

Azerbaijan

The Artist's Place in Society

Most of the time, artists are engaged in the occupations directly linked to their profession, especially in teaching. Only a small number of artists chooses other specialities.

No statistic researches on number and scale of the artists occupied in other activities exist and no information is available.

The artists are engaged in different activities in different fields (teaching, art management, show-business and etc.). But, in this field doesn't also exist any official statistic information.

INSTITUTIONAL AND LEGAL FRAMEWORK

International laws (conventions, agreements and recommendations) in the field of culture ratified by Azerbaijan

- Universal Convention of 1952 on Copyrights (Azerbaijan has signed on 27 May 1973)
- International Pact on economic, social and cultural rights from 1966 (21 July 1992)
- Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the Protocols (21 April 1993)
- UNESCO Convention of 1972 concerning Protection of the World Cultural and Natural Heritage (6 December 1993)
- Convention of 1993 on cooperation of the States belonging to the Black Sea Region on the sphere of culture, education, science and information (9 March 1995)
- UNESCO Convention of 1979 on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (16 July 1996)
- UNESCO Regional Convention of 1983 on the recognition of Studies, Diplomas and Degrees in Asia and Pacific (16 July 1996)

- Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (30 September 1997)
- European Convention on Culture from 1954 (1997)
- Berne Convention for the Protection of Literary and Artistic Works from 1886, 1971 and 1979 (27 November 1998)
- European Convention of 1992 for Protection Archaeological Heritage (20 October 1999)
- UNIDRUA Convention of 1995 on Stolen and Illegally Exported Cultural Objects (2 March 2000)
- Agreement on the cooperation in the field of culture, science between the Republic of Azerbaijan and the Republic of Georgia (3 February 1993)

- Protocol on the cooperation in the fields of culture, science and education between the Republic of Azerbaijan and Iran Islam Republic (28 October 1993)

- Protocol on the cooperation in the field of culture between the Republic of Azerbaijan and the Republic of Turkey (9 February 1994)
- Long-term program on cooperation in the field of science, culture and education between the Republic of Azerbaijan and the United Kingdom (23 February 1994)
- Agreement on cooperation in the field of culture between the Republic of Azerbaijan and the Government of the Popular Republic of China (7 March 1994)
- Protocol on cooperation in the field of the science, culture and humanitarian sphere between the Republic of Azerbaijan and the Government of Iran Islam Republic (2 July 1994)
- Agreement on cultural, scientific and humanitarian relations between the Republic of Azerbaijan and the Republic of Sudan (4 July 1994)
- Agreement on cultural cooperation between the Republic of Azerbaijan and Iran Islam Republic (9 December 1994)
- Agreement on cooperation in the field of science, education, culture and sport between the Republic of Azerbaijan and the Government of Romania (2 July 1995)
- Agreement on cooperation in the field of culture and sport between the Republic of Azerbaijan and the Government of Turkmenistan (18 March 1996)
- Agreement on cooperation in the field of culture between the Republic of Azerbaijan and the Government of the Republic of Uzbekistan (27 May 1996)
- Joint Declaration on cultural cooperation between the Republic of Azerbaijan and the Republic of France (14 January 1997)
- Agreement on cultural cooperation between the Republic of Azerbaijan and the Government of the Republic of Georgia (18 February 1997)
- Agreement on cooperation on the sphere of culture and art between the Ministry Culture of the Republic of Azerbaijan and the Ministry of Culture and Art of Ukraine (24 March 1997)
- Agreement for cooperation on education, culture and science between the Republic of Azerbaijan and the Government of Hellenic Republic (11 April 1997)
- Agreement for cultural and scientific cooperation between the Republic of Azerbaijan and the Government of the Republic of Poland (26 August 1997)
- Joint Declaration on Agreement for cooperation on culture, science and technology between the Republic of Azerbaijan and the Government of the Republic of Italia (25 September 1997)
- Long-Term Program for cooperation on culture, science and education between the Republic of Azerbaijan and the Government of the Russian Federation (5 November 1999)
- Protocol on cultural cooperation between the Ministry of Culture of the Republic of Azerbaijan and the Ministry of Culture of the Republic of Turkey (16 March 2001)
- Program for cooperation on the sphere of science, culture and education for 2001-2006 between the Republic of Azerbaijan and the Republic of Uzbekistan (18 April 2001)
- Memorandum on cultural cooperation between the Ministry of Culture of the Republic of Azerbaijan and the Ministry of Culture and Islami Irshad of Iran Islam Republic (20 May 2002)
- Protocol of the GUUAM countries on cultural cooperation for 2002-2005 (10 July 2003)

