

LAW OF THE REPUBLIC OF KAZAKHSTAN

On the state guarantees of the equal rights and equal opportunities of men and women

of December 8, 2009 No. 223-IV ZRK

This Law governs the public relations in the field of providing the state guarantees of the equal rights and equal opportunities of men and women and establishes the basic principles and regulations concerning creation of conditions for gender equality in all spheres of the state and public life.

Article 1. The basic concepts used in this Law

In this Law the following basic concepts are used:

- 1) gender - social aspect of the relations between men and women which is shown in all spheres of life;
- 2) gender equality - the legal status providing to men and women the equal rights and equal opportunities and real access to participation in political, economic, social, public and cultural spheres of life regardless of sex;
- 3) discrimination on the basis of floor - any restriction or infringement of human rights and freedoms, and also belittling of its advantage on basis of sex;
- 4) the equal rights - the right of implementation of civil, political, economic, social, cultural and other laws, equal for men and women, guaranteed by the state, enshrined in [the Constitution](#) and the laws of the Republic of Kazakhstan;
- 5) equal opportunities - system of the means and conditions necessary for real achievement of equal rights;
- 6) reproductive health - the health of the person reflecting its capability to reproduction of full-fledged posterity.

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

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

2. If the international treaties ratified by the Republic of Kazakhstan establish other rules, than those which contain in this Law then are applied rules of the international treaty.

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

The main objectives of state policy on providing the equal rights and equal opportunities of men and women are:

- 1) providing the equal rights and equal opportunities of men and women in all spheres of the state and public life;
- 2) enhancement and development of the legislation of the Republic of Kazakhstan;
- 3) *the subitem 3) of Article 3 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*
- 4) education and promotion among the population of the country of culture of equality of men and women, non-admission of discrimination on the basis of floor;
- 5) accomplishment of the conventional principles and rules of international law and international obligations;

6) increase in level of legal and political culture of society for ensuring gender equality in all spheres of activity, including policy, the social and labor and family relations.

Article 4. Discrimination on the basis of floor

1. The regulatory legal acts directed to restriction or infringement of the equal rights and equal opportunities of men and women can be challenged in the court according to the procedure provided by the civil procedural legislation of the Republic of Kazakhstan.

2. Are not considered discrimination on the measure basis of sex, directed on:

- 1) protection of motherhood, childhood and paternity;
- 2) protection of women in connection with pregnancy and childbirth;
- 3) increase in life expectancy of men;
- 4) protection of women in the penal, criminal procedure and criminal and executive legislation.

Are not discrimination of distinction, exception, preference and restriction which are determined by requirements peculiar to this type of work or are caused by special care of the state of persons needing the raised social and legal protection.

Article 5. The bodies, officials and the organizations performing activities in the sphere of providing the equal rights and equal opportunities of men and women

Bodies and the officials performing activities in the sphere of providing the equal rights and equal opportunities of men and women are:

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

Other bodies and the organizations provide observance of the equal rights and equal opportunities of men and women according to this Law, other laws, acts of the President and the Government of the Republic of Kazakhstan.

Article 6. Competence of the Government of the Republic of Kazakhstan of the sphere of providing the equal rights and equal opportunities of men and women

Government of the Republic of Kazakhstan:

1) develops the main directions of state policy on providing the equal rights and equal opportunities of men and women;

2) *the subitem 2) of Article 6 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*

3) performs other functions assigned to it [by the Constitution](#), the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 7. Competence of the central executive bodies of the sphere of providing the equal rights and equal opportunities of men and women

The central executive bodies within the competence of the sphere of providing the equal rights and equal opportunities of men and women:

1) participate in realization of state policy on providing the equal rights and equal opportunities of men and women;

2) *the subitem 2) of Article 7 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*

- 3) interact with state bodies and public associations concerning gender equality;
- 4) promote respect for gender equality in personnel problems;

5) is considered by the addresses of citizens concerning questions of family, non-compliance with equality of men and women;

6) perform cooperation with the international organizations for gender equality;

7) is performed by other powers provided by the Constitution, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 8. Competence of local executive bodies of areas, cities of republican value and capital of the sphere of providing the equal rights and equal opportunities of men and women

