



Law of the Republic of Azerbaijan On Rules of Ethics Conduct of Civil Servants

The current Law defines rules and principles of ethics conduct for civil servants and legal mechanisms corresponding to observance of these rules.

Chapter I. General Provisions

Article 1. Scope of the Law

1.1. These rules shall apply to all persons with a status of a civil servant.

1.2. Each civil servant shall implement provisions of law governing by the law supremacy, human rights, democratic principles and the of high ethics conduct rules.

Article 2. Objectives of the Law

2.0. Objectives of this Law shall be as follows:

2.0.1. increasing the prestige of state bodies and civil service, strengthening citizens' confidence towards state bodies and civil servants;

2.0.2. increasing efficiency and transparency in the performance of state bodies and civil servants;

2.0.3. preventing corruption in state bodies and conflict of interests in the civil servants performance;

2.0.4. guaranty of the ethics conducts rules execution by civil servants;

2.0.5. informing citizens on expected conduct of civil servants;

2.0.6. enhancement of the influence possibilities for citizens on evaluation of performance of state bodies and civil servants.

Article 3. Legal regulation of the service conduct

3.1. The service conduct of civil servant is a performance related to the implementation of the rights he/she is entrusted by the legislation and execution of the duties. The service conduct of civil servant shall be based on ethics conduct rules and principles defined by this Law.

3.2. The service conduct of civil servant shall be regulated in accordance with this Law and other standard legal acts.

3.3. Standards specifying ethics conduct rules, the guarantees related to their execution may be determined by other standard legal acts of the state bodies. Mentioned standard legal acts shall not be contrary to the provisions of this Law.

Chapter II. Ethics conduct rules

Article 4. Honest conduct

4.1. Civil servants are bound to efficiently perform their official duties in the name of interests of person, society and state.

4.2. Civil servant shall be an example of honesty for each person in all cases.

Article 5. Increasing of professionalism and private responsibility

5.1. Civil servant must implement his/her performance within authorities set forth by the legislation of the Republic of Azerbaijan and at the professional level.

5.2. Civil servant shall increase and strengthen trust of the legal and physical persons towards state bodies, with his/her ethics conduct and professional performance.

Article 6. Loyalty

6.1. Civil servant shall avoid critical public judgments, speeches about performance of state bodies and their management (except for any illegal activity), and public assessment of their works if it is not included in his/her service duties. This rule shall not apply to speeches of a civil servant relating to his/her scientific-pedagogical activity or his scientific papers.

6.2. Civil servant shall not commit actions inappropriate to fulfillment of service duties related with and which may damage his name and decrease reputation of a state body.

6.3. Civil servant should obey rules defined relating to the open speeches by a state body.

6.4. Civil servant shall obey restrictions provided for in the legislation in relation with the civil service.

Article 7. Public trust

7.1. Civil servant must strengthen the prestige of the Republic of Azerbaijan, the state body and civil service, and to make his/her honor and name high.

7.2. Civil servant must to eliminate the consequences of a breach of the ethics conduct rules by him/her, as well as shall take measures to regain public confidence.

7.3. Civil servant shall help mass media representatives that inform the public about performance of the state bodies and their officials, on providing accurate information in cases determined by the law.

Article 8. Respect to the rights, freedoms and legal interests, honor and dignity and business reputation of individuals. Respect to the business reputation of legal persons

8.1. Performance of civil servants shall serve to the guarantee, defense and protection of rights, freedoms and legal interests of individuals.

8.2. Civil servant shall not make decisions and actions (or inactions) that would restrict the rights and freedoms and legal interests of individuals and offend their honor and dignity and damage their business reputation.

8.3. Except for cases provided for in the legislation, civil servant shall guarantee confidentiality of information obtained as a result of the official duties on private life, honor and dignity of physical persons, as well as other civil servants.

8.4. Civil servant shall respect business reputation of legal persons and avoid actions (or inactions) that might damage their business reputation.

Article 9. Civilized behaviour

Civil servant shall be polite, kind, considerate and patient towards all persons, including direct and senior supervisors or all persons at his/her subordination.

Article 10. Fulfilment of commands, orders, or assignments

10.1. Civil servant is obliged to fulfil a written command, order or verbal assignments of his/her direct or senior supervisors complying with the law and given within his/her authorities.

10.2. If civil servant is sure that a command, an order, or an assignment given by his/her direct or senior supervisors contradicts the law or other standard legal act, he/she shall submit to his/her direct or senior supervisor a written grounds thereof. He/she shall demand from his/her direct or senior supervisor to confirm this command, order or assignment in a written form. If despite of a command, an order or an assignment confirmed in a written form by his/her direct or senior supervisor, civil servant still believes that it is contradicting the law or other standard legal acts, he/she may refuse to fulfil that command, order or assignment.

