

**School of Humanities and Social Sciences  
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**Thesis:**

**MEDIA AS AN IMPLEMENT OF HUMAN RIGHTS PROTECTION  
AND DEMOCRATIC CHANGES IN SOCIETY**

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## Referat

“Azadlığı sevməyən insan yoxdur, sadəcə, ədalətli insan onu hamı üçün, ədalətsiz insan isə yalnız özü üçün istəyir”. Bu sözlər ömrünü insan azadlığını xoşbəxt gələcəyin əsas amillərindən biri kimi təbliğatına həsr etmiş alman mütəffəkiri və publisisti Karl Lüdviq Börneyə məxsusdur. O zamanlar Azadlıq təbiətin insana İnsan doğulduğuna görə verdiyi təbii hüquq kimi qiymətləndirilirdi. Müasir dövrdə məşhur olan insan hüquqlarına yanaşma aspektləri hələ o zaman mövcud deyildi.

Bu gün insan hüquqları və demokratik normalara hörmət – cəmiyyətin və dövlətin inkişaf səviyyəsini əks etdirən göstəricilərdən biridir. Dünya dövlətlərinin əksəriyyəti insan hüquqlarına hörməti öz daxili və xarici siyasətlərini əsasına qoyur, bir sıra nüfuzlu beynəlxalq, qeyri-hökumət, hüquq müdafiə təşkilatları yaradırlar. “Demokratiya” və “insan haqları” kimi məfhumlar çoxsaylı yerli və beynəlxalq səviyyəli çıxışların obyektinə çevirilmişdir. Bu mövzuyla bağlı bütün qərarlarla insan həyatının hər tərəfini əhatə etməyə çalışılmışdır. Müasir dövrdə ötən əsrlərdə olduğu kimi yalnız insan azadlığı ilə kifayətlənmirdilər. İnsan haqlarının yeni “növləri” ortaya çıxmağa başlamışdır. 10 dekabr 1948 ildə *Universal Declaration Of Human Rights* (Ümumdünya İnsan Hüquqları Bəyannaməsi) qəbul olunana və burada artıq ümumi, ibtidai hüquqlar öz əksini tapana qədər. Bundan sonra yaranan bütün sənədlər ona əsaslanmışdır.

Bu elmi işin Birinci fəslə insan hüquqlarının nə olduğunu açıqlayır. İnsan haqlarının ümumi qəbul olunan elmi tərifini yoxdur. Hər elmdə (istər, fəlsəfədə, istər hüquqşünaslıqda və s.) tərifin əsasına ayrı-ayrı meyarlar qoyulur. Məhz, buna görə də hər bir elm öz tərifini öz nəzər-nöqtəsindən müəyyənləşdirir. Birinci fəslin birinci bölüməsində cürbəcür elmi qaynaqlardan götürülən təriflər verilmişdir. Bu təriflərin əsasında insan haqları anlayışına dair müxtəlif yanaşmalar hazırlanmışdır. Bu yanaşmalar insan haqlarının nə olduğunu daha populyar, sadə formada izahını verir. Daha sonra burada beynəlxalq sənədlərdə tez-tez görünən insan haqlarının təsnifatı təqdim olunmuşdur, və insan haqları yalnız başqa dövlətlərdə mövcud olan bir abstrakt məfhum kimi görünməsin deyərək, bu elmi işin çərçivəsində mövzunun faktiki sübutu kimi analoji maddələri aşkar etmək məqsədi ilə beynəlxalq və yerli sənədlərin müqayisəsinin təhlili verilmişdir.

Bu müqayisələr insan haqları ideyasını bizim ölkədə yaymağa böyük yardımçı ola bilər. Bəs bunları yaymaq üçün nədən istifadə etmək lazımdır? Bu gün kütləyə ən güclü “təsir edən silah” nəyə deyilir? Əlbəttə ki, KİV-ə. Kütləvi informasiya vasitələri öz müxtəlif texniki imkanlarından istifadə edərək informasiyanı istənilən məsafəyə göndərmək qabiliyyətindədir. Onun təsir gücü inanılmaz dərəcədə böyükdür. Günün əksər vaxtını insanlar televiziyaya baxmaqla, radioya qulaq asmaqla, internetdən istifadə etməklə keçirirlər.

KİV-ə elmi işin İkinci fəslə həsr olunmuşdur. Burada KİV-in bizə bu güclü təsirinin qaynağı açıqlanmışdır. KİV-in təkamül mərhələləri təqdim olunmuş,

daha dəqiq desək, müxtəlif KİV növlərinin yaranmasına imkan yaradan ixtiralarından söhbət açılmışdır. Ayrıca bölüm kimi KİV-in fəaliyyəti öyrənilmiş və burada təqdim olunmuşdur.

KİV-in fəaliyyəti olduqca mürəkkəb, insan həyatının müxtəlif sahələri ilə əməkdaşlığını həyata keçirən bir prosessdir. Amma bildiyimiz kimi, uğurlu fəaliyyəti reqlamentə tabe etmədən həyata keçirmək çətinidir. Nizam normalarının olmaması sonda tərəflərin qarşıdurmasına səbəb ola bilər. Ona görə KİV-in də fəaliyyəti müəyyən həm yerli, həm də beynəlxalq hüquq aktları ilə nizama salınmışdır. Bu elmi işdə adı çəkilən aktlardan uyğun maddələr təqdim olunmuşdur. Bu maddələr KİV-in fəaliyyəti prosesində iştirak edən bütün obyekt və subyektlərin fəaliyyətini işıqlandırır, KİV-in fəaliyyətinin çərçivəsində bu elmi işin əsas mövzusu – insan haqlarının müdafiəsində KİV-in rolu – açıqlanmışdır. İnsan hüquqlarının pozulması faktlarının işıqlandırma qaydaları təqdim olunmuşdur. Müəyyən edilmişdir ki, hər insanın fikrini azad ifadə etmək, istənilən informasiyanı dolğun və doğru şəkildə almaq hüququ vardır. Bu və bunun kimi hüquqlara konstitusiyaya zəmanət verir.

Amma eyni zamanda, təəssüf ki, bu günlər “demokratiya” və “insan haqları” məfhumları dünya miqyasında dəyərdən düşməyə başlamışdır və beynəlxalq ictimaiyyəti bu narahat etməyə bilməz. İqtisadi və siyasi dəyişikliklər yaşayan ölkələr üçün artıq insan haqları ideyası ona tərəf istiqamətlənən mayak deyil. Bu ideya qəti, danılmaz və nüfuzlu dəyər kimi qəbul olunmur.

Ona görə üçüncü fəsil tamamilə Azərbaycanda insan haqları ilə bağlı mövcud vəziyyətə həsr olunub. Bu bölmə praktik mahiyyət daşıyır. Onun yazılması üçün böyük sayda müxtəlif beynəlxalq təşkilatların Azərbaycanda mövcud olan vəziyyətlə bağlı hesabatları öyrənilmiş, yerli qeyri-hökumət və hökumət təşkilatlarının hesabatları nəzərdən keçirilmiş, bir sıra məsul şəxslərin intervyuları (müsahibələri) tədqiq olunmuşdur. Bütün tədqiqat materiallarının cəmlənməsindən sonra vəziyyəti yaxşılaşdırmaq üçün müəyyən tövsiyələr hazırlanmışdır.

Ümumilikdə bu elmi işin hazırlanması üçün 124 qaynaqdan istifadə olunmuşdur, onlardan 54-nə birbaşa istinad edilmişdir.

## Abstract

"There is no person who would not love freedom, but a fair person requires it for all, and unjust - only for himself. " This phrase belongs to Karl Ludwig Börne, German philosopher and publicist, who dedicated all his life to promoting human freedom as an essential prerequisite for a happy future. Freedom in those days was regarded as a natural right of personality, given to him by nature by virtue of the fact that he was born a MAN.

In old days human rights were not concerned in that aspect, which has become popular nowadays.

Today, respect of human rights and democratic norms is one of the main indicators of development of society and state. Many countries put the question of human rights as the cornerstone of its foreign and domestic policy. Lots of influential international non-governmental human rights organizations appeared. Such concepts as "democracy" and "human rights" have been the object of many negotiations on local and international levels. Decisions are taken on this issue, tried to include all possible aspects of human life. And defined rights went far from the only freedom of the individual, which was before. More and more new "species" of human rights began to appear. Until that day, when in December 10, 1948 the Universal Declaration of Human Rights was not adopted. The most common, the original human rights were collected and reflected in this document. All subsequent documents are based precisely on it.

The subject of human rights is widely revealed in the first part of this study. Universal definition of human rights is not given yet. Various sciences (e.g., law, philosophy, etc. ) take different points as a basis for determination. Therefore, the definitions are given from different corners of view. In the first section of Chapter I a number of definitions from various sources of scientific literature were given.

Based on these definitions, it was developed different approaches to the concept of human rights, which allow the most popular understanding of this phenomenon. Following, a classification of human rights, which is most often found in international instruments, is also presented. And to ensure that human rights are not seem like some abstract unity that exists in other countries, in the present study a comparative analysis of national and international instruments was held too. It is needed to identify a similar article for the factual maintenance of the set topic.

These comparisons will help to promote the idea of human rights. And with support of what it is possible? What is the biggest "weapon of influence" on the masses today? Of course, it is the media.

Through its various technical means media can transmit information at different distances. The power of media is huge. The rest part of their days people spend watching television, listening to the radio, an uncountable number of sites viewed per day by a huge number of users of Internet resources.

The Chapter II of the study is reserved for the media. Here, it was disclosed the source of such a powerful influence, which has the media on us today. It talks about the evolution of the media, exactly the invention of appropriate technical means, which later played a main role in appearing of expedient media kind, which now are so popular among the population.

A separate section of this work has been allocated for the research of the media activities. Media activity is a complicated process that includes interaction with various spheres of human life. But as you know, it is impossible to carry out a successful operation, if it is not regulated. Lack of regulatory standards in the future could lead to a confrontation of the sides. Therefore, the activity of the media became also a subject of the relevant legislation, both local and international. This work presents the relevant articles of these legislative instruments, illustrating the work of all the objects and subjects of the media process. Within the limits of this activity we also disclosed our main theme - the theme of the media's role in the protection of human rights. The basic rules of lighting violations of human rights for journalists were elaborated. It was established that everyone has the right to express their thoughts, receive the necessary information in complete and authentic form. These rights and other similar rights are guaranteed by the Constitution.

But, at the same time, unfortunately, at present such concepts as "democracy" and "human rights" on an international scale became worthless.

The idea of human rights ceased to be the lighthouse, which guided the country, which is going to provide economic and political changes. This idea is not absolute, unquestioned and authoritative value any more.

Therefore, the Chapter III of this work is entirely devoted to the human rights situation that exists in our country, Azerbaijan. This part is practical. To write it was investigated many reports of various international organizations on the state of human rights in Azerbaijan. Records of local non-governmental and governmental organizations, and numerous interviews of decision makers were went over. After summation of the studied materials it were derived some recommendations for improving the situation. These recommendations are presented in the hope of their continued application.

In general, when writing this work 124 sources used were used, 54 of which had direct quotes.

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# Introduction

Media is a powerful implement, which possess strong means to impact on society and descendants. Yet figures of the Enlightenment regarded journalism as a tool for "society to perceive itself fairly". Hence the motto in the newspaper «L'Ami du Peuple» («Friend of the People"), spoke out by J. -P. Marat: "Devoted our lives to the truth!" Via the press - the only widespread media in those years - educators had a opportunity to distribute their progressive ideas, draw people's attention to existing problems in society, thus enable them to see and learn their weaknesses, while at the same time forcing the higher officials to work on that problems and seek ways to eliminate them more actively to avoid possible further political troubles. Therefore freedom of the press considered as one of the first conditions for democratic reforms in all times.

In history, especially during the revolutionary period, one of the most important and immediate slogans of the struggle for democracy was "Protecting the media from the top and clerical intervention".

In the late twentieth century stronger and global steps in this direction were made. According to Resolution 104, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its twenty-fifth session in 1989, which focuses on the promotion of "free flow of ideas by word and image, both at international and national levels", in Resolution 4. 3, adopted by the General Conference of UNESCO at its twenty-sixth session (1991), it states that "a free, pluralistic and independent press is an essential element of any democratic society".

However, along with media freedom, the theory of its social responsibility was elaborated. One of the firsts who raised this theory was an English poet and pamphleteer John Milton. In his opinion, "freedom can not be infinite, otherwise liars and slanderers could turn it to advantage ". Saying this, he meant the responsibility of the publicist in front of his readers, the audience, and the people, "who only holds power in the state". Any point of view advanced in

mass could have an impact on public opinion, that is to say, has the power to form its view on the issue. That's why the way how this idea, point of view will be formulated and what would be proposed, depends which range and color it would get.

"Democracy" of the press understood right "as its responsibility in front of people".

