

Universal Periodic Review (30th session, Apr-May 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

[Azerbaijan](#)

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	16/12/1993 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	18/01/2007 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	15/02/2010 Accession	The instrument of ratification contained the following declarations: <i>"The Republic of Azerbaijan declares that in accordance with Article 25, paragraph 4 of the Convention, it does not recognize the conciliation procedure set out in Article 25, paragraph 3 of the Convention."</i> <i>"The Republic of Azerbaijan</i>		Right to take part in cultural life

		<p><i>declares that it is unable to guarantee implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia (the Nagorno Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of those territories from the occupation and complete elimination of the consequences of that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed). The occupying power – the Republic of Armenia shall bear all responsibility for destroying cultural expressions in the occupied territories of the Republic of Azerbaijan as from the date of the occupation until the liberation of those territories from the occupation and complete elimination of the consequences of that occupation.”</i></p> <p>[Original : English]</p>		
--	--	--	--	--

Right to education

II. Promotion and protection of human rights on the ground

1. The right to education is enshrined in the **Constitution of the Republic of Azerbaijan**¹ of 1995. It is spelled out in Article 42, giving every citizen the right to education, guaranteeing free obligatory secondary education and setting forth education to be under state control. The Education Law of the Republic of Azerbaijan was adopted in 2009, abrogating the Education Law of 1992. It ensures the educational rights established in the Constitution and regulates the educational activities.

¹ Accessible on UNESCO's Global Database on the Right to Education:

<http://www.unesco.org/education/edurights/media/docs/e3f338d0449bf93a239f5208f93d608eb7281ad8.pdf>

2. In terms of reporting to UNESCO, Azerbaijan has not submitted a report within the framework of the **9th (2016-2017) Consultation of Member States** on the measures taken to implement the UNESCO Recommendation against Discrimination in Education nor within the framework of the **8th (2011-2013) Consultation**. Azerbaijan did also not report on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **5th (2012-2013)** and the **6th (2016-2017) Consultations of Member States**.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of the Republic of Azerbaijan² in principle guarantees the freedom of expression and information under article 47 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.”
4. The Law of the Republic of Azerbaijan on the Right to Obtain Information³ was adopted in 2005. It recognises a fundamental right of access to information.

Defamation is criminalized under article 147 of the Azerbaijan’s Criminal Code⁴; sentences range from high fines to imprisonment of up to two years.

➤ Implementation of Legislation:

5. National Television and Radio Council of the Republic of Azerbaijan was created by Decree No. 795 of the President of the Republic of Azerbaijan dated 5 October 2002.
6. It provides for implementation of state policy, including licensing, in the field of television and radio broadcasting. The Council is appointed by the President of the Republic of Azerbaijan and consists of nine members.⁵ Consequently, most television stations are not independent of the government. The independent online television station Meydan TV operates from Germany.⁶

² http://azerbaijan.az/portal/General/Constitution/doc/constitution_e.pdf

³ http://archive.resourcegovernance.org/training/resource_center/law-republic-azerbaijan-right-obtain-information

⁴ <http://www.wipo.int/edocs/lexdocs/laws/en/az/az017en.pdf>

⁵ <http://www.ntrc.gov.az/en/content/category/3.html>

⁶ <https://www.meydan.tv/en>

➤ Safety of Journalists:

7. UNESCO recorded no killing of media workers in Azerbaijan since 2008. However, there continue to be reported harassments, attacks on and imprisonments of editors, journalists and bloggers in Azerbaijan. In 2016, UNESCO awarded the UNESCO/Guillermo Cano World Press Freedom Prize to Azerbaijani journalist, Khadija Ismayilova, who was not able to receive the Prize, since she was in jail. She subsequently had her sentence reduced and was released from prison.

III. Recommendations

8. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (16th session) on the Universal Periodic Review (July 2013):⁷

109.6. *Become a party to CPED, the Rome Statute of the ICC and the Convention against Discrimination in Education.*

109.25. *Continue to improve national laws and institutions, in particular in the field of protecting the human rights of women and children.*

109.39. *Continue its efforts in the field of human rights education and training.*

109.40. *Continue the awareness-raising campaign on human rights education.*

109.41. *Redouble its efforts to intensify human rights education and training of law enforcement officers, teachers and civil servants.*

109.42. *Continue to take sustained measures to incorporate elements of human rights education in the training of law enforcement agencies.*

109.43. *Step up its efforts to enhance human rights education and training of law enforcement personnel, teachers and other civil servants.*

109.69. *Ensure the non-discriminatory approach, particularly in employment, education and housing as well as access to justice of the undocumented and irregular migrants.*

109.144. *Take more effective measures in the field of health and the right to education.*

109.149. *Increase its investment into education and health to ensure better education and health services for the whole population in particular in rural areas.*

Review and specific recommendations

9. First of all, and of particular importance for UNESCO, Azerbaijan was recommended to become a State Party to UNESCO's Convention against Discrimination in Education during the previous UPR cycle (Recommendation No. 109.6). In the context of Sustainable Development Goal 4 on education,⁸ ratifying the Convention would provide Azerbaijan with a supportive legal environment for all efforts made towards providing and ensuring "inclusive and equitable quality education and lifelong learning opportunities for all". In that respect, the recommendation should be

⁷ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/154/65/PDF/G1315465.pdf?OpenElement>

⁸ See Education 2030 – Incheon Declaration and Framework for Action:

<http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

reiterated and Azerbaijan further encouraged to engage actively in the process of ratification of UNESCO's Convention against Discrimination in Education and, if needed, to seek UNESCO's assistance.

