

**Universal Periodic Review
(44th working group session)
Contribution of UNESCO to Compilation of UN information**

Azerbaijan

I. RATIFICATION OF UNESCO CONVENTIONS

TITLE	Date of ratification, accession, acceptance or succession	Declarations/Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competence
Convention against Discrimination in Education (1960)	Not ratified			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification : 16/12/1993			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible	Ratification : 18/01/2007			The right freely to participate in the cultural life

Cultural Heritage (2003)				of the community
Convention on the Protection and Promotion of the Cultural Diversity of Cultural Expressions (2005)	Accession: 15/02/2010			The right freely to participate in the cultural life of the community

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Legislative, regulatory and policy framework

1. The Constitution of the Republic of Azerbaijan of 1995¹ guarantees the right to education for all citizens in its article 42. Article 25 further adds that everyone is equal before the law, that men and women have equal rights and freedoms and finally "the State shall guarantee the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or affiliation with political parties, trade union organisations or other public associations. Restrictions of rights and freedoms on the grounds of race, ethnicity, religion, language, sex, origin, beliefs, or political or social affiliation are prohibited."
2. The recently adopted Law on general education of 2019² guarantees general education, covering primary (grades I-IV) and general secondary education (grades (V-IX) and full secondary education (grades (X-XI) (articles 5 and 11). Article 5(4) further adds that "Every student in public educational institutions has the right to free general education". This corresponds to eleven years

¹

<http://www.unesco.org/education/edurights/media/docs/71c864412f2e9c6b6b46c7acea4dc62b982c4952.pdf>

² http://www.e-qanun.az/framework/42543#_edn1

covering grades I to XI. Pre-primary education is neither free nor compulsory according to the law, however it was reported that it is free.³

3. The country also recently adopted the 2018–24 State Programme for the Development of Inclusive Education for Persons with Disabilities⁴. The purpose of the State Program is to ensure the right to education of persons with disabilities at the same level as other persons at all levels of education and to create an environment without obstacles for their education. This programme shows the State's efforts to respond to the previous UPR cycle recommendations N° N°140.138 and N°140.144.

Legal age of marriage

4. According to the Family Code of the Republic of Azerbaijan as amended in 2019,⁵ the legal age of marriage is set at 18 years (article 10(1)), however, the minimum age of marriage can be reduced by one year with the permission from the executive authority of the territory at the place of residence (article 10.2). The Joint CEDAW-CRC⁶ General Recommendation/Comment, sets that the only exception to lower the minimum age, and this only to 16 years old, is to be made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions. Several recommendations of the previous UPR cycle were dedicated to combatting child marriage to ensure the completion of secondary education (N°141.93 and N°141.94).

Persons with disabilities

5. Aside from the 2018 – 2024 Programme cited above, within the 2018–20 EU-funded project and implemented by UNICEF⁷, "nine inclusive education resource centres were established in existing schools in the seven districts of the country, namely Baku, Sumgayit, Ganja, Guba, Shaki, Agjabadi and Gazakh. The resource centres are intended to provide professional support to local teachers, school principals and parents, including education materials and equipment."⁸ Furthermore, an Inclusive Education Centre was opened at the Baku Pedagogical University in 2019⁹.

Enrolment rates

³ https://www.unesco.org/education/edurights/media/resources/file/Azerbaijan_-_10th_Consultation_Guidelines_Ministry_of_Education_.pdf

⁴ <http://baku.edu.gov.az/upload/file/inkluziv-tehsil-dovlet-programi-2018-2024.pdf>

⁵ <https://cis-legislation.com/document.fwx?rgn=2604>

⁶ Convention on the Elimination of All Forms of Discrimination Against Women – Committee of the Rights of the Child

⁷ <https://www.unicef.org/azerbaijan/sites/unicef.org.azerbaijan/files/2019-05/IC-BriefNote-ENG.pdf>

⁸ <https://education-profiles.org/northern-africa-and-western-asia/azerbaijan/~inclusion>

⁹ Ibid.

6. The gross enrolment rates (GER)¹⁰ in 2021 were:
- In pre-primary education: 46% in total, 46% for girls and 46% for boys;
 - In primary education: 94% in total, 95% for girls and 94% for boys;
 - In secondary education: 94% in total, 93% for girls and 94% for boys;
 - In tertiary education: 38% in total, 42% for girls and 35% for boys.

