Vasila MAHSUMOVA

THE PERFECTION DYNAMICS OF WOMEN’S LAW AND LIBERTY IN AZERBAIJAN

Abstract

In the article especially noted the ensuring of full equality of women and men in the guarantying the justice of interstate relations, creation of them on the base of the principles of equality, the establishment of independence and sovereignty of the peoples and peace, tranquillity also highlighted the importance of mutually beneficial cooperation. Including, here comprehensively analysed all legislative norms in this direction. The large opportunities offered to women's secondary and high education levels have been a long time since the usual topics not covered in the majority states of the East. Author notes that the training academy for women in antiquity and the Middle Ages to see and work before actually not a usual situation; but possible. From ancient Egypt, the period of the Roman Empire or from ancient Greece, leading gynecologists of the time, architects, philosophers and other narratives about women's sages, has reached today.

Key words: women's rights, laws, sustainability, values, state administration.

AZERBAYCAN’DA KADIN HUKUK VE ÖZGÜRÜKLERİNİN GELİŞİM DİNAMİĞİ

Özet


---

1PhD. Yüksek lisans öğrencileri, Azerbaycan Milli Bilimler Akademisi , Felsefe ve Hukuk Enstitüsü, Bakü, Azerbaycan. H.Javid ana caddesi 31. e-mail: mohsumova_vasila@mail.ru
The Constitution of the Republic of Azerbaijan affirmed the women rights’ equality together with the men and created juridical base for their active participation in the processes of democratic state-building and in legislative power. In the 25th article of the Constitution noted that both women and men have the equal rights and liberties. Not depending on their race, nationality, religious, language, sex, origin, material conditions, physical ability, faith, political parties, trade union organizations and not depending on other social knowledge the state to guarantee the equality of rights and liberty of everyone. There is forbidden the limitation of citizen and human’s rights for race, nationality, religious, language, sex, and origin, faith also for political and social categories. The main purpose of these principles beside getting equal rights both women and men in all the sides of life, here have purpose for becoming women’s to the leading and active members of the society.

After the adoption of Constitution in our republic carried out very important measures on the direction of guarantee the gender equality. On 14th January, 1998, Heydar Aliyev the National Leader of the Republic of Azerbaijan signed an order and created the State Committee for Women’s Problems with the purpose of realization of gender policy.

In 2000, the National Leader signed a decree about the “Realization of women's policy in the Republic of Azerbaijan” for ensuring the women's rights equality, especially in the state administration system in order to ensure the necessary level of women. In this condition had started the new leap of new era of social sprit of Azerbaijan women. On the order looked through the present-day’s development and their hardly, difficulty passed ways during the periods of transitions and was highly valued the activity of women’s respectable and grandiose movement in the republic. On the order especially noted that with consideration of types of activities in all state bodies of the republic of Azerbaijan must guarantee the representatives of women on the equal conditions’ with the men on the leading level.

Both the creation of the state Committee and signed order opened the new period for the realization of state policy of women in the republic.

In 2000s, affirmed the plan of National Activity of Women Problems of the Republic of Azerbaijan (during 2000-2005s). In the National Activity Plan considered the constantly attention to the women problems, realization concrete urgent measures on women’s problems by the state and preparation of the state programs. There are some recommendations Committee of the Ministries of Council of Europe to the state member on the balanced participation of women and men in the adoption of orders with political and state importance. On the recommendations noted:

- Taking into account the formation of participation of women more than population and electors in the state-members of European Council, but their less participation in more of these countries in the level of adoption of state and political importance orders;
- Consideration of human rights of men and women’s balanced participation in adoption of political and state importance orders, their consideration as inseparable part and
elements of necessary conditions for social justice and for more effective activity of democratic society;

- Remembering according International Convention and adoption of declaration in the frame of II Summit (October, 1997s) European Council, called as “the continuation of efforts for getting equal rights opportunities between men and women” and balanced representation of men and women in all spheres of society including, the political spheres noted by the state and government leaders of state members of European Council;

- Understanding the high importance by European Council to the human rights and democratic establishments;

- Recommends to the governments of state members;

  Giving openly information to the society of facts about the balanced representation of men and women with different ages and stages in the adoption of orders would support the straightening and development of democracy, undertaking the obligations and gaining the men and women equal representations;