10. Among the education-related recommendations made during the UPR cycle, an important number of them focused on human rights education and training, especially for law enforcement officers, teachers and other civil servants, the right to education and investment into education, especially in rural areas as well as the protection of women's and children's human rights and the non-discrimination of undocumented and irregular migrants.
11. Regarding human rights education, Azerbaijan organized training for police officers and prison staff on human rights and prohibition of ill-treatment, as well as seminars on torture and inhuman or degrading treatment or punishment for medical staff of correctional institutes.⁹ Nevertheless, information on the monitoring and evaluation on the impact of these training programmes is lacking.¹⁰ Azerbaijan should therefore be encouraged to gather and share information on this matter and to set up trainings for other civil servants and the teaching personnel.
12. As for the rights of women and children, high literacy rates and a high enrolment rate of girls in secondary education can be observed. Nevertheless, girls, especially in rural areas are still at risk of dropping out of secondary education and not completing their education.¹¹ Therefore, Azerbaijan should be recommended to take measures to reduce school dropout rates among girls and to combat all forms of obstacles to education, including harmful practices. Azerbaijan could also be invited to further encourage young women to pursue higher education, for example through the provision of scholarships or professional counselling. Azerbaijan should monitor and review on a regular basis the measures taken to reduce gender disparities in education and to promote gender equality. Information on progress made should be shared with UNESCO within the framework of the periodic consultations of Member States.
13. During the last UPR cycle, Azerbaijan was also recommended to ensure non-discrimination in education for undocumented and irregular migrants. Migrant workers in Azerbaijan often live in an irregular situation. In 2014, the authorities identified about 37,430 migrants in an irregular situation.¹² Regarding education, children of migrants in an irregular situation are often not registered at birth and do therefore not have personal identity documents, which may hinder their access to

⁹ Committee against Torture, Concluding observations on the fourth periodic report of Azerbaijan, CAT/C/AZE/CO/4, 27 January 2016, p 8

¹⁰ Committee against Torture, Concluding observations on the fourth periodic report of Azerbaijan, CAT/C/AZE/CO/4, 27 January 2016, p 8

¹¹ Committee on the Elimination of All Forms of Discrimination against Women: Concluding observations on the fifth report of Azerbaijan, 12 March 2015, CEDAW/C/AZE/CO/5, p 8

¹² European Commission against Racism and Intolerance, 2016, ECRI Report on Azerbaijan (fifth monitoring cycle), Strasbourg, Council of Europe, <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/azerbaijan/AZE-CbC-V-2016-017-ENG.pdf> (accessed 13 June 2017), p 24

education.¹³ Additionally, the 2013 Migration Code¹⁴ contains restrictions on migrants and does not include the right to education of irregular migrants' children. The 2009 Education Law limits the right to education of foreigners to quotas (Article 44.1), conflicting with the prohibition of discrimination as spelled out in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by Azerbaijan. Article 30 of the International Migration Convention is clear: "Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment". Article 5 of the Education Law and Article 42 of the Constitution adopt a narrower perspective and only proclaim the right to education of every *citizen* of Azerbaijan, possibly resulting in the exclusion of non-citizens and migrants. Therefore, Azerbaijan should be encouraged to guarantee access to primary and secondary education for all children, including those with a migration background, in line with the International Migration Convention, and to take measures improving their inclusion in the educational system. Since data to monitor this issue is lacking, Azerbaijan could be further recommended to reinforce data collection and management systems so that that appropriate measures can be put in place to ensure the right to education for all.

14. Concerning the right to education for internally displaced persons (IDPs), progress has been achieved with the implementation of programmes supporting internally displaced persons. Nevertheless, the majority of IDPs are women and girls and they continue to face discrimination in access to education.¹⁵ Azerbaijan could be encouraged to set up measures that guarantee access to education especially for internally displaced women and children.

➤ **Specific recommendations:**

1. Azerbaijan should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education and to seek UNESCO's assistance in this process.
2. Azerbaijan should be encouraged to set up human rights trainings for teachers and other civil servants and to share information.

¹³ Committee on the Protection of the Rights of All Migrant Workers and Their Families, Concluding observations on the second periodic report of Azerbaijan, adopted by the Committee at its eighteenth session (15-26 April 2013), 27 May 2013, CMW/C/AZE/CO/2

¹⁴ <http://www.unesco.org/education/edurights/media/docs/78e8125a20ac5c5f1e66760d7e328a398b3ed5b5.pdf>

¹⁵ Committee on the Elimination of All Forms of Discrimination against Women: Concluding observations on the fifth report of Azerbaijan, 12 March 2015, CEDAW/C/AZE/CO/5, p 3

3. Azerbaijan should be recommended to take measures to address all forms of gender disparities in education and to encourage girls and women to complete secondary school and pursue higher education.
4. Azerbaijan should be encouraged to ensure access to education for all migrant children, in line with international standards and the International Migration Convention.
5. Azerbaijan should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Azerbaijan should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹⁶

Freedom of opinion and expression

15. The Government is encouraged to enforce the constitutional principles of freedom of expression.
16. The Government is encouraged to reform the appointment system for the broadcast licensing authority to ensure that this body is independent.
17. The Government is encouraged to allow journalists and media workers to practice in a free and safe environment.
18. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.

Cultural Rights

19. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972),¹⁷ the Convention for the Safeguarding of the Intangible Cultural Heritage (2003),¹⁸ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005),¹⁹ 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 NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants,

¹⁶ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

¹⁷ Periodic Report available at: <http://whc.unesco.org/document/136521>

¹⁸ Periodic Report available at: <https://ich.unesco.org/doc/download.php?versionID=37528>

¹⁹ Periodic Report not available

refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

20. **Azerbaijan** submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002527/252798e.pdf>). Azerbaijan reported that action had been taken in the country to promote the guiding principles of the 1974 Recommendation among multiple stakeholders, including the principles of respect for autonomy, freedom of research, non-discrimination and respect for the human rights of researchers.