Governmental units in charge of:

a) Cultural affairs:

The main governmental body dealing with cultural issues is the Ministry of Culture. The Standing Commission on Culture and Social Legislation Department of the Parliament of Azerbaijan provides a legislative basis for culture.

The Humanitarian Policies Department of the Office of the President devises cultural development strategies.

The Science, Culture, the Education and Social Issues Department of the Cabinet of Ministers coordinates the implementation of state's social programs.

The Ministry of Youth, Sport and Tourism, the State Committee on Television and Radio Broadcasting, the Head Archive Department are responsible for cultural issues. Moreover, the Ministry of Foreign Affairs (Department on Humanitarian Issues) and the Ministry of Education (hence, the secondary special schools and high music schools are under the authority of the Ministry of Education) deals with theoretical and practical issues of culture. In February 2000 the State Committee on Protection, Reconstruction and Utilization of Monuments and in April 2001 the commercial association "AZERKINOVIDEO" which used to function independently were abolished and incorporated into the Ministry of Culture. As a result of restructuring, some of the functions of the Ministry of Information and the Press have also been transferred to the Ministry of Culture.

Furthermore, Nakchivan Autonomy Republic, which is part of Azerbaijan, has its own parliament ("Ali Mejlis"), the Cabinet of Ministers and the Ministry of Culture. At the same time, it is in the same stream of the state cultural policy.

There is a cultural department in the following big cities: Baku, Ganja, Sumgayit and Khankandi; there are also cultural divisions in 7 cities and 61 regions.

b) Cultural policies:

The Humanitarian Policies Department of the Office of President defines common direction for the cultural policy pursuant to the state policy direction. The ministry of Culture realizes concrete directions of this policy.

c) Working conditions of artists including disabled artists:

Generally, the Ministry of Social Protection of Labour and People and the State Labour Inspection attached to the Ministry and the State Social Protection Fund are responsible for issues concerning working conditions of employees, including artists and disabled people.

d) Continuing training of artists and cultural workers:

Since 1966, the Republic training and retraining courses have been organized under the auspice of the Ministry of Culture.

e) Cultural research:

The scientific centre for research on the sphere of culture is the Architectural and Art Institute of the Academy of Science of the Republic of Azerbaijan. The Institute researches Azerbaijan's art history and theory from ancient to contemporary periods. Moreover, fundamental researches, preparation of training and methodical means are developed in the high educational establishments like Baku Music Academy, the Culture and Art Institute, the Academy of Arts, Baku State University, the University of Architecture and Construction, also in the institutions attached to the Ministry of Culture such as Scientific-Methodical Centre on Culture, the Republic Scientific-Methodical Centre on Museum work and the scientific departments of the big museums and libraries.

f) Tax policies and taxation in the field of culture:

The Ministry of Taxes and the Ministry of Finances are responsible for taxation and tax policies in all spheres, including the field of culture.

Cultural policies

Percentage (average) of the national budget allocated to culture

The allocations from the state budget for culture is 2,5% of the state budget.

The decrease of the allocations from the state budget for culture is observed. The article 40 of the *Law on Culture* reads that the allocations from the state budget cannot be lower than the amount allocated in 2003.

