

INFORMATION

of the State Committee on Religious Associations of the Republic of Azerbaijan according to the questionnaire of the Ahmed Shahid, Special Rapporteur on freedom of religion or belief of the UN Human Rights Council to present report on "Respecting, Protecting and Fulfilling the Right to Freedom of Thought" at the 76th Session of the UN General Assembly

- 1) Is freedom of thought recognized in law or policy? If so? What does freedom of thought encompass? What are those laws who is and who is protected? Does it recognize that rights-holders may be at different stages of cognitive development or have varying levels of cognitive functions?**

Freedom of thought and expression is an important human right, especially because it plays an important role in the establishment of democracy and the realization of all other human rights. Article 19 of the Universal Declaration of Human Rights guarantees the right to freedom of expression in the following terms:

Everyone has the right to freedom of thought and expression; This right includes freedom to hold opinions and to search, receive and share information and ideas through any media without any interference and regardless of frontiers.

As a resolution of the UN General Assembly, the ECHR does not have direct binding force on states. However, since its adoption in 1948, some parts of ICRC, including Article 19 are widely recognized as legal power in the framework of international law.

The International Covenant on Civil and Political Rights (ICCPR), ratified by about 157 states, imposes formal legal obligations on the six participating States to respect its provisions and further enhances many of the rights included in the ODIHR. Azerbaijan joined the ICCPR in 1992 and the Optional Protocol No. 1 to the ICCPR in 2001. Article 19 of the ICCPR provides the right to freedom of expression in expressions very similar to those in Article 19 of the ICCPR:

Everyone has the right to freedom of thought.

Everyone has the right to freedom of expression. This right includes the freedom to search, receive and share any kind of information and ideas regardless of boundaries, orally, in writing or in print, in the form of a work of art or by any other means of his choice.

At the same time, the Constitution of the Republic of Azerbaijan states that ensuring human and civil rights and freedoms as the highest goal of our state. Serious measures are being taken to achieve this goal and to make full use of the political, legal and economic potential of the state in the field of creation of appropriate legal mechanisms.

As stated in Article 47 of the Constitution of the Republic of Azerbaijan, everyone has the right to freedom of opinion and expression. No one shall be compelled to express his views or beliefs or to renounce them. Agitation and propaganda inciting hatred and enmity based on racial, national, religious, social and any other criteria are not allowed.

"State Program on Protection of Human Rights" approved by the decree of June 18, 1998, as well as the Decree "On measures to ensure freedom of speech, thought and press in the Republic of Azerbaijan" signed on August 6, 1998 and created favorable conditions for the guarantee of freedom of thought. The abolition of the Ministry of Press and Information in 2000 put an end to state control over the press. In 1999, the adoption of Law of the Republic of Azerbaijan "On Mass Media", and later "On the Procedure for Consideration of Citizens' Appeals", "On Freedom of Information", "On Information, Informatization and Protection of Information", "On Obtaining Information on the Environment" also turned the media into a powerful tool for the dynamic democratization of society.

Article 10, paragraph 2 of the ICCPR states the few cases in which freedom of expression is restricted: Due to the exercise of these freedoms in the interests of national security, territorial integrity or public order, the prevention of riots or crime, and the protection of health or morals, to protect the reputation and rights of others, to prevent the disclosure of confidential information or to ensure the authority and impartiality of justice may be subject to certain formalities, conditions, restrictions or sanctions provided by law and which is necessary in a democratic society.

In order for the restrictions on freedom of thought and expression to be legitimate according to this criterion, those restrictions: a) must be provided by law; b) have a legitimate purpose; c) must be "necessary in a democratic society".

- 2) Does the law stipulate how and to what extent other human rights and freedoms (including but not limited to freedom of conscience and freedom of religion or belief in Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and the rights to privacy (article 17 of the ICCPR), opinion and expression (Article 19 of the ICCPR) either depend upon, support or otherwise relate to freedom of thought? Is there a difference between**

freedom of thought and freedom of belief or freedom of opinion? If so, what is the distinction?

Does the law stipulate what the relationship is between the forum externum of a rights-holder (manifestations of one's religion or belief or expression) and freedom of thought (part of one's forum internum)? Would violations or limitations of the former affect the latter? If so, how does this occur and is legally permissible?

