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Presentation date: September, 2023

Date of acceptance: January, 2024

Publication date: March, 2024

## WOMEN IN INDEPENDENT

AZERBAIJAN: A STUDY OF LEGAL REFORMS PROTECTING WOMEN'S RIGHTS IN THE POST-SOVIET TRANSITION

### MUJERES EN AZERBAIYÁN INDEPENDIENTE: UN ESTUDIO SOBRE LAS REFORMAS LEGALES QUE PROTEGEN LOS DERECHOS DE LA MUJER EN LA TRANSICIÓN POS-SOVIÉTICA

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#### Suggested citation (APA, seventh ed.)

Abbasova, S. (2024). Women in independent Azerbaijan: a study of legal reforms protecting women's rights in the post-Soviet transition. *Universidad y Sociedad*, 16(2), 363-371.

#### ABSTRACT

The goal of this paper is to analyze the legal and policy reforms spearheaded under Aliyev's leadership in the 1990s that strengthened protections for women's rights during Azerbaijan's transition to an independent, post-Soviet state. Between 1993 and 1997, the National Leader Heydar Aliyev orchestrated a transformation of Azerbaijani statehood, but it was notorious that starting in 1998, Azerbaijan embarked on a journey to modernize its state institutions in alignment with democratic standards and to implement necessary reforms in its legal and regulatory framework. This process involved the adoption of new codes to replace the legal structures inherited from the Soviet era. While some modifications had been made to these Soviet-era codes in the 1990s, the demand of the time was for completely new codes that would meet modern constitutional standards and address the fundamental challenges facing the newly independent state. Then, this study examines the changes in the regulatory framework aimed at safeguarding women's rights, emphasizing accomplishments, obstacles, and prospects for further enhancement.

**Keywords:** National women's policy, gender equality, law codes, the gender legislation

#### RESUMEN

El objetivo de esta investigación es analizar las reformas legales y políticas impulsadas bajo el liderazgo de Aliyev en la década de 1990 que fortalecieron la protección de los derechos de las mujeres durante la transición de Azerbaiyán hacia un estado independiente postsoviético. Entre 1993 y 1997, el Líder Nacional Heydar Aliyev orquestó una transformación de la nación de Azerbaiyán, pero fue notorio que, a partir de 1998, Azerbaiyán emprendió un viaje para modernizar sus instituciones estatales en concordancia con estándares democráticos e implementar reformas necesarias en su marco legal y normativo. Este proceso envolvió la adopción de nuevos códigos que reemplazaran las estructuras legales heredadas de la era Soviética. Si bien se habían hecho algunas modificaciones a estos códigos de la era Soviética en la década de 1990, la demanda de la época era por códigos completamente nuevos que se ajustaran a estándares constitucionales modernos y abordaran los desafíos fundamentales que enfrentaba el estado recién independizado. Entonces, este estudio examina los cambios en el marco normativo destinados a salvaguardar los derechos de las mujeres, enfatizando logros, obstáculos y perspectivas para un mayor perfeccionamiento.

**Palabras clave:** Política nacional para la mujer, igualdad de género, códigos legales, legislación de género.

## INTRODUCTION

The concept of women's rights as a subset of human rights is a key theme that emerges in academic works on gender studies and women's issues. Nevertheless, while several scholars argue that women's rights should be fundamentally understood concerning universal human rights, rather than considered separately (Reichert, 1998; Tsetsura, 2013; Twiss, 2004), some specific women's rights should be discussed encompass a wide range of aspects in women's lives across different societies. For example, women's rights issues concerning laws regarding marriage, divorce, inheritance, and property ownership are fundamental topics (Vevaina, 2023; Zavareh, 2022). Other authors have discussed women's rights connected to marriage, motherhood, and reproduction - including rights to access contraception and abortion (Amuchástegui & Flores, 2013; Thapa, 2004). Maber (2016) and Mottaghi (2015) discussed the importance of women's rights to education, political participation, and representation. Overall, the literature argues that articulating demands for women's rights promotes gender equality by challenging traditional patriarchal power structures that have historically marginalized and oppressed women. In this regard, the language and legal frameworks surrounding women's rights give validation and authority to the experiences of gender-based discrimination faced by women globally. Thus, advocating for women's equality and empowerment through human rights discourse has been an impactful social and political movement over recent decades. However, there are still many areas requiring further activism and policies to ensure the full realization of women's rights universally (Silva & Minotre, 2023).

