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人权委员会

防止歧视及保护少数小组委员会

第五十届会议

议程项目 12(a)

审查与小组委员会有关或可能有关的
各领域内新的事态发展

《世界人权宣言》通过五十周年

1998年8月11日阿塞拜疆共和国常驻联合国

日内瓦办事处代表致小组委员会秘书处的信

谨此递交阿塞拜疆总统下达的关于进一步保障言论、思想和信息自由措施的指令*。

谨请将本信及此项指令作为防止歧视及保护少数小组委员会第五十届会议议程项目 12(a)下的正式文件分发。

常驻代表

大 使

S. EIVAXOVA(签名)

* 附件不译，原文照发。

Decree
by the President of the Republic of Azerbaijan
on additional measures to provide for freedom of speech, thought and
information

Ensuring of human and citizens' rights and freedoms has been reaffirmed in the Constitution of the Republic of Azerbaijan as a main goal of our state. Serious measures are undertaken with the aim of full utilisation of the state's political-legal and economic potential in order to achieve this goal and create relevant legal mechanisms.

Every condition has been created in the country in order to allow the formation of institutions characteristic to the democratic societies and allow for free political activity. For the first time democratic parliamentary elections were held in the country on the basis of multiparty system, Constitution was adopted by national referendum ensuring the principles of political pluralism, freedom of speech, press, conscience, protection of human rights and the rule of law.

Republic of Azerbaijan which has accepted the rule of universal values, establishment of democratic, legal and secular society as a model for development, has joined international conventions and treaties that guarantee human rights, freedom of speech and press.

Mass-media is considered as important means of democracy and openness. The Azerbaijani state takes necessary measures for their independent establishment, free activity and development. Today there are hundreds of newspapers and magazines, tens of radio and television stations, numerous information agencies function in the Republic of Azerbaijan.

Their vast majority are owned by private structures, individuals and different political and social organisations with various orientations. There are unlimited possibilities for mass media to express freely their opinions, bring into public the information of open and non-sensitive character not containing state secrets.

There are certain problems in Azerbaijan in the sphere of ensuring of freedom of speech and press, as well as in field of their proper and efficient use in the interests of citizens and state, and certain measures are needed to be taken in the direction of solving those problems.

One of the problems is connected with the activities of the Main Directorate on Protection of State Secrets in the Press and Other Forms of Mass-Media near the Cabinet of Ministers. This directorate was founded during the Soviet time - on 27 October 1966 and was carrying out censorship over all mass-media in Azerbaijan. Despite the fact that on 5 December 1990 the Soviet of Ministers of Azerbaijan SSR passed its new platform of work, no serious changes took place in its work ever since.

After Azerbaijan regained its independence, Acting President of Azerbaijan Y.Mamedov issued a decree on 12 April 1992 in accordance with which, under the pretext of introduction of military censorship, the control of this Directorate over the press has intensified. Later, on 15 April 1993 the President of Azerbaijan A.Elchibey with his decree broadened the sphere of application of the censorship embracing not only military secrets but also all the other sorts of information thus limiting free activities of journalists and toughening the activity of the directorate.

In subsequent years due to the fact that the law on state secrets in Azerbaijan was not adopted no substantial change occurred in the work of the directorate. Serious changes have been made in methods of its work after the adoption of the Law of the Republic of Azerbaijan "On State Secret" of 15 November 1996. Nonetheless, this institution failed to adapt itself to a new situation.

However, this is not the only problem with press in Azerbaijan. One of the main goals of our state policy is to continue Azerbaijan's modern mass-media traditions, its enrichment with modern international experience, improvement of logistical situation of mass-media, efficient use of its possibilities in the spheres of construction and development of law-governed state, realisation of democratic reforms.

Press and television should take care of preservation, development and dissemination of national moral values of our people among broad layers of public. Both the state and the mass-media organs themselves should do a lot of work in the direction of elevating the professional level of journalists, fostering objective attitude towards mass-media organs among the public, utilising with responsibility and professionalism the possibilities of press. From this point of view such personal features as patriotism, high sense of citizen responsibility, professionalism, education, high morals are essential for people working in mass-media organs. The most important task facing each journalist should be to

make sure that mass-media meet requirements ensuing from the Azerbaijani national legislation and national moral code.