Government expenditure

7. In the previous UPR cycle, it was recommended that Azerbaijan continue to invest in State spending on public education, in particular in rural areas, to promote equal access to education (Recommendation N° 140.107). In 2021, the percentage of GDP allocated to education was 4.3%, and the percentage of total government expenditure allocated to education was 11.5%.¹¹

Digital education

8. Through EU4Digital¹², a number of actions in digital skills in Azerbaijan are promoted, including the implementation of digital skills strategies, and supports to develop national coalitions for digital jobs and competence frameworks for small and medium-sized enterprise.¹³

Discrimination in education (UNESCO consultations)

9. Azerbaijan did not submit its national report for the 9th Consultation on the implementation of the Convention and the Recommendation against Discrimination in Education but did so for the 10th Consultation.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and legislative frameworks

10. The Constitution of the Republic of Azerbaijan guarantees freedom of expression and information under articles 47 and 50 respectively: “Everyone has the right to freedom of thought and speech”; and: “Everyone is free to legally seek, receive, impart, produce and disseminate any information”. Moreover, article 50 also ensures the freedom of mass media and that: “State censorship in mass media, including the press is prohibited”.¹⁴
11. The law of the Republic of Azerbaijan on access to information was adopted in 2005.¹⁵ It recognizes the fundamental right of access to information.

¹⁰ UNESCO UIS data

¹¹ sdg4-data.uis.unesco.org

¹² <https://eufordigital.eu/>

¹³ <https://eufordigital.eu/dont-get-left-behind-developing-skills-for-a-digital-future-in-azerbaijan/>

¹⁴ https://stat.gov.az/menu/3/Legislation/constitution_en.pdf

¹⁵ https://stat.gov.az/menu/3/Legislation/information_rules_en.pdf

12. Defamation is criminalized under article 147 of Azerbaijan’s criminal code, with sentences fines, corrective works for up to two years and even imprisonment for up to three years.¹⁶
13. In 2021, law no. 417-VIQ, “On Media”, was adopted in Azerbaijan.¹⁷ The law entered into force in 2022 by presidential decree.¹⁸ The law grants substantial power to the executive authority to regulate the media sector, establishes a restrictive State-financed media registry (article 73) and sets several restrictive limitations on the operational activities of journalists and media entities (articles 14, 15), including restrictions on foreign-funded and foreign-based media entities (article 26), and is extraterritorial in the scope of its application (article 3).

Implementation of the law

14. The Audiovisual Council of the Republic of Azerbaijan was created in accordance with the 2022 presidential decree. It provides for implementation of State policy, including licensing, in the field of television and radio broadcasting.¹⁹ The council is composed of seven members, who are appointed by the presidency.

Safety of journalists

15. As at 31 January 2023, UNESCO has recorded the killings of three media workers²⁰ Only one of these killings has been resolved according to the information relayed by the Government.

III. RECOMMENDATIONS

A. RIGHT TO EDUCATION

16. Azerbaijan should be encouraged to:
- i. Ratify the Convention against Discrimination in Education;
 - ii. Consider introducing at least one year of compulsory pre-primary education and guaranteeing its free nature by law;
 - iii. Ensure that any exception to the minimum age of marriage be accorded by a judge based exceptional grounds defined by law, in accordance with international human rights law;
 - iv. Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education;

¹⁶ https://adsdatabase.ohchr.org/IssueLibrary/AZERBAIJAN_Criminal%20Code.pdf (unofficial translation)

¹⁷ <https://president.az/az/articles/view/55399>

¹⁸ <https://president.az/az/articles/view/55400>

¹⁹ <https://acra.gov.az/en/news/897>

²⁰ <https://en.unesco.org/themes/safety-journalists/observatory/country/223658>

- v. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²¹ and Her Atlas.²²

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

17. Azerbaijan is recommended to ensure that law 417-VIQ accord with international standards on freedom of expression. This includes, but is not limited to, revising articles 3, 14, 15, 26, 73, and ensuring that no excessive restrictions are placed upon the establishment and operations of media entities.
18. Azerbaijan is recommended to reinforce the independence of its regulatory authorities in line with international freedom of expression standards.
19. Azerbaijan is recommended to decriminalize defamation and place it within a civil code, in accordance with international standards.
20. Azerbaijan is recommended to continue investigating the cases of killed journalists and to voluntarily report on the states of judicial follow-up to UNESCO and the SDG 16.10.1 monitoring process.

C. RIGHT FREELY TO PARTICIPATE IN THE CULTURAL LIFE OF THE COMMUNITY (CULTURAL RIGHTS)

21. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Azerbaijan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Azerbaijan is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

²¹ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²² <https://en.unesco.org/education/girls-women-rights>

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

22. Azerbaijan did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. Therefore, Azerbaijan is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. Furthermore, Azerbaijan is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Azerbaijan is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.