

Law of the Republic of Azerbaijan on Rules of Ethical Conduct of Civil Servants

On Rules of Ethical Conduct of Civil Servants

This Law shall determine the norms and ethics and conduct that apply to civil servants and sets the legal mechanisms for following these norms.

I. GENERAL PROVISIONS

1. The scope of the Law

1.1. These guidelines shall concern to all individuals who have the status of civil servants.

1.2. Each civil servant shall be guided by the supremacy of law, human rights, democratic principles and high standards of ethical conduct and shall observe the guidelines of this Law.

2. Objectives of the Law

2.0. The objectives of this Law are as follows:

2.0.1. to increase and strengthen the prestige of state agencies and civil service, to increase the confidence of citizens in state agencies and civil servants;

2.0.2. to increase the efficiency of the work of state agencies and civil servants;

2.0.3. to prevent corruption in state agencies and conflict of interests in civil servants' activity;

2.0.4. to ensure observation of norms of ethical conduct by civil servants;

2.0.5. to increase awareness of citizens about expected conduct of civil servants;

2.0.6. to extend opportunities for citizens to exert influence upon assessment of performance of state agencies and civil servants.

3. Legal regulation of service conduct

3.1. The ethical conduct of a civil servant means exercising the relevant rights and performance of relevant duties. Official conduct of a civil servant shall be based on the guidelines and principles of ethical conduct set out in this Law.

3.3. The norms specifying the ethical rules determined by this Law and the provisions for observation of such norms can be determined by other normative legal acts of state agencies. These normative legal acts should not be contradictory to this Law.

II. THE RULES OF ETHICAL CONDUCT

4. **Honest conduct**

4.1. It is the duty of civil servants to fulfill their official duties effectively for the sake of the interests of citizens, society and the state.

4.2. A civil servant shall be a good example of honesty in all cases for everybody.

5. **Professionalism and enhancing individual responsibility**

5.1. Civil servant shall perform his/her duties within the scope of authority as determined by the relevant laws of the Republic of Azerbaijan and with the highest level of professionalism.

5.2. Civil servant shall build and strengthen faith of legal entities and individuals in state agencies by displaying ethical conduct and professionalism.

6. **Loyalty**

6.1. Civil servant shall avoid speeches and judgements about the work of state agencies and the work of their leaders and assess their work (except for any illegal activities) if it is not included in his/her official duties. This rule shall not apply to statements related to civil servant's scientific-pedagogical work and scientific researches.

6.2. Civil servants shall avoid any actions that may bring damages to their names and bring down the reputation of the state agency.

6.3. Civil servant shall observe the rules of open public speeches set out within the relevant state agency.

6.4. Civil servant shall observe the restrictions envisioned by the legislation for civil servants.

7. Public confidence

7.1. Civil servant shall strengthen the prestige of the Republic of Azerbaijan, the state agency and state service and hold high his honor.

7.2. In case of violation, civil servant shall eliminate the consequences of breaking the rules of ethical conduct rules by him/her, as well as shall take due measures to regain public confidence.

7.3. Civil servant shall have respect to the representatives of mass media that are informing the community about the operation of state agencies and high-ranked officials of those state agencies and help them in getting true (correct) information in certain cases determined by the law.

8. Respect to the rights, freedom and legal interests, honor and dignity of individuals. Respect to business reputation of legal entities.

8.1. The performance of civil servants shall serve to provision (protection and defense) of rights, freedoms and legal interests of people.

8.2. Civil servant shall avoid actions (or inactions) that would restrict the rights, freedoms and legal interests of citizens and offend their honor and dignity and damage their business prestige.

8.3. When performing his/her official duties, civil servant shall guarantee confidentiality of information that would damage personal life, honor and dignity of individuals.

8.4. Civil servant shall respect business reputation of legal entities with respect and avoid any actions (or inactions) that may spoil their business reputation.

9. Polite conduct

Civil servant shall be polite, kind, considerate and patient towards all individuals, including his senior or immediate supervisor and employees working under his/her supervision.

10. Implementation of orders and decrees

10.1. Civil servant shall fulfill any orders or decrees issued by his senior or immediate supervisor within the authorities determined by the law.

- In case a civil servant decides that any order or decree issued by his immediate or senior supervisor contradicts with the law or any other normative legal act, he shall submit a justified statement about it in written to his immediate or senior supervisor.
- 10.2. He/she shall demand that his/her immediate supervisor confirms this decree in written. If a civil servant gets this order or decree approved in written form and still continues to believe that it contradicts to the law or other normative legal acts, he can refuse to carry out that order or decree.
- 10.3. Non-fulfillment of legal orders shall lead to disciplinary procedures.