The slogan "democracy and nation affiliation" was mostly used in the political struggle of supporters of democratic reforms in Europe, representatives of different class and ideological views mobilized under it. Top representatives of democratic journalism followed this tradition and used there talent and opportunities in the service of national prosperity. Interests of the people "led to the battle against injustice and oppression in all its forms. "

Now what was earlier called "the interests of the people", has a new name - "the human rights".

The topic of this research work is «Media as an implement of human rights protection and democratic changes in society».

The problem revealing in this study is quite urgent, relevant in today's reality.

Because every day media updates us with variety of human rights violations. Human rights become an agenda in discussions at the highest levels. In some cases, violations are a cause for starting the war operations.

The concept of human rights as a reality of political theory and practice in Europe appeared in the XVII century. The theory of natural rights was first comprehensively developed in the work of British philosopher John Locke *Second Treatise of Civil Government*, published in 1688. According to his theory, at an early, natural stage of development of the society people were equal and had natural rights to life, liberty and property. Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an



individual for his own comfort and happiness, which are not injurious to the natural rights of others. [3, Part the First].

But these rights have a little use if there is no government, state. People are almost impossible to protect their rights alone. People have created a society - the society has grown in the state. And the reason for that kind of creation such social forms of life is getting to the possibility "to enjoy their natural rights". The state, according to Locke, is based on a social contract between "rulers and ruled": "Citizens must obey only if the state protects their human rights, which, from a moral point of view are beyond the requirements and interests of the state and appeared much before the birth of the state. The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of Nature for his rule. The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth» [3, Chapter 4].

The state is legitimate, as long as it systematically protects human rights of its citizens and ensures their realization.

In any democratic structure of country civil rights and freedoms of citizens are crucial social and political-legal institute, which plays a role of measurement the achievements of this society, a sort of "name card", an indicator of maturity and civility. It serves the individuals as a means of access to spiritual and material goods, to the mechanisms of power, to the realization of their interests and will. At the same time it is a necessary condition for individuals perfecting their own skills, enhancing their status, dignity, independence and "sovereignty" . But the spread of human rights around the world – is not a natural and inevitable process. As, in proportion as political liberalization and democratization processes spread widely all over the world, more and more governments under pressure of internal and external forces were forced to act in accordance with these principles.

This situation began to emerge only about half a century ago. Powerful push in this direction was World War II.

Human rights as a subject of international discussion had appeared in United Nations activities. This problem is highlighted not only in a significant part of the UN Charter, adopted in 1945, but in the Universal Declaration of Human Rights adopted in 10 December 1948.

However, oppression is still a reality, and in some countries is likely form of statecraft. That's why nothing could solve this problem as effectively, as the media, which due to its technical capabilities have the opportunity to influence wider auditory more efficiently. And acquaint them with the idea that human rights - is the most important value in our modern world.

On this basis, the overall objective of this research is to study the activity of media in the context of human rights. It was conducted in order to contribute in determining the status of media in the issue of human rights protection as a global problem today. To do this, it is necessary to show signs of the emergence and formation of the concept of human rights, the history of the appearance of the media and their activities in collaboration with mass psychology. The work aims to study trends in human rights and on this basis to develop recommendations aimed at improving media cooperation in combating violations of human rights.

Scientific novelty of this topic is contained in monitoring of the widespread international documents related with media and human rights in Azerbaijan to analysis its main positions and activities in direction of human rights protection.

For this, it was investigated a large amount of theoretical material, as well as a number of practical measures were held to determine the effectiveness of the media in this area.

The work has a traditional structure and includes an introduction, main part, consisting of 3 chapters, conclusion and bibliography list.

In introduction you can find the brief description of essence of this work, why this topic was chosen, why it is actual for our reality, what is its novelty, and what the target group of research consists of.

The Chapter I has a name “Human rights”. Here you will find the definitions of human rights, which are given from different sources, and the way to interpret these definitions. They all are collected under the subtitle “What is “Human rights?”. Next subtitle “Classification of Human Rights” release the different kinds of human rights, which are divided in depend of the main quality laid in basis. The part “Mechanisms and approaches to the issue of human rights protection” would be useful for media workers to learn how it is necessary to approach and regulate human rights violations, which exact articles in local and international laws protect human rights.

The Chapter II was named as “Media as an implement of human rights protection”. The main purpose of this part is to reveal the work of mass media. The first subtitle -“What is a power of mass media” – tells about the main implement of media which endowed it with power. This implement calls – Information. “How did the Media occur?” tell us about history of appearing of different types of mass media due to new inventions of relevant technical means. “How does the Media work?” shows us the stages of media activity and laws it relies on. The last part “Media and Human rights” describe an interaction of these two concepts.

The Chapter III - “Human rights, Media and Azerbaijan”- has analytic character. As you can see from the title, here it was given a short analysis of existing state on human and media rights in Azerbaijan. Several reports of authoritative international human rights organizations about common statement on human and media rights in our country are presented. And the interviews of the other side – state officials of Azerbaijan – are given too. At the end some recommendations to improve the existing level of human and media rights were formulated.

The work is ending with conclusion and bibliography.

# Chapter I

## Human rights

### What is “Human rights”?

Society is a single organism, where all spheres of human activity are interrelated, interacting, and interdependent: economics, politics, culture, etc. History has shown that the effective development of society is possible only if the person is free in taking his own step, exchanging views and experiences is possible, «if the desire and actions aimed at the emancipation of the individual (person), at the statement of respect for individual rights and freedoms, if they are based on the primacy of the interests of individual, specific people over the state, ideological interests ».[6, p. 5] « Ideology ..., any of which is based on the inequality of people along class, race, ethnicity, should be opposed by the humanist idea of the equality of all people, regardless of the above and other circumstances. Lets emphasize that this equality should be based of rights, not on social equality», as it was under socialism. [6, p. 6] Communism, fascism, nationalism - are the ideologies, which have not passed the test of time. Society based on repression, violence and hostility– «has lacking vital capacity, historically futile».

Low legal culture and legal nihilism, breaking laws (non-laws), the arbitrariness, the daily violation of human rights and freedoms, which are considered as the norms in the above totalitarian regimes, prompted the state and social structures, political parties and movements, human rights organizations around the world to take more active steps to develop the legal framework of human rights.

The concept of human rights is very broad. We could hear this term in the mouths of various sectors of society very often. However, not everyone completely realizes what this implies. Universal (clear for everyone) definition of the phenomenon does not exist.

For example, the Great Law Dictionary gives this definition: «Human rights – is a concept that characterizes the legal status of man in relation to the State, its possibilities and aspirations in the economic, social, political and cultural spheres ... According to the prevailing ideas in today's world human rights have natural and inalienable character».[7]

In Political science encyclopedia is written: «Human Rights – is the freedom, guaranteed by such rights as freedom of thought, belief and expression, the right choice of place of residence, the right to freely seek, receive and disseminate information, the freedom of activities.... Human rights associated with its freedom, somehow or other are limited by rights and freedoms of others, i.e. may not be exercised bringing harm».[8, 2 vol.]

British The New Encyclopedia defines human rights as «rights belonging to an individual because he is the Man. They relate to a wide continuum of values, and in some sense equally inherent in all human beings».[9, p.986]

Glossary of security problems adheres to this definition: «Human rights - are a system of principles, norms, rules and traditions of the relationship between people and government, which provides individuals, firstly, with opportunity to act according to their discretion (this part of rights is commonly called human liberties); secondly, gives a chance to get certain material, spiritual, and other weal (the rights itself) ». [10]

On the essence of human rights the Polish human rights activist and scholar, Marek Nowicki, wrote: ‘The concept of human rights is the notion of human dignity that is inherent in every person and does not depend on his life style (but personal dignity, in contrast, depends on the person's lifestyle and behavior). We can say that human rights – are the characteristic of correlation *Society-State*’. [11]

Human rights activist M.I. Abdullayev considered, that «Human rights are derived from inalienable quality of human being - "dignity, dignity inherent to all members of human family, and freedom. "The rights of citizen" define the political and legal relationship of personality and the state. Through the

institution of citizenship the individual receives additional safeguards to ensure their rights and freedoms». [12]

Russian scientist D.Z. Mutagirov also wrote that «human rights and freedoms - is ambitious and complicated complex of natural and manmade conditions necessary for the normal functioning of the individual as the creator, worker, human and citizen ... Human rights - are components of human dignity and the essence of the phenomenon, called humanism». [13, p. 13]

Represented definitions could be generalized into a single conclusion, that human rights - is a series of philosophical, ideological norms inherent in behavior, perception of the world of man, his place in nature and society, his relations with his kind. That is why, talking about human rights, necessary to understand in which context they were used: moral, ethical, philosophical, political-legal.

For example, in moral context these relations have their own mechanisms of regulation. They partially regulate by people themselves, indirectly, sometimes without any recognition from their side. Such arrangements are called moral standards and rules of law. Even some of the legal documents operated with ethical categories. For example, the Universal Declaration of Human Rights says that men are endowed with «reason and conscience» and should treat each other in the spirit of «brotherhood». Convention on rights of the child (CRC) operates with such concepts, as «love» и «happiness». These concepts though included in the legal documents, however, have not moved into the category of legal terms. They, first of all, are and were the definitions of moral qualities. The presence of moral regulation mechanisms of relations determines the creation of civil society. Only in a civil society it is possible to realize human rights. Civil society – is «a society, which possess of such institutions and political culture, which allow realizing human rights completely. This is a society of voluntary civil concept, developed culture of public dialog and expression of public opinion. It is a society of openness, ideological pluralism and tolerance for other views. But this is also a society where no one can force to impose their beliefs,

but opponents of the civil society, i.e. those who do not accept its basic values, have no opportunity to undermine its foundations " ».[14]

From the perspective of philosophy, MAN – is « a special kind of Being...who distinguishes from everything else with ability to think, learn, love and hate, joy and sadness, hope, wish, be happy and unhappy, have a sense of duty, the pang of conscience, etc. ...Individual member of society is obliged to obey only those laws to which he gave his consent in one way or another. This is what distinguishes a citizen from subject». [15, Part II, Chapter 11]

And in the politico-legal sense, human rights – are requirements and standards embodied in international instruments, government documents. The supremacy of human rights and freedoms – is the basis of legal state.

## **Classification of Human Rights**

In general, the classification of any phenomenon is rather conventional. Per unit, each takes a certain quality. The most popular classification, which occurs in researches, legal and social science textbooks, documents, and popular literature, is the classification of the United Nations Organization (UN), which identifies the following groups of the legal status of man and citizen:

**1. Civil right** (The Right of life, security of life by laws; death penalty, conditions of its use, right for amnesty, circumstances which rule out the possibility of using death penalty; freedom from violence, prohibition to use a person in medical and scientific experiments without his consent; prohibition of slavery, prohibition of forced labour, prohibition of subordinate status; the right of freedom and personal immunity, equality of the people in front of the face of law, inadmissibility of penalty arrests, the right of detainee to have fair, urgent court-examination, presumption of innocence, the right for public hearing for every case; the right of free movement (to change place of location), the right of free choice of place to live within the confines of every state ; the right for

citizenship; the right for political refuge in other countries; the right for confidentiality private and family life, the right for confidentiality with respect to correspondence, the right for sanctity of home, the right to defend the honor and reputation).

2. **Political rights** (Freedom of conscience, freedom of religious believes and their free expression, freedom of thought and speech, freedom of information, prohibition of censorship, prohibition of war propaganda and spreading anti-humane ideas, the right peacefully meet with other people, freedom of associations, the right to create public organizations, the right to take part in governing the state, electoral right, equal access to governmental service).

3. **Economic rights** (The right to work, the right to work in safe and healthy conditions, the right of equal payment for equal work, the right of fair remuneration for work, the right to receive social allowances from the state, the right for strikes and labour disputes, prohibition of forced work, the right of security from unemployment, the right for trade union, the right for rest, the right for paid annual vacation, ownership right, the right to possess, to use and dispose, security of private property, the legal status of businessman, reasons to deprive property, the right of inheritance, the right for business activity)

4. **Social rights** (The right for marriage, the rights and duties of married couple, parents and children, security of family, the right of social allowances, the right of everyone to have satisfactory life provision, freedom from famine, the right for home, the right for protection of health and medical care, the right to live in healthy environment, the right for compensation of losses).

5. **Cultural rights** (The right for primary, secondary, higher, secondary-professional, professional education, the right to take part in cultural life of the



state, the right to use organizations of culture, the right to use cultural achievements, the access to values of culture, freedom of literary, artistic, scientific, technical, and other kinds of creative activity, freedom of teaching, the right for intellectual property protection, protection of copyright and other closely related rights).

In the historical context modern scholars distinguish three generations of rights.

**The first** – political and civil rights, enunciated in its time by the first bourgeois revolutions and enshrined in the famous declarations (American, British, French). Later, these rights were confirmed in UN documents – in the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the European Convention on Human Rights and Fundamental Freedoms (1950).

