

Law of the Republic of Azerbaijan

On State Guarantees of Equal Rights for Women and Men Unofficial translation

This Law stipulates the bases of activities of the state institutions aimed to guarantee the equal rights status for women and men in the political, economic, social, cultural and other spheres, to ensure equal opportunities in enjoyment of the above listed rights and to prevent gender-based discrimination.

1 Chapter General Provisions

1.Scope of the Law.

With the exclusion of family and other private relations, the provisions of this Law concern all the spheres of public life.

2. Legislation on guarantee of the equal right for women and men.

Legislation of the Republic of Azerbaijan stipulating the equal rights for men and women consists of the Constitution of the Republic of Azerbaijan, current Law, International documents, which the Republic of Azerbaijan is a state-party of and other relevant normative legal acts.

3. Ban on gender-based discrimination

- 3.1. All forms of gender-based discrimination are prohibited
- 3.2. The following is not considered as gender-based discrimination:
 - 3.2.1. special protection of women during pregnancy, childbirth and nursing;
 - 3.2.2. compulsory military service prescribed by the law exclusively for men;
 - 3.2.3. legally fixed different retirement ages for women and men;
 - 3.2.4. requirements for safety at work applicable to women aimed at protecting the women's health owing to their physiological properties;
 - 3.2.5. special temporary measures foreseen in the law, aimed ensuring of the equal social status of men and women;
 - 3.2.6. imposition of different sentences and imprisonment regimes based on person's gender
 - 3.2.7. specific work or services which can be performed only by woman or by man
- 3.3. State institutions or civil servants are fully accountable for the committed gender-based discrimination according to the regulations of the legislation of the Republic of Azerbaijan.

4. Main duties of the State policy aimed at insurance of gender equality

- 4.0. Main duties of the State policy aimed at insurance of gender equality are the followings:
 - 4.0.1. Establishment, improvement and development of the normative legal base assuring gender equality;
 - 4.0.2. The drafting and implementation of the state programs assuring gender equality;
 - 4.0.3. Protection of society from information, propaganda and agitation of gender inequality;
 - 4.0.4. Implementation of the norms and principles of the International Law, commonly adopted by all states, and all international documents on gender equality acceded by the Republic of Azerbaijan.

5. Gender expertise of the national legislation

5.1. Gender expertise of the current legislation, drafts of the laws and other normative legal acts of the Republic of Azerbaijan are carried out in order to elicit and eliminate the cases of the violation of the equal social status of women and men

5.2. The State encourages Non-Governmental Organizations to conduct the gender expertise of the national legislation.

II Chapter

Guarantees of the equality of women and men in administration of the affairs of the state and state services

6. Guarantees of the gender equality in administration of the affairs of the state

The state guarantees equal participation of men and women in administration of the affairs of the state via legal, organizational and other mechanisms.

7. Guarantees of the gender equality in state services

7.1. While appointed to the state services and services in the state institutions women and men are entitled to the equal rights and opportunities and bear equal duties and responsibilities.

7.2. The heads of the state institutions and corresponding civil servants should guarantee equal opportunities for women and men in making hiring decisions for positions, according to the abilities and professional qualifications.

7.3. No gender-based restrictions or privileges can be applied directly or indirectly during appointment to the state services and services in the state institutions.

7.4. The state guarantees equal partnership relations between women and men in the state legislative, executive and judiciary institutions.

III Chapter

Guarantees on gender equality in economic and social relations

8. Equal opportunities in the field of the property right

The state guarantees equal property rights for women and men and creates equal opportunities for its applications.

9. Equal opportunities for entrepreneurial activities

9.1. The state guarantees establishment of the equal opportunities of entrepreneurship for men and women.

9.2. Gender-based discrimination in entrepreneurial activities is prohibited

10. Equal opportunities in administration of agricultural entities

10.1. The state creates equal opportunities for women and men in the administration of agricultural entities

10.2. Gender-based discrimination in the agricultural administration is prohibited

11. Equal opportunities in land tenure

11.1. The state creates equal opportunities for women and men in the use of land plots, which are their property or given for utilization.

11.2. The land right of women and men is equally protected.

12. Equal opportunities in exercise of the education right

12.1. The state guarantees equal opportunities in realization of the education right for women and men.

12.2. The employer should create equal conditions for acquisition of the basic and complementary education for women and men and exercise of the right to educational leave.

12.3. In order to determine cases of gender-based discrimination at schools and other educational entities, the special executive body of the Republic of Azerbaijan conducts expertise of the curriculums, textbooks and other educational manuals.