11. Impartiality

- 11.1. While performing his service duties or taking decisions, a civil servant shall not give way to providing preferences or establishing conditions for provision of preferences to any individual or group of individuals based on race, nationality, gender, social background, property ownership and professional status, religious views, faith, public and any other form of affiliation.
- 11.2. A civil servant shall display political indifference at the time of performance of his/her service duties.
- 11.3. Civil servant shall not let personal interests or interests of any other interested parties to influence his/her performance of service duties.

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

- 12.1. Civil servant shall not take any action (or inaction) and take decisions aimed at getting illegal financial and any other rewards, privileges or concessions.
- 12.2. A civil servant shall take measures to prevent any financial or intangible wealth, or privileges and concessions resulting from his decisions or action (inaction).
- 12.3. Civil servants who provide service (services) to individuals on a free-of-charge basis in accordance with the legislation, shall not require any charges for his/her service (services).
- 12.4. Civil servants who provide service (services) to individuals for a certain fee, shall not demand additional payments for provision of his/her service (services).

13. Prevention of corruption

13.1. In case a civil servant is offered illegal financial or intangible benefits, privileges or concessions, the civil servant shall refuse accepting them. If financial or intangible benefits, privileges or concessions are taken by the civil servant for the reasons beyond his control, he/she shall inform his/her immediate supervisor about this immediately and financial and intangible benefits, privileges and concessions shall be transferred to the state agency, where the civil servant work with a relevant act.

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

14. Restrictions on acceptance of gifts

14.1. Civil servant shall not accept or demand gifts for himself or any other persons, that would influence his/her impartial performance of duties or that would create an impression of such influence, or gifts presented to him/her in return for performance of his/her duties or that would create an impression of such award. This rule shall not apply to gifts of common hospitality that do not exceed the amount specified in the law of the Republic of Azerbaijan "On combat against corruption".

14.2. If a civil servant is unsure whether he/she shall accept or refuse the gift, he/she shall immediately consult with his/her supervisor on this matter.

15. Prevention of conflicts of interests

15.1. At the time of performing his/her service duties, a civil servant shall prevent conflict of interests and not use his/her service authorities for the sake of personal interests.

15.2. In case of a conflict of interests between service duties and personal interests of a civil servant, he/she shall provide information about the nature of such interests at time of recruitment and during subsequent periods.

15.3. When job offers for transferring to a new position prove to be clashed with the interests concerning civil servant, he/she shall inform the head of the state agency about them. During a certain period after leaving the public service, civil servant cannot be hired to any position at any of the organizations, enterprises or their branch offices that were under his/her control before.

15.4. A civil servant shall take other measures specified in the legislation to prevent cases of conflict of interests.

15.5. At the time of recruitment and afterwards the civil servant shall familiarize himself/herself with the guidelines of ethical conduct, legislative and normative acts concerning combat against corruption and prevention of conflicts of interest. In case of

any questions concerning compliance with these acts, he/she shall apply to his/her immediate supervisor or top management.

16. Use of property

16.1. Civil servant shall ensure economical and efficient use of state properties, financial resources, communication, computer and other communication systems, transport vehicles and other organizational-technical provisions that he/she is authorized to use.

16.2. Civil servant is not allowed to use state property, financial resources, communication, computer and other communication systems, transport vehicles and other organizational-technical provisions in his/her own interests, as well as for any other reasons that are not related to the fulfillment of his/her service duties.

17. Use of information

17.1. Civil servant shall provide access to the information about the work of the state agency and his/her own official activities based on the rules specified by laws and other normative legal acts.

17.2. Civil servant shall follow the guidelines of provision of official information specified by the relevant state agency.

17.3. Information which was obtained by civil servant during performance of his/her service duties may not be used for personal interests.

18. Public or political activities

18.1. Civil servant shall have the right to be a member of public or political unions, unless provided otherwise by the legislation.

18.2. Civil servant shall not allow his public or political activities, as well as members in public or political unions to give raise to any doubts concerning impartial performance of his/her service duties.

18.3. Civil servant shall not use their authority to get other civil servants involved into activities of public and political unions, as well as religious organizations.

18.4. Civil servant is not allowed to set up structural departments of political parties and other public unions (except for trade unions), as well as religious organizations within state agencies, or to contribute to set up of the above-mentioned departments and structures within those agencies.

- 18.5. Civil servant is not allowed to abuse his/her power and use authority for the benefit of himself/herself or other candidates, political parties and electoral blocks of political parties.