- The formation of receiving the same recommendations to the according political societies, including state and private organizations, especially to national parliaments, local governmental bodies, political parties, state bodies and organizations, establishments and institutions and union trade organizations;

  According to these recommendations, offers to the governmental bodies of state members the consideration of legislative and administrative measures;

  In the adoption of orders with political and social importance including, positive measures on the formation more balanced participation of men and women and taking into account the possible constitutional and legislative changes;

- The consideration of adoption of legislative movements with the purpose of presentation parity level for candidates of election that carries out in local, regional and national levels. If we are taking into account about the lists propositional lists here should be considered the application system (one man and one woman) of alternation among men and women candidates;

- The consideration of utilization from the state financing of political parties with the purpose of guarantee and stimulating of gender equality;

- Guarantee balanced representation of men and women in accordance duties that determined by the government and other state bodies;

- To be based on balancing gender in separating duties on adoption orders, also making an example governing with creation equal opportunities for men and women;

- The support and straightening of national mechanisms on equality and on guarantee the balanced representation of men and women in the political and state activity;

  In the spheres of attracting the women’s attention to the state governing realized the state policy in the independence years. In 2000s, the order by the National Leader Heydar Aliyev, on “The realization of state woman policy in the Republic of Azerbaijan” including, the proved constitution created equal rights of men and women and created the legislative law of their active participation on democratic state building processes (3, 27).

  The National Leader unfortunately noted on the same order that instead of all measures the men and women right equality has not realized in a real form: according with the realization of an order in the different spheres of the republic, in separated ministries, institutions and companies, in generally the statistical information about the representation of women in state guiding system showed that just 5 of more than 80 cities and regions’ leaders of executive
powers of the republic are women and even female workers in the adoption of orders in the state institutions and different trade spheres participate very weak. 5 leaders of educational departments also 8 leaders of health departments in the city and regions are leaded by the women.

Adopted orders including, legislation acts, laws and in the different levels in the republic orders, the orders adopted in the times viewpoint of requirements of gender policy are not examined (3, 28-29).

After achieving the independence carrying out reforms, the democratic and legislative state building increased the women’s role in the society but not enough real equal opportunities of equal laws that announced for them had not realized and so all these problems put forward the necessity of carrying out new policy. In the same decree, the solution of this problem was one of advisable measures, also for guaranteeing the complete representation of women in a necessary level in the state guarding system especially, for being in the equal rights with men I decided: “To ensure the women representation in an equal level together with the men in the leading level with the consideration of their activity types in all state institutions of the Republic of Azerbaijan” (3, 29).

The building processes of legislative state and citizen society in Azerbaijan requires all citizens equality not depending on sex, language, religious, social belonging and faith. That equality intended the opportunities equality, legislative equality and equality law on election of represents. Here put forward the law of real participation of people especially, women in the state governing and intended: “The real and general participation and real equality in rights of peoples in all state businesses under the traditions of democracy” (3, 229).

It's known that when we talk about the according executor powers in the level of receiving an order there considers the Administration of President of the Republic of Azerbaijan, The Cabinet of Ministries of the Republic of Azerbaijan the ministries, state committees and other central executor powers including, local executor powers too. Even in 2007s, the level of women in receiving an order was 3.4% in Azerbaijan. Thus, one of leaders of executor powers, 2 of 24 ministry deputies, 46 of 2645 of chairmen of municipal administrations, 10 of 175 men acting in the diplomatic buildings, in the diplomatic embassies in the foreign countries of the republic, 1 of 2 vice-councils, one of 40 ambassadors, 41 members of 199 men working in diplomatic duties in central bodies of the Republic of Azerbaijan Ministry of Foreign Affairs were women (2, 142). In any of societies putting forward ideas and purposes’ attraction first of all measures with their practical applied opportunities. Putting forward purposes and ideas are as much as attractive and are based on real execution mechanisms sometimes results with their reflecting on the papers and staying on declarative discussion levels. So, the president Ilham Aliyev wants Azerbaijan to become to modern and powerful state and he had not just noted his opinions about and made some steps in the direction of determination of their concrete executor mechanisms and gave an order on the preparation of Concept of Development Contents “Azerbaijan 2020: look into the future” on 29th November of 2011.

