



Public Union for Gender Equality
and Women's Initiatives



Open Society Institute -
Assistance Foundation

Gender Mainstreaming: The Role of Civil Society
Results of Monitoring National Gender Mechanism

Baki – 2010

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Baku, 2010

ISBN – 978 – 9952-449-12-6

The monitoring and this publication has been made possible with financial support of Open Society Institute – Assistance Foundation.

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Table of Contents

Abbreviations	4
Introduction	5
National mechanism on gender equality in Azerbaijan: development stages	6
National mechanism on gender equality in Azerbaijan: public opinion	9
Methodology of the Monitoring	10
Geographic scope of the Monitoring	11
Identification of respondents	11
Stagnation of gender equality policy in regions	12
Influence of State Committee on Family, Women and Children's Affairs on establishment of gender equality in regions	15
National mechanism on gender equality: experience, problems and perspectives on collaboration with civil society	19
State Committee on Family, Women and Children's Affairs	22
Ministry of Labor and Social Protection.....	24
Ministry of Justice	27
Ministry of Internal Affairs	29
Ministry of Education.....	29
Civil Service Commission under the President of the Republic of Azerbaijan.....	30
Effectiveness of national mechanism	31
International experience on functioning of national mechanisms on gender equality.....	32
Strengthening of national mechanism	32
Gender Problems in budget planning	35
Consideration of the gender problem in legislation, policy and programs.....	37
Monitoring and reporting mechanism.....	38
Collaboration with non-governmental organizations	38
Recommendations on improving the effectiveness of national mechanism on gender equality...39	
<i>In the sphere of political activities.....</i>	<i>39</i>
<i>In the sphere of political activity on the regional level.....</i>	<i>41</i>
<i>In the sphere of the national mechanism's effect on gender equality.....</i>	<i>41</i>
<i>In the sphere of legislation and law.....</i>	<i>42</i>
<i>In the sphere of labor and employment.....</i>	<i>43</i>
<i>In the sphere of education and research on gender policy</i>	<i>45</i>
<i>In the sphere of Mass Media and ICT.....</i>	<i>45</i>

Abbreviations used:

GEWI – Public Union for Gender Equality and Women’s Initiatives

UN – United Nations

NGOs – Non-Governmental Organizations

ILO – International Labor Organization

MDGs - Millennium Development Goals

MM – Mass Media

ICT – Information Communication Technologies

CEDAW – Convention on the Elimination of all forms of Discrimination Against Women

NHDR – National Human Development Reports

Introduction

The current status of women in Azerbaijani society is a result of rigid social norms and traditions existing for a long historical period. The status of women is influenced by economic, political, cultural, social, ethnical, and domestic norms, as well as by religious dogma and so-called scientific theories. A considerable gap exists between men and women in access to and control over resources in economic opportunities, government authorities and political participation. In Azerbaijan, as in many other countries, there is a clear gap between equality *de-jure* and *de facto*. Although discrimination based upon gender is prohibited by the Constitution, women often face serious violations of their rights. According to the World Economic Forum report of 2008, Azerbaijan ranks 61st in the world on the level of equality between men and women¹. In the previous report, our country ranked two levels higher. Although the gap in access to education and health has almost been eliminated, the process of achieving equal access to political and economic rights for women is proceeding slowly.

The development of national mechanisms for establishing gender equality in Azerbaijan is proceeding in the framework of the global process of realizing the UN's Millennium Development Goals. The Declaration of MDGs devised a new architecture for gender equality. This includes a series of principles and commitments by donor organizations and partner countries in the sphere of improving human development, reducing poverty, and expanding rights and opportunities for women through new global development collaboration. As a result of intensive lobbying, increased educational enlightenment, Mass Media enlightenment, and increased activism by civil society organizations, gender equality has received considerable attention throughout the world. The Azerbaijani government has made a commitment to develop and implement a corresponding gender policy and development program in compliance with its international duties in the sphere of gender equality.

The international community has identified three indicators to monitor with representatives of government, civil society and donors to establish gender equality: They include:

1. Institutional structures providing systematic participation of civil society and women's groups in national planning of gender development and its implementation;
2. Percentage of state/donor-financed events designed to meet specific needs of women, such as preventing violence against women, HIV/AIDS, etc.;

¹ www.gender-az.org/forum/news/2010

3. Percentage of foreign aid given to the country for establishing a systematized development potential by government and donors to apply gender equality in program approaches.²

These indicators have been included in the Public Union for Gender Equality and Women's Initiatives (GEWI) basic strategy for helping civil society establish gender equality. In the first stage, the national gender mechanism is monitored to evaluate its effectiveness. In the second stage, GEWI is planning to monitor the effectiveness of foreign and domestic aid in establishing gender equality.

The Public Union for Gender Equality and Women's Initiatives has developed a strategy for citizens to monitor gender equality.

Strategy for citizen-monitoring of gender equality:

- to identify effective ways to influence the public on a policy to prevent discrimination against women;
- to promote the development of collaboration on national gender mechanisms between the women's rights sector of civil society and related regional structures;
- to improve relations between regional authorities and NGOs working on women's rights;
- to help create a network of experts on women's rights, to fight discrimination and achieve gender equality with priority given to attracting young activists from the regions;
- to protect human rights values, democracy, and gender justice, and to promote them positively in public opinion;
- to strengthen the gender equality principle in political and social discourse in Azerbaijan.

National mechanisms for gender equality in Azerbaijan: development stages

The establishment of national mechanisms to improve gender equality has passed through several stages.

The first stage is connected with the UN's 4th International Conference on the Status of Women (Beijing, 1995). In 1994, the presidential decreed establishment of the National Preparatory Committee whose members were nearly all women working in leading positions in government agencies and women's non-governmental organizations. The Preparatory Committee's responsibilities included: evaluating the role and situation of women during the post-Soviet period; reviewing the role and situation of women during the transition period, as

² www.un.org/kg/index2.php?option=com_resource&task...no...

well as identifying their main spheres of interests and activity; analyzing existing information on women's issues, statistical data and other information; and, preparing recommendations for developing and improving systems of data collection; actively involving women in public life by supporting the establishment of women's organizations; developing action programs aimed at increasing the status of women in society and in achieving equality between the genders.

In 1995, Azerbaijan ratified the UN “Convention on Elimination of All Kinds of Discrimination against Women” (CEDAW) and in 2001, its Optional Protocol. In 1998 an Azerbaijani government representative presented a report on CEDAW at the Committee Session.

The second stage establishes a government mechanism responsible for women's development and the achievement of gender equality. The most important actions the Republic has taken to date include the establishment of the State Committee on Women's Issues by the decree of president Heydar Aliyev in 1998, as well as his decree on “strengthening the role of women in all spheres of society”, which affirmed gender policy as an important state strategy. In 1997-2000, the Azerbaijani government started working jointly with the UN program “Gender and Development”. Departments on gender problems were created in the Executive Power offices in 16 regions of the Republic³. A State Committee on women's issues and women's NGOs was provided with significant institutional technical support – important international documents and research on gender equality were translated into Azerbaijani and a series of trainings on gender equality were held. In the same period, the Parliament ratified 55 Conventions of the ILO, four of which were directly concerned women's labor.⁴

In the third phase, a Presidential decree of March 6, 2000, on “Implementing State Policy on Women” was used as the basis of state strategy in the sphere of gender equality and for extending Women's political decision-making opportunities. The decree provided for equal representation of women with men in all state agencies in the country, as well as ensuring gender expertise in legislation. As a result, many ministries and organizations were required to become more active in their work and, at least in a formal way, to develop recommendations on priority areas for the country such as: women and economics (poverty, property rights problems, etc.); refugees and internally displaced persons; women and health; women and governance; women and labor; and women's rights. Responsibility for implementing the decree was entrusted to the State Committee on Women's Issues, which presented an annual report to the Cabinet of

³ Abbasov A. Gender analysis of socio-political sphere of Azerbaijan Republic. Feasibility Study by Women's Network Program of Open Society Institute Assistance Foundation, 2004. Page. 25.

⁴ www.millimadjlis.gov-az

Ministers based on information received by corresponding ministries and organizations about the implementation process and progress of the president's decree.

In 2000, the Cabinet of Ministers approved a National Plan for Action on Women's Issues for the years 2000-2005. "This plan was based on the strategy of the Beijing Platform for Action taking into consideration the current situation and priorities of the country. This document, prepared with participation of ministries, state committees and non-governmental organizations, envisions preparation of state programs, as well as taking concrete urgent measures on women's problems."⁵ Within the National Action Plan framework, gender-segregated data started to be collected on the state level, and in 2003 the State Statistics Committee published the first collection of statistics, "Families in Azerbaijan", which includes gender-segregated statistics in areas such as "family demographic features, health care, employment, living standards, household budget and criminality."⁶

To implement the National Action Plan for 2000-2005, and to implement gender mainstreaming, the State Committee established an Inter-organizational Council consisting of government agency representatives (focal points) and women's NGOs. The coordinating function was realized by the State Committee on Women's Issues. The State Committee on Women's Issues took certain steps to provide more thorough data on women's participation in the process of planning and decision-making concerning serious social problems, specifically in poverty reduction. Progress has been achieved in acknowledging the increasing problem of inequality between men and women as one of the main causes of poverty.