One of the main challenges regarding women's rights is the need to translate them into legal and regulatory frameworks. Legal frameworks for protecting women's rights create binding obligations on states to dismantle discriminatory social structures and ensure women can fully participate in all realms of society. For example, Cook & Ngwena (2006) emphasize the role of law in ensuring women's access to evidence-based, transparent, and fair health care. Sullivan (1995) provides a conceptual framework for state obligations to women's right to health, including the duty to respect, protect, and fulfill these rights. Arif (2019) through an examination of global agreements such as the Women's Convention and Covenant on Economic, Social, and Cultural Rights, delineates the international legal obligations of states to eliminate discrimination against women and ensure their equal enjoyment of fundamental rights. The paper also calls attention to the necessity of progressive realization and resolving justiciability constraints to fully promote gender equality

by safeguarding women's socioeconomic interests and entitlements under the law. These studies collectively underscore the importance of a robust legal framework in advancing women's rights although it is recognized that the topic is a complex and evolving area.

In the case of Azerbaijan, within a short period after the commencement of activity of the Law Reform Commission, more than 10 new codes were adopted under Heydar Aliyev's leadership. These codes include the Labour Code on February 1st, 1999; the Family Code; as well as the Civil and Criminal Procedure Codes on December 28th; the Criminal Code on December 30th; the Code of Administrative Offences on July 11th, 2000; the Code of Criminal Procedure on July 14th; the Election Code on May 27th, 2003, and other codes. These codes regulate women's interests to some extent and provide their rights, defending women against discrimination, harassment, and violence occurring in the family, life, and society. The principle of gender equality *de jure* was reflected more comprehensively in the codes. The equality of citizens was reaffirmed in the above-mentioned laws irrespective of gender identity, and responsibility was provided for any crime committed against women and children, with legal consequences for criminals who chose women and children as the object of their unlawful acts.

In addition, the purpose of the Labour Code of the Republic of Azerbaijan, adopted on February 1, 1999, was to govern the relations between employees and employers, as well as other legal relations derived from such relations between them and relevant national authorities and entities. The Labour Code of the Republic of Azerbaijan is based on principles such as the provision of equal rights between the parties regarding labour relations, and the superiority of the law, among others (Ministry of Labour and Social Protection, 2014). Generally, it should be noted that the objective of this code, like other codes, was to replace the Labour Laws Code of the Republic of Azerbaijan, which remained considerably from the legal system of the Soviet period and did not meet the new realities to a large extent. However, this substitution did not entail the revision of labour rights outlined in the previous code or the social achievements of the labouring population in a neo-liberal spirit. The new code continued the progressive traditions of its predecessor in the regulation of labour relations, modernizing and developing them in accordance with the requirements arising from the characteristics of the socio-economic system. It is no coincidence that, as before, Chapter 37 in the mentioned code was devoted to the labour rights of women and guarantees for their implementation.

Considering the above, the goal of this paper is to analyze the legal and policy reforms spearheaded under Aliyev's leadership in the 1990s that strengthened protections for women's rights during Azerbaijan's transition to an independent, post-Soviet state. It will examine Aliyev's personal prioritization of women's issues and the advancement of impactful legislative changes related to marital rights, employment equality, political participation, etc. It compares women's legal standing and socioeconomic status before and after Aliyev's presidency which helps substantiate the argument that his leadership played a pivotal role in elevating protections for women's rights in Azerbaijan amid sweeping reforms. However, we also point out some aspects that can be influenced, and in which work continues to eliminate gender gaps.

