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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the latter's Note Ref: Cultural rights/2012/MB dated 24 October 2012, has the honor to transmit herewith responses of the Ministry of Culture and Tourism of the Republic of Azerbaijan to the questionnaire on the right to artistic freedom, elaborated by Ms. Farida Shaheed, the Special Rapporteur in the field of cultural rights.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 5 pages.



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HIGH COMMISSIONER FOR HUMAN RIGHTS  
GENEVA

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## Answers on the Right to Artistic Freedom

1. Following the referendum on 12 November 1995, the new Constitution of the Republic of Azerbaijan was adopted and entered into force on 5 December 1995. The country's basic law was developed in line with the fundamental principles and norms of international law. There are a number of provisions in the Constitution that directly concern the interests of artists and cultural workers. The most important are: "Intellectual Property Rights" (chapter III, *Article 30*); "Rights on Culture" (chapter III, *Article 40*); "Freedom of Thought and Word" (chapter III, *Article 47*); "Freedom of Information" (chapter III, *Article 50*); "Freedom to Create" (chapter III, *Article 51*); "Protection of Historical and Cultural Monuments" (chapter IV, *Article 77*).

Freedom of creative expression is guaranteed by law (*Article 7* of the Law on Culture) and the right to the safeguarding and expression of cultural identity (*Article 8* of the same law and it refers not only to ethnic identity, but also to the right to be free in choosing spiritual, aesthetical and other values).

2. Not relevant.

3. 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. This set of objectives includes 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".

The Ministry of Culture and Tourism continues the system of state commissions and acquisitions for artistic works in the various art forms and disciplines, however it seems that the number of commissioned works and the amounts offered (at least in regard visual arts and music) are much less than they used to be in the Soviet period. Special State Programmes covering development of film for the years 2008-2018, development of theatre for the years 2009-2019 envisage various measures, which include financial support, as well as research, improvement of management and encouragement of international exchange. Film production has substantially grown in the last years both in terms of the number of films and their public appreciation within the country and at international film festivals.

Among other measures it worth to mention state stipends and pensions to outstanding personalities in the field of arts, the Zirve National Annual Prize for outstanding achievement in arts and culture (various categories) and scholarship schemes for young artists administered through the 'creative unions'.

4. In the Law on Culture there is a construct definition of "culture worker" referring to those persons engaged in the professional creative activity or working in a cultural establishment), as soon as according to lexical norms of Azerbaijanian language there is no single term equivalent to "artist" used in English. According to long-established

tradition inherited from Soviet times status of 'cultural worker' protects its bearer from being categorized as a 'wastrel' or 'jobless'.

Nevertheless, at the state level are given names as – honorable artist and people's artist. However the word "artist" is a representative of all performing arts.

5. The *Law of the Republic of Azerbaijan on Protection and Development of Azerbaijan Carpet Art* was signed by the President of the Republic of Azerbaijan in December 2004. The Law regulates relationships emerging during the preservation, research, and promotion of carpets created in the historical territory of Azerbaijan and in the manual weaving by craftsmen, applied arts masters and artists.

6. There are mostly impediments of an economic nature, related with financial support to some sectors of artistic creation, which is never evenly distributed, as some of art forms or movements appear in the limelight of state or public interest, some become neglected or not properly supported (as regards some decline of publishing and support to literature in 1990-2000-ies or situation of indifference towards emerging new and experimental art forms which is improving in the recent years). There are certain shortcomings for artistic activity in the regions, which lead to influx and concentration of creative forces to the capital city of Baku.

7. The *Publishing Act (2000)* is designed to remedy shortcomings in the publishing and printing industry, and to supply the lack of comprehensive legislation in this sector. Its central aim is to revive the country's ailing publishing industry. The Act lays down the main principles of state policy, specifies the state's duties, defines optimum approaches to the organisation and running of publishing and printing activities, and formulates principles to govern relations between operatives in this area. Geared to the economic realities of the country's situation, and practical in its whole approach, it holds promise for the future of publishing and printing in Azerbaijan.

It should be noted that, as a result of decentralisation of budgetary expenditure on culture, 62.5% of funds are now distributed locally. Local authorities and the regions' cultural departments are now determining the patterns of cultural expenditure in the regions (districts) of the Republic. It should also be noted that subjective factors are very significant at local and regional level, where a great deal depends on the people in charge and – as monitoring shows – attitudes to culture vary widely.

Centralised expenditure on culture is largely focused on the capital, Baku. With culture permanently short of funding, preference also goes to organisations of national importance, most of which operate from Baku.

8. All cultural institutions should be jointly financed by the state and local cultural budgets, as well as by their own resources (paid cultural services), according to the *Law on Culture*. Allocations made by the state should increase yearly, a condition fixed by law. Additional resources are collected via national funds for culture, which have been set up by executive bodies of the various cultural institutions. Self-governing local bodies, public unions, legal and physical entities can also create funds to support their cultural activities.

Grants for artists are a new concept in the state support system. The *on Grants (April 1998)* regulates economic and legal relations for the issuing, receipt and use of grants. Some of the grants available for artists are given by the Heydar Aliyev Foundation, Foundation of Friends of Azerbaijani Culture and the others. Their activities are directed towards the exchange of artists, musicians and art critics with foreign

countries, including travel grants, which enable cultural workers to participate in seminars, conferences and festivals abroad, and to receive research grants in the field of social sciences, including culture and art.