**The second** – the socio-economic rights arising under the influence of socialist ideas and movements and systems, including the USSR (the right to work, recreation, education, welfare, medical care, etc.). They completed the earlier rules, were reflected in the relevant UN documents.

**The third** – collective rights, put forward mainly by developing countries during the national liberation movements ( the right of peoples for peace, security, independence, self-determination, territorial integrity, sovereignty, freedom from colonial oppression, freedom, dignity, high life standards and etc.).

If to take the political and legal status of an individual as the basis for the division, we will get «human rights» and «rights of the citizen».

«**Human rights**» – those rights which the person possesses by virtue of the fact, that he is a Man. It is a combination of natural and inalienable fundamental rights and freedoms that belong to the person from birth: the right to life, the right to happiness, freedom of thought, speech, religion, conscience, etc. These

rights arise from subjective motives and desires of their owners: the autonomy of will, the estate of independence, etc.

A «**rights of citizen**» arise from treaties, acts of government, from judicial decisions, from the laws and legal norms. Actors of civil rights may be only an individual, a whole people, nation, or national minority and social groups.

According to the degree of personification of the subject distinguish «individual» and «collective» right.

If classify the rights according to the personality of their vehicle, it will be «the rights of refugees», «women's rights», «children's rights», «disabled rights», «the rights of persons in armed conflict», «the rights of prisoners», «the rights of workers», «the rights of migrants» and etc.

If the main criterion is universality and fixation in the Constitution and international norms, the rights are divided into «basic (constitutional)» and «derivatives (non-core)». All the rights enshrined in the Constitution shall prevail. In a world that is moving toward globalization, in which relations between states only grow stronger, and the scope of cooperation only expanding, to be satisfied only with the Constitution is not enough. That is why international instruments, documents, norms, acts appeared on the arena. These documents were confirmed with the union of several states. And in such conditions international acts, norms, documents, where the state is a participant, regarded as bearers of main rights. In some cases they excels in their juridical power the main law of the state. All other rights, which are not fixed in such documents, considered as derivatives.

## **Mechanisms and approaches to the issue of human rights protection**

Today in Europe actually only three main systems of protecting human rights exist. These include, firstly, the UN system, based on the Charter of Human Rights and other UN documents; secondly, the system of the Conference on Security and Cooperation in Europe (CSCE), whose the Final act, signed in Helsinki (1975), contributed to the emergence of social movement of defenders (human rights activists). And the third system function within the Council of Europe (CE). The leading document of the organization is the European Convention on Human rights and Fundamental Freedoms (1950), plus additional protocols to the Convention, including the entire list of civil and political rights and some socio-economic rights. To monitor their implementation have been set up mechanisms - The European Commission and European Court of Human Rights. Commission and the Court shall consider complaints from citizens about violations of their rights. At the local level, citizens' rights are guaranteed by the Constitution.

But it is worth noting that the foundation of all modern human rights instruments laid the Universal Declaration of Human Rights adopted by the UN on Dec. 10, 1948. Nazi crimes against humanity during the Second World War led to the creation of the United Nations, which has thrown all their energies to promoting respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

In his speech on the proclamation of the Human Rights Day, Bill of Rights Day and Human Rights Week, U.S. President William J. Clinton said:

*«The Declaration expressed its general condemnation of nearly 50 member States of the UN common and devastating human rights abuses committed before and during World War II, as well as a consensus of what should strive to*

*become the postwar world. Among the 30 articles of the present Declaration there is an affirming the right to life, liberty, personal security, freedom of thought, religion and expression, freedom from slavery, torture and arbitrary arrest and detention. Eleanor Roosevelt, who headed the UN Commission on Human Rights, force 18 members of the Commission on the definition of fundamental rights and freedoms and the preparation of their international evidence, eventually adopted by the General Assembly. Through these efforts, today tens of countries have incorporated these basic principles in their laws and practices, as millions of people live more free, happy and fertile life. Having achieved under these conditions a lot of progress, we nevertheless must admit that intolerance, discrimination and pursuit continue to darken our eyes, turned toward a better future. Eleanor Roosevelt said: "The fate of human rights is in the hands of all our citizens and our communities" ».[16]*

In Preamble of European Convention on Human Rights about human rights protection and main freedoms is written:

*«The Governments signatory hereto, being Members of the Council of Europe,  
**Considering** the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948;  
**Considering** that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;  
**Considering** that the aim of the Council of Europe is the achievement of greater unity between its Members and that one of the methods by which the aim is to be pursued is the maintenance and further realization of Human Rights and Fundamental Freedoms;  
**Reaffirming** their profound belief in those Fundamental Freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights upon which they depend;*

*Being resolved, as the Governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration;*

*Have agreed as follows...». [17]*

In Preamble of Universal Declaration of Human Rights is written:

*« ...Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,*

*Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,*

*Whereas it is essential to promote the development of friendly relations between nations,*

*...a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge» [18, Preamble]*

By analyzing these and other documents, some defenders identify several approaches to disclosure of the concept of «human rights». Let's consider some of them.

For example, the most common approach to the issue of human rights is an approach to them as to natural rights. Reviewing the definition of this approach, it becomes clear that the natural rights of man - these are the freedoms and rights

that are acquired by man immediately after birth, only by virtue of the fact that he is a MAN.

«Everyone, from the moment when they are born possess inviolable and inalienable rights and liberties».[19, Chapter III, article 24 ]

«All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood». [18, Article 1]

And often in the definition of human rights on a par with freedom also involves a concept of «dignity». Jean- Jack Russo believed that dignity is inseparable from the freedom that these concepts are built into the very essence of man: «To give up their freedom – which means to abandon their human dignity, of human rights, even of his duties...Such refusal is incompatible with human nature». [20, Chapter IV] Therefore, if to treat to human rights in this context, then:

«Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world». [18, Preamble]

Only through relationships, only through the joint lives of the people, by comparison with something else can be expressed in human dignity.

***Dignity - an assessment of a particular person from others, recognition by society of the moral, intellectual, professional qualities, the degree of responsibility that this man possesses.***

In the personal dignity laid claim to a certain relation to himself, the demand (the right) to be respected by others in the community. [21, p.15]

«Everyone has the right to defend his\her honor and dignity. Dignity of a person is protected by state. Nothing must lead to humiliation of dignity of human being».

[19, Second section, Chapter III article 46]

Approach to human rights, «as a claim to possession of certain premises and facilities», determine the necessity of the functioning and development of exchanging relations, at that time human rights proclaimed as «inalienable» rights of individual. [22, Section 2] «Integral» are those rights which can not be separated from the man. In the first legal document, where human rights were figure – in Declaration of Independent was written: «We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness...».[23, Part I] These are those rights that can not be taken away from the person. They may be disrupt, limit, but take them away without pain and violence is impossible. These rights include, for example, the "right to life":

«Everyone has the right to life, liberty and security of person».[18, Article 3]

«Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law»

[17, Section I, article 2]

«Everyone has the right to life»[19, Second section, Chapter III, article 27]

Impossible to take away the «right» to life, without depriving at the same time of life itself. The man himself also can not renounce its inalienable rights,

not losing his human nature. Therefore, according to this state, it was deduce that human rights are intended to protect those properties, interests and abilities that are necessary for a dignified life.

«Continuing the centuries-long statehood traditions, taking as a basis the principles expressed in the Constitution act "On the State Independence of the Republic of Azerbaijan", desiring to provide prosperity and welfare of the whole society and each individual, wishing to establish freedom and security, understanding the responsibility before the past, present and future generations, using the right of its sovereignty declares solemnly its following intentions...» [19, Preamble] .

«...the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom». [18, Preamble]

«Better standards of life» - is not a privilege, it is a right of all citizens in state. Hence, Common and General Character of Human Rights.

«The state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging». [19, Second section, Chapter III, article 25]

«Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion,



political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty».[18, Article 2]

Human rights as a characteristic of the relations of «man-state» at its core is characteristic of the legal status of man in relation to the state. In fact, a clear definition of individual rights and freedoms to the state is very complicated legal process. In their mutual relations through the term of natural rights the man and the state must act as equal objects. State and person should avoid attacks from both sides for better cooperation, collaboration and social creativity, mutual tolerance. The State must serve people, create all necessary conditions to ensure that they can maximally develop and demonstrate their abilities and talents, because the person – is the highest of all the world's values, the measure of all things. With the advent of capitalism, the relationship between man-citizen and the state is sharply changed. Citizen becomes a carrier of rights and freedoms, which give him an autonomous, independent from state. At the same time state gets a responsibility to protect and guarantee these rights and freedoms.

Duties of State in relation to human and civil rights can be divided into different types. The most famous is the classification of German scientist G. Jellinek. This classification is based on the concept of subjective public rights: the right to liberty from the state, a person's right to assistance from the state and the right to take part in the organization and activities of the government. Accordingly, such rights have three groups of responsibilities of the state.

The first – is a duty not to interfere in the exercise of own rights by citizens and other subjects.

«Everyone has the right to protect his/her rights and liberties using means and methods not prohibited by law. The state guarantees protection of rights and liberties of all people».[19, Second section, Chapter III, article 26 ]

«Everyone has the right to recognition everywhere as a person before the law».  
[18, Article 6]

The second is the duty of the state to take positive actions, which help citizens and other subjects use and protect their rights.

«The highest priority objective of the state is to provide rights and liberties of a person and citizen».[19, First section, Chapter II, article 12]

«All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination». [18, Article 7]

«Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity».[17, Section I, Article 13]

The third duty of the state is to create conditions and to render assistance to citizens taking part in organization and government of the state.

«Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures».[18, Article 21]

«The sole source of state power in the Azerbaijan Republic are the people of Azerbaijan».[19, First section, Chapter I, article 1]

«Sovereign right of the Azerbaijanian people is the right of free and independent determination of their destiny and establishment of their own form of governance».[19, First section, Chapter I, article 2]

«Citizens of the Azerbaijan Republic have the right to take part in governing the state. They may exercise said right themselves or through their representatives».

[19, Second section, Chapter III, article 55]

The state is obliged to protect human rights not only from illegal acts of their agents, but also from attacks by third actors. The State is responsible not only when the violations are allowed by state bodies or officials directly and immediately, but also when violations are made possible as a result of connivance by the authorities, their deviations from actions that could prevent the violation of rights, as well as the tightening of measures to remedy. International practice (in particular, practice of the European Court of Human Rights) derived from the fact, that if the internal law of the state does not provide legal protection of any rights against possible violations, it is an independent violation of the state's international obligations, even if it has not been established infringement of this rights.

Thus, the role and importance of duties in maintaining the dignity and personal freedom (including the protection of the individual from himself) are such that they (the responsibilities) should have in the subject of human rights the same place as the category of rights.[24]

«Everyone has obligations to the state and society directly resulting from his/her rights and liberties. Obligations can be define only by present Constitution or law». [19, Second section, Chapter IV, article 72]

«Everyone has duties to the community in which alone the free and full development of his personality is possible».[18, Article 29]

In his lecture «Power and Unit» Marek Nowicki identifies three types of approach to relations between power and a person. About the first type he said, that «The Power gives certain rights and freedoms for the subordinate citizens.

Power – is good, kind, and it has given us freedom of speech, freedom of conscience, etc. Such principle was a basis in all communist constitution. For example, the Constitution of 1831 is a good example. So, the first type of thinking: our rights- are a gift of power».[25]

There is another approach that is associated with thoughts of the French Revolution. It appears in Europe in the late 18<sup>th</sup> century. This approach based on social contract. The people and the government say: «Let's agree. I am a man, and I'll do something for the government. For example, if it's necessary, go to war or going to pay taxes. And the authorities will do something for me instead – to ensure my rights and protect my freedom». And such a contract is optimal for the government and people. This is the second type of thinking.

The third approach is exist, too. It occurred also in the 18<sup>th</sup> century in USA, when people came to decision that it would be nice to organize a state. We have no state, let's create it. «People have rights and freedoms which arise from their human dignity, because people – are the people! So, people organized the state and endowed it with part of their certain rights and freedoms, to help him act. It means that they deliberately limited their rights and freedoms. For example, a person restricts his right to own property and pay taxes, because if the state did not have money, it can not act. Or come to the conclusion that if it is needed to die for their country – they will die for it, because the country without the protection can not exist. In this system the government has as many rights as the people give.

And finally, the last popular approach in revealing the meaning of Human right is formulate as «Human rights- as an implement of limitation of government's power». «Human rights – are an implement, means, which give the person possibility and power to protect rights he possesses, by court...». [26]

«Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law». [18, Article 8]

«In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...».

[17, Section I, article 6]

«Legal protection of rights and liberties of every citizen is ensured. Everyone may appeal to law court regarding decisions and activity (or inactivity) of state bodies, political parties, trade unions, other public organizations and officials».