On the base of the same order, till the end of that year by the Administration of President of the Republic of Azerbaijan had prepared the Concept of Development Contents “Azerbaijan 2020: look into the future”. The preparation of that conception plays an important role in rising of Azerbaijan to the lines of most developed countries. All fundamental progresses achieving in all spheres of social life makes these purposes to come into real. The speedily development of the republic gives us opportunities to
The Perfection Dynamics of Women’s Law and Liberty in Azerbaijan

realize all our purposes in continuously and systematic form. At the present-day Azerbaijan became into the biggest investor state of the region.

In generally, the preparation of long-term development conception of Azerbaijan give us bases to say that the state leader even at the present-day thinks about the importance of determination of future development perspectives with the deep scientific bases of our republic. In the preparation processes of the Development Conception project will be attracted the accordance state bodies, the international organizations and the institutes of social citizens including, high professional specialists of scientific organizations and all our sayings give us to say that the same project will be based on deep scientific bases (4).

In the samples of separately countries the preparation of development conception and its realization level and for are very different. Beside this, the main problem in the preparation of development conception is the guarantee of mutual activity of the most important institutions of the society. Viewpoint of this, here is necessary the topicality of creation of according organizations as social institutions. Azerbaijan is based on principles of system changing with gradually characters, realization with the perfection ways, including the transition into modernization, first of all it is based on the principles of innovations and spirit to the guiding. At the same time, this way gives us from stimulation into modernization and makes more comprehensively the opportunities of more believable interests of society, women, youths, children, elders and etc. different stages, defending the regulation of social powers, the adequate realization of civic, democratic, self-guidance inclinations of the society.

It is true, in most sides of society, social life including, political life there is a pyramid view of gender misbalancing. Thus, the women are in the last stages of this pyramid, but that situation is going to change.

In the governmental and guidance structures the role of ICT without stopping is increasing. Under this condition the state leader of republic I.Aliyev in the spheres of solution of life problems, economic, political, cultural-spiritual guidance of Azerbaijan acting as the political leader of joining traditions and innovations.

Thus when we talk about the gender, women theme and in this aspect there considers the social-philosophic essences of guiding, its structure, maintenance, forms and learning their characteristics. As a conclusion here including the followings:

- The state guiding system and of course, the gender factors in the same system;
- Legislative guiding system and the women participation in this system;
- Male and females’ place and inclination in scientific-cultural, legislative, military guiding;
- The women leading in the system of non-state guiding system;
- Non-state economic guiding system;
- The women, family, children and gender and etc. relations in non-state organizations and social unions;

In the “Convention on political laws of women” that also the Republic of Azerbaijan joined had concretely expressed the representation of women in equal rights with the men under the equal rights conditions in state governing and noted that “The women have the same rights together with the men and without any discriminations can achieve any of positions in social-state services and in national laws can carry out according social-state functions” (1,102).

On 18th of 1979s, UNO adopted also the “Convention about the solution of discrimination in women relations” that the Republic of Azerbaijan had joined since 1995s, and
beside this we should note that they play especially, important role in all forms of women’s rights’ trampling and putting human rights’ problems both women rights and humanity rights to the center of attention.

The convention consists of 6 chapters and 30 articles and surrounds three important spheres of women’s conditions. The citizens’ rights and women legal statuses; peoples growth also the influence of cultural factors to the male and female relations; outlook of human rights.

The realization of convention is controlled by the Committee (SEDAW) for solution women’s rights distribution.

Articles of Convention reflects the main ideas of purposes and duties of UNO. Proves the loyalty in the equal rights relations of men and women, values and persons’ dignity, main human rights.

In the Convention 14 articles dedicated to the principles of rights’ equality. Here the women suffrage, achieving according duties in the state structures and the rights for carrying out social functions.in the 8th article of the Convention on the base of principles of rights equality reflected the rights for representation of their own country for women in the international level.

In the Convention “About the solution of discriminatory in the relations with the women” rightly showed that “the distribution of women’s rights, both rights equality and respect to the women disturbs the development of family and society, the women participation in political, social, economic and cultural life of the country and makes more difficult the comprehensive and complete development of opportunities of women potential in all spheres of humanity” (1, 156). The balanced participation of men and women in the state administrations and legislation means that male and female participators in the composition of political and state life the guidance of adoption of an order of should not be less than 40%. The development of the same processes we can see year by year more developer in our country.

REFERENCES


4. The modernization strategy is becoming to the motivation power of sustainable economic development// http sustainable development.