

## **Survey Questionnaire on antisemitism by the Special Rapporteur on freedom of religion or belief of the UN Human Rights Council**

### **1. Judaism within the State: The Right to Freedom of Religion or Belief**

a) No religion is distinguished from one another in the legislation of the Azerbaijan Republic. Religion in the Republic of Azerbaijan is separate from the state. Thus, all religious beliefs are equal before the law.

b) According to information of the State Committee on Religious Associations of the Republic of Azerbaijan, nearly 10.000 (ten thousand) Jews live in the Republic of Azerbaijan. Jews are presented by three communities, which are Mountain Jews, Georgian Jews and European Jews (Ashkenazi) in the country. At present, 8 Jewish communities registered by the State Committee on Religious Associations of the Republic of Azerbaijan. Jews mostly resided in Baku, Sumgait cities, as well as Guba and Oghuz regions in Azerbaijan. Krasnaya Sloboda (Red Settlement)- is the second place in the world after Israel where Jews settled compactly. "Georgian Jews" in Azerbaijan are the representatives of Jewish Diaspora that reside in Georgia from ancient times. In subsequent years some part of them moved to Azerbaijan and mainly settled in Baku. Another Jewish community, European Jews (Ashkenazi) came to Azerbaijan, mainly in the second half of the nineteenth century during the development of the oil industry.

c) According the Law of the Republic of Azerbaijan On freedom of religious beliefs, "Everyone has the right to profess individually or jointly with others any religion, to express and disseminate his opinions in connection with the attitude to religion" The state provides for the freedom of conscience of every citizen, including members of Jewish religion.

d) Jews are active in the political, economic, social and cultural life of the country. They are even represented in the country's parliament. Thus, Yevda Abramov is a deputy chairman of Human Rights Committee at Azerbaijan's Parliament. Tatiana Goldman is one of Jewish member from nine judges in the Supreme Court of the Republic of Azerbaijan.

e) At present, 7 synagogues function in Guba and Oghuz cities, including the capital Baku. Six of them are Mountain Jews and one refers to European and Georgian Jews. There are also Jewish worship centers in Ganja and Sumgayit cities.

f) There are Jewish cemeteries in our country. They are protected by law as all other cemeteries.

**g)** There are Jewish educational institutions in Azerbaijan. 450-seat Chabad OhrAvner Education Center established for Jewish children by Heydar Aliyev Foundation and OhrAvner Foundation in Abilov settlement of Khatai district, Baku. Moreover, classes on studying Hebrew, Jewish culture and history were opened on the basis of the secondary school No. 46 in Nasimi District, Baku. There was opened "Smirat a-Sem" college for Jewish children in "Red Settlement" in Guba region. The State provides financial assistance to Jewish communities and all necessary conditions have been created and funded by the state for the activities of those schools.

**h)** There are no restrictions.

**i)** There are no restrictions.

**j)** There are no restrictions.

**k)** There are no restrictions.

**l)** There are no restrictions in the legislation on Jews being able to create any humanitarian institutions. The Constitution of the Republic of Azerbaijan guarantees everyone's right to associate with others. According to Article 58 of the Constitution, everyone has the right to establish any association, including political party, trade union and other public association or to join an already existing association. Freedom of activity of all associations is guaranteed. Activity of associations the purpose of which is the forcible overthrow of legitimate state authority on the whole territory of the Republic of Azerbaijan or in any part thereof, as well as those having objectives which are considered a crime, or which use criminal methods are prohibited.

According to Article 2.3 of the Law of the Republic of Azerbaijan "On non-governmental organizations (public unions and foundations)", establishment and operation of non-governmental organizations, as well as branches or representations of foreign non-governmental organizations in the Republic of Azerbaijan, whose purpose and activity is directed at forcibly changing the constitutional structure and secular nature of the Republic of Azerbaijan, at violating its territorial integrity, promoting war, violence and cruelty, inciting racial, national and religious hostility shall be prohibited. To date, 24 Jewish organizations have been state registered.

According to Article 12 of the Law "On Freedom of Religious Belief" (hereinafter – the Law), all religious institutions can operate only after being state registered by the State Committee for Work with Religious Organizations, and after being included in the state register of religious entities.