Policies aimed at promoting the arts

The Ministry of Culture has been regularly carrying out the policies aimed at supporting the arts. But lately, as a comprehensive and modern cultural policy has been prepared, the work in this field has become more systematic, consequent and expedient. Nowadays, “the State Strategic Development Program of Culture in Azerbaijan (SSDP) for 2004-2007” has been developed by the Ministry of Culture. The SSDP reflects the strategy and tactics of internal and external cultural policy in Azerbaijan, the protection of national heritage, supporting of the arts, as well as developing of cultural industries. In order to reach this aims the SSDP provides for taking of the measures in the field of management, legislation, funding, scientific-methodological support, information resources, personnel and international cooperation; protection, reconstruction and utilization of monuments, modernization of museum and library systems, protection of folklore, development of parks and cultural tourism centers; supporting development in the field of music, fine arts, theatre, revival of cinematography and book-publishing.

Promotion of the status of the artist

The measures have been taken by the Ministry of Culture and implemented by cultural state policy on how to raise the status of the artist. In this respect, the presidential decrees play a great role. The presidential decrees are:

- “On measures to improve the activity of the Symphony Orchestra of Azerbaijan” (No. 701 of 02.12.97);
- “On pensions for persons engaged in creative activity in Azerbaijan” (No. 714 of 22.12.97);
- “On presidential stipends for talented young people included in the “Red Book”” (No. 662 of 13.09.97);
- “On improvement of social welfare provision for members of the ballet troupe at the Azerbaijan State Opera and Ballet Theatre” (No. 281 of 06.12.99);
- “On personal stipends to young writers of the Republic of Azerbaijan” (No. 277 of 06.12.99);
- “On improvement of social welfare provision of the Azerbaijan State choir chapel” (No. 432 of 02.06.2000);
- “On improved social welfare of the workers of the Azerbaijan State dance ensemble” (No. 819 of 15.10.2001);
- “On establishment of grants of the President of the Republic of Azerbaijan for the figures of arts” (No. 707 of 08.05.2002);

- “On establishment of individual pensions of the President of the Republic of Azerbaijan” (of 11.06.2002)

Allocation of public funds for artwork

Important moral encouragement is offered by the system of government grants. By presidential decree “On honorable ranks of the Republic of Azerbaijan”, dated 22 May 1998, the outstanding figures in the sphere of culture are awarded honorable ranks (people’s writer, people’s poet, people’s artist, people’s painter, distinguished figure of arts, distinguished artist, distinguished painter, distinguished cultural worker).

Existing structures enabling artists to be involved in cultural policy-making at local and national levels

Artists take part in the development of cultural policies throughout the unions and communities: the Union of Musicians, the Union of Artists, the Union of Cinematographers, the Union of Architects, the Union of Writers, the Union of Photographers, the NGOs acting in the field of culture and trade unions.

Provisions of cultural policy

The cultural policy carried out in the country foresees the followings:

- (i) Regularly buying up musical compositions, art, theatre and literature works at the expense of state budget.
- (ii) Allocations for supporting the activities of the artists’ unions from state budget
- (iii) Providing financial support for carrying out events on the state level (local events are financed by the cultural departments and divisions acting in the regions.)
- (iv) The possibility to establish funds financing culture by the local executive powers, public organizations, juridical and physical persons (according to article 42 of the *Law on Culture* from 1998 In order to attract alternative sources for financing, relevant Executive Power organ [the President of the Republic of Azerbaijan] establishes the national culture fund.)

Measures to improve cultural infrastructures (museums, concert or theatre halls, libraries, etc.)

The State Strategic Development Program of Culture foresees the concrete measures to be taken to improve the different cultural infrastructures.

- In the field of museums they consist in preparing the development conception for museums, providing the museum funds and expositions with installations and equipments that will meet the world standards and issuing a catalogue on country museums, promoting marketing so as to attract visitors, computerizing the museum systems, establishing a network (state e-catalogue for protection of country museum funds), constructing new buildings that will be able to ensure the protection of works and improving the professionalism of museum staff and service in the museums.
- In the field of libraries, important steps have been taken: registering the libraries and enriching their funds, creating e-catalogues and e-libraries, defining national standards, establishing e-network among the country libraries, establishing Regional Information Resource centres within the regional Central Libraries, developing a corporative library program and establishing close cooperation among libraries, publishing-houses and book centres.

