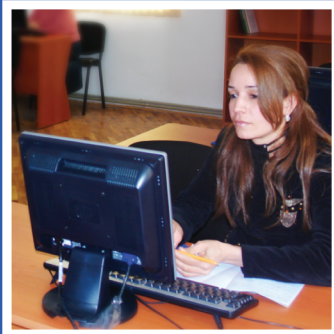


# ECONOMIC AND SOCIAL RIGHTS OF WOMEN IN AZERBAIJAN

BOOKLET





This booklet has been compiled on the basis of extracts from the laws ensuring the economic and social rights of women in the legislation of the Republic of Azerbaijan.

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“Nowadays, gender equality is one of the main priorities in the development of democratic society and the protection of human rights. The national legislation of the independent Republic of Azerbaijan serves for the prevention of any form of discrimination against women by providing for equality of rights while the state policy on gender issues aims at promoting equal opportunities for women.”

Mr. Ilham Aliyev  
President of the Republic of Azerbaijan





## Equal rights:

The Constitution of the Republic of Azerbaijan ensures equal rights for women and men.

(The Constitution of the Republic of Azerbaijan, 1995. Article 25)

Everyone may engage in free enterprise or other types of economic activities not prohibited by the law, alone or jointly with others, through a free use of his (her) abilities and property in the manner prescribed by the law.

(The Constitution of the Republic of Azerbaijan, 1995. Article 59)







## Prevention of gender based discrimination

All forms of discrimination on the grounds of gender are prohibited.

The below listed cases are not considered as discrimination:

benefits, privileges and additional guarantees provided for by the Labour Code of the Republic of Azerbaijan;



(the Law on Guarantees of Gender (Men and Women) Equality, 2006. Article 3.1)



## Gender equality guarantees in economic relations

The State guarantees equal opportunities for men and women to exercise the property rights and to engage in free enterprise.



(The Law on Guarantees of Gender (Men and Women) Equality, 2006. Article 15.1)



## Right to social insurance

Every person having attained to the age established by the law has the right to social insurance in case of illness, disability, loss of the patron, unemployment and in other cases established by law.

(The Constitution of the Republic of Azerbaijan, 1995. Article 38)

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The State guarantees to provide equal opportunities for men and women in the exercise of the right to social insurance, to receiving targeted social assistance and other social benefits.



(The Law on Guarantees of Gender (Men and Women) Equality (2006), 2006. Article 15.2)



## Equality in labor activities. Employer's obligations in labor activities.

The employer is obliged to guarantee equality for men and women in labor activities.



(The Law on Guarantees of Gender (Men and Women) Equality , 2006. Article 7)



## Equal rights in labor activities:

The employer is obliged to:

- treat equally and provide equal opportunities for employees, regardless of sex, in the employment process, recruitment, promotion, professional training, retraining and improvement of professional skills, performance quality assessment and dismissal.
- create equal working conditions for employees doing the same work, regardless of sex;
- avoid administration of different disciplinary penalties to employees for same violations, regardless of sex.



(The Law on Guarantees of Gender (Men and Women) Equality, 2006. Article 7)




## Equal rights in labor activities:

An employer is obliged to:

- meet the requirements of Articles 9 and 10 of the present Law;
- undertake effective measures to prevent discrimination on the grounds of gender and to prevent sexual harassment

(The Law on Guarantees of Gender (Men and Women) Equality , 2006. Article 7)



## Employer's obligations for elimination of discrimination on the grounds of gender:

In cases of different treatment of men and women on matters of promotion, professional training, re-training, performance assessment and dismissal, an employer,, upon request of the employee, shall justify such difference in treatment



(The Law on Guarantees of Gender (Men and Women) Equality, 2006, Article 8)



## Employer's obligations for elimination of discrimination on the grounds of gender:

A person, whose job application has been turned down, has a right to seek from an employer a written explanation on education, professional training, work experience, professional skills and other superiorities of the member of the opposite sex, who has been offered employment, as compared with him (her).