Taking into account Part Three of Article 1 of the Law (freedom of religion may be limited only in cases stipulated by law and when necessary in a democratic society in

the interests of public safety, ensuring public order, protection of health or morals, or the rights and freedoms of others), registration of a religious institution may be refused in the following cases:

- 1) If the activity or the purposes, or the essence and main principles of the religious training that it is promoting contradict the Constitution and laws;
- 2) If the institution being established is not recognized as a religious institution;
- 3) If the statute and other submitted documents contradict the legislative requirements of the Republic of Azerbaijan or if the information reflected therein is false.

According to Article 23 of the Law, religious institutions shall conduct charitable and cultural and educational activity independently and by means of funds, formed by them, including the public funds.

**m)** According to Article 22 of the Law "On Freedom of Religious Belief", citizens and religious institutions are entitled to purchase literature (on paper and electronic media), audio and video materials, articles and items of religious purpose and other religious information materials, marked with holographic sticker, issued by the State Committee for Work with Religious Organizations, in the desired language and use them. The religious institutions, other legal and physical entities, which are not religious institutions may, with permission of the State Committee for Work with Religious Organizations, manufacture, import, export and after marking with holographic sticker, freely distribute literature (on paper and electronic media), audio and video materials, goods and items of religious purposes and other informational materials of religious content.

**n)** Representatives of different religions in our country are free to commit religious marriages; they can do it in accordance with their beliefs. However, Azerbaijan is a secular and legal state, and only civil marriage is being recognized by the state.

According to Article 1.4 of the Family Code of the Republic of Azerbaijan (hereinafter – the Code), in the Republic of Azerbaijan legal regulation of the marriage and family relations is performed by the State.

According to Article 1.4 of the Family Code of the Republic of Azerbaijan, within the Republic of Azerbaijan, only marriages made by the district (city) registration offices of the Ministry of Justice of the Republic of Azerbaijan, and of the Ministry of Justice of the Nakhchivan Autonomous Republic within the territory of the Nakhchivan Autonomous Republic, by the executive authorities of district-dependent cities, settlements and villages, shall be recognized. According to Article 1.5 of the Code, a religious wedding (religious marriage) has no legal value.

According to Article 2 of the Code, marriage is the voluntary union between a man and a woman registered by the relevant executive organ for the purpose of starting a family. When entering into marriage and in family relations, any form of restriction on the civil rights based on social, racial, national, religious, and language affiliation shall be prohibited.

Written consent of the persons entering into marriage is required under Article 11 of the Code; also, under Article 13.3, they are required to submit a certificate confirming that they underwent medical examination, and they are required to be of age for marriage.

According to the requirement of Article 12 of the Code, marriages between close relatives (parents, children, grandparents and grand children, full siblings and half siblings (with a common father or mother), adopters and adoptees, one or both persons being married to another person, persons who refuse to submit a medical examination certificate, one or both persons deemed incapacitated by court due to mental illness and retardation, shall be prohibited.

In addition, according to Article 146 of the Code, the forms and guidelines for entering into marriage in the Republic of Azerbaijan are determined by the legislation of the Republic of Azerbaijan. The terms for entering into marriage by a foreigner in the territory of the Republic of Azerbaijan are determined by his/her country's legislation and by complying with the requirements of Article 12 of the Code.

According to Articles 147 and 148 of the Code, marriages made at the diplomatic missions or consular offices located in the Republic of Azerbaijan shall be deemed valid in the Republic of Azerbaijan. Marriages between foreigners made outside the Republic of Azerbaijan in accordance with the legislation of their country, shall be recognized in the Republic of Azerbaijan.

o) After Azerbaijan regained its independence, major repair and restoration work was carried in synagogues that seized during the USSR and given to the use of Jewish believers.

According to Article 157.2 of the Civil Code of the Republic of Azerbaijan, the owner shall be entitled to claim his/her property from another's illegal possession.

According to Article 157.9 of the Code, the State confiscates the property for public use only in cases stipulated by the Law of the Republic of Azerbaijan "On purchase of land for public use", for the purpose of laying and installation of roads and other communication lines of national importance, to ensure full protection of the state border in the border regions, construction of defense and security objects, and construction of the objects of mining industry of national importance.