- The policy of the Azerbaijani state on religion is a system of activities that develops religious relations on the basis of democratic norms, ensures religious diversity, freedom of conscience and religion in society. According to Articles 18, 25, 44 and 48 of the Constitution of the Republic of Azerbaijan, all religious beliefs are equal under the law, the state guarantees equality of rights and freedoms to everyone, regardless of race, nationality, religion, language or gender. No one shall be compelled to change his nationality, and everyone has the right to determine his religion independently, to practice any religion or not to practice any religion. At the same time, the state policy in the field of religion is based on the principles and norms of international law, international treaties to which the Republic of Azerbaijan is a party.

During the formation of the legislative framework regulating the state-religion relations in the Republic of Azerbaijan and directly related to the freedom of conscience of citizens, as well as during the preparation of draft amendments to the existing legislation special attention was paid to the issues of freedom of conscience and tolerance of multinational and multi-religious ethnic groups living and operating in the Republic of Azerbaijan. The main goal was to strengthen the traditions of religious and national tolerance, which is the greatest achievement of the peoples living in harmony and brotherhood with the Azerbaijanis for a long time, and to protect it from foreign influences.

Article 18 of the Constitution of the Republic of Azerbaijan is an important norm determining the basis and legal status of state-religion relations. This norm states that religion is separate from the state and that all religious beliefs are equal under the law. With this provision the state declares its supreme intention attitude to religions at the constitutional level. The second part states that the spread and propagation of religions that degrade human dignity or contradict the principles of humanity are prohibited.

- Attempts to proselytize (convert others to one's religion) or anti-conversion (prohibit conversion)

- The Law of the Republic of Azerbaijan "On Freedom of Religion" has been amended in accordance with the constitutional innovations. For example, in the preamble of the Law and in Article 1 entitled "Freedom of Religion", the amendments and additions to the Basic Law have been included in this Law in accordance with the legislation. According to Article 1, paragraph 2, "no person may be prevented from expressing his or her religious beliefs, participating in worship, religious rites or ceremonies, or learning religion. No one may be compelled to express (demonstrate) his or her religious beliefs, perform religious rites, or participate in religious rites. It is not allowed to propagate a religious belief or religious way of life by using or threatening to use force, as well as for the purpose of creating racial, national, religious, social hatred and enmity. It is forbidden to spread and propagate religions (religious movements) that degrade human dignity or contradict the principles of humanity.

- Taking into account these provisions, the principles of international agreements to which the Republic of Azerbaijan is a party have been included in the system of legal guarantees.

c) How should States protect freedom of thought of individuals in potentially vulnerable situations, such as refugees and migrants, children, girls, women, and LGBT+persons, disabled persons, the elderly and members of minority religious or belief communities?

Two new paragraphs IV and V have been added to Article 25 of the Constitution of the Republic of Azerbaijan entitled "Right to Equality". According to Part 3 of the same article, "guarantee of equality of rights and freedoms for all, regardless of state, race, nationality, religion, language, sex, origin, property status, position of service, beliefs, membership in political parties, trade unions and other public associations. It is prohibited to restrict human and civil rights and freedoms on the basis of race, nationality, religion, language, sex, origin, belief, political and social affiliation. The provisions of this paragraph are reflected in real life and are directly aimed at protecting the rights of national and religious freedoms.

Nevertheless, in order to strengthen such guarantees at the level of the Constitution, the following new clauses were adopted: "IV. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. V. Everyone has equal rights in relations with state bodies and state authorities that make decisions on rights and responsibilities.

Apparently, these clauses serve to ensure equality of rights between people in general, including between different ethnic and religious groups, as well as give imperative instructions to public authorities in the protection of these rights.

4. The role of states in promoting freedom of thought, including public and private actors

a) positive steps:

How does the state create an environment for open and salubrious discussions and dialogues through the free and open internet, as well as the media, in accordance with the rights to freedom of expression and religion?

Internet and media are free in Azerbaijan, no censorship is applied. The development of freedom of thought, speech and information, pluralism in our country is one of the main conditions for building a state and civil society. The information policy of the state is aimed at consistently and completely ensuring the freedom of thought, speech and information, the right of citizens to access information reflected in the Constitution of the Republic of Azerbaijan.