Today we are observing the *fourth phase*. The political processes taking place in Azerbaijan require searching for new mechanisms based on acknowledgement that women achieve independence through the strengthening and social protection of the family. In early 2006, by Presidential decree, a new committee, - State Committee on Family, Women and Children's Affairs - replaced the abolished State Committee on Women's Issues. This unexpected transformation of a national mechanism, with enhanced powers, resulted in immediate public discussion, ranging across the spectrum from extreme approval of the idea⁷, to extreme disapproval.⁸

⁵ Report of the State Committee for Family, Women and Children's Affairs of Azerbaijan Republic on questionnaire for governments with regards to implementation of Beijing Platform for Action (1995), B.: PD Abilov and sons, 2005. P. 3-4.

⁶ "Family in Azerbaijan. Statistic data on Azerbaijan" 2003. , B.: "Sada" publication, 2003.

⁷ "Situation in Azerbaijan is characterized with large consolidation of society around family values, as in Soviet times, a family for an Azerbaijani – this is the last castle, which he/she is ready to protect by all possible resources. Instead of structures and cells of civil society, family is considered the first and last cell consolidating the society. Abbasov A. Woman's image and patriarchy of power in the Republics of South Caucasus. <http://www.gender-az.org/news/> 12 February.

⁸ "Women again were shown their places in social life - back to family under compulsory eyes of government"

The State Committee on Family, Women and Children's Affairs reports to the Cabinet of Ministers of the Azerbaijan Republic and is considered the main national mechanism for providing equality between genders.

The gender mainstreaming strategy in the Charter of the State Committee is realized on two levels of executive power:

- On the level of ministries and government agencies included in the structure of the Cabinet of Ministers (Interagency council coordinated by the State committee);
- On the level of regional branches of executive power coordinated by the President's Office of the Republic of Azerbaijan.

Coordinators (focal points) responsible for carrying out gender policy in ministries and government agencies are included in the Interagency Council and working groups of projects implemented by the Committee, as well as by international organizations. The main coordinating task of the State Committee is to monitor the State gender policy.

The status of women in society is one of the main indicators of a state's international political prestige. The Azerbaijani government is very sensitive to the opinion of the international community concerning this question. The State Committee on Family, Women, and Children's Affairs actively holds seminars and conferences with the involvement of international professionals and experts, where the issues of gender equality, discrimination against women in Azerbaijani society, and related programs aimed at women's adaptation to new job market opportunities. But policy often does not keep up with changing reality. It is necessary to bring new skills, means, and methods to reach gender equality; presently, however, even those few preferences for women offered by legislative acts remain useless.

National mechanism on gender equality in Azerbaijan through point of view of public opinion

The methodological base used for monitoring follows:

- The Beijing Platform for Action introduces a plan for practical action and identifies the main responsible parties;
- The Convention on Elimination of all kinds of Discrimination against Women (CEDAW) introduces practical instruments for assessing the impact of women on the process of

decision-making, for the realization of human rights, as well as for reporting by Governments;

- The MDGs are international development goals used for establishing gender equality on the policy level;
- The National Strategy on Employment (2006-2015) is an operational framework for the interpretation of MDGs national tasks and priorities into national policy and the division of resources;
- The Law on Gender Equality (2006), whose adoption defined, for the first time in national legislation, an independent branch of state policy for eliminating the imbalance between opportunities for women and men in equally exercising those rights provided them by the Constitution and laws of Azerbaijan. The law regulates relations in providing constitutional guarantees of equality between men and women in the social, political, cultural, and every other sphere. It is directed towards eliminating discrimination between genders and building state guarantees of equal opportunities for both genders.

Methodology of the monitoring

The methodology for the first stage of monitoring consisted of studying and analyzing the effectiveness of national mechanism on gender equality based on “two-sided focused section on vertical and horizontal lines of social action methodology”⁹, meaning, one section on the level of national mechanism structures (i.e., organizations) and a second section on the level of the daily life of women in the regions. This kind of two-focused analysis from one side allows analyzing the effectiveness of the work of organizational elements of national mechanisms on the ministerial and regional levels.

From the other side, our analysis lets us learn women's familiarity level with legal acts on gender equality and the work of official entities from their experience. Establishment of gender equality policy is the direct responsibility of these official entities, because the important part of state policy on gender equality is not only to improve gender equality and the situation of women on the level of government entities, but also to develop and strengthen mechanisms ensuring the protection of women's rights in their daily lives.

⁹ Small.A. The Meaning Of The Social Science. Chich., 2001,P.76

Geographic scope of the monitoring

The geographic scope of the monitoring was selected based on the following regional considerations:

- Kurdamir and Neftchala – regions in the central part of the country with a mid-level economy
- Lankaran – a developed region in the South. Gender stereotypes are known to be formed under the influence of this complex region.
- Khudat – a small resort city in the North bordering on Russia. The city's residents have active professional relations with their neighbors. They often go to Russia to earn money, which is also reflected in gender stereotypes.

We decided to focus on these regions, because we think that by studying how gender policy is realized in relatively non-problematic regions, it should be possible to judge its effectiveness as a whole in the entire country.

Identification of respondents

A total of 120 women were surveyed, ranging in age from 18-60 years. The respondents were therefore women in the economically active category, ten percent of whom were between 18-22 years old and 38 percent of whom were between 55-60 years old. We wanted to survey more younger women, but they showed interest neither in being surveyed, nor in being interviewed orally, claiming they were busy, or fearful that their families would not support this. Older women, however, almost insisted that their views be heard.

The majority of women surveyed – 44 % -- are in the age group that should be influenced in their lives by the Law on Gender Equality. By the logic of the Law, this group of women should feel the results of the national mechanism on gender in terms of rights to decision-making in all levels of government structures, realization of labor opportunities, and establishment of principles of social protection. Unfortunately, as these monitoring shows, this does not happen. The process of establishing gender equality on the regional level is stagnant.

Selection of respondents was focused on the more or less traditionally-feminized spheres in the Republic: education and health. Eighty-six percent of respondents were kindergarten teachers and directors, education specialists, teachers, school directors; physicians, and gynecologists.

Seven percent of the respondents were employees of regional Executive Power offices and municipalities, and the other seven percent were farmers and private business owners.

77.3% of respondents had children. From responses to this question, one can conclude that large families are disappearing from our society: 58.8% have two children, 22.3% have three, 7.7% have one, while 22% have none.

Stagnation of gender policy in regions

Women show indifference to social life; surprisingly, this tendency is most common among younger women.

Table 1 – Do you participate in social life (if yes how?)

Do you participate in social life (if yes how?)	%
Yes	19.2%
No	67.3%
Didn't answer	13.5%
Total	100.0%

Only 19.2% of respondents are interested in social activities; these are basically elderly and single women. Among the sections in the questionnaire, where the types of activities are named, the committee of *aghibirchak*¹⁰ stands in the first place. More than 36% of respondents work on that committee. This suggests that this is the only public entity in the regions for women. It should be noted that this committee works without donor support or direction; it is a place where members share their life experiences.

There is only one young woman in the youth parliament of Azerbaijan. The majority of female members of municipalities are older women. Thus, one can conclude that regional structures responsible for gender equality work very little with young women. The most active segment of their target group is women of retirement age, the age group formed during the Soviet period.

The young women who participate in social life choose activities close to their family obligations. In particular, the more or less popular form of social activity for young women is either parental committees, or associations of teachers and parents.

¹⁰ In Azerbaijan old wise women are called *aghibirchak*, which means white fringed in English, and wise old men are called *aghsaggals* – white beard)

Young women's social apathy is explained by lack of free time, absence of additional classes for their children and perhaps themselves, and pre-schools. From this, it can be concluded that regional structures responsible for gender equality have not included social protection of women in their list of priorities.

Table 2 – How do you participate in social life?:

How do you participate in social life?	%
Members of Parent-Children-Teachers public union	3.1%
Members of public union Parent-children and Teachers public union	4,.
Municipality members	16,0%
Members of “Youth” union at central library	11.1%
Committee of elderly women	36.1%
Coordinator on gender at central library	11.1%
Member of Azerbaijan youth parliament	2.1%
Participation in the work of rights center	6.4 %
Total	100.0%

It is not by chance that only 70.2% of respondents answered yes to the question, “Do you know that the Constitution of Azerbaijan provides equal rights for men and women?” But among the 29.8% who answered no, or didn’t answer at all, there is no elderly woman. 76.2% of women believe that, based upon national traditions, men have more rights

Table 3 – Constitution of Azerbaijan Republic provides equal rights to both men and women:

The Constitution of the Azerbaijan Republic provides equal rights to both men and women	%
Yes	70.2%
No	9.6%
Difficulty to answer	14.4%
Didn’t answer	5.8%
Total	100.0%

A very troubling tendency in establishing gender equality in the regions is that every second woman believes there is a lack of personal security.

Table 4 – Do you need protection for your rights?:

Do you need protection for your rights:	%
Yes	51.0%
No	42,3%
Difficult to answer	1.9%
Didn't answer	4.8%
Total	100.0%

The percentage of women whose rights have been violated, or who have been discriminated against in any sphere, is even higher. 64.5 % of women believe that in their environment, women are protected very little, whereas only 13.5% confirm the fact of total equality of rights.

Table 5 – Are there any women in your neighborhood who need protection of their rights?

