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## **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:** 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.*

***Key words:** Heydar Aliyev, national, women's, gender, equality, legislation.*

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## Intraduction

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]. This decree included the basic provisions of modernism of idea- political outlook of Great Leader. The gender aspect of the mentioned outlook was expressed in detail in the following argument: “Azerbaijani women have gone through the development way equal to centuries in a short time in XX century. There were happened changes in their position in life, public life and family”.

Problems in the implementation of the decree dated on January 14, 1998 of the President of Azerbaijan Republic are described after talking about numerous problems with which women faced during years of independence: “The statistical information obtained on the representation of women in various fields of the life of republic, several ministries, body and organizations, in general, in the public administration system related to the implementation of decree showed that only 5 persons out of the heads of cities and regions of the republic more than 80 are women and even women are weakly represented in the positions of decision making in various professional areas and state authorities consisting of mostly women staff. Women head only to 5 among educational departments whose personnel are mostly organized by women and 8 out of health organizations in towns and regions. In the republic, legislative acts, decisions and resolutions adopted in different levels, particularly, decisions made in the Cabinet of Ministers, several ministries and bodies have not been examined in terms of the requirements of gender policy.

Complex measures were identified related to the involvement of women to the process of adoption of political decisions by the decree of the President. This document implies the provision of equality between women and men in all state structures of our Republic, employment of refugee and internally displaced women by the development of relevant state programs and re-consideration of legislation in terms of gender. It was assigned to Cabinet of Ministers to provide the establishment of equal opportunities for women with men guided by the requirements of gender policy in the implemented works within the framework of the economic reforms conducted in the country. Responsible persons were appointed on the issue of gender to governmental structures in order to realize the above-mentioned decree. According to the decree, one of the deputy heads of executive power in all regions of Azerbaijan should be appointed among women.

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]. It is intended to realize 95 measures during 5 years’ activity period that will be implemented by NAP

on the identified strategic areas (woman and economy, woman and education, woman and health, woman and violence, woman and armed conflicts, refugee and internally displaced women, women and human rights, women and mass media means, woman and environment, girls, participation of women in the decision making process and authorities, development of relations with international women organizations).

There was established interagency group in order to implement the provisions of National Activity Plan. The participation of both governmental structures and also NGO was implied in the implementation of National Activity Plan. 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]. In addition, within the framework of the implementation of National Activity Plan, responsible persons were appointed on gender to all central executive bodies and regional executive authorities of the government. However, the technical duties of responsible persons on gender were sometimes not clearly described. As well, 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]

As a result, at the beginning of 2000, the participation of women in the public administration structures and decision making process was not in a satisfactory level. 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].

### **Main Part**

By pointing out the facts about this issue, we get a link to the main part of our article topic. 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. Facultative course is organized for the police academy on the prevention of violence and protection of women from violence. Researches and surveys conducted among police officers, the employees of prosecutor's offices and judges revealed the attitude of law-enforcement authorities towards this issue, gaps in the field of information and participation of women in decision-making level in law-enforcement authorities. In 2001, Azerbaijan participated in the Regional Information Campaign called "Life without violence" of Azerbaijan UNIFEM. Beginning from 2002, State Committee on Women's Affairs joined to the action "16 days' movement against gender violence in Caucasus" together with the woman NGOs and woman boards in political parties and within its framework relevant workshops, conferences and discussions in MM were conducted. In 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. This working group conducted expert research on the compliance of national legislation referring to this area with the international agreements and developed recommendations and measures directed for the successful implementation of the obligations of Azerbaijan and elimination of violence against women [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].

Related to the participation of women in the activity of governing bodies and decision-making process, 14% of judges elected were women as a result of the implementation of certain measures implied in the National Activity Plan. The chairmen of supreme and appellate courts, as well as, a number of general and specialized courts are women. 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].

One of the priority directions of the policy of Heydar Aliyev was related to measures directed to the active involvement of women in the economic life. In the mentioned period, there were taken certain steps in the field of legal provision of the protection of woman labor in the country. “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]. Here, areas that should be limited by the reasons of health of woman labor on various directions of economy and production are given.

It should be especially noted that there were made amendments and additions on the condition of women in the legislative base of the country since 2001. 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]. Equal rights of men and women in the selection of profession were implied in the article 6 of Law that certified the basic principles of state policy in the field employment. According to the first item of article 9 called “Additional provisions for the employment of citizens who are in special need of social protection”, state gave additional provisions by organizing trainings on special programs and taking other measures by way of establishing additional workplaces and qualified institutions and organizations for citizens who have difficulty in finding jobs and are in need of social protection, as well as, parents with many children, parents having underage child and women who are raising children with disabilities. And also, there were determined employment quote for citizens belonging to the above-mentioned categories.

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].

During the mentioned period, the obtained achievements as a result o the woman policy implemented in our country under the leadership of our National Leader Heydar Aliyev , as well as, problems were reflected in the report submitted to relevant Committee of UNO on Convention “on the elimination of all types of discrimination against women”. 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]

## Conclusion

Thus, 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 (we have spoke about it in the previous subsection) 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, the strategic course of National Leader Heydar Aliyev implies the active and equal involvement of women with men in all fields of social life. In the mentioned period, the legal- normative base established previously has been more deepened and existing gender policy has gained new institutional level. 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.

Establishment of Sate 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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