
Azerbaïdjan

Constitution (1995), Article 25 – Right to equality:

I. All people are equal with respect to the law and law court. II. Men and women possess equal rights and liberties. III. 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.

Constitution (1995), Article 47 - Freedom of Thought and Speech.

Every Person shall have the freedom of Thought and Speech. Nobody shall be forced to identify or refuse his/her ideas and principles. Propaganda inciting racial, ethnic or religious animosity or hostility shall be banned.

Criminal Code, Article 283 - Instigating national, racial or religious enmity

1) Actions aimed at instigating national, racial or religious enmity, at debasing national dignity, as well as at restricting the rights of the citizens or establishing their superiority based on their national, racial or religious affiliation, if such actions are committed in

public or using mass media, shall be punishable by a fine in the amount one thousand to two thousand minimum wages, or restriction of liberty up to three years, or imprisonment for a term of two to four years.

2) The same actions, if committed:

- a. by using force or threatening to use force;
- a. by a person by using his or her official position;
- c. by an organized group shall be punishable by imprisonment for a term of three to five years.

Law on Freedom of Religious Faith : Article 1.2 Propagation of religious faith and religious life style with use or threat of force, and also with the view of raising racial, national, religious, social hatred and hostility is prohibited »

Code on Election : Article 88.2 -According to criminal code, abusing means of mass media for advocacy inciting social racial national religious hatred and hostility during pre-election campaign is prohibited.

Law on means of mass media : Article 10 -Using mass media with the aim of advocating war, violence, and cruelty, national racial social hatred or intolerance is not allowed

Law on Television and Radio Broadcasting Article 11 - State 's main functions and duties : 5.4. supervising the prohibition of advocacy of terrorism, violence, cruelty, national racial and religious discrimination.

Article 32 The programs prepared for broadcasting should answer following conditions :
... (5) should not advocate terrorism, violence, cruelty, national religious and racial discrimination

Case Law

Azerbaïdjan

An enquiry was opened by the Investigation Department of the Ministry of National Security in December 2004 on the basis of Article 283-1 (incitement to racial hatred) against an Azerbaijani citizen who translated and published in newspapers and in the form of a paperback some parts of Hitler's book "Mein Kampf". In the framework of the investigation, experts unequivocally established that the extracts in question advocated fascist and racist ideologies. However, it was also established that the translator's goal was to call the Azerbaijani general public's attention to the danger of racist ideology for every society, and that there was no intent to incite to racial hatred. This is why in February 2005 charges against the concerned person were finally dropped.

[ECRI, Second report on Azerbaijan, adopted on 15 December 2006, CRI(2007)22, § 14]

Une enquête fut ouverte en décembre 2004 par le Bureau d'enquête du ministère de la Sécurité nationale sur la base de l'article 283-1 du code pénal (incitation à la haine raciale) contre un ressortissant azerbaïdjanais qui a traduit et publié dans la presse et sous la forme d'un livre des extraits du livre d'Hitler « Mein Kampf ». Dans le cadre de cette enquête, les experts ont établi sans équivoque que les passages en question prônaient des idéologies racistes et fascistes. Il a toutefois été établi que l'objectif du traducteur était d'attirer l'attention du grand public azerbaïdjanais sur le danger que représente l'idéologie raciste pour la société, et non d'inciter à la haine raciale. C'est pourquoi les poursuites ont finalement été abandonnées en février 2005.

[ECRI, Second rapport sur l'Azerbaïdjan, adopté le 15 décembre 2006, CRI(2007)22, § 14]

Azerbaijan

Supreme Court: <http://www.supremecourt.gov.az/?mod=1&c=0&lang=az>

Public Policies

PERMANENT MISSION OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA



AZƏRBAYCAN RESPUBLİKASININ BMT-nin CENEVRƏ ŞƏHƏRİNDƏKİ BÖLMƏSİ VƏ DİGƏR BEYNƏLXALQ TƏŞKİLATLAR YANINDA DAİMİ NÜMAYƏNDƏLİYİ

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit herewith the information on the implementation of the Resolution 2005/3 entitled "Combating defamation of religions" adopted during the 61st session of the UN Commission on Human Rights.

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

Enclosed: the mentioned information

Geneva, 19 September 2005

Office of the High Commissioner for Human Rights
Geneva



OHCHR REGISTRY

22 SEP 2005

Recipients : A.C. M.D. Mornet

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INFORMATION

concerning measures taken by the State Committee of the Republic of Azerbaijan for the Work with Religious Associations to implement Resolution number 2005/3, dated 12.04.2005 on "Prevention of Slander with Respect to Religions" adopted by the UN Commission on Human Rights at 6 session.

The Government of the Republic of Azerbaijan prevents race discrimination xenophobia and propaganda of anti-Semitism within the frames of current legislation and international conventions.

In accordance with 25th article of the Constitution of the Republic of Azerbaijan, item III "The State ensures that all citizens of the country enjoy equal rights despite race, national, religious, linguistic, sex belongings, and also despite of their origin, activity, beliefs, political party and trade unions memberships. It is prohibited to limit the rights of the citizens because of their national, religious belongings as well as because of their origin, beliefs and social political belongings".

Since gaining independence, thus over last 10 years, the government of the Republic of Azerbaijan has taken very important steps to protect and to promote the rights of religious minorities of Azerbaijan. Referring to the law of the Republic of Azerbaijan on "Freedom of Religion": "every citizen of Azerbaijan is free to choose his/her religion, and he/she is free to practice it alone or together with the others, he/she has the right to express or spread his/her religious beliefs".