## DEVELOPMENT

### On women's rights in Azerbaijan's legal framework

The articles in Chapter 37 of the Labour Code of the Republic of Azerbaijan address various issues within the regulatory framework concerning women's rights in the workplace. These include:

- Article 240: Specifics of signing Labour contracts with pregnant women or those with children under the age of three.
- Article 241: Prohibition of certain jobs and workplaces for women.
- Article 242: Limits on calling women workers for night shifts, overtime, weekend jobs, or job-related travel.
- Article 243: Assignment of light-duty tasks for pregnant women or those with children up to the age of one and a half years.
- Article 244: Breaks for feeding a child.
- Article 245: Cases of assigning part-time work for women and paying their wages for time spent on physician's examinations.

Additionally, provisions in other articles such as 12, 16, 21, 31, 50, 52, 66, 67-1, 79, 91-ci, 94, 98-ci, 105, 113, 117, 125, 126, 127, 130, 131, 133, 154, 155, 211, 228, 251, and 256 also include regulations governing the labour rights and relations of women to varying degrees. In total, 33 articles out of 317 pertain to women and other provisions within the code also clarify women's labour rights and responsibilities among various socio-demographic categories.

The mentioned code has been extensively interpreted (Gasimov, 2007) and subjected to a wide range of gender expertise (Ibrahimova, 2008). Additionally, its provisions related to women have been expounded in the scientific

literature (Ibrahimbeyova, 2007). Due to this reason, there is no need to interpret and analyze it here in detail. Therefore, we would like to touch only on some provisions specified in the code, as well as the others, which govern certain issues associated with women's labour rights.

Initially, we would like to note that, along with other provisions in labour relations, Article 16 of the above-mentioned code strictly prohibits discrimination among employees based on sex, the establishment of privileges and benefits, or directly or indirectly limiting rights based on these factors. According to Item 2 of the same article, concessions, privileges, and additional protections for women, the handicapped, persons under the age of 18, and others in need of social protection shall not be considered discrimination (Ministry of Labour and Social Protection, 2014). The principles reflected in Part 6 of Article 35 of the Constitution of the Republic of Azerbaijan and Convention No. 111 (1958) of the ILO regarding "Discrimination in the field of employment and occupation," to which Azerbaijan is a signatory, were transferred to the legal and practical level.

In Article 12, titled "Basic Employer Obligations and Responsibilities," the basic obligations of the employer are considered to create equal opportunities and an equal approach to employees, regardless of gender, in employment, dismissal from work, advanced training, mastering a new specialty, professional development, and assessing the quality of work. Employers are also obligated to create equal working conditions for workers regardless of gender, to not apply different administrative disciplinary measures for the same misconduct, and to take necessary measures to prevent discrimination based on gender and sexual harassment. On the other hand, according to Article 79 of this code, in other social categories, employment contracts for pregnant women and women with children under age three, as well as men independently raising children under three, may not be terminated based on grounds determined in Article 70 of this Code (Ministry of Labour and Social Protection, 2014).

According to Article 240, it is prohibited by law to refuse to sign a labour contract with a woman who is pregnant or has a child under the age of three. If an employer refuses to sign a labour contract with such a woman, they must explain the reason behind their decision in writing. If a woman faces such refusal, she has the right to seek justice from a court of law to protect her rights (Ministry of Labour and Social Protection, 2014). Therefore, the principle contained in Article 11 of the Convention on the "Elimination of All Forms of Discrimination against Women" has been enshrined in the legislation of the country. Furthermore, the provision specified in the mentioned article was also

considered in the previous Labour Laws Code adopted in 1971. However, unlike the former Code, the rules regarding the signing of labour contracts with pregnant women or those with children under the age of three, or the termination of concluded contracts, have been distinguished from each other and applied to separate regulatory norms (such as Articles 66, 72, 75, 79, 98, etc.) in the Labour Code (*Constitution of the Republic of Azerbaijan*, 1995). The right of women to enjoy equal working conditions, including the right to leave and compensation, has been sufficiently reflected in the Labour Code.