According to Article 54.1 of the said Law, fair compensation shall be paid in return for their land to all persons affected by the purchase or in relation to their other rights on the land, in accordance with this Law.

p) According to Article 28 Part III of the Constitution, everyone lawfully present within the territory of the Republic of Azerbaijan may freely move, choose the place of residence and leave the territory of the Republic of Azerbaijan.

q) There are no restrictions.

r) There are no discrimination cases in the Republic of Azerbaijan. The State takes all necessary measures to ensure the enjoyment of the freedom of religion and belief, as well as elimination and prevention of all forms of discrimination.

According to Article 25 Part III of the Constitution, the State shall guarantee the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or affiliation with political parties, trade union organizations or other public associations. Restrictions of rights and freedoms on the grounds of race, ethnicity, religion, language, sex, origin, beliefs, or political or social affiliation are prohibited.

## **2. Antisemitism in Law and Policy**

e) According to Article 47 Part III of the Constitution, agitation and propaganda inciting racial, national, religious, social discord and animosity or relying on any other criteria is unacceptable.

f) According to Article 283.1 of the Criminal Code of the Republic of Azerbaijan, the actions directed on excitation of national, racial, social or religious hate and hostility, humiliation of national advantage, as well as actions directed on restriction of civil rights, or establishment of the superiority of citizens on the basis of their national or racial, social belonging, creeds committed publicly, including with use of mass media, shall give rise to criminal liability.

k) According to Article 29 Part I of the Constitution, everyone has the right to property. According to Part III of the Article, everyone may possess movable and immovable property.

l) According to Article 4 of the Law of the Republic of Azerbaijan "On Political Parties", membership to a political party may not be restricted based on profession, race, sex, ethnicity and religion.

Three Jewish judges serve in the Republic's courts of various instances.

n) Holocaust Memorial Day is not being recognized in the official state calendar.

But Holocaust Remembrance Day is commemorated in our country. Various events are being held on the historical essence of the Holocaust and its victims. Also, articles are written and ceremonies are organized.

o) Government officials are actively participated with Jews in the Holocaust Commemorative events. Holocaust Day programs are being prepared on Public Broadcaster (radio and television).

r) The minimum necessary knowledge about all religions is given in the educational institutions, and there is also information about Judaism.

s) In Azerbaijan, academic research concerning the history of Jews and Judaism, antisemitism and Holocaust is conducted, books are published, articles are written.

u) According to Article 8 of the "Code of Ethical Conduct of the Member of Parliament of the Republic of Azerbaijan", an MP shall be impartial when performing his/her duties, and shall prevent creation of advantages for a person or a group of persons based on race, ethnicity, language, sex, social background, property and service status, or creation of circumstances to gain such an advantage.

### **3. Antisemitic Incidents**

a) In general, there are no political parties accused of antisemitism.

### **4. Information on States to promote tolerance and understanding including public-private initiatives**

The situation in religious sphere is stable in Azerbaijan. There are no forces belonging to extremist ideologies and their any radicalization risk in any part of the country, as well as their radicalization is not predicted. Tolerance and multiculturalism is a state policy in the country. Freedom of religion and belief, freedom of speech and expressions in Azerbaijan is fully guaranteed, Azerbaijan struggle against any kind of discrimination and violence, a healthy dialogue environment is maintained. Interreligious dialogue and understanding are especially promoted. The Jews are actively participated in the international and regional conferences and platforms, events related to tolerance and multiculturalism. At the same time, they cooperate closely with other religious communities. Jews leaders come together every year with Azerbaijani President and other religious community leaders in order to attend the Iftar ceremony on the occasion of the holy month of Ramadan.

Chairman of the Religious Community of Mountain Jews in Baku Milikh Yevdayev was awarded with Honorary Diploma of the President of the Republic of Azerbaijan and conferred "Shohrat" (Glory Order), grand the personal pension of the President of the Republic of Azerbaijan as well as apartment was given to him. The chairman of the European Jewish Religious Community, Alexander Sharovsky, was awarded the honorary title of "People's Artist" and given the individual presidential pension. Albert Agarunov, who was born into a Jewish family and sacrificed in the battle defending Azerbaijan's territorial integrity during the Armenia-Azerbaijan conflict, posthumously was honored with the title of the National Hero of Azerbaijan, there is memorial plaque in the building where national Azerbaijani hero Albert lived and one of the streets in the capital bears his name.

**m)** In recent years, for the purpose of state financing projects on tolerance and prevention of discrimination, funds in the amount of 448,775 Manats have been allocated overall to civil society institutions, including Jewish organizations; conditions have been created to enable their funding from other sources.