Targeted support for certain art forms is an approved approach to cultural financing in the Republic of Azerbaijan. The following resolutions of the President of the Republic of Azerbaijan provide direct support to particular artists or groups: *On measures to improve the activity of the Symphony Orchestra of Azerbaijan; On pensions for persons engaged in creative activity in Azerbaijan; On presidential stipends for talented young people included in the "Gold Book"; On improvement of social welfare provision for members of the ballet troupe at the Azerbaijan State Opera and Ballet Theatre; On personal stipends to young writers of the Republic of Azerbaijan; On improvement of social welfare provision for the Azerbaijan State Choir Chapel; On improved social welfare for the workers of the Azerbaijan State Dance Ensemble; On establishment of grants of the President of the Republic of Azerbaijan for prominent figures in the arts; On establishment of individual pensions of the President of the Republic of Azerbaijan etc.* The system of governmental awards such as the People's Artist etc. plays an important role in a moral and material sense.

9. No restrictions are imposed except promotion of violence, racial, national or religious intolerance, drug addiction and pornography

10. Not relevant

11. ( see p.9)

12. This type of events needs to be coordinated with local administration, especially in case the performances require some logistics arrangements( electricity, mounting of stages etc.). A new trend however is that some street theatre happenings, graffiti actions, street dance and flashmobs are taking place in Baku spontaneously, without prior notification to city authorities.

13. The majority of cultural institutions have state status, being financed by centralised or local budgets. Libraries, museums and art galleries are fully financed by public budgets, and the theatre-entertainment organisations are partially financed by the state. Salaries are guaranteed by the state, while expenditure on maintaining buildings, or to build new stages, etc., are carried out at the expense of the organisations themselves. A high percentage of centralised expenditure goes on libraries and museums of national importance, subsidies to state theatres, centralised events, theatrical and musical performances, the visual arts, restoration of cultural monuments, creation of new monuments, and conduction of events in foreign countries, etc.

There are a number of new partnerships between public cultural institutions and private sponsors e.g. during 1998-2001, the Azerbaijan State Theatre of Opera and Ballet was able to attract additional funds to cover its expenditure. It formed an Opera Trust Fund, whose members included wealthy oil and other companies such as BP-Amoco, AGIP, Arco, HSBC British Bank, Mobil, Shell, Texaco, Wicklow Group Limited etc. Various other theatres obtain sponsorship for new productions. The Azerbaijan International Cinema Company, a joint venture of the Union of Cinematographers and a private British firm "ITIL", has modernised "Azerbaijan Cinema" and successfully manages it.

Many activities of the Ministry of Culture and Tourism of the Republic of Azerbaijan, namely festivals, concerts, fairs, etc., both international and local, attract a significant share of sponsorship by private sector.

14. A multi-branch system of creative unions continues to function and operate mainly as professional unions. They obtain their main funds and material-technical bases, including buildings, from the state system, but administer material, social and professional matters themselves, without state interference at present. The Ministry of Culture and Tourism, and other central and local authorities, provide different kinds of organisational and financial supports to creative unions, involving their members in different national and international events and purchases products of their art and creativity at regular intervals.

**Table: Professional artists' unions in Azerbaijan**

Name of union	Year of establishment
Union of Azerbaijan Writers	1934
Union of Azerbaijan Composers	1934
Union of Azerbaijan Architects	1936
Union of Azerbaijan Artists	1940
Union of Azerbaijan Theatrical workers	1949
Union of Azerbaijan Cinematographers	1958
Union of Azerbaijan Journalists	1958
Union of Azerbaijan Ashıqs	1984
Union of Azerbaijan Musicians	1987
Union of Azerbaijan Designers	1988
Azerbaijan National Culinary Association	2005

Moreover, there is dozens more artists' associations and networks which are not receiving state support – Azerbaijan Photographers' Union, Professional Guild of Film Directors, National Association of Young Film Producers etc.

15. State Copyright Agency of the Republic of Azerbaijan professionally deals with distribution of incomes from artistic creations and performances also Azerbaijani Copyrighters Public Union, Union of Movie Directors and others works on it.

The rise in entertainment businesses, the culture industries and cultural tourism has inevitably attracted the attention of private business. The number of private galleries, museums, antique shops and shops for national souvenirs and crafts is growing. Design agencies, the book market, and printing houses are developing.

The culture industries such as book-publishing, the press, audiovisual and phonogram production, entertainment industries and new technologies are undergoing rapid development. Indeed, there is a totally new independent business sector developing in Azerbaijan, which is not yet considered in the overall national cultural policy.

It is intended, according to the draft of the "Culture Concept of the Republic of Azerbaijan" and Draft of "The State Programme for Safeguarding Azerbaijan's Intangible Cultural Heritage ", to set up an infrastructure for intangible cultural heritage and folk creativity by turning the wide network of city (district) houses of culture and clubs, into a network of city (town) centres of culture and their local-lore, folklore and craftsmanship branches.