

FORMATION OF THE INSTITUTIONAL FRAMEWORK OF THE STATE POLICY REGARDING WOMEN IN THE REPUBLIC OF AZERBAIJAN IN THE CONTEXT OF BUILDING THE RULE OF LAW (1998-2003)

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ABSTRACT

A In the present article discusses the policy measures in the field of gender equality in the Republic of Azerbaijan under the leadership of national leader Heydar Aliyev. Stressed that it was thanks to the decisive steps taken by Heydar Aliyev, came socio-political transformation of women. As a result of the policy in law was approved gender equality; received its legal registration of the guaranteed participation of women in government. The Republic of Azerbaijan officially joined many international acts and documents to eradicate female discrimination. For a specified period of gender policy of the Azerbaijani authorities acquired institutional framework. According to the decree of the President of the Republic of Azerbaijan dated 14 January 1998, the State Committee on Women, to coordinate and direct the state policy on women.

March 6, 2000 followed by a new decree "On the implementation of the state policy regarding women in the Republic of Azerbaijan", which reflected the main areas of women's participation in state and public administration. In the same year, on the basis of 12 Beijing strategies was developed and initiated the National Action Plan on Women; it identifies specific areas of concern and measures to improve the status of women. The article discussed in detail the activities of government agencies to implement these measures.

As a result of existing policies in the Republic of Azerbaijan for the years began the transition to equal opportunities for women.

KEYWORDS: Heydar Aliyev, Construction of the Legal State in Azerbaijan, National Women's Policy, Gender Equality, The Gender Legislation

INTRODUCTION

1998-2003 has special importance in the history of the construction of legal state in Azerbaijan. [1, 351].

Just after Law Reform Commission's starting its operation under the leadership of Heydar Aliyev in a short time more than 10 new codes, as well as, Labor Code on February 1, 1999, Family Code, as well as, Civil and Civil Procedural Codes on December 28, Criminal Code on December 30, Code of Administrative Offences on July 11, Criminal Procedural Code on July 14, the Election Code on May 27, 2003 and other codes, as well as, about 1000 laws were adopted. Legal reforms conducted in the country were based on a serious conception and the experience of the construction of legal state of developed states based on it, universal democratic principles, at the same time, the statehood history and traditions of Azerbaijani people were standing on its base [2, 22].

On December 25, 2001 ratification of European Convention "On the Protection of Human Rights and

Fundamental Freedoms” and its protocols no. 1, 4, 6 and 7 by Azerbaijan Republic [3] was another manifestation of the strategic course directed to the provision of rights and freedoms of country citizens of Great Leader Heydar Aliyev. On December 24, 2002 Constitutional Law “on the regulation of implementation of human rights and freedoms in the Republic of Azerbaijan” signed by the president of the country, Heydar Aliyev was aimed to be adapted to Convention dealing with the implementation of human rights and freedoms in the Republic of Azerbaijan [4].

Referendum act “on making changes in the Constitution of Azerbaijan Republic” conducted on August 24 and affected on September 19 of 2002 was an important event in the process of improvement of the constitutional basis of legal state in Azerbaijan. There were made 39 amendments to 24 articles of Constitution by referendum [5].

On March 5, 2002 the president of the country, Heydar Aliyev signed Decree on the application of Constitutional Law of Azerbaijan Republic “on commissioner for human rights (Ombudsman) of Azerbaijan Republic”. [6]. On July 2, 2002 law was adopted on making amendments and changes to some legislative acts of Azerbaijan Republic related to the application of Constitutional Law of Azerbaijan Republic “on Commissioner for Human Rights (Ombudsman) of Azerbaijan Republic”. On the same day Doctor of Chemistry, professor Suleymanova Elmira Teymur was elected as the first ombudsman of the republic [7, 10-11].

There was established State Committee on Women's Affairs by the decree dated on January 14, 1998 of the President of Azerbaijan Republic for the purpose of implementation of gender policy [8]. Doctor of Medicine, Professor Zahra Guliyeva was appointed as the chairman of this organization. By the way, this committee was the first state organization of women's affairs managed from a single center in CIS.

It was assigned to Cabinet of Ministers to develop relevant suggestions for the purpose of increasing the role of women in the political, social, economic and cultural life of the country by the other decree about measures on increasing the role of women in Azerbaijan” of the President that was given on the same day [9].

Extremely wide range duties and tasks of this institutions were identified in the “Regulations on the State Committee on Women's Issues of Azerbaijan Republic” approved by the decree of Heydar Aliyev dated on February 20, 1998. [10, 376-377].

In the “Regulations” not only the duties of Committee were interpreted in detail, but also its rights were being listed quite widely; the mentioned institution was given significant powers related to both domestic and also foreign activity [10, 377-378].

SCWA is based on the following strategies in its activity: strengthening national mechanisms for the provision of equality; including the issue of equality between genders in the legislation, social policy, state programs and projects; preparation and distribution of gender based statistic information [110, 27].