- The state order still exists as a form of financing as it did in the past. Due to a difficult economical situation, theatres are unable to master the problems they face, nor to enrich the poor material-technical facilities. Nevertheless, the presidential decree “On the 125th anniversary of establishing the professional secular theatre in Azerbaijan” is of great importance in carrying out reconstruction works and in improving material facilities of theatres.
- Moreover, in order to improve conditions in theatres, the SSDP aimed at providing them with modern technology; supplying them with state orders yearly; and carrying out reconstruction works in some theatres. Also, in order to maintain and develop the activity of the theatres that are functioning under difficult conditions (such as displaced ones because of the conflict between Azerbaijan and Armenia), the Ministry of Culture is going to assist with material and creative aid, according to the SSDP. The Program also aimed at improving the conditions of clubs and cultural houses, considered as important centres spreading arts in Azerbaijan. Thus, strengthening material provisions and technical training; providing modern equipment; establishing a network among the central cultural houses; and organizing national art schools and manufactures are crucial steps in fostering creativity and improving the functioning of these establishments.

In the “Culture and Art” chapter of “*Poverty Reduction and the State Program on Economic Development 2003-2005*” important measures have been envisaged to develop infrastructures in order to promote art expansion. According to this document, the following allocations were foreseen: 1134.6 thousands US \$ to modernize the National Library, the Republic Library for Blinds and the State Arts Museum; 3000 US \$ for regional theatres (in the cities of Ganja, Shaki, Mingachevir, Lankaran, Salyan and Nakhchivan); 700 thousands US \$ to organize dubbing-in on the basis of state order; 100 thousands US \$ to strengthen the material-technical basis of the choreography, musical and art schools.

Measures promoting the integration of disabled artists

According to the legislation of the Republic of Azerbaijan (*Law on prevention of disability, rehabilitation and social protection of disabled people*, 25 August 1995), the state policy on prevention of disability and on rehabilitation is to create legal, social and economical conditions to satisfy the needs in service and remedies for preventing disability and rehabilitation. It is realized throughout public programs on establishing and developing a rehabilitation system aimed at preventing disability and the deterioration of the situation. Pursuant to the state programs on preventing disability and promoting rehabilitation, the executive bodies develop and carry out measures in the framework of their authority.

In the “*Poverty Reduction and the State Programme on Economic Development 2003-2005*”, 1221 thousands US \$ are allocated to the rehabilitation and the integration of disabled people, including disabled artists. So as to encourage the integration of disabled artists in becoming a fully-fledged member of the society, the Ministry of Culture, together with the Ministry of Social Protection, organizes every year a handicraft competition of disabled people and talented disabled children, as well as the Republic Artistic Creativity Competition.

Furthermore, according to the *Law on Social Protection of Disabled People*, the Ministry of Culture recommends to the local cultural structures, theatres and concert halls, social protection centres dealing with disabled people and other cultural establishments to prepare joint measures’ plan and carry out expedient actions towards an improvement of cultural service to disabled people.

In order to attract disabled people to concert halls and theatres regularly, specially adapted paths have been created to facilitate entrance of people with handicap in cultural establishments (State Philharmony, Republic Palace). In all theatres and concert halls, disabled people are given priority attention. Performances for charitable purposes are held and financial support is given to them. Furthermore, the order guarantying the free entrance to museums for disabled people is issued.

Legal framework

Laws and regulations governing the work of artists

a) Employment and working conditions:

Employment in the cultural field is regulated by:

- the Constitution of the Republic of Azerbaijan (1995)
- the Labour Code of the Republic of Azerbaijan (February 1999)
- the *Law on Employment of the Republic of Azerbaijan* (July 2001)
- the *Law on Culture of the Republic of Azerbaijan* (April 1998)

b) Social welfare (health insurance, occupational accidents, disability, unemployment and pensions):