Are there any women in your neighborhood who need protection of their rights?		%
Yes	67	64.4%
No	14	13.5%
Not sure	20	19.2%
Didn't answer	3	2.9%
Total	104	100.0%

To the question: **Who is responsible in the region for implementation of gender policy?** – 71.2% couldn't answer and 18.2% answered that they don't know.

Table 6 - Who is responsible in the region for implementation of gender policy?

Who is responsible in the region for implementation of gender policy?	%
The person who protects the rights of women	1.0%
I have no information	1.0%
Deputy Head of Executive Power office of the region on humanitarian issues	2.9%
Executive Power office	4.8%
Council of women	1.0%
I don't know	18.2%
Didn't answer	71.1%
Total	100.0%

The women's total unawareness of who is responsible for gender policy realization in their region sounds dismal, and proves the weakness of the regional implementation of the national mechanism. The lack of enlightenment work in the regions supports these facts about social apathy – 21.1% of women surveyed believe there is no relevant structure in the region to help them defend their rights. This percentage includes very young women with children. This supports our conclusion that the gender equality issue is not high on the agenda of regional structures.

Gender equality mechanisms in regions will not work as they should unless obligations to provide gender equality and to consider the gender as a factor are officially included in the job description of the person appointed as focal point. Coordinators on gender equality must be chosen not only by their job positions, but also by their experience and professional knowledge in the sphere of gender problems. The important factor in the appointment should be assurances by the candidate of the importance and value of gender equality, as well as understanding of its conformity with national interests. We recommend that the above-mentioned structural and content reformulation be done as soon as possible.

Influence of State Committee for Family, Women and Children's Affairs on establishment of gender equality in the regions

It is worth noting that women mention only the central mechanism for gender equality – the State Committee for Family, Women and Children's Affairs - as official protection of their rights. 46.3% of women surveyed appeal to this Committee when their rights are violated. The regional government and the public sector (English Editor's note: in Azerbaijan, the “public” sector refers to the non-governmental sector) are little effective in the view of ordinary village women, thus explaining why approximately the same number of women address their problems to them: municipalities – 11.6% NGOs – 10.4%.

More than three in four women surveyed know that a ministry dealing with problems of women and families exists. But less than half are aware that women's participation in political decision-making has been elevated to the state policy level. Correlation on party affiliation reveals that 64.6% of women are members of the “Yeni Azerbaijan” party.

Table 7 – Do you know that there exists a Decree of the Azerbaijani president “on Realization of state policy on women” dated March 6, 2000?

Do you know that there exists a Decree of the Azerbaijani president “on Realization of state policy on women” dated March 6, 2000.	%
Yes	48.1%
No	23.1%
Have heard something	17.3%
Didn't answer	11.5%
Total	100.0%

The hidden lack of acceptance of gender equality by the executive government, and the resulting lack of influence of the central mechanism on gender equality make it difficult to achieve equal rights and opportunities for women.

Table 8 – Was there any event in your region organized by **the** State Committee for Family, Women and Children's Affairs?

Was there any event in your region organized by State Committee for Family, Women and Children's Affairs?	%
Yes	36.5%
No	20.2%
Have heard something	31.7%
I don't know	1.0%
Didn't answer	10.6%
Total	100.0%

These results are unsurprising, because, as a rule, events on gender policy held in the regions are intended only for active women. Among the total 36.5% of respondents who answered positively to the question about events held in regions by the State Committee for Family, Women and Children's Affairs, 18.9% are members of Municipalities and 56.7% are members of a club for elderly women. Nearly all women who are members of elderly women's clubs stress that earlier they were members of the “Civil” society, and this club was established on the basis of that society.

Such meetings with representatives of the central entity on gender equality most probably have had little influence on the everyday life of women or on the practical work of regional state entities. 81.7% of respondents don't remember the topics of these events. 5.6% state that the discussions were about female entrepreneurship, 5.8% - fighting against violence, 2.3% state that it was a meeting with deputy chairwoman of the State Committee Sadagat Gahramanova, 2.5% state it was about general gender problems and 2.1% state that they came to enjoy their holiday.

These results suggest that events held in the regions with the participation of the central government entity on gender equality do not have a broad impact. Women still have poor knowledge of the work of the State Committee on Family, Women and Children’s Affairs. 62.5% of the respondents are not at all aware of the activity of this Committee. The following is the list of areas the respondents suppose the Committee deals with.

Table 9 – Which issues you think the State Committee on Family, Women and Children’s Affairs deals with?

Which issue do you think the State Committee on Family, Women and Children’s Affairs deals with?	%
Protection of women’s rights	15.6%
Preventing violence	3.9%
Problems of women and children	3.8%
Protection of women’s and children’s rights	1.0%
Entrepreneurship	2.9%
Does the reality of women’s lives conform with policy-level actions or by focal points	2.9%
Rehabilitation of women’s rights, fighting against violence, gender equality	1.9%
They deal with popularizing successful women	3.0%
Gender equality	1.0%
I don’t know	3.8%
Didn’t answer	60.2%
Total	100.0%

Only 1% of respondents know about gender equality; the State Committee mainly is associated with protection of women’s rights – 15.6%; fighting against violence – 3.9%; and women’s entrepreneurship – 2.9%. The irony in the answer – “it deals with popularizing successful women”, 3% , should be also noted.

The percentage of those who personally addressed the State Committee is 3%, but the majority of the respondents expressed their belief that this central entity can help if women ask them for help.

Table 10 - Can a woman rely on the State Committee to provide support in case her rights are violated?

Can a woman rely on the State Committee to provide support in case her rights are violated?	%
Yes	65.4%
No	15.4%
Not in all cases	1.0%
Didn't answer	18.2%
Total	100.0%

The efficiency of the work of the national mechanism traditionally is presented with high positive praise by government as well as by the national mechanism itself. But the most ordinary peasant women still have unresolved problems regarding employment, bureaucracy, poor living conditions, and family. Fortunately, rising social optimism also can be observed. The work of the State Committee on Family, Women, and Children's Affairs on organizing gender agitation, and TV programs can confirm this. These are civic initiatives; thus, they are the basis upon which gender equality culture should be built.

Table 11 – What would you personally like to wish for the State Committee on Family, Women and Children's Affairs?

What would you personally like to wish for the State Committee on Family, Women and Children's Affairs?	%
Wish they would be interested in problems of women in reality not just on paper	2.0%
There are many wishes, would like them to come to our living places	11.0%
Wish they would be interested in our problems, but I don't believe this	11.0%
More interest in children and women	3.0%
Good luck and success	5.4%
Strengthening agitation	4.0%
That they find solutions for domestic problems of women	27.6%
To keep their promises	1.0%
More help to families	19%
Creating work places in regions	15.0%
More TV programs and sincere discussions	10%
Total	100.0%

Acknowledging the social value of the family, we would like the State Committee for Family, Women and Children's Affairs to work out more regional programs directed at achieving gender equality in the political, labor, and education spheres, to establish the rights of women to a dignified life.

National mechanism on gender equality: experience, problems and perspectives of collaboration with civil society

The gender approach should be an integral part of all structural elements of a state policy. Also, it is important for civil society representatives to develop skills in protecting and promoting the interests of both genders, but particularly the gender interests of women as the group more vulnerable to discrimination, who make up 52% of the population of Azerbaijan.

The basis for establishing a dialogue between government and civil society on gender equality, in our view, can be a system of monitoring and evaluation of the effectiveness of institutional mechanisms. For the monitoring, it was important for us to get the information about the work of ministries on establishing gender equality. We used two methods: distribution of e-mail-questionnaires and telephone interviews. These are sufficiently effective methods that allowed us to evaluate the accessibility of government officials and their reaction to the questions about civil society. Questionnaires included the following questions:

1. *What gender equality programs does your organization implement?*
2. *Has your organization issued normative acts related to the Law on gender equality?*
3. *How does your organization collaborate with civil society to establish gender equality?*
4. *How often do women appeal on violation of their rights in the sphere your organization is responsible for?*
5. *What actions does your organization take when women appeal to your organization?*

The State Committee for Family, Women and Children's Affairs kindly presented us with all the contacts they had for ministry employees responsible in their ministries for realization of gender policy, the "focal points." Thanks to such organizational support, GEWI, as a member of civil society, addressed 20 ministries and 9 State Committees according to its Constitutional right of access to information. Within four months, we repeatedly addressed the following government entities by mail and telephone:

Ministries:

1. Ministry of Foreign Affairs
2. Ministry of Internal Affairs
3. Ministry of National Security

4. Ministry of Defense
5. Ministry of Emergency Cases
6. Ministry of Industrial Defense
7. Ministry of Justice
8. Ministry of Finance
9. Ministry of Taxes
10. Ministry of Economic Development
11. Ministry of Industry and Energy
12. Ministry of Transportation
13. Ministry of Social Protection and Labor
14. Ministry of Agriculture
15. Ministry of Ecology and Natural Resources
16. Ministry of Culture and Tourism
17. Ministry of Education
18. Ministry of Health
19. Ministry of Communication and Information Technology
20. Ministry of Youth and Sport

State Committees:

1. State Committee for Family, Women and Children's Affairs
2. State Committee of the President of the Azerbaijan Republic on Securities
3. State Committee on Refugees and Internally Displaced Persons
4. State Tax Committee
5. State Committee on management of state property
6. State Committee on Land Surveying and Mapping
7. State Committee of Statistics
8. State Committee on work with religious entities
9. State Committee on work with Azerbaijanis living abroad

But as the present research showed, using electronic questionnaires on gender equality is possible only in the following ministries: Foreign Affairs, Finance, Social Protection And Labor, Ecology And Natural Resources, as well as State Committees On Statistics And The State Committee On The Work With Azerbaijanis Living Abroad.