There were four department of Committee – Women rights and social protection (3 people), International relations (3 people), General Department (2 people), Financial –economic department (3 people) and technical and assistant personnel consisting of seven persons. The chairman of SCWA was appointed by the President and first Deputy Chairman and two Vice-Chairmen assisted to him/her. Personnel and programs were financed from the same annual budget and in 2003 total finance was 568, 5 million AZN and this was 0, 38% of total governmental costs [12, 24].

SCWA cooperated with Parliament in the field of the provision of gender equality and expansion of the

opportunities of women. So, Committee conducted discussions together with Parliament when there any gap in the legislation in the field of provision of gender equality [11, 29].

Committee translated the recommendations on the balanced participation of women and men in decision making in political and state level, human trafficking for the purpose of sexual abuse and protection of Women from violence by the Committee of Ministers of Council of Europe and disseminated them among governmental and non-governmental organizations. In 1998 and 2003 two National Women's Congress were held. In addition, Committee began to work on National Human Development Report on the Gender relations supported by UNDP and Government of Norway [12, 25].

During the period after the establishment of SCWA the conditions of gender mainstreaming in the country have been significantly changed towards the recognition of gender policy as an integral part of democratization from the strategy of gender awareness [13, 18].

One of the important events in strengthening the legal – normative base of gender policy in Azerbaijan was related to signing the decree on “the implementation of national women’s policy in Azerbaijan Republic” by Heydar Aliyev on March 6, 2000 [14, 311-318].

The function of control of the implementation of the decree was assigned to State Committee on Women’s Affairs, and it, in its turn, every year was preparing and submitting report based on the information obtained from relevant ministers, bodies and institutions on the implementation of the decree of the president to Cabinet of Ministers.

Thus, the decree of 6 March stemmed from the necessity to eliminate gender disproportion in governmental structures and actually, it can be considered as an important stage in the progress of our country from equal rights to equal opportunities, that’s the provision of women’s rights and freedoms in practice.

In June of 2000, “National Action Plan on women affairs for 2000-2005 in Azerbaijan Republic” was adopted by the Cabinet of Ministers of the Republic of Azerbaijan. All governmental structures, as well as, some non-governmental organizations participated in the process of the preparation of NAP [12, 27]. This program was developed based on 12 strategies of Beijing Platform covering a wide range of various problems related to women taking into consideration national priorities [15, 355-383].

The members of Coordinating Board regularly held meetings; achievements obtained related to the implementation of National Plan were discussed in such meetings and obstacles arising during its implementation and its solutions were identified. Relevant trainings were conducted in 10 regions by the support of the UN Children's Fund in order to increase the safety of birth and main care for new born [11, 3].

So, the strategy of inclusion of gender into the state policy began to be implemented in two levels of executing authorities: in the level of ministries and bodies that are the integral part of the Cabinet of Ministers (Coordinating Board): in the level of regions’ executive powers coordinated by the Apparatus of President [11, 28].

Soon, there were established department on gender problems within the composition of executive authorities of 16 regions of the country, significant organizational – technical support was provided to State Committee on women’s affairs and woman NGO, researches and important international documents which refer to gender equality were translated to Azerbaijani language and a number of cascade trainings were conducted on the topic of gender equality [16, 7]. Lack of resources for supporting gender initiatives in places caused to difficulties at that time. One of the important obstacles that

limited the efficiency of NAP was related to non-allocation of sufficient financial fund for the implementation of 95 specific measures that had been implied within its framework. [12, 28]

According to the results of survey conducted by SCWA in 84 regions related to the implementation of the tasks and duties set forth in the decree dated on March 6, 2000 of the President of Azerbaijan Republic, only 65 among 1947 representatives of heads of executive power were women in villages and 38 among 2724 heads of municipalities were women. 467 out of the elected members in the municipal elections held in 1999 were women and 21047 of them were men. Women headed 45 out of 927 joint stock companies and 1602 out of 19609 enterprises functioning in the regions. Only 2278 were women among 17229 persons working in law enforcement and judicial bodies. In addition, according to the information of 2004, only 3 women headed the executive authorities and 279 men and 45 women were working in judicial system [17, 24-25, 54, 60]. Only 22 persons out of 410 deputy heads of executive authorities were women and 55 out of 577 heads of department working in the structures of executive bodies at that time. Only 5 out of 88 persons working at higher positions in the health of republic were women [18, 49]. The existence of stereotypes about social roles of women and men in the society also said its word on this issue.

As a result of the elections held in 2000, 13 out of 125 members of country's parliament, that's 11 % was women. Though this was lower than the quote of 30% determined by the Economic and Social Board of UNO, it was higher in comparison with regional countries (Armenia, Iran, Turkey, Russia, Georgia) [19, 133].

According to the information referring to 2004, diplomatic corps of our state in abroad consisted of 175 people, and 10 of them were women. One among 25 ambassadors of Azerbaijan Republic and one among 2 vice-counsels were women. 41 out of 199 people working at the diplomatic positions in the central office of the Ministry of Foreign Affairs, as well as, only one among 14 chiefs of departments and 5 out of 22 heads of departments were women [13, 39].