The Law on Culture of the Republic of Azerbaijan (16 April 1998), *Law on Social insurance* (18 February 1999), *Law on medical insurance* (26 June 1997), *Law on pension guarantee for citizens* (23 September 1992), *Law on prevention of disability, rehabilitation and social protection of disabled people* (25 August 1995), *Law on healthcare of the people* (26 June 1997); the Presidential decrees on additional measures on social aid (No.547, 1992), On realization the complex program on the issues of disabled people (the decree of the Cabinet of Ministers, No.185, 1994), on financing the measures of social security, pensions and allocations for disabled, unemployed people (the Presidential decree No.76 from 2002,), On the measures towards improving the state pension system (the Presidential decree No.908 from 2003,), On increasing pensions (the Presidential decree No. 909 from 2003), On the wage augmentation for 50% of artists (Presidential Decree from 2003). The *Law on Culture* also provides social security measures for creative workers.

c) Training:

Training in the cultural field is regulated by:

- *the Law on Education* (7 October 1992);
- the Presidential decree on *the release refugees and IDP from paying educational fees in the high and secondary special institutions* (No. 1308, 2003)
- the Presidential decree on increasing the wages of the workers of the educational institutions funding from the state budget (No. 276, 1999)
- the Presidential decree on the increasing the wages of the workers of the educational institutions (No. 1228 from 2003).

There are special provisions on culture and for artist in the most abovementioned laws, which are common to all workers.

WORKING CONDITIONS

Work permit or “professional” status

According to the Constitution of the Republic of Azerbaijan everyone has a right to labour. Everyone can choose any specialty, occupation, activity and job on the basis of their ability and skills. Some rights have been declared in another normative act – the

Labour Code of the Republic of Azerbaijan. In addition, the right of foreigners and non-citizens are equalled to the citizens' rights. According to the law, everybody can be engaged in any activity not prohibited by law and they don't need any permit. Both normative acts are common for their characters and equally applied to all.

Despite the fact that the definition of artist has been envisaged in *the Law on Culture from 1998* (art.44), there is no "professional" status for them.

Health care system

Generally, relations on the sphere of people's health care are adjusted on the basis of adopted normative acts (*the Law on healthcare of the people* of 1997, the Labour Code of the Republic of Azerbaijan, *the Law on social insurance* of 1999). These documents are general and apply to all workers. If a person falls ill and/or disabled, he/she can pretend to medical social aid. The medical-social aid can be supplied by public institutions and non-state healthcare systems, as well as by the social security systems. The citizens provide with medical assistance in the basis of compulsory medical insurance in medical institutions.

In addition, the Cabinet of Ministers adopted a decree on determining wage increases for people who work in places where climate and working conditions are hard and injurious. According to this decree, certain percent is added to the salary depending on the level of seriousness of the harm. Such provision is also foreseen in the law on Culture. Augmentation in 20% is intended for the employees of two institutions where working conditions are considered as harmful and difficult:

- the Scientific-reconstruction centre of museum wealth and memorial things;
- the State carpet and applied art museum attached to the Ministry of Culture

Furthermore, there are some policlinics, which serve members of the creative unions.

Private healthcare systems

There are also private healthcare systems except for the state healthcare system. Artists have access to these systems on the basis of common conditions as an every citizen of the country.

Disabled artists

There is no special regime for disabled artists. All measures taken for healthcare protection of disabled people are also applied to the disabled artists.

Administrative inspections

The State Labour Inspection, attached to the Ministry of Labour and Social Defense of Population, carries out the inspections of working conditions. The State Labour Inspection controls the realization of the requirements on working conditions, payment, working relations, employment, security, social and personal insurance and the implementation of the provisions of the legislation on medical, social and material welfare. The State Labour Inspection carries out expertise of working conditions and controls the paying of the augmentation to the employees that work in such places. Accidents resulted in death or serious injury of employee, are investigated by the State Labour Inspection.

Penalties

According to the legislation, the State Labour Inspection orders the directors of the establishments to carry out the inspections, the aim of which is to reduce harmful working conditions. In some cases and if it is not respected, the activity of such

institutions can be ceased. Where these requirements are not respected, the directors of the institutions and establishments are subject to punishment by fine, pursuant to the Code on Administrative Violations, the Labour Code, etc.