In addition, the XVI–XVII chapters of the code regulate the right to labour leave, periods of leave, social leaves, unpaid leaves, terms for payment of wages for vacation time, and other related issues, as well as Section VI on work quotas, forms and methods of compensation, and compensation guarantees, all of which constitute an obvious realization of this right. Four types of leave are provided in the code: vacation, social leave, educational and creative leave, and unpaid leave (Article 112). Vacation consists of annual base vacation for employees in a specific position (profession), and additional base vacation granted according to the industry involved in the employee's labour and work experience, as well as for women with small children. This vacation may be granted either together or separately (Article 113). According to Article 117 of the code, regardless of the amount of base and additional vacation time, working women with two children under the age of 14 are eligible for 2 additional calendar days of vacation time, while women with three or more children of this age or with disabled children are eligible for 5 additional calendar days of vacation time, with these additional leaves being paid (Ministry of Labour and Social Protection, 2014). Pregnant women may use their social leave time immediately before or after their pregnancy and maternity leaves (Article 131).

The XIX chapter of the code, titled "Social Leaves," which contains three articles (Articles 125, 126, and 127), is entirely applied to women. According to it, a woman shall be granted pregnancy and maternity leave of 126 days, starting seventy (70) calendar days before childbirth and ending fifty-six (56) calendar days after childbirth. In the event of abnormal or multiple births, women shall be granted seventy days' leave after childbirth (Article 125). Women who have adopted children under two months of age or who are raising them without adoption will be entitled to the 56 calendar days of social leave specified for after birth, as well as to additional leave defined in Section 117 and partially-paid leave defined in Section 127 hereof (Article 126). A single parent or another family member who is directly caring for a child until it is three years old

shall be eligible for partially paid social leave in the amount determined by legislation (Article 127). Unpaid leave has also been considered in the code for one of the parents of a chronically ill child or another family member directly engaged in childcare until the child reaches the age of four, for up to 14 calendar days for women with children under the age of 16 or single parents or guardians (Article 130) (Ministry of Labour and Social Protection, 2014).

Moreover, the principle of equal wages, confirmed in several international conventions that the Republic of Azerbaijan has joined, and by Article 35 of the state constitution, has been clearly reflected in the code. For example, in Article 154, it is specified that "Employee wages may not be reduced in any way, nor may employees be paid less than the minimum wage set by the State in violation of Section 16 of this law banning discrimination" (Ministry of Labour and Social Protection, 2014).

The XVIII chapter of the code, which includes working time and regulation rules, also considers special provisions concerning women. For instance, working hours reduced by Article 91 are established at 36 hours per week for pregnant women and women with a child under the age of one-and-a-half. According to Article 94, for women with children under 14 or a disabled child, the employer shall be obliged to arrange part-time work (workday or workweek) based on their applications. In the spirit of positive discrimination, pregnant women, women with children under the age of three, and individuals under the age of 18 are not permitted to work at night (Article 98).

Positive discrimination can be found in Article 241, where jobs and workplaces that employ women are prohibited, and in Article 242, where the calling of women workers for night shifts, overtime, weekend jobs, or job-related travel is limited. However, these provisions serve to protect the health of women, and no discrimination is allowed there. According to Article 11 of the Convention on the "Elimination of All Forms of Discrimination against Women," legislation that prohibits the employment of women in certain fields and hours (for example, at night) must be supported by scientific grounds. Otherwise, such laws allow discrimination and are contrary to Article 11 (Huseynova, 2012).

Chapter 37 of this code, which is devoted to the labour rights of women and guarantees their implementation, represents the legal framework to coordinate the productive and reproductive functions of women. Moreover, for unjustifiable termination of the labour contract of a woman who is pregnant or has a child under the age of 3, a penalty has been provided in Article 164 according to (Agayev, 2014).