Local executive bodies of areas, cities of republican value and the capital within the competence of the sphere of providing the equal rights and equal opportunities of men and women:

1) *the subitem 1) of Article 8 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*

2) interact with public associations on providing the equal rights and equal opportunities of men and women;

3) make suggestions for improvement of the legislation concerning providing the equal rights and equal opportunities of men and women;

4) promote observance of the equal rights and equal opportunities of men and women;

5) is performed for the benefit of local public administration by other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

Article 9. Guarantees of equal access for men and women to public service

1. Heads of state bodies shall provide equal access for men and women to public service according to their experience, capabilities and professional training.

2. The state provides observance of the ravnopartnersky relations of men and women in legislative, executive to I judicial government branches, local government bodies.

3. Violation of the requirements established by this Article involves cancellation of illegal orders (orders) or results of tender on replacement of vacant positions of public service.

4. The obligation of representation to the contest committees of data on professional training, about education and work experience of the persons participating in tender, and also this about ratio of number of the working men and women on the corresponding state positions of public service is assigned to personnel services of state bodies.

Similar account is kept by personnel services of state bodies in case of the solution of questions of certification, job development, salary increase of government employees.

Article 10. Participation of employers in providing the equal rights and equal opportunities of men and women in the sphere of employment relationships

1. The equal rights and equal opportunities in the sphere of employment relationships are guaranteed to men and women, including:

1) in case of execution of an employment agreement;

2) equal access to vacant workplaces;

3) in questions of advanced training, retraining and job development.

2. The employer has no right to require submission of the documents which are not provided by the labor law of the Republic of Kazakhstan.

3. General, industry (tariff), regional agreements and collective agreements can include the provisions providing:

1) the equal rights and equal opportunities of men and women in the labor market;

2) the equal rights and equal opportunities of men and women on the salary;

3) the measures directed to improvement of the situation of persons with family obligations;

4) equal conditions when completing personnel in the organization and its structural divisions.

4. Persons considering that underwent to employment discrimination had the right to address to the bodies and the organizations performing activities in the sphere of providing the equal rights and equal opportunities of men and women.

5. The employer has no right to create obstacles to the worker who sent to competent authorities the claim about cases of discrimination on the basis of floor.

Article 11. Ensuring gender equal rights and obligations of men and women in the matrimonial relations and education of children

Ensuring gender equal rights and obligations of men and women in the matrimonial relations and education of children is performed in the way:

1) increases in prestige of family, strengthening of the matrimonial relations, promotion of values of scrap and family;

2) equal separation of responsibility of men and women for education of children;

3) realization of the social policy directed to support and improvement of quality of life of family.

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

The state guarantees:

1) further enhancement of the legislation of the Republic of Kazakhstan and taking measures to preserving reproductive health of men and women, decline in mortality and reducing gap between average life expectancy of men and women;

2) providing equal conditions for access for men and women to all types of retraining and advanced training;

3) non-admission of benefits in case of acceptance for study, except as specified, provided by the laws of the Republic of Kazakhstan;

4) non-admission of the advertizing containing the text, visual, sound information breaking the commonly accepted regulations of humanity and morals by the use of offensive words, comparisons, images concerning floor;

5) gender education according to implementable state policy on providing the equal rights and equal opportunities of men and women.

Article 13. The state control and supervision of compliance with law of the Republic of Kazakhstan about the state guarantees of the equal rights and equal opportunities of men and women

The state control and supervision of compliance with law of the Republic of Kazakhstan about the state guarantees of the equal rights and equal opportunities of men and women are performed in the form of checks by the state bodies performing activities in the sphere of providing the 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 state control bodies and supervision with public organizations

The bodies exercising the state control and supervision of compliance with law of the Republic of Kazakhstan about the state guarantees of the equal rights and equal opportunities of men and women interact in the activities with the public organizations participating in ensuring gender equality and protection of the rights of women.

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

Violation of the law of the Republic of Kazakhstan about the state guarantees of the equal rights and equal opportunities of men and women attracts the responsibility established by the laws of the Republic of Kazakhstan.

President of the Republic of Kazakhstan N. Nazarbayev