

# **THE LAW of the REPUBLIC of AZERBAIJAN**

## **on Gender Equality**

### **Article 1. The Purpose of the Present Law**

The purpose of the present law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for male and female participation in political, economic, social, cultural and other fields of social life.

### **Article 2. Definitions**

2.0. The following definitions are used in the present law:

2.0.1. Gender – social aspect of male and female relations in political, economic, social, cultural and other fields of social life;

2.0.2. Gender Equality- equality of male and female rights, equal opportunities to exercise their rights and equal social status in the society;

2.0.3. Equal Opportunities – equal conditions and provisions created for males and females to exercise human rights;

2.0.4. Gender Discrimination - sexual harassment, any distinction, exclusion or privilege curtailing or denying to exercise rights on the grounds of gender;

2.0.5. Sexual Harassment – immoral behaviour humiliating and abusing a person of opposite gender comprising of physical acts (touching, hand touching) , offensive remarks, gestures, threats, disgracing advances or offers in employment or service relations.

### **Article 3. Impermissibility of Gender Discrimination**

3.1. All forms of gender discrimination are prohibited.

3.2. The following shall not be considered as discrimination:

3.2.1. compensations, privileges and fringe benefits for females specified by the Labour Code of the Azerbaijan Republic;

3.2.2. conscription of men to the active military (alternative) service;

3.2.3. differences in pension and marriage age for males and females specified by law;

3.2.4. curtailing the right of husband to demand divorce pursuant to Article 15 of the Family Code of the Azerbaijan Republic;

3.2.5. creating differing conditions for males and females in penitentiaries;

3.2.6. implementing specific measures with the purpose of ensuring gender equality.

### **Article 4. Impermissibility of Sexual Harassment**

Sexual harassment is prohibited.

### **Article 5. The Main Directions of the State Policy for Ensuring Gender Equality**

5.0. The main directions of the state policy for ensuring gender equality are as follow:

5.0.1. forming, improving and developing normative (statutory) legal basis for ensuring gender equality;

5.0.2. gender expertise review of normative legal acts;

5.0.2. development and implementation of state programs for ensuring gender equality;

5.0.3. advocating the culture of gender equality.

## **Article 6.** The Responsibilities of the State for Ensuring Gender Equality

The state takes measures for eliminating all forms of gender discrimination, creating equal opportunities for males and females, not allowing superiority of persons belonging to any gender in state governing and decision-making.

## **Article 7.** The Responsibilities of the Employer

7.1. The employer shall ensure equality of males and females in workplace.

7.2. The employer has the following responsibilities:

7.2.1. treating employees equally regardless of their gender in employing, promoting, enhancing professional training, mastering new specialty and training aimed to increase qualification, assessing the work performance quality and dismissing, and creating equal opportunities;

7.2.2. creating the same working conditions for employees performing the same jobs regardless of their gender;

7.2.3. not applying different disciplinary penalties for the same breaches committed by employees regardless of their gender;

7.2.4. observing requirements of Articles 9 and 10 of the Present Law;

7.2.5. taking necessary measures preventing gender discrimination and sexual harassment.

## **Article 8.** The responsibilities of the Employer in Eliminating Gender Discrimination

8.1. in case of unequal treatments of males and females in promoting at work, enhancing professional training, mastering new specialty and training aimed to increase qualification, assessing the work performance quality and dismissing, an employer, on an employee's demand, must justify the reasons of different treatment that not related to gender.

8.2. A job applicant who received refusal from an employer has the right to require written information on a person of opposite gender recruited for the job on his/her education, professional training, experience, professional qualifications and other advantages.

## **Article 9.** Equal Labour Pay

9.1. Equal salary or wages, as well as bonuses and other motivating payments shall be paid to employees for performing the same job of the same value in the same working conditions, having the same qualifications regardless of gender.

9.2. In case of differing salary or wages, bonuses and other motivating payments an employer shall justify on demand of an employee that the reasons of difference are not on grounds of gender.

## **Article 10.** Advertisements Containing Gender Discrimination

10.1. Different selection requirements for males and females, preference of any gender member, information on marital status or private life of the job applicants in job advertisements are not allowed.

10.2. Publishing advertisements containing humiliation, contradicting the principle of equal rights of males and females are prohibited.

10.3. Advertising vacancy only for one gender is not permissible.

10.4. Publishing advertisements specified in Article 10.3 of the Present Law is permitted in case gender of employee is stipulated due to the features of labour functions or female performance for such jobs is prohibited pursuant to the Labour Code of the Azerbaijan Republic.

**Article 11.** impermissibility of Any Pressure on Employees Exposed to Sexual Harassment

Employees complaining about employer or supervisor on sexual harassment shall not be exposed to any pressure and persecution.

**Article 12.** Termination of Labour Contract

Labour contract of an employee exposed to sexual harassment is terminated starting from the date he/she applied to annul the labour contract.

**Article 13.** Equal Opportunities for Exercising the Right to Education

13.1. The state ensures creating equal opportunities for males and females to exercise the right to education.

13.2. The employer shall create equal conditions for males and females to exercise their rights to basic and further education, take a leave related to education.

13.3. The state ensures creating equal opportunities for males and females in admission to all educational institutions regardless of property form, providing students with stipend (scholarship), selecting educational plan and evaluating knowledge.

13.4. Textbooks shall be based on the principle of gender equality.

**Article 14.** Gender Discrimination in Educational Institutions

14.0. The following shall be referred gender discriminatory acts in educational institutions:

14.0.1. applying differing requirements for males and females in admission, compiling educational plan or evaluating knowledge;

14.0.2. creating differing opportunities for males and females in selecting field of education.

**Article 15.** Ensuring Gender Equality in Economic and Social Relations

15.1. The state ensures creating equal opportunities for males and females to exercise the right to property and to be engaged in entrepreneurship.

15.2. The state ensures creating equal opportunities for males and females to exercise the right to social security, receive targeted social aid and other social compensations.

**Article 16.** Ensuring Gender Equality in the Activity of Political Parties, Non-Governmental Organisations and Trade Unions

16.1. Equal conditions of admission shall be provided for joining political parties, non-governmental organisations and trade unions for males and females, and equal opportunities shall be created.

16.2. The requirements of Article 16.1 of the Present Law is not applied to a non-governmental organisation established to protect particular interests of any gender.

**Article 17.** The Right to Demand Recovery of Damage

17.1. Damage to people exposed to gender discrimination shall be paid in compliance with the legislation of the Republic of Azerbaijan.

17.2. Damage to employees exposed to sexual harassment shall be paid by an employer in compliance with the legislation of the Republic of Azerbaijan.

**Article 18.** The Liability for Violation of the Law

People violating the requirements of the Present Law are liable in compliance with the legislation of the Republic of Azerbaijan.

**Article 19.** Control over Ensuring Gender Equality

The control over ensuring gender equality is implemented by a relevant executive body.

**Article 20.** Annual Report of Relevant Executive Body Implementing Control over Ensuring Gender Equality

Relevant executive body implementing control over ensuring gender equality submits annual report on its activity to the Parliament of the Republic of Azerbaijan.

**Article 21.** Effectiveness of the Law

The Law herewith shall take effect since the date of its publication.

ILHAM ALIYEV

President of the Republic of Azerbaijan

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