(The Law on Guarantees of Gender (Men and Women) Equality, 2006, Article 8)





## Guarantees for employed women:

Pregnant women on maternity leave until her child reaches three years of age and returning to the same job (profession) within a year since the expiration of the maternity leave, are free from the job attestation.

(Labor Code, 1999. Article 66)

Persons with privileges in cases of staff reduction:

Those having two or more children under 16 as dependents.

(Labor Code, 1999. Article 78)





## Guarantees for employed women:

### Employees privileged in cases of cancellation of a labor contract

- Pregnant women, as well as those, having a dependant child under 3 years of age.
- Employees with children under school age who are the single caretakers of the latter with the place of employment being the only source of income



(Labor Code, 1999. Article 79)



## Guarantees for employed women:

### Other privileges

Working time not exceeding 36 hours for pregnant women and those with children under year and half of age

(Labor Code, 1999. Article 91)

An employer shall set part-time working hours (working day or working week) for women, having a child under 14 years of age or a disabled child under 16 years of age, upon their application



(Labor Code, 1999. Article 94)



## Guarantees for employed women:

### Other privileges

Women, having two children under 14 years of age, and those, having three children of this age or a disabled child under 16 years of age, are granted additional leave of 2 and 5 calendar days respectively.



(Labor Code, 1999. Article 117)

## Guarantees for employed women:

Women, engaged in agricultural production, are granted maternity leave as follows:

- a 140 calendar days in case of normal childbirth (70 calendar days before the childbirth and 70 calendar days after the childbirth);
- b 156 calendar days (70 calendar days before the childbirth and 86 calendar days after the childbirth);
- c 180 calendar days in case of two and more children have been born (70 calendar days before the childbirth and 110 calendar days after the childbirth);

 (Labor Code, 1999. Article 125)




## Guarantees for employed women:

Refusal to conclude a labor contract with a woman for reason of pregnancy or for having a child under 3 years of age, shall be avoided. This rule shall not be applied to cases when an employer has not a relevant job (position) or refuses to employ for jobs where the use-of women's labor is not allowed.



(Labor Code, 1999. Article 125)



## Equal property rights and personal rights in a family:

In accordance with the equality of rights of men and women established by the Constitution of the Republic of Azerbaijan spouses (husband and wife) have equal personal and property rights in family relations.

(Family Code, 1999. Article 29.1)

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The property, purchased by spouses within their marriage period, shall be considered as their joint property.



(Family Code, 1999. Article 32.1)

## Joint property of spouses includes:

- Profits made as a result of labor, entrepreneurial and intellectual activity of each of them, pensions and benefits received by them, as well as other monetary allowances (amounts paid for disability, loss of working capacity due to any form of undermined health, amount of pecuniary aid etc.);
- Movables and immovables, securities, purchased at the expense of joint profits of spouses, shares, properties deposited jointly by them in credit institutions or other profit organizations, capital shares and other property earned by spouses within their marriage period regardless of whose name it has been purchased for or in whose name and by whom the property has been deposited.

(Family Code, 1999. 32.2)





## Joint property of spouses

A husband (wife), having no free earnings due to house-keeping, child care or other reasonable excuses, shall be entitled to the joint property.



(Family Code, 1999. Article 32.3)



## Domestic economic violence

Actions, taken by family members (whom this law is applicable to), aiming at depriving each other of property, profits, which are in his (her) possession, disposal or use, creating economic dependence, maintaining or abusing this dependence shall be considered as application of illegal domestic economic restrictions;



(Law on the Prevention of Domestic Violence, 2010. Article 1.0.5)



## Domestic economic violence:

Under the Administrative Offences Code, a fine in the amount of 100 – 300 AZN is imposed for the actions aimed at the application of illegal domestic economic restrictions.



(Administrative Offences Code, 1999. Article 307-2)



## Succession rights:

Succession rights among men and women shall be based on the principle of equality in the Republic of Azerbaijan.

(Family Code, 1999. Article 29.1)

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Any testator's spouse (wife) shall have a natural dower in inheritance regardless of the text of his testament.



(Civil Code, 1999. Article 1193)

## Notes

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