The provisions in the Labour Code related to the social protection of pregnant women or those with infants were supplemented to a certain extent by the Law of the Republic of Azerbaijan "On Nutrition of Infants and Children of an Early Age," adopted on June 17, 2003. Article 5 of this law specifies that social protection of pregnant women and nursing mothers consists of creating a correct labour regime, rest, and nutrition for them; providing timely preventive and medical-sanitary assistance; eliminating factors that cause stress; implementing patronage services; conducting propaganda work and medical enlightenment related to breastfeeding, as well as other arrangements. Nursing mothers with babies under 1-year-old are given a monthly allowance, the amount and order of which are determined by the appropriate body of executive power.

Furthermore, the issue of assisting in the provision of information and conducting explanatory work regarding sexual harassment in the office or in connection with the occupation, as well as preventing such harassment and applying all necessary and appropriate measures to protect employees from such treatment, has been provided in the list of mutual liabilities of the parties included in the Collective contract, in Article 31 of the Labour Code.

### **Challenges and opportunities**

As was analyzed, the gender equality principle is consistently upheld in the Labour Code of the Republic of Azerbaijan (Gasimov, 2007). On one hand, it demonstrates a high level of representation of women in the restored economy, stemming from the women's emancipation course realized within the framework of Soviet modernization strategies. This has led to an improvement in their employment across various fields of the national economy, an increase in vocational education, and access to practices such as mastering skilled professions. On the other hand, it serves as a clear example of the implementation of international treaties, UN, and ILO conventions adopted by our country in the sphere of labour legislation, not only in words but also in practice. This reflects a commitment to promoting gender equality and ensuring equal opportunities for men and women in the workforce.

However, it is evident that despite legal provisions aimed at ensuring gender equality in terms of salaries, women still face practical obstacles. As highlighted in the report submitted by the State Committee for Women's Affairs (SCWA) to the Committee on the Elimination of Discrimination against Women (CEDAW), some enterprises prefer to hire men over women due to laws that provide allowances based on women's physiological characteristics. Additionally, there are instances where the law is

simply not obeyed, resulting in a large number of women working in jobs with harmful conditions (OHCHR, 2024). However, efforts to protect women's rights extend beyond the Labour Code. The Family Code, approved by the Law of the Republic of Azerbaijan dated December 28th, 1999, and entered into force on July 1st, 2000, serves as a regulatory and legal act safeguarding women's rights. It establishes rules and conditions for contracting, breaking, and declaring marriages invalid; regulates property and non-property relations among family members (spouses, parents, and children), as well as adoption procedures for children left without parental guardianship.

On the other hand, the legal regulation of family relations in Azerbaijan adheres to principles such as the free-will marriage of a man and woman, equality of spouses, settlement of interfamily issues through mutual consent, prioritizing children's upbringing, and ensuring the protection of minors and disabled family members' rights and interests. According to these principles, the agreement of other persons is not required for marriage, spouses have equal personal and property rights in family relations, and any family issue should be settled based on mutual agreement. Additionally, any forms of human rights restrictions based on social, racial, national, language, or religious affiliation are imperatively prohibited in marriage and family relations (Ministry of Labour and Social Protection, 2014).

It is emphasized that the regulation of marriage and family relations from a legal standpoint is the responsibility of the state, and only marriages concluded through state authorities have legal validity. Religious marriages hold no legal value. This underscores the secular nature of Azerbaijan's statehood and the state's monopoly over the legal regulation of marriage and family relations. Furthermore, the requirement for compulsory registration of marriages in an official registry is specified in Article 16.2 of the Convention on the Elimination of All Forms of Discrimination against Women. General Recommendation No. 21 also advocates for marriage registration within state authorities (Kasumov, 2012).