[19, Second section, Chapter III, article 60]

«Everyone has the right for consideration of his/her case in the law court specified by the legislation. Case of the person shall not be considered in other law court without the person's consent»

[19, Second section, Chapter III, article 62]

«...Human rights limit power of the state. They create obstacle in government's path and decrease its authority. They draw the borders of government's power and oblige it to respect dignity of the person even in that cases when this person is unwished for this government».[27] In Declaration of Independence USA was written: «...That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness...». [23, Part I]

Pretty simple example from the history of India. British residents in India had banned production of salt. And once 10 Indians sat on the coast of ocean without

hiding and started preparing salt. Police came, drag them «by the ears» and took to jail. One day later on the beach there were 100 Indians who came to boil salt. Police came and took them to jail. The next day 10.000 Hindus sat and began making salt. And the British abolished the law. Do you know why? Because it is impossible to put so many people in jail. They all boiled salt, and to put one of them in jail and left another is not fair. Hence, such law couldn't exist because it violates the principle of law supremacy.

In fact, in scientific circles, this phenomenon has its own term - an act of civil disobedience. Examples include rallies in the protection of certain rights, etc. In legal state civil disobedience draw attention of the legislator to the needs of changes in unjust laws that stand contrary to human rights. And accept of appropriate decisions with the help of general mechanisms let to sort off this situation, without prejudice to any rights.

Making a definite conclusion from all above, we can say that all approaches are not in contradiction to each other. They are complementary, describing one or another side of the discussed problem. And to avoid to be like those blind men from the Indian parable, who gave the definition of an elephant, based only on feelings alone the touching a certain part of his body, try do not talk about human rights, without considering all of these approaches.

## Chapter II

# The Media

### What is the power of mass media?

Afghanistan announced a ban on news coverage showing Taliban attacks, saying such images embolden the Islamist militants. [28]

During The Vietnam War, a famous television reporter and television journalist Walter Cronkite opposed the continuation of hostilities: «...To say that we are closer to victory today is to believe, in the face of the evidence, the optimists who have been wrong in the past. To suggest we are on the edge of defeat is to yield to unreasonable pessimism. To say that we are mired in stalemate seems the only realistic, yet unsatisfactory, conclusion. On the off chance that military and political analysts are right, in the next few months we must test the enemy's intentions, in case this is indeed his last big gasp before negotiations. But it is increasingly clear to this reporter that the only rational way out then will be to negotiate, not as victors, but as an honorable people who lived up to their pledge to defend democracy, and did the best they could...»[29]

Due to this performance, the policy of continuing the war lost the support of Americans, and President Johnson decided to abandon his candidacy for a second presidential term. According to witnesses, Johnson said, : «If I've lost Cronkite, I've lost Middle America».[30] «During the heyday of CBS News in the 1960s and 1970s, he was often cited as "the most trusted man in America" after being so named in an opinion poll...»[31]

Cessation of the broadcast of the most popular TV shows in Bosnia, the Venezuelan soap opera "Cassandra", in the fall 1997 has caused mass protests in the long-suffering Bosnian town of Banja Luka. It took intervention of UN and U.S. State Department to "Cassandra" appeared again on television. Was found that local television station shows the pirated copies of the series. However,

imbued with compassion for the people of this war-ravage country, distributors of Miami donated copies of more than 150 series.[32]

In one of the cities of Russia 12-years-old school boys killed 6 people, after watching the film. With these crimes, which were realized with the unbelievable cruelty, they kept whole city under the power of the fear. After their arrest, they confessed, that the movie "Silence of the Lambs" pushed them towards the crime. They repeated all the deeds of Hannibal Lector, entering the city in terror. [33]

***What do all these examples mean?***

All the above examples attest to one thing – the Media has a huge impact on people’s minds. Why is this happening?

Imagine modern life without such phenomena as information, which has become an integral part thereof, is impossible. In the ordinary, at first glance, conversation we pass each other a certain amount of data, heard, seen or experienced by ourselves (their feelings, associations, opinion). At the same time everyday we use many different information carriers. Dozens of materials are read by us from the pages of newspapers, magazines, web-pages of news agencies, news portals daily. Hours of our time are spent watching programs on television. Radio gives us his piece of the information “pie” too. Strong promotion of the information is provided by internet, social networks, forums and blogs. When we want to share our opinion, the state, the incident, which has happened with us, we post it on the Wall of our page in social network. We use various web-sources, search engines, internet addresses to find, download, and transmit information.

A big role in information exchanging process belongs to the E-mail. Its invention has been recognized as one of the greatest discoveries of the twentieth century. On the question what made him to invent E-mail, Ray Tomlinson, the



creator said: "Basically because it was not a bad idea .... No one give me instructions to go and come up with this post... ».[34] E-mail has changed the idea about the speed of sharing information. People became to communicate much more often, lost contacts were recovered, and exchange of data has become more intensive. Computer manufacturers started to produce laptops, and with internet-provider companies began to invent various ways to facilitate access to the Internet, which allow a person at any time to use their services. Computers have become portable. If some years ago to move computer from one room to another took load of efforts, created huge problems, now it is possible to carry it for long distances. Those wires, cables, cords, which tie the computer to a place it is located, no longer exist. Moreover, many of the cell-phone-makers companies, seeing the great impact of the Internet, offer their products, with access to the Internet and e-mail.

All these examples clearly illustrate the place of information in our lives. It is obvious, even if you would not mention the books that you read at your leisure, advertisement papers, posters, signs and many other specific information carriers of a certain functions and kinds, which we encounter on the way to work, in public transport, while walking, etc. For example, to learn about the repertoire of a needed theatre, we read the poster. To learn about the party, we read the flyer. At every step we come across the people who hold out to us a variety of pamphlets, brochures, flyers and other types of media printed information. It is also a kind of a way to exchange information, designed for a broad audience.

However, the development of modern information and communication technologies makes it possible to transform information from its "mass" character in "individualized". It means, when a person has the opportunity from the incredible amount of provided information to select and use only the data that he needs in these conditions. And if you imagine the amount of information that every person is daily required for certain purposes, such as for work, school, recreation and so forth, multiply this by the number of carriers, and then

multiply the result by days per year, it becomes clear that to understand independently with all this volume of facts man alone is not physically capable. Therefore, Media, which produces, generate, transmit and store all necessary information comes to help him, and person from all this variety can choose only that he is interested in (is need) at this moment.

Relationship between information, the individual and the media covered in terms of «information society» and «informational society». Information society – a kind of society in which information circulates. Any congestion of the people performing the act of communication, conversation, could be considered as information society. In essence, exactly communication, information exchange turned the human community into the society. Earlier, information was transmitted orally. It was spread by folk-tale narrators, wandering all around the countries, but their “news” was available only for certain amount of people, and they were not so urgent. To send instant information people created “language of the symbols”. For example, the ancient Oghuz tribes used fire to inform other tribe members about several events. One bonfire on the top of the highest hill around called the oghuz for unity against common enemy. Two bonfires notified of danger over native land and called to fight the enemy. If they saw three bonfires on the top, they gathered for the celebration. But this kind of information was mostly domestic in its nature, and was interesting only for a certain mass of people. Therefore, in order to access this information, the media were not needed. But with the development of the world, on the way to globalization, occurred the specific kind of information which is important for everyone, for every human in the world. This information has “open” character. It basically refers to the public sphere (for example, news about global heating, air pollution, nuclear disaster and etc.). And this kind of information became available only through the promotion of media. And without the participation of media access to such information is impossible. Media acts as an intermediary between the source and consumer of information. It "produces" the necessary information to us and passes through its own channels of communication. And

all this bulk, after fixing with the help of one or more senses in the cerebral cortex "settles" in our minds and subliminally fosters a definite opinion about this or that object (events, phenomena). This process explains the concept of informational society.

Thus, we know that information is the subject of mass media. Receiving, processing, delivering information for us, the media remain important, and almost the main instrument for shaping public opinion. They set the agenda, define "fashion" for those or other events, that is very important determinant for publicity. It is the media, who provide an open access to information, including access to official information. From all this we can conclude that the media is a major player in the informational society, is a opinion leader, at the same time being a powerful channel of its expression.

## **How did the Media occur?**

«*Mass media* — periodic print publications, TV-Radio programs, programs of a newsreel, information agencies, Internet and other forms of distribution»

[35, Chapter I, article 3]

«*Periodic print publications* — prepared by means of printing process or any copying machine and having more than 100 copies of single circulation, constant title and number of registration and issued not less than 12 times per year the newspaper and printed not less than 2 times annually magazines, collections, bulletins and other periodic publications»[35, Chapter I, article 3]

«*TV-Radio programs and programs of a newsreel*, — collection of audio-, audiovisual messages and materials (transmissions) having a constant title and emitted in an ether not less once annually» [35, Chapter I, article 3]

The media - a way of periodical distribution of information using a variety of communication channels: print, television and radio broadcasting, the World Wide Web. "The types of media are: newspaper, magazine, newsletter, radio,

television, video and newsreel program, a different set of messages and (or) materials (gear), wearing a periodic nature and intended for an indefinite number of persons." [36]

Each of these channels has a fairly complex logistical base: printers, electronic equipment beginning with computers to communications satellites. The emergence of various types of media in the history conditioned by the invention of relevant technical means.

Everything began with appearing a script. People began to record various data, the results of lived experience on various information carriers (stone, bone, metal, animal hides). But physically this way of disseminating information could not be designed for a broad audience.

One of the most important inventions of mankind, without which it would be impossible to develop a mass-outreach activities, was the invention of paper. Apparently, this happened in China I-II cent. AD, and at least, out across Japan and Arab countries in X cent. paper came to Europe. It was one of the types of available raw materials, but again a makeshift method of rewriting the books has been very time consuming. That's why it couldn't be earmarked for the great mass of readers. Until in the middle of the XV century Gutenberg did not invent the printing press. "Distribution Gutenberg's way of printing has revolutionized the dissemination and preservation for centuries a lively human speech"[37, Lektion 2] The first newspapers became to appear. Initially, their content was, as it would say today, a purely economic in nature – announced the arrival of ships in port, the goods brought by them, etc. But already in the print edition of Cardinal Richelieu began to appear the news of political nature. In the second half XVII.in Europe started to occur magazines and daily newspapers. After that time the development of technical base of the media freezes. Only in the XIX century. there has been considerable technical progress in the field of printing, transmission and reproduction of information. The invention of the telegraph speeded up the delivery of operational information from various, sometimes very distant, points to the editorial. Vehicle to illustrate the engravings made

perfect, and later playback of photographs followed this way. Linotype was invented, the rotary engine, which gives the ability to quickly replicate any publication in an almost unlimited number of copies.

XIX-XX century, are marked in the history of media development, as the time of the first electronic media. The emergence of radio connected with the names of A. Popov and G. Marconi. For the first time they were able to pass a sound signal at a distance.

But, as the proverb says, "it is better to see once than hear a hundred times". And scientists around the world began to think how to convey an image. Speaking about the history of television, we should mention the greatest invention of Frenchmen Louis and Auguste Lumiere brothers, who in 1895 gave the world cinema. Pictures began to run on the screen. And people all over the world could see what had they always dreamed of.

Mid-twentieth – the time for Internet to be invented. It was born in USA. The impetus for its creation was the fact in detail that the USSR allegedly wanted to attack the U.S., or at least in the USA it was thought so. And in 1958 it was decided to establish an early warning system to prevent missile attacks from the USSR. So a system of NORAD (North American Aerospace Defense Command) was presented. Since the observation points were scattered around the country born a demand of a network to quickly transmit information. After several years of extensive research by the end of 1969 four computers were connected to a network, called ARPANet. This network was originally designed as a network linking the computers of military scientific research and educational institutions. Its use is planned in the event of a third world war. In parallel with ARPANet began to develop other networks too. The programmers faced with the task to find a way to combine these multiple networks. In 1973, work began on Internetting Project. During the work protocol was developed, which was subsequently named the TCP / IP (Transmission Control Protocol / Internet Protocol). January 1, 1983 simultaneous transition of all computers within the ARPANET to the protocol TCP / IP was carried out. Thus was set

the standard which made the following development of Internet possible, according to which it is developing to this day. Today the Internet connected together many different networks, millions of computer users around half of all continents and, according to various estimates, the number of users increased by 60-120% annually.

The emergence of the Internet alarmed many scholars of journalism. The largest part of them predicted the "death" of traditional media. But this did not happen. There are a number of objective reasons why traditional media is still functioning.

For example, the print media are convenient in terms of information storage. If a word heard on the radio, can be forgotten, what was seen on television could pass by attention, to the message in the print media you always can return and read it again. Newspapers are cheap, it can be read in transport by road. Newspapers can be preserved, and it is always possible to return to it whenever you need to clarify something from your reading.