Trying to find the e-mail address to contact the “focal point” at the Ministry of Internal Affairs we could contact the functioning “hot line” at the Ministry of Internal Affairs on providing support to the victims of violence – but even there nobody could give us the e-mail we needed.

Although it sounds paradoxical, the fact that the Ministry of Communications and Information Technology, whose tasks and responsibilities directly include implementing an electronic government, hasn't provided its focal point with a computer. This supports the conclusion that states bodies responsible for gender policy realization are not accessible electronically, which contradicts the National strategy on development of Information Computer Technology. But at the same time, as all the Ministries have access to the Internet and are obliged to have web sites, this experience suggests that they are not interested in online communication with the civil society sector. Even on the web site of the State Committee for Family, Women and Children's Affairs there is no e-mail address through which an ordinary person can communicate, let alone receive a response from an e-mail message.

We were also interested in the status and job responsibilities of the civil servants carrying out the responsibility at his/her entity to realize gender policy. Only in two ministries are the gender policy coordinators vice ministers. They are Sevda Mammadaliyeva at the Ministry of Culture and Tourism and Irada Huseinova at the Ministry of Education. In 16 ministries and state committees, "focal points" are represented by the heads or employees of the human resources department or in some cases of a general department. This particular situation exists in the following ministries: Ministry of Internal Affairs, Ministry of National Security, Ministry of Emergency Situations, Ministry of Industrial Protection, Ministry of Taxes, Ministry of Economic Development, Ministry of Industry and Energy, Ministry of Transportation, Ministry of Agriculture, Ministry of Ecology and National Resources, and the Ministry of Communication and Information Technology. The same picture exists also in the following state committees: Committee for the affairs of Refugees and IDPs, Committee on Natural Resources, Committee on Tax Regulation, Committee on control over state property, and the Committee on work with Azerbaijanis living abroad.

The problem is not only in accessing the official responsible for realizing gender policy and his/her status (though this is also a matter of principle). The problem lies essentially in the level of authority and gender knowledge of these officials. Of course, the budget does not take into account resources for motivating these employees in the gender sphere, which would provide funds for an approach to gender problems to include activities of both a formal and a ceremonial character. Besides this, there is yet no program for capacity-building of government officials on gender in the country and, as the telephone survey indicates, the majority of representatives of the focal points lack even basic knowledge of gender issues. The lack of resources for their capacity-building creates an obstacle to quality work.

The lack of a precise system for collecting disaggregated gender data, and skill in their interpretation and application, make it difficult to perform gender analysis both on the level of certain elements of the national mechanism, as well as on the whole-country level.

The telephone survey with ministry representatives of the national mechanism indicates that state bodies hold a nearly identical view of certain elements. In particular, ministries shared the following data and information:

State Committee for Family, Women and Children's Affairs

To our telephone survey the State Committee for Family, Women and Children's Affairs answered that, as a result of gender policy realization, representation of women in government and decision-making entities is increasing. In 31 executive government entities, the deputy office heads are women. 14 women were elected to the Milli Majlis, constituting 11% of the total members. One of three vice-speakers is a woman; one out of 11 permanent committee representatives of the parliament is also a woman. Women carry out positions of the vice-chairperson of the Constitutional Court of Azerbaijan, vice-chairperson of the Cabinet of Ministers of Nakhchivan Autonomous Republic, chairperson and two vice-chairpersons of the State Committee of the Committee for Family, Women and Children's Affairs, chairperson of the State Commission on admission of students, four deputy ministers, one ambassador, one permanent representative in a foreign country, and Ombudsman of Azerbaijan and of the Nakhchivan Autonomous Republic.

Four out of 16 members of the Central Election Commission and three out of 125 chairpersons of district election commissions are women.

Women are active in non-commercial organizations. There are approximately 90 NGOs for women in Azerbaijan. Nevertheless, we would like to mention that, notwithstanding the Decree of the President of the Country dated 2000 on promotion of women to state service, there is no female minister and there is not one woman among the approximately 80 heads of Executive Power offices of cities and regions.

Within the framework of the Law on Gender Equality, as the State Committee stresses, a gender-budgeting column was included in the state budget.

Unfortunately, we were unable to get an answer to the question raised in the latest report of our country on CEDAW, that is, why does the national legislation not operate completely? It mentions principles of equal cost of labor, but uses only the principle of equal pay of labor, which is reflected in the Law on Gender Equality. In particular, Article 9 on "equality in paying

for labor” does not clearly reflect the concept of equal reward (pay) for labor *of equal cost*. CEDAW commits our government to include the notion of labor of equal cost.

The absence of the notion of equally rewarding men and women for labor of equal cost in the Law on Gender Equality in a certain sense creates the motive for indirect gender discrimination. The articles that look neutral from the gender point of view bring out the fact that the representatives of one gender (women) appear to be in a disadvantageous position. Indirect discrimination assumes that women and men can be compared between themselves as groups. Comparison of these gender groups shows that women remain in a disadvantageous position; thus, we have the right to call it indirect gender discrimination.

On a positive note, it is important to mention that the State Committee on Family, Women and Children’s Affairs always shared information with the Azerbaijan Gender Information Center and, in addition to the above information, also shared information about the following:

Suggested changes to the legislation

The State Committee on Family, Women and Children’s Affairs of the Azerbaijan Republic presented the Milli Majlis with recommendations on making changes to the Family Code. These recommendations include changes such as making the marriage age equal, decreasing the marriage age in certain cases¹¹, compulsory medical check-ups of the persons entering the marriage, and making the conclusion of the marriage contract compulsory.

Positive discrimination

On October 10, 2006 a law on “provision of gender equality (of men and women)” was adopted that defines “sexual discrimination”. This definition was extended to explain notions such as sexual pressure, and cases where discrimination and preference create obstacles to realization of sexual rights on an equal level (Article 2.0.4).

The important feature of the law on “provision of gender equality (of men and women)” of the Azerbaijan Republic is that it recognizes and reveals the factors and discrimination deeply rooted in certain norms which hindered women in exercising their rights and fundamental freedoms in the past as well as today. Accordingly, Article 3 intends taking special measures important in speeding up the *de-facto* provision of gender equality and providing women with fundamental gender equality.

¹¹Reduce the official age for marriage in urgent cases, such as if a girl is pregnant, etc.

Article 3 also unequivocally intends taking certain positive discrimination measures to the benefit of women in certain fields.

By this, Article 3 specifies the following as non-discriminative:

- Concessions, privileges and additional provisions for women identified by the Labor Code of the Azerbaijan Republic;
- Call for a Military service alternative for men;
- Different pension and marriage ages for women and men as identified by the law;
- Limitation of the right of a husband to demand a divorce from wife according to Article 15 of the Family Code of the Azerbaijan Republic;
- Creation of different conditions for men and women in prisons;
- Taking special measures for the provision of gender equality.

National Action Plan on Family and Women's Affairs for 2008-2012

After the National Action Plan on Women's Affairs for 2000-2005, an Action Plan for Family and Women's Affairs was worked out with the purpose of strengthening and developing family relations based on gender equality, creating a healthy society and by this contributing to the development of the country. Currently, the Plan is in the process of discussions with the related entities. This Action Plan addresses two important directions – demographic problems, family planning, reproductive health, and participation of women in decision-making processes, political, economic, and social life.

Ministry of Labor and Social Protection

With support of the International Labor Organization, the Ministry of Labor and Social Protection of the Population is actively engaged in problems of gender discrimination. Gulnara Hashimova, the senior Consultant of State Labor inspection at the Ministry reported that in February of 2009, a series of amendments to the Labor Code were enacted, among which included recommendations on inclusion of assistance with training on sexual harassment at work places or related to work and labor contracts. The article demands taking all manner of measures for protection of employees from sexual harassment. It was added to Article 50 of the

“Regulation of labor relations in hiring employees via competition” that “it is prohibited to announce a job opening only for representatives of one gender with the exception of cases as identified by the legislation.”¹².

The Ministry believes that, in the Labor Code of our country, gender issues hold importance for women as well as for men. An analysis of the Labor Code of the Azerbaijan Republic was made within the framework of gender policy. This analysis revealed a number of norms directed at prohibiting discrimination in the sphere of labor activity. The Labor Code of Azerbaijan Republic includes a *general* prohibition against discrimination, and it *additionally* distinguishes situations when discrimination is prohibited. After adoption of the Law on Gender Equality in March of 2009, the principle of observation of equal opportunities was added to Article 12 of the Labor Code which concerns the employer’s main responsibilities. Thus, the Labor Code of the Azerbaijan Republic does not allow discrimination against women in the sphere of labor and employment. Additionally, it includes a series of articles having the character of positive discrimination. Thus, we believe that the existing gap in the Labor Code is the absence of the concept of discrimination. Women can be faced with difficulties in proving discrimination but not the violation of labor rights. The prospective plans of the above-mentioned Ministry include gender adaptation of the labor legislation to conform to the Law on Gender Equality.

