focal point in Azerbaijan released in 2007 by the OSCE has a list of 64 women's organizations and 76 other organizations involved in projects concerning gender equality<sup>5</sup>. A 2009 NGO Sustainability Index produced with support from USAID suggests that the total number of registered NGOs in Azerbaijan varies from 2,600 to 3,220<sup>6</sup>, which means that the ratio of women's NGOs is relatively small and many of them are not active for various reasons.

At the same time, two main factors limit the ability of civil society organizations to adequately push for the implementation of the Azerbaijani state's policy towards women. First, the independence of NGOs, including women's organizations, continues to be a problem since many of them have direct links to the state or were established by people working for state institutions. Some of the NGOs have joint projects with the state or are recipients of the state grants. Second, some of the women's groups have a limited understanding of the gender equality principles or declare an adherence to the traditional family values as part of their agenda.

Reports produced by some international organizations suggest that the SCFWCA has recently become more open for cooperation with NGOs. Some NGOs are more involved in discussing the committee's plans and legal initiatives, and committee members sometimes attend different NGO events. However, meetings organized by the committee are usually restricted to a limited number of invitees and the criteria for their selection are not transparent.

4 Azerbaijan Gender Information Center's Directory of women's NGOs and NGOs implementing projects on gender issues can be accessed here: [http://www.gender-az.org/index.shtml?id\\_main=27&id\\_sub=55](http://www.gender-az.org/index.shtml?id_main=27&id_sub=55) (Last accessed November 26, 2010).

5 Data base of Gender Focal Points in Azerbaijan, last updated October 2007, can be accessed at [http://www.osce.org/documents/html/pdf/html/29493\\_en.pdf.html](http://www.osce.org/documents/html/pdf/html/29493_en.pdf.html) (Last accessed November 26th, 2010).

6 2009 USAID NGO Sustainability Index—Issued on July 2010, can be accessed at [www.usaid.gov/locations/europe\\_eurasia/dem\\_gov/ngoindex/2009/azerbaijan.pdf](http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2009/azerbaijan.pdf) (Last accessed November 26, 2010).

Still there are women's groups who tend to challenge certain aspects of the state policy through the use of international advocacy platforms. The most recent example is the active involvement of Azerbaijani women's NGOs during the 44th session of the UN's CEDAW in July 2009. These NGOs (one international and five local) submitted as many as six alternative reports in response to a government report on the progress of the implementation of CEDAW obligations in Azerbaijan. The reports tackled various issues of gender inequality ranging from problems in the labor market to the rights of internally displaced women, and from early marriage to women's inclusion in decision making. The most interesting aspects of these reports were that two of them touched upon issues regarding marginal women's groups that are often neglected in the current state policy on women's issues: homosexual, bisexual, or transsexual women, women sex workers and women drug users.

According to the coordinator of the women's program in the Lesbian Gay Bisexual and Transgender (LGBT) organization Gender and Development Nigyar Nagiyeva, the government approach towards homosexual women is similar to the "don't ask, don't tell" principle where people are not encouraged to disclose their identity or to advocate for their rights. Thus, this organization was not openly registered within the Ministry of Justice as a LGBT organization, but under the general umbrella of gender equality issues. Although homosexuality was officially decriminalized in 2000, there are no official documents to date that would recognize the existence of discrimination based on sexual identity even though it is widespread in Azerbaijan, especially in the labor market.

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At the same time, the major problem of women's organizations and NGOs across the country is lack of the trust in them among ordinary women. Women in Azerbaijan are not likely to perceive women's organizations as representatives of their interests or as women's rights advocates. This failure can also be attributed to poor outreach activities among the NGOs that are mostly located in the capital and limit the scope of their activities to large cities. Thus, according to the report "Gender Mainstreaming: The Role of Civil Society. Results of Monitoring the National Gender Mechanism" published in August 2010 by the Public Union for Gender Equality and Women's Initiatives, only 10.4% of women think they would appeal to NGOs if their rights were violated<sup>7</sup>.

### Conclusion

Legal and policy documents in Azerbaijan continue to incorporate certain norms and provisions that contradict the country's international obligations to the principles of gender equality. The state's approach to women's issues is limited. It concerns women with family responsibilities and does not include women from other vulnerable groups. Some women's groups try to address these issues; however, they often need the support of international institutions in order to be heard by the government. The lack of a coordinated and organized response from women's groups hinders their ability to gain the trust of ordinary women whose interests and issues are not yet publicly defined or debated.

7 "Gender Mainstreaming: The Role of Civil Society. Results of Monitoring the National Gender Mechanism" report by the Public Union for Gender Equality and Women's Initiatives, Baku, August 2010, paper copy.