

On State Guarantees of Equal Rights and Equal Opportunities of Men and Women

Unofficial translation

The Law of the Republic of Kazakhstan dated 8 December, 2009 No.223 – IV

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This Law shall regulate the social relations in the field of ensuring of the state guarantees of equal rights and equal opportunities of men and women and shall establish the basic principles and regulations, relating to the creation of conditions for gender equality in all spheres of the state and social life.

Article 1. The basic concepts, used in this Law

The following basic concepts shall be used in this Law:

- 1) gender - social aspect of relations between men and women, which shall be demonstrated in all spheres of life;
- 2) gender equality - a legal status, ensuring the men and women with equal rights and equal opportunities and real access to participation in political, economic, social, public and cultural spheres of life regardless of sexual identity;
- 3) discrimination on the grounds of sex - any limitation or impairment of a right and freedom of person, as well as disparagement of his (her) dignity of the grounds of sex;
- 4) equal rights - an equal right for men and women to exercise of civil, political, economic, social, culture and other rights, state-guaranteed, vested in the Constitution and the Laws of the Republic of Kazakhstan;
- 5) equal opportunities - the system of means and conditions, necessary for real achievement of equality of rights;
- 6) reproductive health - human health, reflecting his (her) ability to reproduction of full offspring.

Article 2. The legislation of the Republic of Kazakhstan on state guarantees of equal rights and equal opportunities of men and women

1. The legislation of the Republic of Kazakhstan on state guarantees of equal rights and equal opportunities of men and women shall be based on the Constitution of the Republic of Kazakhstan shall consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

Article 3. The basic objectives of the state policy on ensuring of equal rights and equal opportunities of men and women

The basic objectives of the state policy on ensuring of equal rights and equal opportunities of men and women shall be:

- 1) ensuring of equal rights and equal opportunities of men and women in all spheres of the state and social life;
- 2) improvement and development of the legislation of the Republic of Kazakhstan;
- 3) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) education and propaganda of culture of equality of men and women among population of country, nondiscrimination on the grounds of sex;
- 5) execution of generally recognized principles and regulations of international right and international obligations;
- 6) increasing the legal and political culture of society for ensuring of sexual equality in all spheres of life, including policy, social and labour, family relationship.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 4. Discrimination on the grounds of sex

1. Regulatory legal acts, directed to limitation or impairment of equal rights and equal opportunities of men and women may be challenged in court according to the procedure, provided by the civil procedure legislation of the Republic of Kazakhstan.

2. The following measures shall not be considered as discriminatory on the grounds of sex:

- 1) protection of motherhood, childhood and fatherhood;
- 2) protection of women in connection with pregnancy and childbirth;
- 3) increased expectation of life of men;
- 4) protection of women in criminal, criminal and processual, penal legislation.

Differences, exceptions, preferences and limitations, which shall be established by the requirements, inherent to this kind of labour or conditioned by special care of the state on persons, being in need of social and legal protection shall not be discrimination.

Article 5. Bodies, civil servants and organizations, carrying out activity in the scope of ensuring of equal rights and equal opportunities of men and women

Bodies and civil servants, carrying out activity in the scope of ensuring of equal rights and equal opportunities of men and women shall be:

- 1) the President of the Republic of Kazakhstan;
- 2) the Government of the Republic of Kazakhstan;
- 3) central executive bodies within its competence;
- 4) local executive bodies of regions, cities of republican significance and the capital within its competence,

Other bodies and organizations shall enforce the equal rights and equal opportunities of men and women in accordance with this Law, other Laws, the acts of the President and the Government of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011).

Article 6. The competence of the Government of the Republic of Kazakhstan in the scope of ensuring of equal rights and equal opportunities of men and women

The Government of the Republic of Kazakhstan shall:

- 1) develop the basic directions of the state policy on ensuring of equal rights and equal opportunities of men and women;
- 2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 3) exercise other functions, imposed on it by the Constitution, the Laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. The competence of central executive bodies in the scope of ensuring of equal rights and equal opportunities of men and women

Central executive bodies within its competence in the scope of ensuring of equal rights and equal opportunities of men and women shall:

- 1) participate in realization of the state policy on ensuring of equal rights and equal opportunities of men and women;
- 2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 3) interact with the state bodies and public associations on issues of gender equality;
- 4) assist to observance of gender equality in personnel affairs;
- 5) consider the applications of citizens, concerning the issues of family, nonobservance of equality of men and women;
- 6) effect cooperation with international organizations on issues of gender equality;
- 7) exercise other powers, provided by the Constitution, other Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8. The competence of local executive bodies of regions, cities of republican significance and the capital in the scope of ensuring of equal rights and equal opportunities of men and women

Local executive bodies of regions, cities of republican significance and the capital within its competence in the scope of ensuring of equal rights and equal opportunities of men and women shall:

- 1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 2) interact with public associations on ensuring of equal rights and equal opportunities of men and women;
- 3) contribute suggestions on improvement of legislation on issues of ensuring of equal rights and equal opportunities of men and women;
- 4) assist to observance of equal rights and equal opportunities of men and women;
- 5) exercise other powers, imposed on the local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local state government.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Guarantee of equal access of men and women to the state service

1. Heads of the state bodies shall be obliged to ensure the equal access of men and women to the state service in accordance with its experience, abilities and professional training.