The focal point of this Ministry stresses that gender discrimination in the labor market is recognized on the official level and has been given a special place in the “State Employment Strategy”¹³. As the telephone survey shows, the Ministry of Labor and Protection of the Population organizes events on achieving gender asymmetry in the labor market. In this context we would like to mention that the absence of the concept of discrimination in the Labor Code leads to a significant difference in approach to aspects of gender discrimination. Part 1 of Article 16 of the Labor Code of the Azerbaijan Republic declares that no one’s labor rights can be limited nor can they receive privileges, “...not related to *professional qualifications of the employee*”. This discrimination, though it can seem insignificant, in practice can lead to a different perception of concrete situations connected with gender roles, because professional qualifications can be identified based on gender mentality of the employee and gender stereotypes of the employer. For example, can gender be considered a quality, if the issue is about hiring a sea oil worker? Or can the female gender can be considered a quality if the issue is

¹² Labor code. Article 50.

¹³ Employment Strategy of the Republic of Azerbaijan (2006-2015): Approved by Resolution 1068 of the President of the Republic of Azerbaijan on October 26, 2005, p. 59.

about helping in breast feeding? Besides this, in society as a whole, including women there is a lack of understanding and appreciation of women's professional qualifications. Personal qualities of an employee should not be identified as the same as specific requirements of the job. Especially Article 3, "The notion of basic terms used in the Labor Code of Azerbaijan Republic" does not include the notion of professional qualifications. It is expedient to change the formulation of *professional qualifications of employee* to *requirements connected to a certain job* in accordance with the requirements of CEDAW. This would *build legal conditions* for equal opportunities for realization of labor rights of men and women. Requirements for a job are objective, while professional qualifications are more subjective. This is especially important because, in the labor legislation of Azerbaijan, there is no notion of indirect discrimination and this makes it difficult to prove the case of **discrimination** based on gender.

We also consider it important to note that the International Labor Organization specifically stresses that "discrimination in the labor market can be faced in different forms of jobs and in different forms in all spheres of economics, not depending if the job is in real or non-formal spheres of economics."¹⁴ Our country's legal mechanism protects from discrimination only in the case of hired employees. But women most often belong to other segments of the work force such as freelance workers, owners of enterprises, and non-paid workers of family businesses.

The Law on Gender Equality regulates relations in provision of constitutional guarantees of equality of men and women. The subjects of legal relations in provision of gender equality include government, judiciary, and physical persons. The law prohibits all forms of discrimination on gender identity (Article 3.1.) and the notion of discrimination is used for the first time in the juridical practice of the Azerbaijani government. "Discrimination on gender – sexual harassments, any kind of discrimination, exclusion or privilege, limiting equal realization of rights in a negative way based on gender." (Article 2.0.4). As seen from the formulation, the prohibiting base for discrimination is gender. But as our monitoring showed in the regions, in Azerbaijan, hidden, rather than direct, gender discrimination is most common. That is why the absence of notions of direct and indirect discrimination in the Law on Gender Equality and in the Labor Code reduces the opportunities to prove discrimination attempts based on gender.

Article 6 of the Law on Gender Equality declares that the government realizes measures to eliminate all forms of discrimination based on gender. But later in the same Article, the responsibilities of government in banning discrimination are limited in the sphere of decision making. Thus, women are guaranteed non-discrimination in the sphere of decision-making, but

¹⁴ Equality at work: Tackling the challenges REPORT OF THE DIRECTOR-GENERAL Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work INTERNATIONAL LABOUR CONFERENCE 96th Session 2007 Report I (B) INTERNATIONAL LABOUR OFFICE GENEVA.

not equality of opportunities in labor and employment. The law on gender equality presents the notion of equal opportunities. “Equal opportunities are equal conditions and guarantees created for men and women in realization of human rights.” (2.0.3). But this Article requires obligatory inclusion of the subject, meaning it should identify who creates equal conditions and guarantees for equality of rights. According to international conventions that Azerbaijan has joined, including CEDAW, it is the direct responsibility of government to guarantee equal opportunities and relations.

The state gender policy in the labor market is concentrated in two directions:

- prevention of discrimination in the labor market;
- help in employment of women.

The government still has special policy on the situation of women in the sphere of employment and the labor market. Discussions on the policy of equal rights and opportunities are concentrated in strictly-identified fields: in the Ministry of Labor and Protection of Population and State Committee on Family, Women and Children’s Affairs. Beyond this clearly-identified political territory, problems of the situation of women in the labor market are not considered a priority.

Ministry of Justice

Dilbar Aghayeva, the head of general management over legislation of the Ministry of Justice and senior consultant of the department of social normative acts said that the Ministry has developed amendments to the Constitution concerned with juridical responsibility for discrimination. Additions to Article 25 of the Constitution of Azerbaijan Republic were made on the situation of giving someone privileges, or refusing to provide them, depending on a series of signals, including gender.

The telephone survey confirmed that since 2006, the official statistics have not registered any case based on the appellation code on sexual harassment at the workplace¹⁵. The representative of the Ministry of Justice mentioned in the telephone survey that an amendment has been made recently to Article 60.1 of the Administrative Violations Code, which prohibits pressuring an employee who has become the object of sexual harassment and sued his/her

¹⁵ United Nations CEDAW/C/SR.892 (B) Convention on the Elimination of All Forms of Discrimination against Women Distr.: General 14 August 2009 Original: English Committee on the Elimination of Discrimination .THE FOURTH PERIODIC REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN REPUBLIC OF AZERBAIJAN www2.ohchr.org/english/bodies/cedaw/docs/SR/CEDAW-C-SR-892.pdf

employer¹⁶. The Ministry of Justice offers capacity-building trainings for judges, employees of law enforcement bodies, and practicing advocates, with the purpose of increasing their knowledge of the Convention on Elimination of all forms of Discrimination against Women, as well as on preventing sexual harassment. “The majority of victims prefer not to testify about their case, fearing to lose their job, to suffer the negative attitudes of their co-workers, and not to prejudice their further career. The facts about cases where perpetrators have been brought to justice for sexual harassment in the workplace is practically absent.” Under pressure of public opinion and traditional superstitions, the majority of women-victims of sexual harassment prefer to keep silent. “Women facing sexual harassment don’t desire to speak out about crude offers as they are afraid of negative reaction not only by society, but also by friends and relatives.”¹⁷

According to the data of the Azerbaijan Gender Information Center, women’s NGOs note the increased incidence of sexual harassment as discrimination in the sphere of employment. Their fragile position in the labor market (high level of unemployment, limited opportunities for employment) means that dismissal from work is a real threat for many women. “Azerbaijani women prefer to keep silent about the facts of workplace sexual harassment by their colleagues and management. Women are afraid to discuss this topic. Women employees think that sexual harassment gives them moral trauma and harms their professional careers. Women have to look for other jobs in case they face sexual harassment and those who do not accept the situation and go against harassment are oppressed and fired from their jobs. Refusal by the woman facing sexual harassment to be silent leads to court, resulting in an increased number of similar cases”¹⁸. It is important to coordinate the efforts of different state entities and to combine the efforts of labor inspections, law enforcement bodies, courts, public rights protection and women’s rights organizations, and training organizations to increase public awareness of sexual harassment at the workplace.

According to the data provided by the focal point of the Ministry of Justice, 12% of the judges in the country are women. Five of these judges manage the courts and collegiums. Among more than 700 members of the Collegium of Advocates 105 are women. 876 women work in the Justice bodies. Among managerial positions, there are heads of departments of registration, notarial office and heads of other departments. It was not possible to clarify the number of

¹⁶ United Nations CEDAW/C/SR.892 (B) Convention on the Elimination of All Forms of Discrimination against Women Distr.: General 14 August 2009 Original: English Committee on the Elimination of Discrimination .THE FOURTH PERIODIC REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN REPUBLIC OF AZERBAIJAN.

¹⁷ Interview at the Ministry of Justice 02.12.2009.

¹⁸ Interview at the Ministry of Justice 02.12.2009.

women working in prosecutors' offices. The above-mentioned data proves that women are vulnerable to discrimination in admission to jobs as before in Azerbaijan.

Ministry of Internal Affairs

Serious gender discrimination is observed in law enforcement bodies. According to the data received from the Ministry of Internal Affairs, 615 women work in this Ministry, among whom 219 are officers. 19 among these officers hold managerial positions – deputy head of management, assistant to the head of management, heads of departments, and police clinics. While the number of women Ministry of Internal Affairs employees has increased, informants acknowledge that very few women serve in the Ministry of Internal Affairs regional branches.

