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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 letter GVA 1052 dated 30 October 2009, has the honor to transmit the information of the Government of the Republic of Azerbaijan on the right to education of migrants, refugees and asylum seekers.

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: 3 pages.

Geneva, April 21, 2010



THE OFFICE OF THE UN HIGH
COMMISSIONER
FOR HUMAN RIGHTS
GENEVA

OHCHR REGISTRY

22 AVR. 2010

Recipients :.....**S.P.A.**.....

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Legal Framework

2. According to item 5.2 of the Law on Education of the Republic of Azerbaijan all the citizens irrespective of their race, religion, political faith, nationality, social status, ethnic background and health, have the right to education and there is no discrimination with this regard. Moreover, according to the principles of the United Nations Convention on the Rights of the Child, children of migrants, refugees and asylum seekers are granted equal rights to education in the Republic of Azerbaijan.

4. In case if migrants, refugees and asylum seekers apply and submit their documents to the Ministry of Education, the ministry will review the documents to determine the availability of the birth certificate and the relevant document on previous schooling. After the review the children are placed in the relevant educational institutions.

If migrants, refugees and asylum seekers do not have the abovementioned documents, the Ministry of Education will apply to a certain educational institution, where the relevant Commission for Admission will carry out the assessment of the child's knowledge level and place him/her in the appropriate class.

5. The Commission for Work with Minors under the local executive bodies and the bodies responsible for education management are responsible for providing and guaranteeing the right to education to migrants, refugees and asylum seekers.

10. With regards to education, migrants, refugees and asylum seekers do not face serious barriers in our country. They enjoy the right for education together with all the citizens of the Republic of Azerbaijan. Their rights and responsibilities are determined by the Constitution of the Republic of Azerbaijan, the Law on Education of the Republic of Azerbaijan, other legal and normative acts, as well as international agreements co-signed by the Republic of Azerbaijan. However, some problems with regards to language barriers arise during the first years of education. This, in its turn negatively affects the quality of education. In order to remove this barrier additional training courses for migrants, refugees and asylum seekers are offered at educational institutions.

11a) If migrants, refugees and asylum seekers or their children wish to study in Azerbaijan, they are provided with the right to choose the educational institution, as well as the type of education and language of instruction.

12. There is no gender disparity at educational institutions of Azerbaijan.

The pursued successful economical and political reforms resulted with the rise of living standards, development in all spheres of Azerbaijan economy and the increase in the number of foreigners arriving to the country.

Azerbaijan overturned from the country of origin to the country of destination.

According to the Law on the "Legal status of foreigners and stateless persons" of the Republic of Azerbaijan, the foreigners and stateless persons who are living permanently in the Republic of Azerbaijan join equal educational rights with the citizens of Azerbaijan. Foreigners and stateless persons arriving under other basis must pay for their education.

According to the Article 44 of the Law on "Education" the education of foreigners and stateless persons is implemented on basis of quota determined by the state and agreements signed by the educational institution with the legal and juridical persons. Also according to the paragraph 44.2 of the same Law regulations on the education of foreigners and stateless persons, recognition of professions in the high education sphere and determination of equivalence (Nostrification) regulates by the normative legal acts approved by the relevant executive authority.

Together with this it should be mentioned that, the foreigners and stateless persons don't have the right to get education in the special appointed educational institutions in the case specified by the international agreements (that Azerbaijan is a Party)

If the foreigners and stateless persons intending to get an education in the territory of the Republic of Azerbaijan they need to present the relevant documents for their legal residence.

Following documents are;

- The visa giving the basis to arrive to the Republic of Azerbaijan;
- Registration card issued by the Ministry of Interior to the foreigners and stateless persons intending to stay more than 30 days at the territory of the Republic of Azerbaijan;