Considering the care on the part of the state towards press, development of independent mass-media, ensuring of citizens' freedom of thought, speech and information as state responsibility in the Republic of Azerbaijan, and in order to increase the efficiency of measures undertaken in order and to develop principles declared in the United Nations Universal Declaration on Human Rights of 10 December 1948, UN Covenant on Civil and Political Rights of 16 December 1966, European Convention on protection of human rights and fundamental freedoms of 4 November 1950, as well as dealt with by the Articles 47, 50 and 71 of the Constitution of the Republic of Azerbaijan, as well as to improve logistical situation of the mass-media, I hereby decide:

1. The Cabinet of Ministers must be charged to submit to the President within one month the draft of program of measures ensuring improvement of logistical situation of mass-media, protection of freedom of speech, thought, and information, adherence to the principles of political pluralism.

2. To recommend to the Milli Mejlis of the Republic of Azerbaijan:

During elaboration of relevant draft laws and their adoption to be guided by the principles of freedom of speech, thought, and information of people and citizens, declared in international conventions and treaties to which Azerbaijan has joined as well as in the Constitution of the Republic of Azerbaijan.

3. The Cabinet of Ministries of the Republic of Azerbaijan and Executive Office of the President of the Republic of Azerbaijan jointly with corresponding state structures must be charged:

- within one month to give proposals to the President of the Republic of Azerbaijan on creation of mechanism, which will be able to provide for protection of freedom of speech, thought and information, protection of state secrets in mass media, respect of legal and ethic norms according to the international standards and laws of the Republic of Azerbaijan.

-within one month to submit relevant proposals to the President of the Republic of Azerbaijan on exemption of mass media organs from the value added tax (VAT);

- regulating the freedom of speech, thought and information;

-providing full accordance of normative legal acts to international standards;

-full implementation of the international treaties, supported by the Republic of Azerbaijan;

-intensification of mutual relations and close co-operation with international associations as well as non-governmental organisations and further development of existing co-operation;

-providing participation of specialists in the international centres with the purpose of being acquainted with the relevant research and education programs;

-within two months submit proposals to the President of the Republic of Azerbaijan on measures to create conditions for relevant state organisations and non-governmental organisations, mass media representatives to participate in international conferences, seminars, symposiums and other events.

4. The Ministry of Foreign Affairs in co-ordination with relevant structures must be charged:

-to study the possibility of joining of the Republic of Azerbaijan to international conventions on protection of freedom of speech, thought and information and during two months submit proposals to the President of the Republic of Azerbaijan.

-to provide central libraries of the Republic with documents on protection of freedom of speech, thought as well as existing publications in this field, which are adopted by the international organisations.

5. The Ministry of Press and Information together with the Ministry of Education using possibilities of non-governmental public organisations must be charged :

-to implement real measures to improve professional skills and education level of journalists, to make them realise high citizen responsibility as well as moral values.

-to provide the explanation and dissemination of information systems and agencies of measures, implemented in our country in the sphere of protection of freedom of speech, thought and information.

6. To entrust to the State Company on Television and Radio-Broadcasting Company to organise the broadcasts dedicating the issues of protection of freedom of speech, thought and information.
7. The Main Directorate on Protection of State Secrets in Press and Mass Media near the Cabinet of Ministers must be abolished.
8. Decree of the President of the Republic of Azerbaijan No. 685, dated on April 16, 1992 on creation of the Military Censorship, and Order No.372, dated April 15, 1993 on establishment of control over the whole information broadcast are declared invalid.
9. It is must be explained that protection of state secrets in mass media is carried out in accordance with the Law of the Republic of Azerbaijan "On State Secret".
10. This Decree enters into force from the date it is signed.

Heydar Aliev

President of the Republic of Azerbaijan

Baku, August 6, 1998

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