The Government of the Republic of Azerbaijan has established the State Committee of the Republic of Azerbaijan for the Work with Religious Associations on 21st of June 2001 to control observation of the principle of religious freedom, to make reforms in state-religion relationship. The main function of the State Committee is to implement 48th article of the Constitution of the Republic of Azerbaijan concerning religious freedom, and to provide necessary conditions in this respect. The Committee is also obliged to control observance of other laws concerning religious freedom and to establish more proper relationships among religious associations and state.

In 2001 in connection with creation of the State Committee of the Republic of Azerbaijan for the Work with Religious Associations there started registration of 406 religious communities at the Ministry of Justice on voluntary basis.

Up to now (2005) 320 religious communities have been either re-registered or have been registered for the first time: 28 of them are non-Muslim communities including 12 Protestant, 4 Orthodox (including Alban-Udin church), 5 Jewish, 1 Bahai, 3 Molokan, 1 Hare Krishna communities.

Registration of the Baptist religious community "Church of Love" has been repealed via court proceeding due to the activities that could entail discrimination intolerance and confrontation among confessions.

In August 2001 functioning of 22 religious schools (madrasas) v temporary prohibited for illegal activities and due to the fact that the teaching the above schools might cause religious intolerance.

Accordingly to the order of the Chairman of the State Committee dat 07.08.2002 it was permitted to organize 16 courses on teaching Qur'an. Tod more than 100 courses on teaching Qur'an and the Gospel in Azerbaijan : illegally conducted at homes. Majority of them represent radical wahabi, extrem shiit and Nurchu currents; representatives of Protestantism attract children to t above courses.

680 persons have graduated from the Baku Islam University and 300 perso graduated from the Department of Theology of Baku State University. T majority of graduates are unemployed. The State Committee for the Work wi Religious Associations organized 3-months courses for the above high scho graduates in order to avoid their involvement with the activities of missiona organizations with radical wahabi, extremist shiit sentiments as well as activities those Christian sects that spread ideas of religious discrimination.

Since June 2001 (the year of establishment of the State Committe particularly since September 2001 (the date coincides with the tragedy took pla in New York on 11.09.2001) when the work of the Committee was complete organized, there have been held 10 workshops in Baku and 22 – in the regions promote the idea of patriotism, protection of national sovereignty, territori integrity; the workshops promoted development of national economy ar implementation of the state policy in religious field, they were necessary to preve race discrimination and religious intolerance. 4-day Consultation was conducte with participation of representatives of local authorities at the Academy of Sta Administration of the Presidential Administration of the Republic of Azerbaijan.

Every month leaders of the religious communities hold two workshops at th State Committee in order to focus on different topics. During the above workshop the lectures on the history of religions are delivered and activities of religiou communities are discussed. In September 2004, the State Committee organize course with 10 workshops that lasted two months and a half for religiou communities. Prominent scholars delivered their lectures on state-religio relationship, the search for ways to establish peace, lectures on history c Azerbaijani culture, the history of religions spread in Azerbaijan and their role i life of society, the attitude of religions to terrorism and extremism. Participants ha the chance to ask the questions and to hear the answers and viewpoints of th scholars. Therefore, policy conception of the state in religious field is improving its essence and content gain new meaning with new principles on development c mechanism of its implementation. The idea of "Azerbaijanism" concerns everyon despite race and religious belongings. The acts of xenophobia are prevented as we as theoretic basis for the reign of religious tolerance is established.

The expert's reports have been issued in the course of 3 years concernin import and publishing of religious literature. In this respect the spreading of th literature harmful for the state system of the country, propagating religiou

intolerance has been prevented to some extent. The import of literature with extremist content was prohibited.

The State Committee of the Republic of Azerbaijan for the Work with Religious Associations initiated the meeting, held on 27.03.2002, in which representatives of European Commission on Racism and Intolerance of Council of Europe and representatives of Muslim, Christian etc. registered and non-registered religious communities took part. During this meeting it was specially pointed out that at present representatives of religious minorities and all other representatives of religious communities are living and functioning in the atmosphere of tolerance and understanding, avoiding racism, religious intolerance and fanaticism.

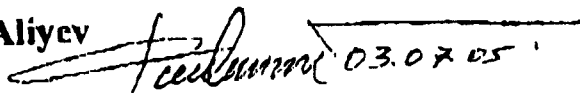
Representatives of European Commission on racism and intolerance were informed that in spite of the fact that recently anti-Semitism sentiments have increased in Europe, in Azerbaijan one could observe normal conditions of existence and functioning for all religious minorities and communities. However, 20% occupied territories of Azerbaijan as the result of Armenian aggression, the non-settlement of Karabakh conflict may cause certain obstacles and limitations with regard to tolerance principle observance and development and protection of Islam, Christianity and other religions in our Republic. During above meeting it was also stressed that international organizations pointed out the facts of racial discrimination, intolerance basing on national and religious belongings as well as violence on the territory of Karabakh.

Armenians destroyed 22 museums, 4 picture-galleries, 762 archeological and architectural monuments and cemeteries representing cultural heritage of Azerbaijan on the territory of the Upper Karabakh. The central authority is not responsible for these negative acts took place on the occupied territories. However, in Baku and other Azerbaijani cities Armenian churches and cemeteries are preserved, none of them are destroyed.

Today we can mention such NGOs as "Transparent Elections" and "Right Choice" among those, which monitor and investigate the cases of xenophobic violence, race discrimination and propaganda of anti-Semitism.

The leadership of the State Committee for the Work with Religious Associations hopes that the presented information will be taken into account.

Prof. Rafik Aliyev



03.07.05