

Universal Periodic Review
(16th session, spring 2013, from 22 April – 3 May 2013)
Contribution of UNESCO

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

Azerbaijan

I. BACROUND AND FRAMEWORK

Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 16/12/1993			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 18/01/2007			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 15/02/2010			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to education

Normative Framework:

2. Constitutional framework: The Constitution of the Republic of Azerbaijan of 1995¹ enshrines the right to education. Article 16 (2) provides that “Azerbaijan State participates in development of (...) education (...)”. Article 42 on the right to education states: “(1) Every citizen has the right to education. (2) The State guarantees free obligatory secondary education. (3) The system of education is under the state control. (4) The State guarantees continuation of education for gifted persons irrespective of their financial position. (5) The State establishes minimum educational standards.”

3. Article 17.2 adds that “Parents must take care of their children and their education. The State controls implementation of this responsibility.”

4. Article 45 on the right to use his/her mother tongue recognizes that “(1) Everyone has the right to be educated, carry out creative activity in any language, as desired. (2). Nobody may be deprived of the right to use his/her mother tongue.”

5. According to Article 18.3, “State educational system is secular.”

6. Article 25 guarantees the right for equality and provides that “(1) All people are equal with respect to the law and the law courts. (2) Men and women possess equal rights and liberties.”

Legislative framework:

7. In 2009, the Education Law of the Azerbaijan Republic² was adopted abrogating the previous 1992 Education Law. The 2009 law re-organized the levels and types of education including preschool, general schooling and vocational training. Higher education was organized as a three-degree structure (bachelors, masters and a two-level doctorate) in line with the relevant provisions of the Bologna Process.³

8. Article 5 of the Law provides:

5.1. The State guarantees creation of the corresponding condition required for education acquirement of all citizens.

5.2. Regardless of sex, race, skin colour, language, religion, political views, nationality, economic and social situation, origin, health opportunities of citizens, the State ensures creation of opportunity of education acquirement and prevention of any discrimination for every citizen.

¹ http://www.azerbaijan.az/portal/General/Constitution/doc/constitution_e.pdf (Accessed 27/07/12)

² <http://www.edu.gov.az/view.php?lang=en&menu=72&id=5244> (Accessed 27/07/12)

³Information from the European Commission:

http://ec.europa.eu/world/enp/pdf/progress2010/sec10_519_en.pdf (accessed 27/07/2012)

5.3. The State provides all citizens with a right of acquirement of obligatory general secondary education [primary education; general secondary education; complete secondary education]. Every citizen has a right to acquire general secondary school education free of charge at state educational institutions. The State in accordance with legislation provides citizens with a right of free education acquirement at each level of vocational (profession-speciality) and high schools, once only.

9. Article 9 on Quality Level of Education states that “Quality Level of Education is determined in accordance with the corresponding system of quality parameters (educational programs – curriculums, level of entrants’ readiness, material and technical base, infrastructure, information resources, professionalism and scientific - methodical level, progressive educational technologies etc.) on each step of education adapted with principles of International and all-European educational system based on educational standards accepted in the State.”

10. In Article 3 of the 2002 Law of Azerbaijan on Environmental Education and Enlightenment of Population⁴, it is provided that “The scope of the Law consists of uninterrupted environmental education and enlightenment systems that reflect the principles of ecological education and relevant state educational standards. Moreover, information space on environmental education exists at educational establishments”.

11. Concept of general education in Azerbaijan (National Curriculum) document was approved by the Cabinet of Ministers Resolution No. 233 dated 30.10.2006.⁵

12. Order No. 148s of the Cabinet of Ministers of Azerbaijan, dated 10 June 2005 approved the Development Programme on Providing General Secondary Educational Institution with Equipment in the Republic of Azerbaijan for 2005-2009. Under this programme, 278 schools were provided with contemporary equipment in 2005 and 2006.⁶

13. The Order of the President of Azerbaijan of 21 August 2004 approved the Programme on Providing the General Education Schools with Information and Communication Technologies (2005-2007). In conformity with this program, 3693 schools were equipped with 31 677 computers as well as 1103 schools with laptops and head projects.⁷

⁴ <http://www.edu.gov.az/view.php?lang=en&menu=72&id=2357> (accessed 27/07/2012)

⁵ National Report on the Development of Education, ICE 2008, Azerbaijan Republic, Baku, November 2008.