III. Provision of compliance with guidelines of ethical conduct

19. System of provisions

- 19.0. Compliance with the rules of ethical conduct by civil servant is provided as shown below:

- 19.0.1. civil servant himself/herself, immediate supervisor and top management shall regularly analyze compliance of a civil servant with the ethical conduct rules;
- 19.0.2. servant, his immediate supervisor and top management perform actions specified in this chapter.

20. Control over compliance with guidelines of ethical conduct

- 20.0. Control over compliance with guidelines of ethical conduct:

- 20.0.1. Head of the state body - within service regulations, superior authorities - in the order of supremacy;
- 20.0.2. Relevant state authorities (hereinafter referred to as Control Authorities) - in the manner specified by this Law.

21. Control by head of the state body

- 21.1. Control over compliance with the guidelines of ethical conduct in state bodies shall be implemented by the relevant divisions of these agencies.
- 21.2. The head of the state body shall:
- 21.2.1. exercise control and analyze the compliance with the ethical conduct guidelines set out in this Law by subordinate civil servants;
- 21.2.2. serve as an example of observance of the ethical conduct rules with his/her official conduct;

- 21.2.3. implement distribution of powers among civil servants working under his supervision in accordance with the positions they are holding.
- 21.2.4. not to involve employees under his/her supervision to actions that are illegal and do not comply with the generally accepted ethical norms;
- 21.2.5. follow legal requirements at the time of recruitment and placement of staff into state agencies and relevant structural divisions;
- 21.2.6. prevent violation of norms of ethical conduct and take preventive measures;
- 21.2.7. explain the rules of ethical conduct to subordinate civil servants and give recommendations on the rules of ethical conduct, where required;
- 21.2.8. work out and approve normative acts within the scope of his/her powers specifying the guidelines of ethical conduct rules as determined by this Law and provisions for compliance with these guidelines;
- 21.2.9. take actions to bring civil servants violating ethical conduct rules to the disciplinary responsibility;
- 21.2.10. take measures for increasing awareness of citizens and organizations that they have the right to demand civil servants to observe these rules;
- 21.2.11. inform citizens, organizations and state agencies about measures taken in relation to failure to comply with the rules of ethical conduct;
- 21.2.12. take measures to eliminate the consequences of failure to comply with the rules of ethical conduct, and regain public confidence in the state agency;
- 21.2.13. perform other duties envisioned by the legislation in relation to compliance with the guidelines of ethical conduct.

22. Authority of control agencies

- 22.1. The control agency shall perform the following duties for the purposes of application of this Law and ensuring observation of the ethical conduct guidelines set out in this Law:
 - 22.1.1. examines the situation with observation of ethical guidelines set out in this Law and generalizes the information available on this matter;

- 22.1.2. accepts complains and information regarding failure to comply with the provisions of this Law from civil servants and other persons;
 - 22.1.3. provides recommendations, suggestions and directions concerning resolution of issues related to incoming complaints and information;
 - 22.1.4. takes measures for surveying public opinion about ethical conduct of civil servants and increasing awareness about this matter;
 - 22.1.5. carries out investigation of issues related to ethical conduct of civil servants, draws up reports and recommendations on these issues;
 - 22.1.6. cooperates with non-governmental organizations, mass media and independent experts on issues related to ethical conduct of civil servants;
 - 22.1.7. when incoming information contains details of legal offences, submits such information for investigation to relevant authorities;
 - 22.1.8. makes proposals concerning improvement of legislation on matters of ethical conduct of civil servants;
 - 22.1.9. performs other duties envisioned by the legislation.
- 22.2. The control agency may not interfere in any form into execution of disciplinary measures taken against a civil servant for violation of ethical conduct guidelines.

23. Responsibility for violation of ethical conduct guidelines

- 23.1. Violation of the ethical conduct guidelines serves as the reason for bringing the civil servant to administrative responsibility.
- 23.2. Disciplinary measures shall be applied to civil servant in the manner and at the time specified in the legislation.
- 23.3. Disciplinary measures may be taken in the following cases:
 - 23.3.1. complaint or information from legal entity or individual concerning violation of the provisions of this Law by a civil servant;
 - 23.3.2. mass media publication of information concerning violation of the provisions of this Law or giving way to a conflict of interests by a civil servant;

- 23.3. If criminal elements are found in actions of a civil servant during execution of disciplinary actions, the head of the state agency which discovered these elements, shall submit this information to the relevant authorities.

Article 24. Effectiveness of this Law

This Law shall be effective on the day of its publication.

Ilham Aliyev

President of the Republic of Azerbaijan

Baku city, 31 May 2007

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With changes and amendments made in accordance with law No 807-IIIQD dated 28 April 2009