Radio is considered as the most convenient means for informational perception. It does not require absolute concentration of attention, listening to it can be combined with any parallel task (for example, such as cleaning the house, washing dishes and other). Not for nothing, this type of media called the favorite media of mothers of many children. Another segment of society, which actively uses the services of radio – it is automobile drivers and their passengers. "The diversity of interests of this part of the audience has stimulated a significant expansion of genre-themed broadcast settings, which in its turn can be considered as one of the reasons for increasing the number of modern formats of radio stations, as well as increasing the number of the stations. And it allowed us to determine their target and content direction and differentiation." [38, Chapter I]

Radio-broadcasting has an undoubted psychological effect on people. One of the main features of the radio is its sound nature. With the help of its nature radio, focused primarily on acoustic perception, affects more than the others on the

human imagination. “Even before the advent of radio, it was proved that the person in accordance with its capabilities and the development of associative thinking is trying to translate sound into visual impressions. This process is inevitable, it does not depend on the willingness of man, and it is an objective law of nature perception of the world. Radio stimulates imagination, stimulates the senses and thereby gives the work to the thinking, and unconscious emotions”. [39]

But we have another kind of mass media, which works with sound. There is one thing, which distinguishes it from radio – the visual picture. We are talking about TV. In his book, *A Cognitive Psychology of Mass Communication* Richard Harris asked: "What kind of recreation is the most popular in the world?" The answer was: "Watching TV. Every week, Americans spend watching television 15 of 39 hours, an average of free time, which makes this kind of leisure much more popular than others. Only work and sleep take us more time. To compare, for reading we spend only 2.8 hours. Every day, people around the world are watching television more than 3.5 billion hours (Kubey & Csikszentmihalyi, 1990; Numbers, 1997). With the advent of television nature of the media - and under his influence our whole life - has changed radically. As their main source of pleasure people often referred to as television viewing, after which, far behind, followed communication with friends, helping others and spending vacation. Television has not only changed our pastime, it has also revolutionized our thinking and our outlook. Thus, the media has an impressive part of our lives. It not only informs but also entertains, educates, enlightens, etc.

The development of mass media does not stand still, every day more and more radio stations, television stations, newspapers and magazines appeared. This process was facilitated by "mixing" of different media, such as internet-radio, television of the Internet, electronic newspapers, etc. And this evolution gives us the opportunity to receive information at any time, anywhere in the world.

## **How does the Media work?**

In general description, Media activities are look like a certain amount of specific manipulations, such as information gathering, processing, preparation of information products, and its subsequent transfer through the mass communication means. Collection of information is the most hard and laborious part of this process. It mainly consists of working with several sources, possessing this information. Necessary documents (official and unofficial), internet, glossaries and etc. could serve as kinds of such sources. In some cases as a source of information we can “use” people, who are the carriers of necessary information. To learn needed data we interview them, asking special questions to reveal their knowledge on this topic. It should be noted, that the accuracy of the transmitted information is very important. It has primary role in the work of journalists. Therefore, to verify the obtained data, journalists frequently need to apply to libraries, data bases. In the most situations conversation with an eye-witness could help you to check all doubtful information. But the first helpers of the reporter are his eyes. Journalist must see everything all around 360°. He must observe, and note what he sees. For example, during the interview he must look on the interlocutor and fix his reaction, his mime, changes in mood and face, simultaneously paying attention to his words.

The second big step after gathering information is its processing. Processing of information is held with taking into consideration all the rules and norms, inherent for this stage of work - the reliability, accuracy of the quoted passage, the inadmissibility of the issuance of rumors and gossips as reliable information, the use of correct proper names, identification of sources of information, etc. After finishing this part of his job, journalist starts to prepare story itself. Using processed information, journalists should remember, that everyone have the right to criticize. But insult or libel can not be regarded as criticism. Everyone has the right to defend his or her dignity. The dignity of a person is protected by



the state. Nothing must lead to the humiliation of the dignity of a human being. That's why using any data he must check if it is not directed to the violation of this rules. Otherwise, violations of these rules could be punished by law.

Therefore, the practice of journalism today is regulated enough, or, as lawyers say, it placed upon the legislative framework.

Laws, that create a structural framework for independent media, are needed for the development of civil society. However, laws by themselves do not determine exactly how the media will operate. "For the functioning of free and independent media, society must assess the role that they play".[40]

It is this problem, which Rob Atkinson highlights, asserting that "artificially create a civil society with the only help of legislative act is impossible, neither practically, nor theoretically. The theory of liberal political thought and political history of liberalism show that the rule of law is the result of the initial adherence to civil society, preceded the legislative design".[41]

Julie Mertus wrote: "The artificial transplant of legal institutions in order to integrate the values of partnership and voluntary cooperation will not work without the preliminary determination to be committed to such values. On the contrary, every single power structure will reject this kind of coercion as an illegal or improperly applied to its own needs, or both".[42]

That is why laws determine only the main objective rules for the existence are functioning of the media.

In the Azerbaijan Republic legislation in the field of media includes a few basic laws and a number of international instruments:

«The legislation of the Azerbaijan Republic on mass media consists of the Constitution of the Azerbaijan Republic, present Law, laws of the Azerbaijan Republic "On freedom of the information", "On the order of consideration of the appeals of the citizens", "On communication", "On state secrets", "On the copyright and related rights", and also other appropriate acts. In case of conflicts between the intergovernmental agreements maintained by the Azerbaijan Republic and present Law the international contracts are applied». [35, Article 5]

For example, the main principle of the media in the state of law is the freedom of mass media.

«Everyone is free to look for, acquire, transfer, prepare and distribute information. Freedom of mass media is guaranteed...»

[19, Second section, Chapter III, article 50]

It means prohibition of any censorship against the works of journalistic creativity:

«State censorship in mass media, including press is prohibited».

[19, Second section, Chapter III, article 50]

«State censorship on the mass media, and also creation and financing of special state organs or posts with this purpose are not enabled. The state organs, municipalities, enterprises, plants and organizations, public associations, officials, and also political parties have no right to require the preliminary agreement with them of the items of information and materials, disseminated in the mass media, or to prohibit their dissemination, except for cases, when they are the authors of the information or interview».[35, Article 7]

A journalist is free in his creativity:

«Everyone is free to carry out creative activity. The state guarantees freedom in literary-artistic, scientific- technical and other kinds of creative activity»

[19, Second section, Chapter III, article 51]

«The mass media have the right to gain the quick and authentic items of information about economical, political, public and social situation in society, activity of state organs, municipalities, enterprises, plants and organizations, public associations, political parties and officials. This right can not be bounded, except for cases indicated in the legislation of the Azerbaijan Republic. State organs, municipalities, enterprises, plants and organizations, public associations, political parties, the officials give the information on the activity

based on the request of mass media, and also by conducting press-conferences or in other forms.

The request for getting the information can be written and oral. The demanded information can be given by (with) the officials of evocative organs, organizations and public associations, their deputies, representatives of a press service or other plenipotentiary persons.

The letter of inquiry on getting the information is esteemed in the order and in periods established by the legislation of the Azerbaijan Republic. In case in the periods, indicated by the law, the given information will lose the operation ability, on request the answer exigent should be given, and if it is not obviously possible - not later than 24 hours.

The representative of mass media has the right to give the complaint on refused to give the information state organs, municipalities, enterprises, plants and organizations, public associations, political parties or officials pursuant to the legislation of the Azerbaijan Republic».[35, Article 8]

The work, created by journalist, is protected by law:

«Everyone has the right for intellectual property. Copyright, patent rights and other rights for intellectual property are protected by law».

[19, Second section, Chapter III, article 30]

«Copyright protects disclosed works and also undisclosed works that exist in an objective form, namely: written form (manuscript, typewritten text, musical score, etc.), oral form (public recitation, public performance, etc.), sound or visual recording (mechanical, magnetic, digital, optical, etc.), figurative form (drawing, sketch, painting, plan, industrial design, still picture from a cinematographic or television or video film, photograph, etc.), three-dimensional form (sculpture, model, mock-up, structure, etc.), and any other form...»

[43, Title II, Chapter I, article 5]

But while creating his work, journalist must consider several important points.

«Draft on funds of the mass information with the purposes of distribution of secrets guarded by the legislation of the Azerbaijan Republic, violent overthrow of an existing constitutional state formation, attempt on integrity of the state, propagation of war, violence and cruelty, national, racial, social hate or intolerance, printing under cover of a title of an authoritative source of hearings, lie also of prejudiced publications humiliating honor and a dignity of the citizens, pornographic materials, slander or undertaking of other unlawful operating is not enabled».[35, Article 10]

If study the legislation in the media more attentively, we can trace a thin line connecting the legal rules and ethical norms of journalistic activity. Both in theory and in practice, law and ethics have much in common. In this case, law and ethics are normative in nature, which, incidentally, most often prevents to see the differences between them. Indeed, in both cases, we introduce binding rules governing the activities of journalists. However, a source of law – are public institutions, and especially the legislature. But ethical standards professional associations (in this case, journalists) are formulate themselves. Similarity of law and ethics manifests also in the fact that in both cases, the violation leads to the punishment of the guilty person. The state relies upon an extensive law enforcement apparatus (ie the executive and judiciary), but compliance with ethical principles is controlled by the bodies established at the initiative of the journalists themselves. These differences give rise to and different responsibilities.

Speaking about the legal side of the issue, we can distinguish, for example, administrative fines and criminal penalties: forced labor, deprivation of liberty.

As for the ethical responsibility, here we can only talk about condemnation of wrongdoing by the colleagues and trade unions.

These two sides of the professional activities of journalists in practice are intertwined and create a clear, flexible and reliable system of principles and norms. Hence, the main functions of this system are:

- 1) regulation of user behavior in large-information process;
- 2) protection, and self-defense;
- 3) preservation of the ideological and organizational integrity of the journalism of the corporation;
- 4) harmonize the aspirations and practices of the media with the interests of society and its citizens. [44, Chapter 3]

## **Media and Human Rights**

The interaction of these two concepts, "media" and "human rights" inherent in the functions of the media.

For example, EP Prokhorov, considering journalism multifunctional system distinguishes the following six functions of journalism:

- communicative - the function of communication and networking, which the author calls "the original function of journalism;
- Directly-organizational, which "is most evident in the role of journalism as the" fourth estate "in society";
- ideological (social orienting) associated with the desire to "have a profound influence on the philosophical framework and value orientations of the audience on identity of people, their ideals and aspirations, including the motivation of behavioral acts;
- cultural and educational, is "to being one of the cultural institutions of society to participate in the promotion and dissemination in society of high cultural values, to educate people on the samples of world culture, thereby contributing to the comprehensive development of human ";

- advertising and background related to the "satisfaction of utilitarian demands of all kinds of audience relevant to their own world of hobbies (garden, garden, hiking, collecting, chess, etc. , etc. );
- recreation (fun, stress relief, fun).

SG Korkonosenko proposes to divide the concept of "social-role characteristics of Journalism," by which he understands "the implementation of a number of social responsibilities in accordance with community needs and expectations." Thus, he identifies four social role of journalism:

- 1) the production cost;
- 2) information and communication;
- 3) Adjust;
- 4) the spiritual and ideological.

L.N. Fedotov highlights features such as media awareness, education, organization behavior, stress, communication.

I.D. Fomichev among the functions of media relates communicative, cognitive, value-guided, and socio-organizational.

Based on these functions, we can determine the role the media play in the protection of human rights and fundamental freedoms.

The Declaration of Principles on the Conduct of Journalists, adopted by International Federation of Journalists (IFJ) as a code of principles, which should adhere to a media representative who is engaged in the collection, preparation, transmission, distribution, commenting on the news, says:

" The journalist shall be alert to the danger of discrimination being furthered by media, and shall do the utmost to avoid facilitating such discriminations based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national and social origins."[45, Article 7]

In the international principles of journalistic ethics, adopted at the Fourth Consultative Meeting in 1983 in Paris and Prague, stressed the enormous role that information and communication play in the national and international level,

considering the increasing social responsibility of media and journalists. As a result, were marked by the enduring values of the UNESCO Declaration, which among others, noted that "the exercise of freedom of expression, opinion and information, recognized an important part of human rights is a vital factor in strengthening peace and international understanding." It was determined that people in general and individual citizens have the right to see an objective reflection of reality by obtaining reliable and accurate information and express their views through the media as a means of communication and cultural exchange. The primary task of the journalist - to ensure citizens' right to accurate and objective information through a truthful account of events, when facts are covered in their own context, showing connections of different phenomena, and without distortion, while creatively processed journalist. In this case, the public has the possibility of forming a real picture of what is happening through access to reliable information, in which the roots and nature of events, the development process and the current state of the facts reflected as objectively as possible. The information in journalism is not meant as a convenience, and as a social good. This means that the journalist responsible for the information presented to them and is responsible not only for the persons controlling the media, but also to the public as a whole, taking into account a whole range of different social interests affected by the media. The social responsibility of a journalist requires him to act in all circumstances according to personal perceptions of ethics.