10.3. Failure to fulfil legal instructions shall cause for disciplinary responsibility.

Article 11. Impartiality

11.1. Civil servant shall be impartial while fulfilling service duties or issuing decisions and not give any advantage to persons or a group of persons according to their race, nationality, religion, language, gender, social background, property and service status, faith, membership in the public or social unions.

11.2. Civil servant must obey political neutrality while fulfilling his/her service duties.

11.3. Civil servant shall not allow influence of his/her private interests or interests of stakeholders on fulfilment of his/her service duties and create conditions for such influence.

Article 12. Impermissibility of acquiring material and non-material gifts, privileges and concessions

12.1. Civil servant is prohibited to make actions (or inaction) or decisions directed to the illegal acquiring of material and non-material gifts, privileges or concessions.

12.2. Civil servant shall take actions to exclude his/her actions (or inaction) or decisions from leading to acquiring of the material and non-material gifts, privileges or concessions.

12.3. Civil servant rendering a disinterested service (services) for persons as defined by the legislation may not require any fees for that (those) service(s).

12.4. Civil servant rendering a service (services) for persons for a payment as defined by the legislation may not require fees more than amounts estimated for that (those) service(s).

Article 13. Prevention of Corruption

13.1. When being offered illegal material and non-material gifts, privileges or concessions a civil servant official shall refuse them. In case if material and non-material gifts, privileges or concessions are given for reasons not depending on him/her, he/she shall inform his/her direct supervisor thereto, and material and non-material gifts, privileges or concessions shall be given on a statement to a state body where the civil servant serves in.

13.2. Civil servant may not be one of parties in transactions where another party is a state body where he/she serves in.

Article 14. Restrictions on acceptance of gifts

14.1. Civil servant shall not demand or accept any gifts for himself/herself or other persons which may influence or appear to influence the impartial performance of his/her duties, or may be or appear to be reward relating to his/her duties or might create an impression of such influence, or are given as reward for performance of his/her duties, or might create an impression of such reward. This rule shall not apply to cases of awarding minor gifts in regard to hospitality and with a value not over than amount described in the law "On Fighting against Corruption".

14.2. If civil servant is not able to decide whether to take or refuse the gift, or benefit from the hospitality, he/she shall get his/her direct supervisor's opinion about it.

Article 15. Prevention of conflict of interests

15.1. Civil servant shall not allow conflict of interests while performing his/her service duties and shall not illegally use his/her service authorities for his/her private interests.

15.2. In case of contradiction between service duties and private interests of civil servant he/she under the legislation must give information on the character and volume of the conflict of interests when recruited to civil service, also including future period.

15.3. Civil servant shall inform the head of the state body in cases where offers of new position may cause conflicts of interest. After civil service termination, the civil servant can not be recruited to the departments, organizations, enterprises or their branches he/she controlled during previous performance within the period determined by the legislation..

15.4. Civil servant shall implement other actions provided for by the legislation to prevent conflict of interests.

15.5. While appointed to the position, as well as during all the following period, civil servant shall know ethics rules, and standard legal acts and acts of the standard character on fighting against corruption and prevention of conflict of interests. He/she shall apply to his/her direct or superior supervisor for any questions regarding the observance of these acts if they arise.

Article 16. Use of property

16.1. Civil servant shall economically and efficiently use state property, funds, communication, computer and other communicative systems, vehicles and other logistics provisions being at his/her disposal.

16.2. Civil servant is prohibited to use state property, funds, communication, computer and other communicative systems, vehicles and other logistics provisions for personal benefits, as well as for other aims not related to the fulfilment of service duties of that civil servant.

Article 17. Use of information

17.1. Civil servant shall provide access and distribution to the information being at the disposal of the state body where he/she serves in order determined by the legislation.

17.2. Civil servant shall observe rules defined by the state body for service information access.

17.3. Civil servant can not use the information obtained during his/her service performance for his/her private interests.

Article 18. Public or political activity

18.1. Civil servant has a right to be a member of public or political associations unless otherwise is provided for by the legislation.

18.2. Public or political activity of the civil servant or his/her membership in the public or political associations shall not cause suspicion of the society in his/her impartial and objective fulfillment of duties.

18.3. Civil servant shall not involve other civil servants to the activity of political parties or public unions and religious organizations using his/her duty-station.