Ministry of Education

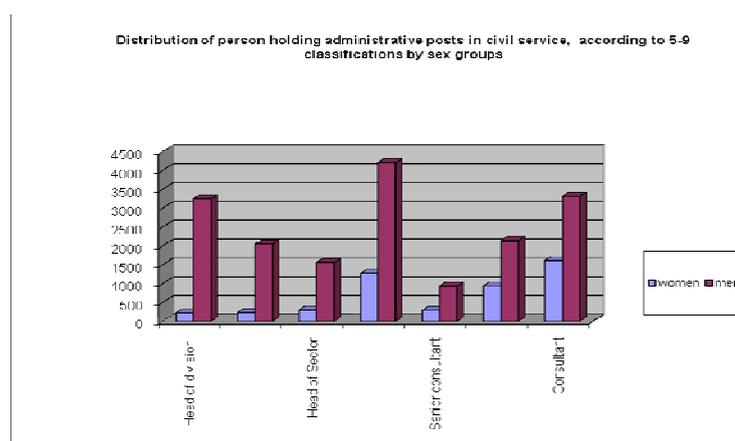
The representative of the Ministry of Education stated that gender expertise has been applied to national textbooks on the humanities. But it has not yet been possible to see the data on this expertise. The Ministry participates in projects of international organizations in preventing early marriages. As we were told in a telephone interview, in its activity on gender equality, the Ministry uses Article 14 of the Law on Gender Equality. The government prohibits different requirements for men and women during admission to educational entities, during formation of educational plans, or during evaluation of knowledge (14.0.1); creating opportunities for men and women in choosing a sphere of education (14.0.1), obligating an employer to create equal conditions for men and women to get basic and additional education, in using the right to take vacation related to getting an education (13.2).

No answer was received to our question: Are problems of professional education taken into consideration in gender issues? But it is very important to create conditions for a professional orientation in gender concerns related to increasing the capacity or education of women as it is the women who have breaks in labor activity because of maternity leave and taking care of children. The Law on gender equality does not take into consideration access to professional orientation and education. The Law guarantees the basic principles of equal opportunities in education and prohibits discrimination based on gender in the educational process.

Civil Service Commission under the President of the Republic of Azerbaijan

During the monitoring, a method of content-analysis of the web site of the Civil Service Commission under the President of the Republic of Azerbaijan was applied. Male dominance was obviously present, especially among participants in the trainings for local executive power bodies and local and regional divisions of the central executive power bodies. This detail is very characteristic, because it obviously proves human resource policy discrimination in practice. In the Academy of State Management of the President of the Azerbaijan Republic, among 25 of those trained in the faculty of Capacity building of civil servants, only 2 is women. In the courses for the employees of Municipalities at the Academy of State Management, the number of women does not exceed 5 percent. And this 5 percent are women working in the municipalities in the capital. The municipalities in the regions mainly send only men to capacity-building trainings.

The number of women applying to work in civil service is significantly fewer than men. The correlation between genders reflects the following data: “In October, the Commission registered 2338 candidates. 574 (24,6%) of them women and 1764 (75,4%) men. April 2009, the Commission registered 2862 candidates 652 (23,3%) women and 2210 (76,7%) men”. Approximately the same number – 23% of women and 77% of men – passed the first stage of the civil service competition. Unfortunately, we cannot track further from the gender perspective how the positions are filled and in which Ministry they get a job in the final stage, because the Civil Service Commission collects gender statistics only for the competition process. Gender discrimination in the civil service sphere can be judged based on official data¹⁹.



There are 14.4 times more men than women at the level of heads of divisions and 9.3 times more at the level of deputy heads of divisions. As seen from the chart, as the position's status

¹⁹ The table was prepared by the author of this research based on the information from several official tables presented on the Web site of CSC

decreases, the less obvious the gender difference becomes. At the last level, there are half as many female consultants as men, proving discrimination.

Effectiveness of national mechanism

The key national mechanism effectiveness indicator for gender equality is women's access to leading positions with good salaries²⁰. The "glass ceiling" shows itself in positions held, as well as in the labor payment level. The system for regulating the promotion of women in the civil service needs to include gender sensibility in labor relations not only today, but also in the future. Apart from the one Presidential decree and a section in the National Plan, this question is not addressed, although its ramifications are socio-economically harsh for women. Today, it is more likely that women, rather than men, will face decreasing social mobility, because their rate of career demotion is higher than for men.

The research performed within the framework of NHDR, illustrates gender stereotypes in the sphere of employment well. For example, the gender factor exists in all job preference evaluations by women and men. Women prefer jobs having more free time so they are able to take care of their households, followed by a job with a high salary, followed by only their household job, and lastly, a prestigious job. Men prefer a job that brings profit over a prestigious job. The problem of free time is not real for men, because, according to this study's data, the average amount of time spent by women on all kinds of household labor is 3.7 times more than for men. Parallel to this, women tend to be actively involved in the social sphere. 64.7% of respondents believe that a woman should be able to combine her household responsibilities with her career.

The unequal division of paid and unpaid labor plays an important role, which is revealed in the unequal advancement of men and women. In Azerbaijan, women perform the main unpaid job at home, including taking care of children and elderly people in the family. This imbalanced division of labor puts employed women in a disadvantageous position. Gender stereotypes abound in many spheres, but most notably in the sphere of employment. It is worth noting that the UN CEDAW Committee has consistently recommended that the Azerbaijan government fight stereotypes.

The problem of measuring women's unpaid household work remains difficult and unresolved. The horizontal and vertical segregation of women, and unpaid household labor are a discrimination problem not only during their working lives, but also will continue to have

²⁰ Report. [Labour Equality Bridling Complexities](http://www.business-magazine.ru/mech_new/staff/pub282971). http://www.business-magazine.ru/mech_new/staff/pub282971

discriminating consequences for men and women in retirement. In Azerbaijan, a new system of state pension provision has been applied, which assumes that, during his employment years, every employee and employer pays a certain amount of money monthly and by this guarantees the employee's pension. When the pension age is reached, the person is provided with a pension estimate based on the amount of money accumulated for years. This kind of system undoubtedly should grant a pension corresponding to the results of each person's labor. But in the sphere of labor (especially if we take into account the absence of legislative acts on the notions of equal pay for labor of equal cost), and in the sphere of family relations in Azerbaijan, there are no equal opportunities for men and women. For this reason alone, realization of the new pension system will discriminate against women pensioners, thus repeating discrimination against women for the second time in the sphere of employment. In this manner, as the national mechanisms monitoring shows, the consequences of gender discrimination will accompany a woman throughout her entire life cycle.

International experience on functioning of national mechanisms on gender equality

Strengthening of national mechanism

Achievement of equality between women and men, in the final analysis, depends on fundamental changes in relations and behaviors at every level of society, and from the local to the highest levels of government. National mechanisms may play an important role in stimulating and supporting such changes at all levels of society. For several years, governments of many countries have made efforts to find different ways of strengthening national mechanisms. In particular:

- In Ireland, specific temporary measures have been taken for provision of equal opportunities for men and women by eliminating certain types of inequalities. The law on gender equality of Ireland allows a minister to initiate establishment of a regime of preference for prevention of gender based discrimination, notwithstanding the general prohibition against preferable relations based on gender. In 2004, the minister of gender policy ordered a decree eliminating legal challenges in realization of special temporary measures. The wage gap between men and women in Ireland has been reduced to 16%, which is close to the average indicator in the European Union. The minimum wage has been increased, and amendments have been made to the labor legislation. A group under the management of the Ministry On Juridical Issues, Equal Rights And Reforms In Legislation, which includes trade union and administration representatives, Central

statistical management, and the National Council on women's issues has prepared a report that includes recommendations in reducing the wage gap.

- According to the law “On gender equality” of Great Britain, the ministers, representatives of government entities and directors of state enterprises should report to the Minister on gender equality once or twice a year. The report should include information on whether or not the ministers, heads of organizations, and enterprises have clearly interpreted the strategic course on achievement of gender equality. Also included are the details on each question, including employment gender configuration in each type of professional activity, as well as other aspects, which may, on evaluation, influence the work of ministers, government entities, and companies in implementing mechanisms for gender equality. The government entities' reports uniformly show that their work corresponds to adopted strategic plans and actions and is directed at achieving urgent goals of the policy on gender equality. The work includes implementing measures to establish a workplace atmosphere which creates conditions for combining professional and family obligations; to involve more women in managerial positions; to develop networking structures for women holding positions traditionally considered “male”, to provide a gender-neutral human resources policy in feminized spheres of activity.
- The law on “gender equality” in Spain requires local and regional government representatives to report to the minister on gender equality once or twice a year, including data on the principles of gender equality applied to the allocation of positions between men and women in local and regional government offices. The report should include how well local and regional government representatives have interpreted the strategic course on achieving gender equality. The reports should also include data on each question, including the employment gender configuration for each type of professional activity, as well as other aspects, which may, on evaluation, influence the work of regional and local government offices in implementing mechanisms for gender equality. This procedure guarantees that all of the population living in both these areas are involved in the of political decision-making processes.
- Since December 2003, information on implementing the gender equality policy of the Federal Republic of Germany at all levels of government management, as well as reports of the minister is available on the Internet at www.bmfsfj.de/. Citizens, employers, politicians and officials can independently review the contents of the reports, get familiar with the statistical data and results of comparative analyses of activity of local and

regional government offices; learn strategic courses and concrete action plans on achieving gender balance in society; get useful information for improvement of special long term plans in the sphere of gender policy. The internet resource offers visual proof that concrete measures are being taken to implement principles of gender equality. Overall, the reports indicate that more and more, gender-oriented strategic courses and concrete action plans are being prepared on the level of central, regional and local management.