Is the social role played by the journalism imposes on the profession high standards of integrity, including the right of journalists not to do the work in spite of their beliefs and principles, the right to maintain confidentiality of information sources, to participate in decision-making for the media, in which it operates. Professional integrity forbids journalist to accept compensation in any form for the presentation of someone else's private interest versus public good. Professional ethics includes respect for intellectual property rights, in particular the unacceptability of plagiarism. The nature of the profession requires a

journalist to provide public access to information and citizen participation in the media, including the right of reply and the right of reply. Integral part of the professional standards of journalism - respect for citizens' rights to privacy and human dignity in accordance with the provisions of international and national law in protecting the rights and reputation of individuals, the prohibition of slander, insult and defamation. This journalist defends the universal values of humanism, above all peace, democracy, human rights, social progress and national liberation, while giving due respect differences, values and achievements of every culture in isolation as the right of every people to freely choose and develop its political, social, economic and cultural system. To this end, the journalist participates actively in social change, betterment of society. It contributes to the establishment of a climate of trust in international relations, promoting world peace and justice, the policy of detente, disarmament and national development. Ethics of the profession requires knowledge of the relevant provisions of the journalist, as contained in international conventions, declarations and resolutions. Professional standards of journalism include respect for the interests of society, its democratic institutions and public morality. Ethical obligations to the universal values of humanism calls on journalists to refrain from any form of justification for wars of aggression and the arms race (especially nuclear), or appeals to them, as well as the justification for any form of violence, hatred or discrimination, particularly racism and apartheid, oppression by some regimes, colonialism and neocolonialism, and such evils that threaten humanity, such as poverty, hunger and disease. Thus, the journalist is able to help eliminate misunderstandings between peoples, to make their citizens more susceptible to the suffering of others, to respect the rights and dignity of nations, peoples and all individuals regardless of race, sex, language, nationality, religion or philosophical beliefs. A journalist working in the modern world in a move to the new international relations in general and the new information order in particular. Being part of a new international economic order, it is aimed at the decolonization and democratization of information and



communications at both national and international level. Base for the new device is intended to be peaceful coexistence between peoples and fully respect their cultural identity. It is the duty of the journalist - to promote democratization of international relations in the field of information, in particular, protect, and promote peaceful and friendly relations among nations and peoples.

## Chapter III

# Human Rights, Media and Azerbaijan

### Analysis of existing problems

Azerbaijan section of the Country Report on Human Rights Practices 2007 released by the U.S. Bureau of Democracy, Human Rights, and Labour on March 11, 2008 indicates:

*“... in Azerbaijan, the government's human rights record remained poor and worsened in some areas in 2007. The government continued to imprison persons for politically motivated reasons. Restrictions on freedom of assembly continued. Restrictions and pressure on the media and restrictions on political participation worsened. The government imposed restrictions on the activities of some unregistered Muslim and Christian groups. Cases of violence against women also were reported”.*

The latest research conducted within country by the U.S. Bureau of Democracy, Human Rights, and Labour has shown that human rights have the following characteristics:

*“In 2007, official sources reported 59 death cases among army servants. The Ministry of Justice reports that in 2007, 122 people died in prisons. Most of these death cases are related to hard conditions of imprisonment. In addition, it is 5.4 times less than year 2006. Since 2005, about 300 activists from political parties have been arrested and taken into custody by legal enforcement. According to different data from local NGOs, the political prisoners vary from 30 to 60 in the country. More than 80 times the officials of different levels have sued mass media and journalists. Meanwhile, some positive factors also occurs in support of human rights provided that Ministry of internal Affairs reports that*

*the government has punished 207 state officials for violation of human rights.[46]*

In “A common statement on human rights in Azerbaijan” of Council of Europe (2010) it was written:

*“In January 2010, Azerbaijan marks its ninth year of full membership to the Council of Europe. Being a member of the Council commits and obliges Azerbaijan to respect basic freedoms, human rights and democracy. In spite of this commitment, human rights violations continue to be numerous and widespread and occur on a systematic basis. The international community, represented by the Parliamentary Assembly and the Committee of Ministers of the Council of Europe, the European Commission, the UN Council on Human Rights, the OSCE and all its member states must all apply a more consistent approach when working with Azerbaijan on human rights issues, and demand immediate improvements. It is crucial to address the human rights violations in Azerbaijan. Several national and international human rights organizations, have therefore taken the initiative to write this document”.[47]*

These points show that problem with human rights is quite serious in Azerbaijan. Speaking of human rights violation, the issue is considered violation of human rights happens in various fields of the society. It occurs in political, media, social-economic, judicial-legal, administrative and household fields. An existence of a huge administrative-bureaucratic instances and absence of public control result in massive violation of human rights within country. But the government does its best to solve these problems. It has been developing strategies and tools to tackle human rights, such as:

1. Partnered with the UNICEF, the Ombudsman Institution established Children’s Rights Center,
2. Further to the Ombudsman’s appeal, 219 prisoners have been pardoned since nowadays,

3. Booklets on the “Council of Europe and respect for human rights”, “Legal status of prisoners” and “Introduction to gender theory” were produced by Ombudsman Institute, as well as leaflets on “Your Rights”, “Legal Status of Doubtful Person” and “General Declaration of Human Rights and Constitution of Azerbaijan” were produced/published by the Ombudsman Institute,
4. State Committee for the Work with Religious Associations held trainings in the regions-Sumqayit, Masalli, Quba and Shaki on the rights of religious freedom.

Governmental institutions implement different programs with their own initiatives, as well as because of recommendations from international institutions.

Together with them a number of NGOs promoting human rights realize various projects related to this problem, conduct research, work out analytical reports, and gather statistical data.

But one of the most important problems of human rights development within country is still exist. This problem is a lack of interactive dialogue between government institutions and human right protection CSOs. Due to communication gap between these stakeholders, the activities are not well coordinated and complemented with each other. That is why a growing demand was appeared for constructive and effective dialogue between governmental and non-governmental institutions. And the best implement for a wide discussion of questions on human right protection is local media.

The media plays a key role from educational/agitation perspectives.

So, the proposed media products can impact the citizens’ thought revealing problems in the given field. The purpose of the media is actualization of human rights issues through drawing attention of public, government institutions, national and international organizations, NGOs and media to related problems and bridge the communication gap amongst key stakeholders (media/NGOs/government institutions).

But, unfortunately, media efforts are insufficient. Obviously, a poor legal awareness of population, ignorance of laws and human rights set the stage for public inability to protect them from the arbitrary rule of the bureaucrat office. But there are some reasons why such situation with human rights is present in media of Azerbaijan.

One of the most important reasons for the human rights to be protected so weak is a low professionalism of Azeri journalists in covering such kind of information.

Journalists need professional specialty-reporting skills to cover problems related to situation of human rights in the country. While a number of local organizations provide training in journalism in Azerbaijan, their overall impact is hindered by a lack of cooperation between the different educational institutions for the benefit of journalists. Journalism curricula at academic institutions lack practice-based courses and modules, and journalism training centers lack the proper structure and long-term strategic approach necessary to meet their students' training needs. Among those organizations are the public Baku State University, the private Khazar University, the Baku School of Journalism and the Azerbaijan Media Center.

In order for democratic reforms, including respect for human rights to succeed in Azerbaijan, independent media must draw the public into becoming more engaged in the political life and social development of their communities.

But many Azeri journalists still report rumor as fact, fail to seek multiple sources and factual corroboration, and regularly inject personal opinion into news reports. The latest monitoring results of Press Council shows that professional principles in the media have been violated for 287 times in January 2008, while the most violated principle was accuracy, objectiveness and truth. Besides, while a number of journalists do cover democracy issues on a regular basis, the coverage of human rights remains somewhat unfocused, lacking professionalism and accuracy. Azeri journalists, mostly working in rural areas lack professional reporting skills and theoretical/practical knowledge on human

rights. This lack of knowledge is particularly acute in the TV/radio sectors, which are the main source of information for 95% of the Azerbaijan population.

Therefore, for both local print/web and broadcast media, professional skills and ethics need to be improved. “Firstly, the professional journalism skills in the local media should be improved to enable journalists to more accurately report on trends in media and better advocate to the government or broader journalist community when addressing particular democracy tendencies. Secondly, civic education media products should be increased to secure human rights and eliminate cases of becoming the victims of rights violation. Thirdly, increased awareness of legal rights among journalists can allow media to better defend itself to the extent possible. Finally, increased awareness of violations can increase pressure on the government to uphold the law”. [48, page 5]

But nowadays local media still rarely covers violations of human rights and it is not complex, systematic and professionally reported. Human rights related media products are not often seen on media. The issues covered are not specifically directed towards human rights and has fragmentary segments addressign given field. That is why it is needed to produce, for example, a high quality television and radio programming using a talk-show format, publishing print inserts and run online forums to bring voices and insights from a wide range of individuals and perspectives relevant to the issue of human rights respect, protection and fulfillment By utilizing a dynamic and stimulating format, involving the most appropriate in-studio guests engaging regional media to contribute segments and distributing the programs to a national audience, this content will greatly increase the attention human rights is receiving in the media. TV and radio programs, print supplements and the online mediaforum.az will fill gaps in public awareness on human rights issues as they affect the specific target groups, increasing levels of interest and stimulating debate. Moreover, population will receive well-targeted information on their rights, professional standards would be created, accepted and used, quality and objectivity of news

would be improved. These all encourage reporters to explore stories through different angles, improve their skills with other mediums and break reporting routines.

The second reason, why human rights in Azerbaijan have low protection, why Azeri media face a host of obstacles that keep them from fulfilling its potential, is the lack of a clear enabling legal environment. In 2007, the situation with freedom of speech became worse in comparison with previous years in Azerbaijan. The Country Report on Human Rights Practices 2007 released by the U.S. Bureau of Democracy, Human Rights, and Labour on March 11, 2008 indicates:

*“... eight journalists were arrested and charged in 2007. Some of them were granted a presidential pardon. However, three journalists are still in prison”.*

Half-year report of Media Rights Institute on Legal status of Mass Media in Azerbaijan, January-June 2010, shows:

*“The main element of proper media functioning there is secure conditions. It can not be said that this basic element is fulfilled. While functioning their official duties critic media representatives are concerned about their security and protection. Their concerns are not groundless. The applications of journalist who suffer from threat and pressure are not considered by courts.*

*In general there have not been taken any steps forward in fulfilling the demand of democratic society with open-minded and politically free media. Instead, brave and courageous journalists are interrogated for long hours by law enforcement bodies, are punched, are threatened, and are prosecuted.*

*The most frequently observed tendency is threat on journalists due to information they gather from meetings of public importance. It is even difficult for journalists in special suits to gather information from this kind of meetings. Police and law enforcement bodies who never introduce themselves do not hesitate to impose physical pressure on journalists. At first half of 2010 more than 30 journalists faced with attacks. Unfortunately these all happens in front of police authorities.*

*The last hope of mass media which should be protected by government is the court. But, national courts do not provide any relevant support to the journalists under threat and physical pressure. The rate of investigation of journalists' complains is very low. Recently, more than 10 cases concerning pressures from last year are in court review. There has not been any decision on behalf of journalists during last 6 months. Only one case is sent to the court which regarding to threats from 2010".[49]*

In "A common statement on human rights in Azerbaijan" (2010) it was reported, that one of the points, that needs more attention is:

*"A judicial system that does not provide justice. Numerous court cases have demonstrated that the courts have allowed themselves to be used as tools for the authorities in their repression of the media, opposition and civic society. This demonstrates the lack of independence and a climate of corruption. In 2009 more than 50 persons are considered to be political prisoners in Azerbaijan..*

*As domestic courts are not able to defend the human rights of citizens, more than 2,000 applications were lodged to the European Court of Human Rights since April 2002; and until now 64 judgments and decisions are adopted.*

*Lack of media freedom and repression of journalists and editors exist. The negative development with regard to media freedom and freedom of expression is alarming. Important and longstanding radio channels broadcasting independent information in Azerbaijani, such as Radio Free Europe/Radio Liberty, Voice of America and the BBC, lost their licence to broadcast on their normal FM frequencies in January 2009. Azerbaijan has not fulfilled the obligation to transform the governmental TV (AzTV) into an independent public one. The newly established public TV is under government control.*

*A number of journalists and editors have been arbitrarily imprisoned on spurious charges, after trials widely believed to have been unfair. According to the Committee to Protect Journalists, Azerbaijan holds the 7th place in the world in 2009 in terms of the number of imprisoned journalists.*



*Violent attacks against media representatives are frequent.*

*Libel suits and defamation cases are widespread, and the defamation legislation may be used to protect public officials from criticism and lead to journalists' intimidation and self-censorship".[50]*

A well-known human rights organization Human Rights Watch released an annual report on human rights in the world. In the section devoted to Azerbaijan, said that in 2010 the human rights situation in Azerbaijan remains very poor.

The authorities continued to use criminal persecution for defamation and other methods of intimidation and reprisals against dissident journalists. Journalists continued to serve their sentence on questionable criminal persecution charges related to his professional activities. Other serious problems are still remaining, such as restrictions on freedom of religion, assembly and association, as well as torture and ill-treatment in detention in jail.