Marriage registration serves as a means for states to control the minimum marriage age and prevent polygamy, thereby protecting women's rights during divorce (Ibrahimova, 2008). Initially, the marriage age in the Azerbaijan Republic was set at 18 years for men and 17 years for women (Article 10) (Kasumov, 2012). However, the discrepancy in marriage age between men and women was criticized by international organizations from a human rights perspective. Consequently, in international conventions joined by Azerbaijan, the marriage age was equalized for both men and women. This inconsistency was rectified by adopting the Law on Modifications to the

Family Code of the Azerbaijan Republic on November 15, 2011, which unified the marriage age without gender difference and extended it to 18 years (OHCHR, 2024). The determination of 18 years as the marriage age aligns with the age of attaining full civil action capacity. According to Article 49.1 of the Family Code, individuals who have not reached 18 years (majority) and have not acquired full capability are considered children (State Committee on Family, Women and Children's Problems of the Republic of Azerbaijan, 2012). This ensures legal protection for individuals who may not yet possess the maturity necessary for marriage.

It is important to highlight that following the principle of positive discrimination outlined in Article 15 of the Family Code, a husband does not have the right to initiate divorce proceedings during his wife's pregnancy or within one year after the birth of a child without his wife's permission. This provision aims to safeguard the material, spiritual, and health rights of both the child and the mother. Furthermore, the Family Code ensures that marriages are entered into based on the free and complete agreement of the woman (Article 2.3) and considers marriages contracted without voluntary consent to be invalid (Article 26.1.3). It prohibits polygamy (Article 12.0.3) and the marriage of minors (Article 26.1), recognizes women's rights to equality in choosing a surname (Article 30.1), and confirms equal private and property rights of spouses in family relations (Article 29.1). Additionally, it affirms spouses' rights to possession, usage, and disposition of joint property, ensuring equality of property rights during the division of common property unless otherwise specified in the contract (Articles 32-37) (State Committee on Family, Women and Children's Problems of the Republic of Azerbaijan, 2012). These provisions collectively aim to uphold gender equality, protect individual rights within the institution of marriage, and promote fair treatment and mutual respect between spouses in family relations. Indeed, the provisions regarding women's property rights are further elaborated in the Civil Code of the Republic of Azerbaijan. This code affirms the right of every citizen to enter into contracts, including those pertaining to movable and immovable property, and to possess and manage property (*Constitution of the Republic of Azerbaijan*, 1995). These legal provisions ensure that women, like all citizens, have the legal autonomy to engage in property transactions, manage their assets, and exercise their property rights without discrimination.

The Family Code of Azerbaijan addresses alimony for women based on considerations of their liabilities, income, and earning opportunities (Articles 22, 84, 85, 86). However, it does not explicitly consider cases where

violence is applied to women who seek alimony or situations where they are forced to live apart due to unbearable family relations. Full compliance with the Convention on the Elimination of All Forms of Discrimination against Women necessitates the existence of specific provisions allowing women to leave their families conveniently in cases of intolerable family relations. General Recommendation No. 19 of the Committee on the Convention acknowledges that many women remain in violent and intolerant relationships due to a lack of economic independence and sufficient financial resources (State Committee on Family, Women, and Children's Problems of the Republic of Azerbaijan, 2012). The determination of alimony for women in such situations supports their choice to leave the family and prevents economic dependence from compromising their right to safety.

Certain provisions of the Family Code also ensure equality of women's rights in terms of guardianship, protection, and child adoption (Articles 117, 118.1, 137.1, 144.1). Parents have equal rights and duties over their children (Article 56), demonstrating alignment with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women to a great extent. However, the Family Code does not provide for the recognition of actual marriages, which reflects the basic principles of the family institution. While certain inconsistencies exist, they are deemed negligible in the broader context of women's rights and family relations.

Article 1159 of the Civil Code of the Republic of Azerbaijan, which came into effect on September 1, 2000, stipulates provisions for equal inheritance rights. It's noteworthy that there are no provisions in the legislation that restrict the inheritance rights of women. Article 31.3 of the Civil Code underscores the insignificance of full or partial refusal by a natural person with legal capacity and capability, as well as other transactions aimed at restricting capacity and capability, invalidating contracts and documents that restrict women's rights (State Committee on Family, Women and Children's Problems of the Republic of Azerbaijan, 2012). Additionally, Article 24.2 of the Civil Code, along with Articles 4.1 and 5.1 of the Civil Procedural Code, provide equal legal authority and opportunities in civil cases for all citizens of the country regardless of gender (Crime's Law). The Civil Procedural Code includes articles that intend to ensure equal rights for women to appeal to all court instances (Article 357.1, 402, 403.1).