12.4. The special executive body of the Republic of Azerbaijan introduces courses on gender equality in the high schools and on the advanced trainings.

12.5. The state guarantees creation of equal opportunities for women and men for entry into the educational institutions, scholarship appointment for pupils and students, selection of educational syllabus and knowledge evaluation.

12.6. The following can be considered gender-based discrimination in educational and scientific institutions:

12.6.1. application of the different requirements for women and men for entry into the schools and different educational courses, preparations of the educational plans or knowledge evaluation;

12.6.2. creation of different opportunities in choice of the field of education.

13. Guarantee on gender equality in protection of the consumer rights

13.1. Salespersons, producers and services providers must offer women and men the same products and services, as well as apply equal pay terms for the products of the same size and quality and the same warranties for the same goods and services.

13.2. The subjects listed in provision 13.1. of the current document must assure that there are no humiliation, restriction of rights or granting privileges as well as forming public attitudes towards the superiority of one sex against the other when providing information upon their products, printing on the packaging of the product or advertising it.

13.3. The following must be deemed as gender-based discrimination activities of the subjects listed in the provision 13.1. of the current document:

13.3.1. application of different pay terms for women and men;

13.3.2. placement upon the product or its packaging, or product advertisement information forming public attitudes towards the superiority of one sex over the other.

13.4. The prevention of gender based discrimination in the Field of Protection of the Consumer Rights is the obligation of the special executive body of the Republic of Azerbaijan.

IV Chapter

Guarantees on Gender Equality in the Labor Relations

14. Equal opportunities in choice of field of work / professional affiliation

14.1. The State guarantees equal opportunities for women and men in making the choice on their field of occupation, professional activities and improvement of the working conditions.

14.2 Employer must promote equality between women and men within working life.

14.3. Employer must promote equitable recruitment, career development, dismissal and temporarily leave procedures for women and men.

14.4. If employers approaches differently persons of different sexes during the recruitment, career development, dismissal or temporarily leave procedures, s/he should prove that this different approach is not based on the sex of the person.

14.5. A person, who received a negative reply from the recruitment process, has a right to request a written explanation on the grounds for the employer's choice, indicating educational background, professional trainings, experience and other qualifications of the person chosen.

14.6 The duty of the employer is to respond to complain of discrimination by employee or his legal representative and to provide the proof that discrimination has not taken place.

15. Equality in terms of payment

15.1. Equal terms of payment should apply to employees with equal professional training and equal working conditions irrespective of their gender.

15.2. If the payment for the work of equal value for women and men differs, the employer must prove that the wage difference is not based on discrimination of the ground of gender.

16. Guarantees on equality while mass dismissals of employees

During the mass dismissal of employees, the numbers of dismissed persons of each gender should proportionally correspond to the general number of employees of the institution, enterprise or organization.

17. Ban on sexual harassment

17.1. An employer may not subject an employee to harassment on the grounds that the employee has rejected the employer's sexual advances or has reported the employer for sex discrimination.

17.2. The employer is responsible for the harassment towards an employee based on the provision 19.1. of the current Law and in accordance with the legislation of the Republic of Azerbaijan.

V Chapter

Violation of Equal Rights on the Ground of Gender

18. Discriminatory Acts of the Employer

18.0. The acts of the employer shall be deemed discriminatory if s/he:

18.0.1. applies to an employee different terms of employment or payment for work, because of the person's sex;

18.0.2. in organizing work, creates different working conditions for an employee, because of the person's sex;

18.0.3. imposes a different disciplinary penalty on women and men,

18.0.4. changes working conditions, transfers him/her to other work or terminates the employment contract because of the person's sex;

18.0.5. repeats harassment of an employee, who reported the employer for sexual harassment or discrimination;

18.0.6. applies different criteria for evaluation of the quality of work fulfilled by men and women.

19. Discriminatory Advertisements

19.1. It shall be prohibited to specify requirements in job advertisements or education opportunities advertisements, giving priority to one of the sexes, and to request information from job seekers about their family status, private life or family plans.

19.2. Publication of advertisements of a humiliating and discriminatory nature or contrary to the principle of gender equality is prohibited.

19.3. The persons accused in publication of the advertisements indicated in the provision 19.2. of the current Law, shall bear responsibility in accordance with the legislation of the Republic of Azerbaijan.

20. Investigation of Complains on Gender-based Discrimination.

In accordance with the Constitution of the Republic of Azerbaijan, the Special Representative on Human Rights of the Republic of Azerbaijan (Ombudsmen) shall investigate complaints relating to discrimination on the ground of gender.