During the first six months of 2010, officials had been initiated 26 criminal defamation cases against journalists and other critics of the government, 14 of them by the courts has been convicted. Of the 36 civil lawsuits officials on protection of honor and dignity have been satisfied 30.

It is needed to remember, that in 2004 on the First South Caucasus Media Conference held in Tbilisi in the "Libel and Insult Laws as Punitive Forms of the Media Regulation: Recent Developments in Azerbaijani Defamation Law" report it was written, that:

*"The arraignment of mass media in Azerbaijan is connected mainly with defamation – the necessity to protect honour, dignity and business reputation. Azerbaijani courts strictly abide by legal provisions during the consideration of such cases...First of all, it should be mentioned that there are very few legal acts in the country, regulating relations between subjects of law concerning defamation. The existing legal provisions are inconsistent and contain a lot of legal gaps. Legal provisions relating to defamation are reflected mostly in Article 46 of the Constitution, Articles 21, 23, and 1097 of the Civil Code, Articles 147, 148, and 323 of the Criminal Code, Articles 10, 10 (1), 44, and 45*

*of the Law on Mass Media, the resolution of the Plenary Meeting of the Supreme Court of Azerbaijan on the Practice of Applying Legislation on Protection of Honour and Dignity by the Courts, adopted in 1999, and in the decision of the Azerbaijan Republic Constitutional Court on Comments to Articles 21 and 23 of the CC of 31 May 2002. It should be mentioned, however, that considerations of freedom of expression (freedom of speech, thought, and information) are usually disregarded during the hearings of cases.*

*The Decisions of the European Court in respect of freedom of expression always say that freedom of the press is one of the main components of freedom of expression. The press plays a leading role in informing the public opinion of problems involving public interests, and it should enjoy freedom of expression while commenting on certain issues of political or public interest. The limits of admissible criticism of political figures or government institutions are wider than for private individuals, and on the whole they are wider when concrete persons are not criticized. Such categorical position of the judiciary with respect to the defamation law in Azerbaijan differs from the approach adopted in the legal practice of the European Court of Human Rights, which passed many of its decision, based on the methodology aimed at harmonizing the opposing interests of reputation protection and guaranteeing the freedom of expression. This approach is based on the fact that the threat to impose sanctions in accordance with the defamation law constrains public debate, which is of paramount importance in a democratic society, and therefore under certain circumstances society's interest in dissemination of information and opinions should prevail over the protection of reputation”[51].*

The continued presence of defamation provisions in Azerbaijan's Criminal Code remains among the most serious legal barriers to freedom of expression in the country. Criminal defamation laws have a serious chilling effect on freedom of expression. They leave journalists in a position of vulnerability, and their existence contributes to self-censorship. In July 2009, following its review of Azerbaijan's implementation of its International Convention on Civil and

Political Rights commitments, the UN Human Rights Committee called for the Azerbaijani government to bring its defamation laws into compliance with Article 19 of the Universal Declaration of Human Rights. In March 2010, COE High Commissioner for Human Rights Thomas Hammarberg noted that the decriminalization of defamation in Azerbaijan should be considered as "a matter of urgency." The government stated that because the level of professionalism of journalists in Azerbaijan remained low, decriminalizing defamation would "exacerbate the situation" rather than improve it. The government also claimed that the use of criminal defamation provisions had become "an exception rather than a practice." The mission notes that issues regarding the professionalism of journalists do not merit the retention of criminal defamation provisions and should not be used as an excuse for such. The mission further notes that an increase in practices of self-censorship has contributed to the reduction in the use of criminal defamation provisions. In this regard, this reduction cannot be considered as progress.

While it is true that criminal defamation provisions no longer lead to prison sentences as frequently as in some previous years, they are still frequently used. Public officials often initiate these lawsuits, demonstrating intolerance to criticism. The Media Rights Institute reported that as of June, in 2010 public officials had filed 26 criminal defamation lawsuits against media outlets, which resulted in 14 convictions.

The mission was encouraged by the indication by several Members of Parliament that the Human Rights Commission of the Azerbaijani Parliament, the *Milli Mejlis*, was considering a draft law which would decriminalize defamation. While decriminalization of defamation would certainly be a step in the right direction, the mission notes the importance of ensuring that any new civil defamation provisions comply with international standards for free expression.

Further, the mission notes the need to bring existing civil defamation provisions into compliance with international standards, as some aspects of these

provisions remain problematic. In particular, provisions in the Constitution and the Civil Code which guarantee legal protection for the honor and dignity of the president do not comply with international standards, which hold that public figures should be subject to greater criticism than private persons.

In the March referendum on constitutional amendments the Parliament adopted amendments to the legislation prohibiting journalists to capture images or record any person without his knowledge or consent. An exception was made for "operational-investigative" activities conducted by law enforcement structures.

The Government has also intervened in the activities of NGOs. The Ministry of Justice three times refused to register the Centre of television and alternative media.

Channels remain under governmental control; advertising in the media is also controlled by the authorities. The government banned the broadcasting of Voice of America, Radio Liberty and the Air Force on national FM frequencies and on national television. After that, the public was deprived of objective information.

According to the report, the government uses libel to prosecute the press. Distribution of opposition newspapers was restricted and placing advertisements in these newspapers by governmental agencies is limited.

The authorities also control the Internet service providers through the Ministry of Information Technologies and Communication. The quality of the Internet remains low and only 17% of the population could use it.

Concern and criticism in connection with the human rights situation in Azerbaijan, particularly in the area of media freedom articulated as international and regional institutions and bilateral partners in Baku. In June, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, published a report on the results of his May visit to the country, which urged the Government to take measures to respond to a variety of ways, including police misconduct and violation of the rights to freedom of expression and freedom of association and the fair trial standards.

The Parliamentary Assembly of the Council of Europe in the June resolution called on the government to release imprisoned journalists, to decriminalize defamation and to refrain from prosecuting members of the media for defamation.

President Barack Obama, speaking in September at the UN General Assembly, expressed hope that Azerbaijan will undertake democratic reforms and ensure greater respect for human rights.

PACE also called on the Azerbaijani authorities to respect media freedom. According to OSCE Special Representative on Freedom of the Media, Miklos Haraszti, at a press conference at the headquarters of the Council of Europe (CoE), the situation in Azerbaijan press freedom continued to deteriorate, the country has a practice of harassment of journalists by law enforcement authorities on trumped-up charges of committing criminal offenses.

Meanwhile, the head of the Azerbaijani parliamentary delegation to PACE, a member of the ruling Yeni Azerbaijan Party, Samad Seyidov said, that “the press in Azerbaijan is completely free. Indicator of the functioning of a country he described as more than 3500 media outlets”. Moreover, Seid pointed to the provision of the state in 2009 with the press at 1, 3 million Euros. As for the arrested journalists, then, according to Seyidov, they have been convicted "not for their publication, and for specific crimes".[52]

"The judicial system in Azerbaijan is independent, and the executive branch can not influence its decision. Azerbaijan is located in the European legal field, and dissatisfied with the decision of the court may appeal to the European Court of Human Rights, “- said the head of the socio-political department of the Presidential Administration of Azerbaijan, Ali Hasanov.

Commenting on the situation with freedom of speech in Azerbaijan, Hasanov said that "freedom of speech in Azerbaijan is no less than in countries such as Germany and France.” "Laws of Azerbaijan applied equally to all. Most reports of international organizations relating to freedom of the press, biased, they aim

to influence the Azerbaijani government and influence its policies. I invite any organization in Azerbaijan, which gave the 171-th place to Azerbaijan for freedom of speech and press freedom. Let them come and we'll discuss it in front of everybody. If taking any newspaper of the Azerbaijani press, it is possible to meet the criticism related to the Azerbaijani government, if you have an opportunity to criticize the activities of any public officer and to conduct an investigation, to talk about a violation of freedom of speech and press freedom in this country is a wholly-subjectivism. We do not doubt in activities of Freedom House and other organizations as a whole. They are engaged in their activities, receiving funding from any foundation, serve some purpose, but their purpose is not to classify the world's freedom of speech, to create a sample. They just do their job, fill certain orders and aims, being responsible in front of structures, which sponsor them. Are there in Libya, Tunisia, Egypt, no people in opposition or in a different thinking about the events there? They are a large number. So why we can't see them on air? In that case, let us and we will state here why these channels do not have freedom of speech, freedom of opinion? It would be better for such countries, instead of looking for the speck in the eye of Azerbaijan, to have a look at the European television channels. All countries have there a policy of "smoothed" information. Each country carries out its information policy. The main purpose of this is to ensure the interests of state and nation. If journalism does not serve the development of Azerbaijan, it is useless. We urge journalists to be not only journalists, but also citizens", - concluded Hasanov.

Plenipotentiary Representative of the Azerbaijan Republic to the European Court of Human Rights, Board member of the Confederation of Lawyers of Azerbaijan Chingiz Askerov said that Azerbaijan has a stable operating system for the protection of human rights. "Since 2003, from Azerbaijan to the European Court comes to 500 complaints. Their number is not increased, but remained stable, indicating that the operating system for the protection of human rights in Azerbaijan works. In comparison with other countries like Russia and

Turkey, where every year the number of complaints to the European Court is growing in Azerbaijan, the situation is stable "- he said.[53] According to Askerov, "Azerbaijan joined the European Convention on Human Rights, which had a positive impact on the judiciary of the country. This is a significant step towards the protection of human rights by creating an additional judicial mechanism to protect rights violated by not only inside state but also at international level".

The latest researches on this field were held by nine international non-governmental organizations (ARTICLE 19; Freedom House; Index on Censorship; International Federation of Journalists; Media Diversity Institute; Press Now; Open Society Foundations; Reporters Without Borders; and World Association of Newspapers and News Publishers) conducted a joint freedom of expression mission to Azerbaijan to underscore their serious concerns regarding the current freedom of expression situation in the country. The mission met with journalists and other media workers, civil society activists and government officials, and participated in a local civil society freedom of expression forum. The mission found that freedom of expression in Azerbaijan has sharply deteriorated over the past several years due to a number of worrisome trends. The mission was particularly concerned by the Azerbaijani authorities' continuing practice of imprisoning journalists and bloggers in connection with expressing critical pinions; the enduring cycle of acts of violence against journalists and impunity for those who commit these acts; and the continued existence of criminal defamation provisions in Azerbaijani law. They prepared special report, which was printed in October 2010. This report also includes a series of recommendations developed by the mission for concrete measures which the Azerbaijani government must implement in order to address the serious freedom of expression situation in the country. These recommendations include immediately and unconditionally releasing the currently imprisoned journalists and bloggers and ceasing the imprisonment of persons for exercising their right to freedom of expression; undertaking thorough, prompt and

independent investigations into all instances of violence against journalists and prosecuting those responsible for these acts; and decriminalizing defamation and ensuring that civil defamation provisions comply with international standards.

The mission further intends for this report to serve as a catalyst for greater international attention to the freedom of expression situation in Azerbaijan. The mission notes in particular the important role played by those governments with political and economic ties to Azerbaijan, and calls upon them to hold the Azerbaijani authorities accountable for their freedom of expression record.

In Recommendations it was written:

1. Order the immediate and unconditional release of imprisoned journalists and imprisoned bloggers;

2. Ensure that no journalists, media workers, bloggers or other citizens are arrested for exercising their right to free expression;

3. Initiate thorough, prompt and independent investigations into all instances of violence and threats of violence against journalists, political activists and human rights defenders, and bring those responsible to justice;

4. Ensure that all trials of journalists, political activists and human rights defenders are carried out in accordance with international standards for due process and the presumption of innocence;

5. Decriminalize defamation and ensure that all civil defamation provisions are in line with international standards;

6. Implement more effectively the Law on the Right to Obtain Information passed in 2005; in particular, take steps to appoint an information ombudsman as required by this law;

7. Establish fair, equitable and transparent conditions for the allocation of state advertising;

8. Establish an independent, multi-stakeholder committee with transparent procedures for the allocation of state media-support funds;



9. Establish an independent broadcasting regulatory body in line with international standards and with transparent procedures for the allocation of licenses;

10. Allow for the functioning of truly independent self-regulatory bodies for print media;

11. Reverse the ban prohibiting foreign entities from broadcasting on national frequencies, including BBC, Voice of America, and Radio Free Europe/Radio Liberty;

12. Promote the development of public service broadcasting that is in the interest of the public and is independent of government interests, with particular attention paid to the regions outside of Baku;

13. Invest in Internet infrastructure and work towards universal, affordable, high-speed Internet access countrywide;

14. Preserve and protect freedom of expression online and avoid imposing unnecessary regulation;

15. Implement media provisions in the Election Code by:

- establishing systematic monitoring to ensure equal and equitable access to state media by all candidates;
- ensuring that journalists have access to polling stations as election observers, including throughout the vote-tabulation process; and
- taking prompt and effective action against violations

Furthermore, the international mission calls for an extensive, inclusive, multi-stakeholder consultation to support the implementation of a voluntary code of ethics and rigorous professional standards for journalists.