⁶ National report on the development of education for the 48th International Conference on Education; Geneva; 2008, http://www.ibe.unesco.org/National_Reports/ICE_2008/azerbaijan_NR08.pdf (accessed 27/07/2012)

⁷ National report on the development of education for the 48th International Conference on Education; Geneva; 2008, *op. cit.*

14. The Republic of Azerbaijan joined the Lisbon Convention on Recognition of Qualifications on Higher Education in Europe. The Convention was approved by resolution No. 64 of the Cabinet of Ministers, dated 13 May 2003.⁸

15. Under Order No. 11/182 issued by the Ministry of Education on 27 April 2007, a Division on Recognition of Educational Degrees was set up at the Ministry of Education with the view to implement the procedures on recognition of qualifications acquired in foreign countries and defining if the qualifications received abroad complies with the educational standards of Azerbaijan.⁹

16. Policy measures: The Reform Programme of Educational Sector in Azerbaijan approved in 1999, has determined future improvement conception and strategy of educational sector in Azerbaijan. Reforms have been realized in three stages, the first stage (1999) covered creation of standard-legal, economical bases and databases of the educational system which secures educational rights of citizens and conforms to the requirements of market economy, the second stage (2000-2003) covered administrative-legal, staff, financial, logistical support and development of management models for the realization of wide reform actions and the third and final stage (beginning from 2004) covers realization of all measures considered in the programme. The programme is considered to be realized in 3 stages: the I stage 2003-2007, the II stage 2007-2010 and the III stage 2010-2013.¹⁰

17. Preschool Education: On April 2007, the the programme on reforming Preschool education covering 2007-2010 periods was approved. The reform programme aims to strengthen the network and material-technical basis of institutions, to improve the management, to direct administrative, legal and economic mechanisms to productive activity of these institutions, to prepare a national curriculum on preschool education, to acquire a world expertise in this field, etc. The program also sets out to include a binding five-year children preschool education in conformity with the world standards. Within the framework of “Reforming the preschool Education in the Republic of Azerbaijan” Programme, in 2008, a total of 21 preschool institutions have been reconstructed and provided with relevant equipment. Moreover, efforts are being made to set up a normative-legal basis on the implementation of inclusive education within this framework.¹¹

18. Vocational and Technical Education: In the recent years a number of relevant activities have been implemented in improving the vocational and professional education system, upgrading the normative and legal framework, optimizing the network of educational institutions, and training competitive, highly specialized professionals that meet the requirements of the market-based economy and labour. Taking into consideration the

⁸ Ibid.

⁹ Ibid.

¹⁰ National Report on the Development of Education, ICE 2008, Azerbaijan Republic, Baku, November 2008.

¹¹ National report on the development of education for the 48th International Conference on Education; Geneva; 2008, op. cit.

importance of vocational education, the Government approved the “State Programme on the Development of Vocational Education (2007-2012)”.¹²

19. Higher Education: A new State Programme on the reform of higher education for the period 2009-13 was approved by the Cabinet in May 2009 including the listing of specialization programs for bachelor degrees with its monitoring overseen by the Ministry of Education.¹³

20. School Environment: There is on-going work for the preparation of a new programme on capital repair and new school construction for years 2008-2012 on commission by the President.¹⁴

21. Cooperation: Azerbaijan is not party to 1960 UNESCO’s Convention against Discrimination in Education and did not report to UNESCO for the Seventh Consultation on the measures taken for the implementation of the Recommendation against Discrimination in Education (covering the period 2000-2005).

Azerbaijan is not party to 1989 UNESCO’s Convention on Technical and Vocational Education.

22. Azerbaijan did not report within the framework of the fourth consultation of Member States the measures taken for the implementation of the 1974 UNESCO’s Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

Right to take part in cultural life

Achievements, challenges, best practices and constraints related to the implementation of the right to take part in cultural life

23. Normative Framework: constitutional and legislative frameworks: The Law on Culture was adopted in 1998. Possible amendments of this law are currently being discussed. A lot of effort has been made to harmonize national legislation with EU legislation, and according to a recent statement of the Legislative Department of the *Milli Mejlis* – the National Parliament, this process is due to be completed by 2013.

24. Article 8 ("the Right to cultural identity") of the Law on Culture states that "each person has a right to keep their national-cultural identity and to choose their own moral, aesthetic and other values; the state promotes the right to their cultural identity". This Article gives a legal guarantee to protect cultural identities which are independent of racial, ethnic and national belonging. Azerbaijan’s ethnic minorities are guaranteed equal cultural rights and have the same access to the country’s cultural heritage as others. There are a number of other Articles of the Law on Culture that provide legal security for personal rights to cultural identity. In particular, Article 48 on International Cooperation in the Cultural Sphere, Article 49 on International Exchange in the Cultural Sphere, Article 50 on Cooperation in the

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

Sphere of Conservation of Cultural Values provide for the development of international contacts of cultural minorities with their historical motherlands. Various state programmes adopted in the recent years take into consideration basic principles of respecting cultural rights, particularly access to cultural assets and goods, freedom of creative and cultural self-expression, special conditions for participation by vulnerable social groups – refugees/IDPs, people with disabilities, children and elderly.