During the mentioned years, government took important measures related to the protection of health condition of women. Young Family Program (1999-2003) approved by the order no. 27s dated on February 16, 1999 of the Cabinet of Ministers of Azerbaijan Republic had certain provisions related to the provision of health of young women [20].

Since 2000, reproductive health program started functioning and within its framework, 27 family planning centers were opened. Relevant information was disseminated and high –quality services were provided to women in fertile age by these centers [11, 7].

Since 2001, the program on the prevention of violence against women has being implemented for the employees of law enforcement agencies (police, prosecutor's office, courts) related to the problem of violence against women approved as a strategic direction in the National Activity Plan. In 2001, Azerbaijan participated in the Regional Information Campaign called "Life without violence" of Azerbaijan UNIFEM. 2003, State Committee on Women's Affairs translated the recommendations of Council of Europe on "the protection of women from violence" and "human trafficking for sexual exploitation" and related to this issue, there was established working group consisting of governmental and non-governmental organizations, as well as, experts of MM. [11, 10-11].

Related to the implementation of decision of "Program on the employment of refugees and internally displaced women" dated on September 26, 2000 approved by Cabinet of Ministers, State Committee on Women's Affairs implemented relevant programs directed to the improvement of the condition of refugee and internally displaced women, including joint women together with the Ministry of Labor and Social Protection and State Committee on deals of

Refugees and Internally Displaced Persons [11, 14].

SCWA created database on women working at senior positions in regions, ministries and bodies, as well, heads of higher educational institutions and women working there [11, 17].

“The list of industries, professions (positions) prohibited to apply woman labor, working conditions being difficult and hazardous, as well as, underground works” approved by the decision no.170 dated on October 20, 1999 of Cabinet of Ministers of Azerbaijan was an important legal document [21].

According to the law “on reduced working hours of civil servants for various categories” adopted on June 22, 2001, there should be determined working hour no more than 36 hours in a week for women who are not pregnant and don’t have a baby at a year and a half being in civil service [22].

The adoption of Law “On employment” (July 2, 2001) was important in this respect that determined the legal, economic and organizational basis of state policy in the field of support to employment, as well as, state provisions in the field of labor of citizens and social protection of unemployed people[23].

During the mentioned period, there was benefit systems for various social categories, as well women in the country. There were benefits or allowances for women according to pregnancy and birth, raising child to three years –old, caring for sick child etc. In 2002, there was spent state fund in the amount of 190,8 billion manat with the currency of that period for the payment of all types of family allowances, and this was 3,6 times more than the fund spent for analogical purposes in 1995 [13, 81-82].

On January 17, 2004, the government of Azerbaijan Republic assigned to State Committee on Women’s Affairs (SCWA) to develop the second and third (combined) report on certain Convention. This report covered 1996-2004 and it was developed in accordance with the guiding principles of CEDAW Committee [13, 6].

By the way, we should note that for the period after the first report the government of Azerbaijan Republic implemented a number legislative acts directed to the improvement of condition of women taking into consideration the final notes related to that report of CEDAW Committee and the decrees dated on January 14, 1998 and March 6, 2000 of the President of the country, National Activity Program and codes adopted at that period are evidences for this.

So, existing provisions on the rights and freedoms of citizens, as well as, women in the country’s constitution started to be implemented in a practical way by the legislative acts adopted in 1998- 2003. Just during these years, we witness the implementation of effective measures in the direction of transition of gender equality from de-jure level gradually to de-facto level.

SUMMARY

In the present article discusses the policy measures in the field of gender equality in the Republic of Azerbaijan under the leadership of national leader Heydar Aliyev. Stressed that it was thanks to the decisive steps taken by Heydar Aliyev, came socio-political transformation of women. As a result of the policy in law was approved gender equality; received its legal registration of the guaranteed participation of women in government. The Republic of Azerbaijan officially joined many international acts and documents to eradicate female discrimination. For a specified period of gender policy of the Azerbaijani authorities acquired institutional framework. According to the decree of the President of the Republic of Azerbaijan dated 14 January 1998, the State Committee on Women, to coordinate and direct the state

policy on women.

March 6, 2000 followed by a new decree "On the implementation of the state policy regarding women in the Republic of Azerbaijan", which reflected the main areas of women's participation in state and public administration. In the same year, on the basis of 12 Beijing strategies was developed and initiated the National Action Plan on Women; it identifies specific areas of concern and measures to improve the status of women. The article discussed in detail the activities of government agencies to implement these measures.

As a result of existing policies in the Republic of Azerbaijan for the years began the transition to equal opportunities for women.

CONCLUSIONS

Establishment of State Committee on Women's Affairs, signing decree on "the implementation of national woman policy in the Republic of Azerbaijan", development and implementation of National Activity Plan for 2000-20005 on women's affairs in the Republic of Azerbaijan, adoption of codes meeting the standards of modern democratic rule of law and provision of comprehensive support for women's rights in these codes can be considered as important steps in the direction of restoration of just actual equality.

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