SOCIAL WELFARE

Insurance schemes

The *Law on social insurance* was adopted in 1999 and is applied equally to all workers. According to the law, there are 2 forms of insurance systems:

- the state social insurance
- the voluntary/additional insurance

The compulsory state social insurance applies to all employees working under a contract.

The following insurance regimes exist: to reach the retirement age, to become disabled, to lose the head of family, to become temporarily disabled, pregnancy and maternity, to take care of a child, death, need for treatment in a resort. The compulsory state social insurance is taken over all these regimes, but on the basis of his/her own wish, a citizen can take voluntary/additional insurance on one or some of these regimes.

On the basis of the abovementioned insurance regimes, certain coverage is paid (pensions, over-payment to pensions on the basis of voluntary insurance). According to the state programs, the measures related to social welfare of disabled and unemployed people are funded by the state social insurance system.

Complementary insurance schemes

Pursuant to the law on social insurance, there is also voluntary or additional insurance form apart from the state compulsory insurance system. The citizens, non-citizens, foreigners, institutions and agencies have a right of voluntary (additional) social insurance. This form of social insurance is present throughout the Social Welfare Fund of the Republic of Azerbaijan who administers the state compulsory social insurance system, the State Firm "AZERSIGORTA" and private insurance companies. The private insurance companies carry out all other social insurance coverage, except for state pensions. In this event, social coverage is taken on the insurance regimes that the parties have chosen.

Administration of contributions

The Social Welfare Fund of the Republic of Azerbaijan administers the state social insurance system. The Social Welfare Fund:

- manages the means of the compulsory social insurance
- determines the rules of gathering the payments on compulsory social insurance
- imposes sanctions to the rule-breakers
- registers the insurers on the compulsory social insurance.

The voluntary or additional social insurance is taken by the Social Welfare Fund, as well as by the private insurance companies.

REMUNERATION

The minimum level of payment

The minimum level of payment per month is 60 000 manats (approx. 10,2 US \$). Pursuant to the Labour Code of the Republic of Azerbaijan, wages can be paid directly and by bank transfer, according to the wish of the employee.

UNEMPLOYMENT

Unemployment insurance scheme

The Labour Code, *the Law on Employment* and the decrees of the Cabinet of Ministers regulate the judicial relations related to unemployment. These laws and decrees are general and apply to all citizens.

According to the *law on Employment*, the citizens registered as unemployed in the corresponding executive body can obtain the status of unemployed (the Head Directorate on Employment of the Ministry of Labour and Social Defense of Population of the Republic of Azerbaijan and its local bodies). The allowances for unemployment cannot be paid more than 26 weeks (6,5 months) during 12 months. Unless a citizen is provided with a job during 12 months as he/she gets a status of unemployed, he/she has a right to repeated allowance. Allowances for unemployment are paid in minimum amount of the allowance approved.

The allowance for unemployment is defined in 70 % of the average salary.

Administration of the unemployment insurance scheme

The Head Directorate on Employment of the Ministry of Labour and Social Defense of Population and its local bodies deal with registering the citizens as unemployed, giving the status of unemployed and paying the allowances.

ILLEGAL WORK

Scale of illegal work

The Ministry of Culture has no information on that subject. According to the information given by the State Statistics Committee, the number of free employed people in the country is around 730 000.

Control and sanctions

No penalties for work not declared are directly provided by the legislature of the Republic of Azerbaijan.

TAX STATUS AND TAX ADVANTAGES

Tax status

According to the new Tax Code entered into force on 1 January 2001, the simplified tax rates started to be applied. Pursuant to article 219.2 of this code, firms paying taxes under the simplified tax system shall not be liable for VAT, income tax, land tax or property tax.

Artists obtain an identification code, as they have registered in the tax departments attached to the Ministry of Taxes. Artists whose annual benefit do not exceed 5 000 000 manats, pay 2 % under the simplified tax system. But those who gain more than this amount pay 18 %.