- In the Czech Republic, a special minister is responsible for implementing gender equality policy in the framework of his own competence, addressing issues of special, as well as of general importance. Thus, the minister on gender equality first of all regulates the work of central government entities and then provides basic opportunities for realization of a gender balanced policy.
- In Slovenia, the Council on gender equality reviews complaints of violations of the principle of equal treatment of men and women. Any citizen can address this Council; the procedure is simple and there is no fee. If an employee is a member of a trade union and the text of the labor contract includes situations regulating the solution of such conflicts, the complaint should first be reviewed by the person's trade union. If the trade union management cannot or will not pass the complaint to the organization's arbitrage, then the case is reviewed by the Council. Citizens have the right to report discriminating practices existing in the labor market, in government management entities, in commercial organizations, in the spheres of education, health, social provision, private entrepreneurship activity, and in the financial sector.
- In Poland, the Law on Gender Equality is so thorough that the practice of realization of gender responsibilities is spread not only to government entities, but also to individuals and private organizations which fulfill social order functions, such as those providing social services to the population. These entities are considered subject to gender responsibilities if they are financed by the government budget, or have close relations with any government entity. Specific requirements have been formulated for every mentioned state entity and the private entities attached to them²¹. Thus, local government representatives are committed to design projects where the gender equality goals are identified in different spheres and their implementation methods are specified. In

²¹ Gender Equality Duty. Draft Code of Practice. England and Wales. Manchester; Equal Opportunities Commission, 2006. P. 58,59.

particular, great attention is given to working out measures to fill the gaps between the wages of women and men, including measures providing for fair career promotions and establishing opportunities to prevent professional segregation. Another priority problem is elimination of violence against women in the family and in other forms.

- The government of Ghana has increased the status of national mechanisms by raising it to the Presidential Administration level, with direct access to ministries, organizations and agencies.
- Apart from other measures, new ministries have been established in Italy, Namibia, Panama, Saint-Vincent and Grenada, the title “national mechanism” was changed when it was transformed into a Commission, whose head is either the current cabinet minister, or a new minister.
- In Albania, the national mechanism has been raised to the level of Council of Ministers with direct subordination of its chair to the deputy prime minister.
- Ethiopia, Indonesia, Iran, Kenya, Mexico, Nigeria, Senegal and Zambia are among the countries where agencies or departments for women’s issues have been established on different levels of government.
- In Mongolia, the national mechanism developed a national action plan on improving the status of women, after which each province prepared its own sub-program to provide for active participation of large groups of women.

Gender Problems in budget planning

In international practice, complex applications of the gender approach tend to focus on:

- The level of current micro-regulation, including annual budget planning, decisions on taxes and duties, management of internal and external departments, as well as payment balances;
- The level of structural reforms directed at increasing the effectiveness of financial resources and the elimination of poverty;
- Specific objectives such as liberalization of credit policy and micro-credit.

The gender approach to economic stabilization does not include financial analysis of social policy and programs on the protection of women. The key step in gender micro-economic regulation is an alternative analysis of how to reduce the budget deficit while stimulating

governmental activities related to producing human capital. These alternative programs encompass the broadest context, whereas the usual approach, as a rule, includes only education and health programs.

In many countries, national mechanisms played an important role in working out a policy of national development. The measures taken with the purpose of including the gender problem in budget preparation, reporting, and auditing is worth paying attention to. Connecting gender problems with budgeting and auditing can become an effective means for instituting a government reporting system and increasing awareness of different actions. As a result, neutral budget decisions can be seen to have an influence on men and women:

- Integrating the gender approach into the budgetary process, was started in Australia in the mid-1980s, and has significantly influenced the national mechanism on gender equality. At the government's suggestion, the ministries were given additional responsibility to prepare reports on the influence of assigned resources (but in some cases also in profitable articles of the budget) on the resulting status of women and men. This measure touched not only the entire national budget, but also the regional budgets. Civil society, unfortunately, has not been involved adequately in these processes, and this is one of the reasons why interest in this has paled. At present, budgetary gender expertise is required in only one Australian province.
- In 1993, the Association of Women's Organizations of Canada suggested the concept of "women budgeting". The concept of "women budgeting" connected resource capacity directed towards the protection of women and family with large resource allocations, directed at strengthening enforcement structures. Budgetary gender expertise has not yet been officially accepted in Canada, but it has, nevertheless, already affected tax policy. A similar process occurred in Great Britain.
- The gender approach was successfully integrated into the budgetary process in the mid-1990s in the South African Republic. "Women budgeting," performed for a four-year period, is reviewed annually. In the fifth year, a thorough report is prepared, dedicated to the influence of budgetary policy on gender relations and gender equality.
- In 2001, at a Conference in Brussels, the Secretariat of the British Commonwealth advocated introducing gender expertise into the budgetary process. Integrating the gender approach into budgetary policy is possible only by involving actors other than government into the budgetary process -- non-governmental organizations, representatives of civil society, scientists, members of parliament, etc. The key role here belongs to the Ministry of Finance and other entities concerned with budget formulation and preparation, as well as relevant legislative bodies.

- In Kenya, The Maldives, and Tunisia, the national mechanisms, in addition to everything else, helped the governments in fulfilling their obligations to include gender issues in all national development plans.
- In Swaziland, a Committee for gender issues has been established to work out a national development strategy, in addition to eight other committees in different sectors.
- The Philippines and South Africa are among those countries using the “gender budgeting” model created in Australia, which commissions all government agencies and management to include all expenses influencing men and women in preparation of budget documents.
- In Iran, the national mechanism head is a member of the cabinet of ministers, which makes it easier to include women’s issues in the budget items. Besides this, the national mechanism is used in analyzing the country’s budget.

Consideration of the gender problem in legislation, policy and programs

National mechanisms and procedures were involved in different events held to review legislation with the purpose of confirming that its propositions provide for gender equality and , that all government policy programs include gender issues.

- In India, a national policy project calls for the realization of women’s rights. Reflecting legal, institutional, and program actions regarding gender-based discrimination, the project also calls for appointing a national commission on women’s problems to review women’s complaints.
- In the Russian Federation, the State Duma and the Federation Council have adopted a strategy and basic principles for legislation against gender-based discrimination.
- In Portugal, a parliamentary commission was established to analyze legislation from the equality perspective.
- In Belize, a strategic plan whose aim is to achieve justice and equality was prepared. It takes into account the interests and needs of genders in government policy and programs.
- Columbia’s National department of planning established a permanent consultative group for gender equality. This entity has been given significant authority to include gender issues in the main directions of national policy.

Monitoring and reporting mechanism

National mechanisms and procedures play an important role in monitoring the realization of the Beijing Platform for Action propositions and in establishing the reporting mechanisms. They fulfill the difficult task of analyzing the measures taken by government and the results of these measures in women lives.

- In the Republic of Belarus, reports on the implementation of the National Action Plan, which provides for equality between men and women, are addressed to the Ministry of Social Protection and the Council of Ministers. Every two years, a report is made to the President of the Republic.
- In Finland, the national mechanisms and procedures coordinate the system of planned reporting and ongoing work in each Ministry.
- In the United States of America, national mechanisms and procedures are used by government agencies to prepare annual reports on implementation of Beijing Platform for Action propositions.
- In Ruanda, a Committee whose composition includes national mechanism representatives, United Nations agencies, bilateral agencies, and non-governmental organizations, is responsible for monitoring the realization of Beijing Platform for Action propositions.
- In Jordan, a Committee is responsible for monitoring the realization of Beijing Platform for Action propositions. Each participating entity, including high-ranking government officials and representatives of civil society, regularly presents status reports.

Collaboration with non-governmental organizations

Partner relations with civil society representatives play an important role in provision of sustainability and legitimacy of national mechanisms and procedures and can lead to changes in the women's social status. The Beijing Conference resulted in the establishment of new non-governmental organizations, the main task of which is to search for solutions to the problems of women.

- The Council of Women in Brunei-Darussalam, an umbrella organization composed of more than 2,000 persons, includes women's rights organizations and has collaborated

with the national mechanism and other government entities to establish the Fund to Fight HIV/AIDS and the Committee For Social Issues.

- In Turkey, the national mechanism and procedures were involved in establishing non-governmental commissions on the issues of health, education, employment and rights with the purpose of providing help in realization of the BPA.
- In Niger, a recently-established umbrella organization of non-governmental women's rights organizations composed of more than 3,000 persons has started collaborating with the national mechanism.
- In Eritrea, the composition of the national mechanism includes a network of non-governmental organizations consisting of more than 200,000 persons.. This organization's central committee members are high-ranking government officials or members of parliament who help foster the role of the national mechanism and procedures in the country.

Recommendations on improving the effectiveness of national mechanism on gender equality

In the sphere of political activities

1. It is important to develop mechanisms of state control that would allow creating conditions for inadmissibility of discrimination. In particular, to develop procedures for monitoring, measures for warning, and strategies for eliminating gender-based discrimination;
2. It would be a progressive step by the State Committee on Family, Women and Children's Affairs to initiate establishment of a Commission on elimination of all forms of discrimination. The Commission should focus on practical review of situations related to gender-based discrimination. Their work should be completely in accordance with the spirit and requirements of the Convention and based on international best practices;
3. To regularly monitor the implementation of gender policy by special ministries designated by the State Committee on Family, Women and Children's Affairs and by representatives of the civil society sector.
4. Since Azerbaijan has embraced the MDG, it should take on certain obligations, in particular, providing gender correlation on the level not less than 30% to 70% of the other gender in high levels of government by 2015.