25. Institutional framework: A Governmental Commission with the participation of high-level representatives of the Ministries of Culture and Tourism, Education, Foreign Affairs, Justice, Health and other ministries has been established in order to prepare the Second Periodical Report of the Republic of Azerbaijan on the ‘International Covenant on Economic, Social and Cultural Rights’ (ICESCR), with the intention to promote intercultural dialogue and guarantee the rights of cultural minorities.

26. Policy measures: According to the draft ‘Concept of Culture of the Republic of Azerbaijan’, prepared by the Ministry of Culture and Tourism recently, and which is under consideration by a specially established Inter-ministerial Working Group, there are seven general cultural policy objectives to be pursued in the medium term. These set of objectives include, notably: (i) improvement of national cultural policy legislation; (ii) enhancement of international conventions and bilateral agreements implementation mechanisms; (iii) improvement of existing practices on cultural and authors rights protection. Azerbaijan is also developing a “State Programme for Safeguarding Azerbaijan's Intangible Cultural Heritage for 2012-2016”.

27. Work with civil society: There are a large number of registered NGOs and ad hoc initiative groups across the country which carries out activities in one or more fields promoting equal access to culture, right to cultural expression, and the protection of cultural heritage. The Council for State Support to NGOs under the President of the Republic of Azerbaijan regularly announces grant competitions for national and local NGOs working on various issues, among which include access to culture for marginalized and vulnerable social groups, and community involvement into heritage protection and promotion.

28. The Ministry of Culture and Tourism works with NGOs through direct support to their projects and activities, and inviting the participation of representatives of the NGOs into consultations processes taking place during the elaboration phase of legal acts and state programmes.

Freedom of opinion and expression

Achievements, best practices, challenges and constraints

29. Legislative framework: The Constitution of the Republic of Azerbaijan in principle guarantees the freedom of expression and information under article 47¹⁵ and article 50 respectively: “*Everyone may enjoy freedom of thought and speech*”, and: “*Everyone is free to look for, acquire, transfer, prepare and distribute information*”. Moreover, article 50 also ensures the freedom of mass media and that: “*State censorship in mass media, including press is prohibited.*”

¹⁵ http://www.azerbaijan.az/portal/General/Constitution/doc/constitution_e.pdf

30. A freedom of information law exists in the country, specifically through the Law on Obtaining Information¹⁶ which states that “*access to information in the Azerbaijan Republic is free*” and this law is meant to reinforce the constitutional guarantee of “*free, unrestricted and equal information access*. “

31. Defamation is criminalized under article 147 of the Azerbaijan’s Criminal Code¹⁷; sentences range from high fines to imprisonment of up to two years.

32. Media self-regulation: Self-regulation of the media exists in the country through organizations such as the Press Council which works to defend and promote a free press and the recently revised Professional code of journalists¹⁸.

33. Safety of journalists: UNESCO recorded no killing of journalists and media workers in Azerbaijan between 2008 and 2011. However, there continue to be reported harassments, attacks on and imprisonments of editors, journalists and bloggers in Azerbaijan which can have a chilling effect on freedom of expression in the country. In 2012, UNESCO awarded the UNESCO/Guillermo Cano World Press Freedom Prize to Azerbaijani journalist, Eynulla Fatullayev.

The right to enjoy the benefits of scientific progress and its applications (REBSP)

Achievements, best practices, challenges and constraints:

34. Azerbaijan submitted to UNESCO its national report on the application of the 1974 Recommendation on the Status of Scientific Researchers and took an active part in the consultations concerning the question of a possible revision of the 1974 to be discussed. As indicated in the national submission of Azerbaijan, the Azerbaijani national law is not contrary to principles of the 1974 Recommendation. The principles of Recommendation are followed in an institutional practice. Scientific-ethical and scientific-political publishers conform to the principles of Recommendation.

III. RECOMMENDATIONS

Right to education

35. Azerbaijan should be encouraged to ratify the 1960 Convention against Discrimination in Education.

36. UNESCO launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO’s governing bodies at the end of 2013. Azerbaijan has not yet reported to UNESCO on the Recommendation and is now strongly encouraged to submit a report.

¹⁶ <http://portal.unesco.org/ci/en/files/26135/12047260333Azerbaijan.pdf/Azerbaijan.pdf>

¹⁷ <http://www.unhcr.org/refworld/country,,NATLEGBOD,,AZE,4562d8cf2,4417f82d4,0.html>

¹⁸ <http://www.osce.org/baku/72214>

37. Azerbaijan could be encouraged to adopt further measures (e.g. special laws) which aim to combat discrimination in education, protect minority groups, combat illiteracy, and promote gender equality.

Right to take part in cultural life

38. Azerbaijan is encouraged to consider initiating a series of studies and debates on cultural rights in the universities and cultural institutions.

Freedom of opinion and expression

39. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.

40.. The Government is encouraged to allow journalists and media workers to practice in a free and safe environment as part of their fundamental human rights.

41. The Government is encouraged to enforce the constitutional principles of freedom of expression.