Royalties and tax system

Royalties are handled on the basis of the increasing tax system according to the indexes pointed out in the Tax Code. According to this system, the amount of last royalties is summarized with the previous amounts and is liable to tax. The amount of the previous tax obligations to which the royalties were liable is derived from the final amount.

Exemptions for temporary import duties on cultural products

There are exemptions regarding temporary import duties on cultural products. They are adjusted under the Decree of the Cabinet of Ministers on the Regulations of complete or partial exemptions regarding temporary export (import) duties and taxes on goods exported or imported into the Republic of Azerbaijan (27 July 1998, No.160).

Exemptions on temporary import duties on equipment

There are no exemptions. Duties assessment is adjusted under the Decree No.80 of the Cabinet of Ministers (12 April 2001).

Regional and interregional customs duties agreements

There are no regional and interregional customs duties agreements governing the circulation of cultural products.

Provisions on inheritance tax

As works of art are inherited, they are not liable to the inheritance tax. If the inheritor uses these works of art and gets benefit from them, he/she should pay income tax according to the Code on Taxes.

INTERNATIONAL MOBILITY OF ARTISTS

Measures to promote the mobility of artists:

- Recognition of foreign diplomas

The Republic of Azerbaijan has already signed a number of conventions on recognition of diplomas and scientific degrees concerning education. These are:

- UNESCO Convention of 1979 on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (16 July 1996)
- UNESCO Regional Convention of 1983 on the recognition of Studies, Diplomas and Degrees in Asia and Pacific (16 July 1996).

Besides, there are also bilateral agreements on mutual recognition of diplomas with some states.

- Fellowships and financial aid

In accordance with the approved working plan of the Ministry of Culture, the performances of the artists, theatre and music collectives and exhibitions organized abroad during the Days of Culture, International Competitions and festivals are covered by the Ministry of Culture. There is no special system concerning fellowships and

financial aid. However, the Ministry of Culture assists artists and individually applied NGOs working in the field of culture.

Furthermore, funds, banks and other financial institutions acting in the country widely sponsor activities in order to promote the mobility of artists and works.

Legal requirements for producers and impresarios

There is no legislative act regarding legal requirements for producers and impresarios. Those requirements are defined on the basis of individual agreements.

Provisions in national laws in regard to foreign artists

In accordance with the Labour Code, the foreigners enjoy all the labour rights equally with the citizens, unless other conditions are stipulated in the international treaties and agreements signed by the Republic of Azerbaijan. Pursuant to the law, no privileges can be granted to the foreigners in comparison with the citizens. But if there is an agreement between states, mutual privileges can be defined (e.g. agreements on elimination double taxation, etc.).

COLLECTIVE REPRESENTATION

Trade union freedom

The trade union freedom is protected by the Constitution of the Republic of Azerbaijan (art.58). Everybody has a right to unite with others and to establish a union, as well as, political parties, trade unions and other unions not to be directed against the legitimate state government of the Republic of Azerbaijan. The *Law on Trade Unions* (1994) also concerns the trade union freedom protection. The article 3 stipulates that employees, pensioners and people engaged in study have a right to establish a trade union freely, without permits gained in advance, and to enter there in order to protect their legal interests.

Main trade union prerogatives

According to the *Law on Trade Unions*, the trade unions protect labour rights of their members and participate in developing the state employment policy. Within their authority, the trade unions control the state of employment as well as the implementation of the legislation related to employment guarantees. They also have a right to demand the end of violations to the legislation on labour, social and economic issues. Trade Unions can lodge a claim in order to protect the rights of their members in the court and participate there as a representative. Within their authority, trade unions can settle individual labour conflicts between their members, directorate and participate in the resolution of collective conflicts.

The unions are consulted by the state before it adopts reforms that can affect the working practices of artists.

Trade Unions act under the public status.

Collective agreements

According to the legislation of the Republic of Azerbaijan (the Labour Code), the collective contract is signed between the employer on the one side and the trade union on the other. In the event of the trade union's absence, the working collective sign the

contract. The trade union, working collective, employer, corresponding executive and representative body of employers can initiate signing the contract. The negotiation related to the signing of the contract can be promoted by the trade union, or in the event of its absence, the working collective can establish a commission for that purpose.