5. To regularly monitor discrimination practices with the involvement of NGOs, to hold public awareness campaigns more often with the purpose of cautioning about violations of women's rights, especially in the sphere of employment and labor.
6. To broaden evaluation and monitoring by volunteers of progress achieved in the employment sphere;
7. To certify advanced anti-discrimination practices and reward its application;
8. To develop educational and consultation systems on the issues of gender equality in work places;
9. To develop effective control mechanisms implementing the inadmissibility of sexual harassment in work places, in particular through legal means for the general protection of women;
10. To obligate the relevant ministry, annually, to identify the number of women receiving support to develop a small business;
11. To obligate the relevant ministry, annually, to identify the number of women receiving bank credits;
12. To obligate the relevant ministry, annually, to identify the number of claims connected with gender-based discrimination;
13. To obligate the relevant ministry to implement education and consultation programs encouraging gender equality in work places and implementing gender equality law.
14. Through civil society, provide legal protection to women in court cases involving gender-based discrimination;
15. Coordination and collaboration on the level of government and institutions of civil society could stimulate the spread of gender budgeting in Azerbaijan. Here, where the basis of all the work should be knowledge of gender problems in different sectors, it is critically important to involve experts from social and scientific organizations;
16. To create a culture of gender equality;
17. To fight against widespread gender superstitions and stereotypes, in particular in the sphere of education and professional training, which results in segregation in the sphere of employment;
18. To create a culture of labor based on the interests of the family, and a working-hours regime that prevents discrimination in career development;
19. To develop a general approach for mobilizing and building partnerships among key actors on gender equality;
20. To include gender approaches in national programs in different sectors and development policy;

21. To implement effective propaganda, lobbying, and wide participation for raising gender equality questions on a high political level;
22. To create opportunities for participation of all levels of society in the process of identifying national goals and tasks for gender equality;
23. To implement disaggregated gender statistics and results in gender research;
24. To develop and implement a mechanism for participation, which requires equal participation of men and women in all stages of drafting and discussion;
25. To develop indicators for measuring the success of strategies in harmony with existing international and national obligations and indicators;
26. To disseminate knowledge on gender issues in other sectors through provision of technical consultations and expertise;

In the sphere of political activity on the regional level

1. To involve the national mechanism on gender equality in the development of regional structures;
2. To improve relations with regional power offices, experts, and NGOs working to protect women's rights;
3. To establish the precedent of applying gender expertise to regional normative acts;
4. To establish the precedent of applying gender expertise to budgeting through identification by an expert of the share in the regional budget spent for women, families and children);
5. To integrate women into the activity of regional local self-governing bodies to assist in monitoring existing administrative structures, mechanisms and programs to protect women's rights;
6. To assist in collecting regional gender statistics;
7. To provide informational and resource support to NGO workers' activities in the regions.

In the sphere of the national mechanism's effect on gender equality

1. To overcome a formal approach to national mechanism work;
2. To develop the national mechanism potential by building the capacity of gender specialists through increasing their knowledge and skills ;
3. To help officials acknowledge the lack of correspondence between the scope of the gender-equality problem and its presentation in public discourse;

4. To apply gender measures in programs preparing government officials to help achieve deeper understanding of political, social and economic development in the context of providing equal opportunities for women and men;
5. To re-orient resource donors and NGOs toward attracting budget resources for gender development.

In the sphere of legislation and law

Undoubtedly, the positive fact is that Azerbaijan is one of the first post-Soviet countries to have applied gender expertise systematically to national legislation. But the Ministry of Justice should implement regular review by gender-legal experts of drafts of normative legal acts as well as existing laws. Recommendations in the legal sphere include:

1. Improvement of national law, by implementing mechanisms of positive discrimination to ensure equal opportunities in access to jobs, career, professional training, new forms of economic activity, programs of social insurance and other resources, with the aim of eliminating gender discrimination;
2. Include in the Law on Gender Equality the notion “direct and indirect actual discrimination.” The law touches upon the notion of indirect discrimination, although the prohibition of indirect discrimination is taken into account in CEDAW and in the directive of the Council of Europe. This would recognize the difficulty in proving intent to discriminate on the basis of gender;
3. Include in the Law on Gender Equality a principle of equal access to moveable and immovable property, land, financial resources and credits, with the purpose of enabling a woman to be acknowledged as the sole owner or creditor of the property, business or financial credits, and able to participate fully in the management of her property, as recommended by the CEDAW Committee.
4. Include in the Law on Gender Equality obligations of government entities to provide equal opportunities for men and women (gender equality). In particular, to specify that government entities within the framework of their competence are obliged:
 - *To increase civil servants’ gender capacity in all government entities using the system of preparation and pre-preparation of government agency personnel;*
 - *To assist in realizing equal opportunities for men and women, including through adoption of normative legal acts, establishment of procedures, and taking other measures, including eliminating causes and conditions which challenge the achievement of genuine equality.*

- *To assist collaboration among public organizations and government entities which supervise and control gender equality policy. The entities exercising supervision and control of the legislation on equal rights and equal opportunities of women and men should collaborate in their work with public organizations working to promote women's rights and gender equality;*
- 5. To include in the Labor Code and the Law on Gender Equality the notions of legal guarantees as “equal pay for the work of equal value”;
- 6. To develop legal measures helping to apply the principle of equal pay for equal labor in the private economic sector ;
- 7. To develop legislative acts offering economic stimuli and privileges aimed at increasing employers' interest in hiring citizens with family responsibilities, including part-time or home-based jobs.
- 8. To review opportunities for including the notions of unpaid and paid labor, as the key challenge for equal opportunities in the sphere of labor remains the difficulty of harmonizing labor with unpaid family responsibilities;
- 9. *The Law on gender equality does not reflect the importance of changing social and cultural models challenging the achievement of gender equality. Add to the Law a proposition reflecting Article 5 of CEDAW, which is about changing social and cultural models of behavior of men and women “with the purpose of eliminating superstitions and traditions and other practices that are based on the idea of inferiority and superiority of one gender to another or stereotypes on the roles of men and women” and “to ensure that child-rearing includes the correct understanding of motherhood as a social function and acknowledgement of the general responsibilities of men and women in raising and nourishing their children...”*

In the sphere of labor and employment

1. To acknowledge one of the main goals of government to be the achievement and support of employment at as high and stable a level as possible;
2. To create equal opportunities for men and women in concluding labor contracts;
3. To create equal access for men and women to vacant positions;
4. To create equal opportunities for increasing qualification, for taking pre-preparation training, and for career promotion;
5. To ensure safe labor conditions, to protect the lives of both men and women;

6. To raise the competency level of young women, women with children, and women of retirement age in the labor market;
7. To ensure a fair attitude and equal opportunities to both genders in the employment sphere for those with family responsibilities;
8. To develop recruitment programs for the groups with special requirements based on gender, for those of retirement age and those with limited working ability (e.g. handicapped parents, single mothers, mothers with many children and secondary school female graduates);
9. To initiate an action program helping women in career development when it is recognized that women's participation in making decisions on the managerial and economic levels is inadequate;
10. To develop measures to realize the principle of equal pay for the labor of equal cost, to prevent wage gaps between men and women in sectors with preferable jobs;
11. To develop, in collaboration with social partners, an action plan with concrete measures to eliminate the gender gap in labor payment;
12. To foster government actions aimed at stimulating employers to hold voluntary reviews on the question of equal pay for labor;
13. To ensure reduction of the mixed influence of gender shifts and stereotypes on economic policy;
14. To increase women's access to economic resources through systems of economic stimulation;
15. To achieve the development of support systems and controls by strengthening women's participation in small and family business, including providing tax advantages, credits and insurance in these spheres;
16. To develop support programs for women on how to combine their professional and family responsibilities;
17. To assist in establishing a mentoring program for women and to support women through the help of professional networks;
18. To broaden the system of consultation and professional orientation of women wishing to establish their own businesses and help them in practical ways towards realization of the women's business program;
19. To establish more opportunities for women to increase their qualifications;
20. To strengthen the system of professional training for women;
21. To create conditions for professional re-adaptation and for increasing the qualifications of women who have gaps in their labor activity;

22. To strengthen the system of positive actions in education and increasing women's qualifications;
23. To develop special capacity-building and professional programs for village and IDP women who require more attention.

In the sphere of education and research on gender policy

1. To provide and support teachers and researchers in higher institutions with information and resources in pursuit of their expert work in the sphere of women's rights and gender equality.
2. To give special attention to involvement of *young* activists and specialists, to help in teaching them how to write policy papers to present to government entities;
3. To create a network of research projects in the sphere of gender policy;
4. To create a common database to include the results of official and non-governmental gender research;
5. To offer gender education programs to different population groups with the aim of fostering a culture of relations between men and women that excludes all forms of gender violence and discrimination in personal life, family, and professional activity.

In the sphere of MM and ICT

Together with NGOs, to form a research group to explore “the role of women in the sphere of communications”, which would ensure analysis of the:

1. level of representation of women, including identification of functions and responsibilities, in the sphere of communication, Media, TV, and Radio, with special attention given to advertising, institutional, political and business;
2. image of women in the Mass Media. For researching how women are represented in the Mass Media, it is important to prepare a guide consisting of a series of basic principles, which should be followed with the aim of decently representing women and helping society form a positive image of them.