Finally, we call on the international community, particularly those countries with economic and political ties to Azerbaijan, to hold the government accountable for its freedom of expression record. [54]

One of the interesting parts of this report has a name “**International image and its impact on the country**”. And it is written here:

*“The many instances of freedom of expression violations, and the failure by the authorities to take adequate steps to address these violations, demonstrate the Azerbaijani government’s lack of seriousness about its freedom of expression obligations. Azerbaijan has failed to live up to its international commitments to respect and protect freedom of expression per its membership in organizations such as the UN, the COE, and the OSCE, and its ratification of major human rights treaties. Instead, it joins a group of authoritarian regimes which are notorious for their disregard of international human rights standards and law. The actions taken by the Azerbaijani authorities to restrict freedom of expression have significantly damaged Azerbaijan’s international reputation, placing it firmly in the camp of “worst offenders.”*

*Like Russia, Azerbaijan ignores many of its international commitments to respect and protect the rights of its citizens. Like China and Iran, Azerbaijan jails bloggers and online journalists. Freedom House ranks Azerbaijan as a “not free” country in terms of press freedom, along with countries such as Belarus, Burma (Myanmar), and North Korea. More than 40 cases of freedom of expression violations are currently pending consideration by the ECtHR.*

*But there is concern and frustration that the international community is unable or unwilling to bring about change because of its strategic political and economic ties with Azerbaijan.*

*It is clear that the situation of freedom of expression in Azerbaijan will not improve until the cycle of impunity is broken. The current media landscape in the country is bleak and journalists live in a climate of fear. As one reporter said, journalists find themselves in “the worst scenario.”*

Twenty years after the collapse of the Soviet Union, the Azerbaijani media community is still struggling to achieve international standards for freedom of expression, access to information, and fair working conditions.

Summing up the report, it is safe to state that the overwhelming majority of violations in the field of journalist and media rights in the country occur due to the following factors:

- failure to comply with the rules and provisions of current media legislation, the Council of Europe recommendations, and the requirements of the European Court of Human Rights;

- an atmosphere of impunity for those who violate the principles of freedom of expression, speech and the press reigning in the country;

- non-existence of an independent judiciary;

- inadequacy of the legislative framework on the mass media, especially as far as access to information and defamation are concerned;

- the poorly developed media economics and market; the strong leverage held by the authorities to bring economic pressure to bear on the media;

- intolerance by government officials and public and political figures of criticisms voiced by the media;

- a low level of journalists' professional skills and knowledge of laws;

- excessive political bias and fragmentation of the media, providing for weak professional solidarity among the journalist community.

Many of the mission's interlocutors raised the issue of professionalism in the Azerbaijani media. They considered the issue of ethical standards to be a serious problem in the profession, along with poor working conditions due to issues with contracts, irregular salaries, and illegal undeclared payments.

They also noted a clear link between progress in professionalism and the revision of legal provisions for defamation.

Journalists do not enjoy the freedom to exercise responsibility. The level of political and managerial influence and interference has contributed to the further deterioration of the quality of journalism and has seriously affected the security of journalists.

Journalists and editors are too close to their political sponsors, whether they be government or political parties. Many do not consider that, regardless of the media outlet for which they work, they face similar forms of constraints in their journalistic activities. This needs to be acknowledged as much by opposition

media as by pro-government media. More importantly, it is essential that the professional journalist is seen as an independent, objective reporter of the truth, not as someone attached to a particular political interest.

The introduction of editorial independence and promotion of professional standards in the media would foster public engagement in political debate and society as a whole. It would strengthen the democratic processes of the country and provide the public and government officials with the information necessary to conduct an informed public debate on relevant policies.

In addition to the intense level of political interference in the daily work of journalists, the appalling conditions in which journalists are forced to work are the primary cause of poor ethical standards. It is not possible to expect journalists to perform professionally and ethically while they operate with irregular and illegal contracts, low and uncertain salaries, and without employment stability. When journalists can be hired and fired at will, they are not in the position to demand respect for their professional independence from their employers.

And in conclusion it was written:

“The mission found that the combined effect of the trends examined in this report is a freedom of expression climate which has significantly deteriorated over the past several years. The Azerbaijani authorities have failed to comply with many of their international commitments to freedom of expression. While the current poor freedom of expression climate is attributable largely to the actions of the Azerbaijani authorities, the mission notes that the international community maintains some responsibility in this regard. The mission urges those governments with political and economic ties to Azerbaijan to consider their own commitments to human rights and freedom of expression and to hold the Azerbaijani government to account in this regard.

The mission hopes that this report will serve as a catalyst for the Azerbaijani authorities to implement critical freedom of expression reforms and to the international community to dedicate greater attention and resources to the

freedom of expression situation in Azerbaijan. The mission's participating organizations, along with other member organizations of the International Partnership Group for Azerbaijan, will continue to engage in dialogue with the Azerbaijani authorities and with local stakeholders to work towards the full promotion and protection of freedom of expression in Azerbaijan”.

# Conclusion

The man is the crown of nature, with complicated structure of the soul and mind. He lives, performs actions, performs selected activities, interacts with the environment. And in the context of this existence certain rights and responsibilities emerge. There are different approaches to human rights. The first is an approach to the rights as to "natural", which man is endowed with because of the fact that he is a HUMAN. They are - the essence of his nature.

And there are rights, "enshrined in writing". Natural rights do not need any written, legal registration. They exist objectively and are independent of each individual - the carrier of human rights. Written law, which incorporated the common rules, norms, relationships, moral rights, permission, restrictions, duties, called "positive law".

The modern world has not yet got rid of wars and armed conflicts flaring up between countries on different continents. Over the past 50 years, most serious human rights violations occurred not in international armed conflicts, but in local level of the states. The fact of the history of mankind at the end of XX century was a significant migration of the population. Millions of people move for economic and social reasons. As a result of migration today virtually every state has become a multi-ethnic, poly-confessional, and multicultural. As a consequence, social tensions in many countries significantly increased.

In these circumstances, recognition and respect of the human rights are a prerequisite for non-violent conflict resolution, prevention of armed conflicts. Person's confidence in the fact that other people have, know and act in accordance with universally recognized human rights and freedoms, rules, relationships can foresee a situation to expect a certain reaction and behavior of members of the human community. Respect for human rights – is a condition of the absence of fear, hatred, xenophobia, aggression and wars.

United Nations General Assembly proclaiming the Universal Declaration of Human Rights, had no illusions about its speedy implementation.

The Declaration stresses that its purpose - to serve as a task to achievement for all peoples and all nations in their efforts to secure their universal and effective recognition and observance of the above in her rights and freedoms. There is no a single country in the world where absolutely safe situation with human rights exists. After reading the reports submitted by various UN bodies on human rights, UN Secretary General Kofi Annan stated: "The reports painted a grim picture of the state of human rights in the world today". Bridging the gap between ideals and norms of human rights and their implementation in practice remains a formidable challenge facing both the international organizations, as well as within nations. And in this case Media can serve as one of the most effective tools.

Media reflect the interests of society, different social groups, and individuals. Their work has important socio - political consequences, because the nature of the information, addressable audience, determines its relation to reality and the direction of social action. So, admittedly, the media did not simply inform, report news, but also promoting certain ideas, insights, exercises, political agendas and thus participate in social management. Through the formation of public opinion, making certain social attitudes, the formation of opinion media are pushing people to certain actions. It's no secret that in a democratic, legal state, every citizen has a legal right to know all that is happening inside the country and the world.

As rightly emphasized in many studies and derived from diverse and rich practice, there is no democracy without transparency; there is no transparency without democracy.

In its turn, transparency and democracy is not conceivable without the free and independent press. Media in this case serve as the same components of a democratic system, as parliament, executive bodies, independent court. In this regard, the media is also called "the fourth estate". This figure of speech not only speaks to them as authorities, but also points to the original, specific, unlike

the power of the legislative, executive and judicial nature of that power. What is originality of the Media?

First of all, that is – this power is invisible. She did not have any legislative, executive, law enforcement and other social bodies. Media can not tell, compel and punish, prosecute. Their only weapons - a word, sound, image, carrying specific information, i.e. message, opinion, evaluation, approval or condemnation of phenomena, events, actions and behavior of individuals, groups, parties, public organizations, government, etc. Press provides an invaluable service to a free society, as a "mirror" by looking at which it learns himself better. The absence of such a "mirror" leads to the transformation and degeneration. History shows that all the leaders of totalitarian regimes, unwilling to look into your true reflection, finish bad. Media in a democratic society should be, figuratively speaking, the dialectical opposite of the power pole, and not just a propaganda tool.

Follow this principle is not easy. It should be accepted not only by journalists, but also by society itself. And this, as experience shows, the difficult and painful process. Specific properties of journalism as an activity and the media as an institution necessitate special status of journalism and media in the political process and its separate ways. It is also clear that the effectiveness of the individual journalists', the editorial staff activity in the political process is not only the creative execution of the function of "apprentice", but also related with the participation as a subject of political activity.

Media in any society have an important informational role, i.e. become a kind of mediator between the journalist and the audience. And in the process of media functioning two-way communication between the communicator and recipient is acting out. In other words, to communicate – is a kind of communion, but not personal, as in everyday practice, but through forms of mass communication. Between a journalist and the audience there is a technical communication channel through which the media must satisfy the information needs of society. A man has the right of truth, and this law is provided along with right of science,



art, scientific information, print, television and radio, and various information services. Information services provide operational information.

They should tell people today about what happened yesterday and today. Lack of reliable information creates rumors, myths, and in moments of crisis - fear, panic and confusion. In an environment where in many countries human rights are constantly violated, the declaration by part of the periodicals of purely informational credo not meet the needs of progressive development of society. Just to inform about human rights is not only insufficient, but also immoral. But the process of democratization of media in different countries have unique national trend: from the total freedom of speech, or create the appearance of such, to the establishment of the state dictate on the subjects of broadcasting.

Dignity and rights of the man in our country - the starting point of the functioning of the media who engage in public processes and can contribute to a unification of society and its disintegration. And human rights, particularly for Azerbaijan - good, and most importantly the right terminal for such unification. Requires journalists attached reader or viewer to universal values, where human rights are at the forefront. In this case, the journalist should have a developed sense of justice and human rights advanced position - only in this case it is able to actively and positively contribute to promoting human rights and freedoms in society.

Our country needs a positive interest in human rights. Because positively wondering about the problem of human rights, a journalist in your mind and senses can awaken the mind and feelings of others. And if the reader hear the information through empathy or disagreed with the interpretation of the journalists' questions, then this statement does not go unnoticed, what is very important to promote human rights in society. And as shown by various polls, the social significance of personal rights and liberties are not yet fully understood by the rest of the population.

Also, very often the media say and write, especially about what is expedient (mainly for the customer), or profitable, well-paid. Human rights, tend to exclude immediate benefits.

Media are not free, they manipulate public opinion, and where there is manipulation, and human rights may be in the media spotlight or can not be. Especially, when a journalist writes or speaks about human rights, it reveals not only justice and the person with its rights, but also shows that the law applies to both citizens as well as for power, which is especially important in any state.

As the practice itself and the press witnesses, in our country the number of illegal actions and decisions of public bodies and their officials is sufficiently large. They violated the fundamental rights of citizens, and the ability of people to protect their rights is minimal. That's why media's role in protecting human rights is so big.

One of the reasons for violating human rights and media rights in any country lies in the relationship with the government. The media themselves are as free and truthful, as it is independent from the state and act as a defender of human rights from any government. The media provides truthful and prompt dissemination of information, news, unimpeded access to information, freedom of expression. But these features are somewhat distorted, are not fully realized. Power is often tries to use the media to their advantage, to achieve their, in one degree or another, appropriate results.

Sometimes it happens that the power sins with attempts of direct impact on the media in order to make them more loyal.

And if the metropolitan and regional media can still oppose the government, local (district, village) media is less self-sufficient, as more dependent on local authorities.

Many human rights groups say that the relationship between media power - an indicator of the status of human rights in the country. And if the media are prejudiced in their rights, then the overall situation in this area is poor.

Summing up the results, it is important first to note that the feature of the modern world is that human rights are no longer just an internal affair of the country, and demand to follow them is now an integral part of any international contacts. Media, working on consciousness, public opinion, actions of people involved in the formation of the social situation, and if you do it consciously, human rights come to the fore.

The media have an opportunity to provide an expression of interest of all parties present in society, translate into the reality the needs and rights of people on a wide range of information with a mosaic of views and positions, but do not aspire to this, defending only one single position. Individual and society are entitled to full information. Make it so – mean to contribute to the affirmation and respect for human rights.

People's trust - is a value of the Azerbaijani media. Do not cherish this trust is unacceptable. Speech on TV, radio and in newspapers for people, their rights, help people, and eventually work for the approval of justice, without which human rights are impossible.

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