The Criminal Code of the Republic of Azerbaijan, approved on December 30, 1999, and enacted on July 1, 2000, is grounded on the Constitution of the Azerbaijan Republic, as well as conventional principles and norms of international law. These legal frameworks collectively aim

to uphold the rights and equality of all citizens, including women, within the criminal justice system. As previously mentioned, Article 154 of the Criminal Code establishes criminal responsibility for the infringement of citizens' equality. It's important to note that violations of the right to equality can result from both actions and inactions, as well as from denying individuals the opportunity to exercise their personal rights and freedoms and creating obstacles to the implementation of these rights and freedoms (*Constitution of the Republic of Azerbaijan*, 1995). This provision underscores the commitment to ensuring equal rights and opportunities for all citizens and criminalizing any acts that undermine this principle of equality.

Punishments for actions that violate women's rights, especially those accompanied by violence or threats of violence, and those that hinder women's activity in state, social, and cultural fields, should be stipulated by specific provisions in the Criminal Code. For instance, sexual violence (Article 108), compulsory pregnancy (Article 108-1), prosecution of any group or organization based on sex (Article 109), infringement of norms of international humanitarian law during confrontations (Article 116), illegal artificial fertilization and implantation of embryos, medical sterilization (Article 136), rape (Article 149), violent acts of a sexual nature (Article 150), coercion into actions of a sexual nature (Article 151), sexual relations and other actions of a sexual nature with a person under the age of 16 (Article 152), depraved actions (Article 153), involving minors in prostitution or committing immoral actions (Article 171), involvement in prostitution (Article 243), operation of a brothel (Article 244), slavery (Article 106), kidnapping (Article 144.1), and infringement of the labour rights of pregnant women or women with children under the age of three (Article 164) are all covered under the Criminal Code. However, it's worth noting that offenses of a sexual nature listed in the Criminal Code may not encompass all sex crimes faced by women (Ibrahimova, 2008). This underscores the need for continued efforts to address and combat all forms of violence and discrimination against women through comprehensive legal frameworks and enforcement mechanisms.

It's worth emphasizing that certain crimes specified in the Criminal Code only lead to punishment for men, even though women are also capable of committing these crimes (such as rape, interference with marriage, polygamy, etc.). Additionally, some severe penalties, such as life imprisonment or special detention regimes, apply to men but not to women. However, the Criminal Code does acknowledge circumstances that may mitigate punishment for pregnant women, as noted in Article 59.1.3. Furthermore, Article 79 provides provisions for delaying the serving

of punishment for pregnant women or women with children up to eight years old. These measures demonstrate the practical implementation of the principle of positive discrimination by our state, as reflected in various international agreements. Article 176.1 of the Criminal Code imposes significant penalties, including fines and imprisonment, for forcing women into marriage. This reflects the commitment to protecting women's rights and combating forced marriages. Moreover, Article 60.1 of the Code of Administrative Offenses of the Republic of Azerbaijan addresses sexual harassment of women in the workplace by employers or colleagues, protecting the form of penalties. This underscores the importance of safeguarding women's rights and ensuring a safe and respectful work environment.

According to Article 37 of the Criminal Procedure Code of the Republic of Azerbaijan, which came into effect on September 1, 2000, criminal prosecution for sexual offenses shall be conducted through semi-public or public charges. Notably, a semi-public criminal prosecution may not be terminated due to reconciliation between the victim and the accused. If the offense is committed against a pregnant woman, an elderly or helpless person, or if it is committed through threats or force, or against a person dependent on the perpetrator, a semi-public criminal prosecution may be initiated by the prosecutor without the complaint of the victim. Additionally, the Election Code of the Republic of Azerbaijan, approved by Law No. 461-IIQ of the Azerbaijan Republic on May 27, 2003, establishes regulations for the organization and conduct of elections for deputies of the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, members of municipalities, as well as national referendums.