Promotion of social dialogue

Pursuant to the legislation, the following means can be used in order to settle labour conflicts within the organization: commission; mediator; labour arbitration.

CONTINUING TRAINING AND FINANCIAL AID

Vocational training for artists

Artists are trained in the framework of the Republic training and retraining courses under the auspice of the Ministry of Culture. Additionally, the Ministry of Culture together with the Council of Europe and UNESCO organizes training and seminars. These events are destined for workers of museums and librarians and are often organized in the field of art management. Besides, artists can be trained or carry out researches on the basis of the programs funded by the IREX, the Soros Foundation, the American Council and other international organizations in Azerbaijan. The Ministry of Culture of the organization conducting the program provides financial aid.

Training, seminars and other events organized for artists assist to obtain new skills and to create the opportunity to apply the new-gained knowledge.

Schools and institutions providing continuing training

Unlike the continuing training system in Europe, it is possible to get additional education in the following public establishments:

- Academy of Arts (painting, sculpture, graphic arts, etc.)
- Culture and Art Institute (performing art, drama, etc.)
- Culture and Art Institute (film and audiovisual media)
- Choreography College (dance and choreography)
- Baku Music Academy (classic music, opera), Azerbaijan National Conservatoire (national music).

Vocational training for disabled artists

Vocational training for disabled people is carried out on the basis of an individual rehabilitation program and the state rehabilitation program for disabled people in educational institutions, as well as in teaching centres of the state employment service, institutions and organizations together with the bodies assisting disabled people. Special training courses and financial aids are provided on the basis of programs adopted in this field by the state. The public programs are funded by the State Social Welfare Fund.

Retraining

Recently, the Ministry of Culture has begun to develop a policy related to the organization of training and retraining courses for artists. Thus, the concrete provisions regarding to the policy in all spheres have been reflected in the SSDP. But, training is currently conducted for workers of museums and libraries.

There are also training courses aimed at the retraining of artists in Azerbaijan. They are provided by the Republic training and retraining courses under the auspice of the Ministry of Culture.

Research aid schemes

Training and courses organized in the field of art and culture are free of charge. Thus, there is no fellowship or award system.

The scientific centre for research on the sphere of culture is the Architectural and Art Institute of the Academy of Science of the Republic of Azerbaijan. The Institute carries out researches on Azerbaijan's art history and theory from ancient to contemporary periods. Moreover, fundamental research, preparation of training and methodical means are developed in high educational establishments, like Baku Music Academy, the Culture and Art Institute, the Academy of Arts, Baku State University, the University of Architecture and Construction. However, special systems to conduct individual research do not exist.

Promotion of copyright and neighboring rights

The work in the field of copyright and neighboring rights promotion is regularly conducted. Thus, the enhancement of knowledge on the sphere of copyrights among right owners and mass is the main function of the *State Agency on Copyright*. Only during 9 months of the year, 33 events have been organized by the Agency.

The Agency organizes several events on copyright and neighboring rights with support of international organizations such as TASIC and World Organization on Intellectual Property (WIPO), as well as with courts, ministers and NGOs of Azerbaijan.

Moreover, the Agency organizes special courses, lectures and symposiums concerning the issues of intellectual property for the representatives of mass media. The State Agency on Copyright often participates in the events organized by the Ministry of Culture and delivers comprehensive speeches on the issue.

ORGANIZATIONS

There is a network of the structures acting in the field of culture. It consists in: 4070 libraries, 140 museums, 27 theatres, 264 music schools, 13 concert halls, 29 art galleries, 1 film studio, 75 cinemas and other establishments which are under the state funding.

Source: Government of Azerbaijan, August 2004.

More information:

- Ministry of culture of Azerbaijan: <http://www.culture.az/>
- Ministry of Public Health of Azerbaijan Republic: <http://www.medis.az/>; <http://www.azmedstat.azeri.com>; <http://www.mednet.az/home/mnetall.htm>