18.4. Civil servant is not allowed to establish structural departments of the political or public associations (except for trade unions), religious organizations within state bodies, or assist in establishment of the mentioned structural departments within those bodies.

18.5. Civil servant is not allowed to use his/her duty-station and authorities for his/her own benefits or other candidates, or political parties, election blocs during elections.

Chapter 3. Provision for implementation of the ethics conduct rules

Article 19. The provisions system

19.1. In order to provide observance of the ethics conduct rules by civil servant:

19.1.1. civil servant, his/her direct or senior supervisor shall regularly analyze compliance of conduct of a civil servant with the ethics conduct rules;

19.1.2. civil servant, his/her direct or senior supervisor shall undertake actions set forth in this chapter.

Article 20. Control over observance of the ethics conduct rules

20.1. Control over observance of the ethics conduct rules shall be performed by:

20.1.1. A head of a state body – in official order, a senior body- under subordination;

20.1.2. A relevant state body (hereinafter “Monitoring body”) – in order determined by this Law.

Article 21. Control by a head of **state body**

21.1. Relevant structures of state bodies shall perform control over observance of the ethics conduct rules in such bodies.

21.2. Head of state body shall:

21.2.1. control over the compliance of the service conduct of the supervised employees with the ethics conduct rules determined by this law and analyze it accordingly;

21.2.2. be an example of observance of the ethics conduct rules with his/her official conduct;

21.2.3. perform allocation of responsibilities between supervised civil servants in accordance with positions they hold;

21.2.4. not involve supervised persons to take actions or make decisions being in contradiction to the legal and conventional ethics standards;

21.2.5. observe the requirements of the legislation while recruiting personnel to the headed state bodies and their structures;

21.2.6. prevent infringement of ethics conduct rules and take relevant actions;

21.2.7. explain the ethics conduct rules to the subordinated civil servants and give them recommendations on observance of the ethics conduct rules, if requires;

21.2.8. draft and approve standard legal acts (or standard acts) within his/her authorities specifying the ethics conduct rules determined by this Law and their observance provisions;

21.2.9. take actions for calling civil servants violating ethics conduct rules to the disciplinary responsibility;

21.2.10. take actions on informing citizens and organizations on ethics conduct rules and their right to demand from civil servants to observe such rules;

21.2.11. inform citizens, organizations and state bodies about actions taken in relation to the inobservance cases of the ethics conduct rules;

21.2.12. take actions to eliminate the consequences of the ethics conduct rules violation and to build public trust into state body;

21.2.13. perform other activities related to the observance of ethics conduct rules determined by legislation.

Article 22. Authorities of the controlling body

22.1. In view of observance of ethics conduct rules defined by this Law and coordination of issues related to enforcement of this Law, controlling body shall perform the following authorities:

22.1.1. study the situation with observance of ethics conduct rules defined by this Law and summarize relevant information;

22.1.2. receive information and complaints from civil servants and other persons relating to the breach of the provisions of this Law;

22.1.3. make proposals, recommendations or opinions on solution of the issues arisen from received complaints and information;

22.1.4. take actions to study public opinion related to the ethics conduct issues of civil servants and carry out public awareness in this regard;

22.1.5. make researches related to the ethics conduct issues of civil servants, compose reports and recommendations in this regard;

22.1.6. cooperate with independent experts, mass media and NGOs in the ethics conduct issues of civil servants;

22.1.7. send received materials to relevant bodies for verification if any criminal elements appear in those materials;

22.1.8. make proposals on improvement of legislation related to the ethics conduct issues of civil servants;

22.1.9. perform other authorities set forth in the legislation.

22.2. Controlling body must not in any way interfere into disciplinary implementation proceeding against civil servant due to violence of the ethical conduct rules.

Article 23. Responsibility for violation of **ethical conduct rules**

23.1. Violation of ethical conduct rules shall be a ground for calling civil servant to the disciplinary responsibility.

23.2. calling civil servant to disciplinary responsibility shall be performed in order and term provided for by legislation.

23.3. Disciplinary proceeding may start in the following cases:

23.3.1. complaint or other information submitted by physical or legal persons on violation of provisions of this law by civil servant;

23.3.2. publication of information in mass media on violation of provisions of this law and conflict of interests by civil servant.

23.3. Head of the state body shall inform the criminal prosecution body if during disciplinary proceedings the criminal elements are discovered in the committed law violation by civil servant.

Article 24. Effectiveness of this Law

This Law shall become effective from day of its promulgation.

Ilham ALIYEV
The President of the Republic of Azerbaijan

Baku, 31 May 2007
No 352-IIQD