The preamble of the Code states that the will of the people of Azerbaijan forms the foundation of the Republic of Azerbaijan's State Power. It emphasizes fair and regular elections based on general, equal, and direct suffrage through secret and personal voting, as well as nationwide referendums based on the same principles. This not only underscores the legal basis of the state but also reaffirms the principle of political and legal equality rights of citizens as outlined in the Constitution. Article 3 of the Code enshrines the rights of citizens of the Azerbaijan Republic, regardless of gender, to elect, be elected, and participate in referendums. It emphasizes the principle of equal participation in elections and referendums, ensuring that all citizens' votes have equal validity. The provisions within the Code about election and candidacy apply to all citizens, including women, without exception. Therefore, the Code affirms the right of women to participate in politics and be represented. Importantly, the Election Code does

not establish privileges, additional rights, or responsibilities based on gender identity. Instead, it guarantees equal rights to all subjects of the Code, including voters, candidates, election commissioners, and representatives, regardless of gender. Any restrictions outlined in the Code are based on other criteria such as age, nationality, position inaccuracies, or family ties, and do not lead to gender discrimination (Ibrahimova, 2008).

## CONCLUSIONS

Social progress is intrinsically linked to guaranteeing the rights of the entire population, especially historically marginalized groups. For this reason, it is essential that governments establish laws and public policies that protect the basic human rights of women and promote gender equality. Throughout history, women have suffered systematic discrimination in areas such as access to education, job opportunities, healthcare, and political participation. Even in the 21st century, harmful practices such as child marriage, domestic and gender-based violence, and wage inequality persist. A comprehensive regulatory framework can counteract these problems by penalizing discrimination, ensuring access to reproductive health services, establishing political quotas for greater female representation, and funding programs that empower girls and women. With appropriate policies, it would also be easier for women to join the formal workforce, thus significantly contributing to the economic growth of countries.

Considering Azerbaijan, the development and adoption of the regulatory codes in this regard represent a significant step towards modernizing and adapting Azerbaijan's legal and regulatory framework to contemporary standards. This process was initiated and guided by the visionary leadership of Heydar Aliyev. The adoption of these codes reflects a crucial aspect of the ongoing legal state-building process that has been underway in Azerbaijan since the late 1990s. The enactment of these codes signifies a new phase in the evolution of Azerbaijan's political and legal system. They serve to provide the necessary legislative framework to support the development of a modern and progressive legal state. By systematically organizing and standardizing regulations across various spheres, these codes contribute to enhancing legal clarity, consistency, and effectiveness. Fundamentally, the development and implementation of these codes align with the broader objective of ensuring that Azerbaijan's legal system meets the requirements of the modern era. They represent a concerted effort to establish a robust legal framework that upholds the rule of law, protects individual rights and freedoms, promotes equality, and fosters socio-economic development.

It is important to point out that the global changes that occurred in the last decade of the XX centuries, and the movement of the world towards a new legal paradigm require the regulation of legislation. This regulation necessitates a more accurate determination of the legal status of persons from various socio-demographic categories. One of these categories is women. It is no coincidence that the legal, political, social, economic, and cultural status of women in the codes reviewed is in the spotlight. As mentioned, on the one hand, there are provisions established in various legislative acts relating to the protection of women's rights in the Soviet period, while on the other hand, we are witnessing the establishment of terms and principles arising from the existence of a new reality in the Republic of Azerbaijan and governing by the international commitments system to which Azerbaijan adheres. Specifically, women's rights and freedoms acquire new content with the numerous UN and ILO conventions to which Azerbaijan is a party, especially with the Convention on the Elimination of All Forms of Discrimination against Women. Nevertheless, we believe that most of the codes implemented in the country meet the requirements of this Convention and reflect its philosophy.

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