2. The state shall enforce the equal partnership relations of men and women in legal, executive and judiciary branches of the state authority, bodies of local self-government.

3. Violation of requirements, established by this Article shall entail the repeal of illegal regulations (orders) or results of competition to fill the vacancy of the state service.

4. Obligation of presentation of information to the competition committees on professional training, education and experience of persons, participating in the competition, as well as data on correlation of employment volume of men and women on the relevant public posts of the state service shall be imposed on the personnel department of the state bodies.

Personnel department of the state bodies shall maintain the similar record upon resolution of the issues of certification, promotion in service, salary increase of the state servants.

Article 10. Participation of employers in ensuring of equal rights and equal opportunities of men and women in the scope of labour relations

1. Equal rights and equal opportunities in the scope of labour relations shall be guaranteed to the men and women, as well as:

- 1) upon conclusion of employment agreement;
- 2) equal access to the vacant working places;
- 3) in matters of raising of qualification, retraining and promotion in service.

2. An employer shall not have a right to require introduction of the documents, not provided by the labour legislation of the Republic of Kazakhstan.

3. General, industrial (tariff), regional agreements and collective contracts may include provisions, ensuring:

- 1) the equal rights and equal opportunities of men and women on the labour market;
- 2) the equal rights and equal opportunities of men and women on salary;
- 3) the measures, directed to improvement of provision of persons with family obligations;
- 4) the equal conditions upon recruitment in organization and its structural subdivisions.

4. Persons, considering, that suffered to discrimination in the scope of labour, shall have a right to apply to the bodies and organization, carrying out activity in the scope of ensuring of equal rights and equal opportunities of men and women.

5. An employer shall not have a right to create obstacles to the employee, who sent the complaint on cases of discrimination on the grounds of sex to the competent bodies.

Article 11. Ensuring of gender equality of rights and obligations of men and women in marriage and family relations and upbringing of children

Ensuring of gender equality of rights and obligations of men and women in marriage and family relations and upbringing of children shall be carried out by:

- 1) increasing of family status, strengthening of marriage and family relations and family;
- 2) equal division of responsibility for upbringing of children of men and women;
- 3) realization of social policy, directed to support and improvement of the quality of family life.

Article 12. Guarantee of the state on ensuring of gender equality in the field of protection of health, education, culture

The state shall guarantee:

1) further improvement of legislation of the Republic of Kazakhstan and adoption of measures on maintenance of reproductive health of men and women, reduction of mortality and narrowing of the gap between average duration of life of men and women;

2) ensuring of equal conditions for the access of men and women to all types of retraining and raising of qualification;

3) non-admission of privileges upon admission to study, except of the cases, provided by the Laws of the Republic of Kazakhstan;

4) non-admission of advertisement, containing textual, visual, audio information, violating the generally accepted regulations of humanity and morals by use of offensive words, comparison, figures in relation of sex;

5) gender formation in accordance with the realized state policy on ensuring of equal rights and equal opportunities of men and women.

Article 13. The state control and supervision over observance of the legislation of the Republic of Kazakhstan on the state guarantees of equal rights and equal opportunities of men and women

The state control and supervision over observance of the legislation of the Republic of Kazakhstan on the state guarantees of equal rights and equal opportunities of men and women shall be carried out in the form of verifications by the state bodies, carrying out activity in the scope of ensuring of equal rights and equal opportunities of men and women according to the procedure, determined by the Laws of the Republic of Kazakhstan.

Article 14. Interaction of bodies of the state control and supervision with social organizations

Bodies, carrying out the state control and supervision over observance of the legislation of the Republic of Kazakhstan on the state guarantees of equal rights and equal opportunities of men and women shall interact in their activity with the social organizations, participating in ensuring of gender equality and protection of rights of women.

Article 15. Responsibility for violation of the legislation of the Republic of Kazakhstan on the state opportunities of the men and women

Violation of the legislation of the Republic of Kazakhstan of the state guarantees of equal rights and equal opportunities of men and women shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

The President
of the Republic of Kazakhstan

N.Nazarbayev

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