

Follow-up table to the country visit of the Special Rapporteur on freedom of religion or belief to Azerbaijan (26 February-5 March 2006)

Recommendations of the Special Rapporteur's mission report (A/HRC/4/21/Add.2)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of Azerbaijan
<p>92. The Government should primarily ensure that all individuals who may have been the victim of violations of their right to freedom of religion or belief or of other human rights because of their religion or belief receive appropriate redress, including through a judicial procedure. It should also ensure that the perpetrators of acts that have caused such violations are prosecuted according to applicable criminal procedures. Such measures should also be systematically enforced for any future acts of religious intolerance or other forms of persecutions of members of religious communities in accordance with the criminal laws of the country.</p>	<p>A/HRC/WG.6/4/AZE/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, November 2008 22. BF noted that, while the Constitution firmly establishes protections for the freedom of religion in Azerbaijan, the state has failed to implement these protections in law or practice. BF further stated that, even though the Constitution explicitly provides for the necessary protections of religious freedom, the government of Azerbaijan treats religion as a threat to its security and authority.</p>	<p>A/HRC/WG.6/4/AZE/1 Working Group on the Universal Periodic Review, National report, November 2008 95. Religious and racial discrimination are combated in accordance with the international conventions to which Azerbaijan is a party and domestic law. The Government has focused consistently on implementing the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Framework Convention for the Protection of National Minorities.</p> <p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>93. In particular, the Special Rapporteur urges the Government to give special attention to any form of religious intolerance towards religious minorities and take the appropriate measures to address and prosecute all forms of incitement to religious hatred in accordance with article 20 of the International Covenant on Civil and Political Rights and other relevant human rights provisions, including when these acts are perpetrated by the media.</p>	<p>A/HRC/11/20 Report of the Working Group on the Universal Periodic Review, February 2008 70. Italy recommended that Azerbaijan take fully into account the recommendations of the Special Rapporteur on Freedom of Religion aimed at promoting and fully ensuring freedom of religion for all religious communities throughout Azerbaijan.</p>	<p>A/HRC/WG.6/4/AZE/1 Working Group on the Universal Periodic Review, National report, November 2008 100. Under article 1 of the Freedom of Religion Act, everyone is free to determine his or her attitude to faith, has the right to profess any religion individually or with others, and to express and disseminate his or her religious convictions. Equal conditions have been created for the activities of members of all religious minorities in Azerbaijan. Today, members of religious minorities live in mutual understanding and tolerance as a result of measures that are being carried out. At present in Azerbaijan, Russian Orthodox, Albano-Udi, Jewish</p>

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		and other non-Islamic religious communities function freely alongside Islamic communities. See Annex for a translation of the Government's reply of 5 April 2010
<p>94. Concerning the prerogatives that are exercised by the relevant State mechanisms with regard to religious groups and communities, the Government should generally reassess the level of control on the activities of those groups and communities in order to reach the right balance between a necessary regulation of religious activities in the society and the exercise of the right to freedom of religion or belief of all individuals living under Azerbaijan jurisdiction.</p>	<p>A/HRC/WG.6/4/AZE/2 Working Group on the Universal Periodic Review, compilation of information contained in the reports of treaty bodies and special procedures, December 2008 28. [...] The legislative framework in terms of the right to freedom of religion is in line with human rights norms but the interpretation of certain of its provisions may raise concerns. The Government has created or re-established specific mechanisms to deal with religion-related matters which do not fully respect the principles of freedom of religion. The respect for the right to freedom of religion or belief is not uniformly observed in all regions of Azerbaijan.</p> <p>A/HRC/WG.6/4/AZE/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, November 2008 22. [...] Fears of radical religious groups and foreign influence on religious groups have caused the Government to enact a strict religion law, which seeks to control religion through a burdensome and overly restrictive registration process.</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>95. Concerning SCWRA, the Government should, as a priority, organize a system of training for persons who work directly or indirectly with the Committee on human rights in general and the right to freedom of religion or belief in particular. Moreover, it should define clear guidelines and objective criteria concerning the activities of staff members of SCWRA.</p>	<p>A/HRC/WG.6/4/AZE/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, November 2008 24. The Ombudsman stated that in the past, complaints were received from representatives of Jehovah's Witnesses. The Ombudsman met with their representatives and made inquiries to the relevant authorities, including the Committee of Religious Affairs. In certain cases, it was found that these persons were detained for violation of the Law "On freedom of religion" (i.e. they were attracting teenagers to their community, disseminating illegal literature).</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>96. Regarding the registration of religious associations, the</p>	<p>A/HRC/WG.6/4/AZE/3</p>	<p>A/HRC/WG.6/4/AZE/1</p>

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<p>Government should first take the necessary measures so that the principle according to which registration does not constitute a precondition to the exercise of the right to freedom of religion, including the right to manifest one's own religion individually or in a group, is widely disseminated among the population as well as to the appropriate law enforcement agencies.</p>	<p>Working Group on the Universal Periodic Review, summary of stakeholders' submissions, November 2008 23. [...] Police raids have occurred on churches with or without registration. Religious literature is censored and the International Religious Liberty Association Azerbaijan Affiliate has not been allowed to register over the last two years.</p> <p>CCPR/C/AZE/CO/3 Concluding observations of the Human Rights Committee: Azerbaijan, July 2009 13. The Committee notes with concern that, notwithstanding the delegation's explanation that the practice of religion is not restricted in the State party, religious communities are requested to register and obtain legal personality in order to be able to function freely, as the lack of legal personality may prevent such communities from the enjoyment of a large number of rights. The Committee is further concerned at the obligation for Muslim religious communities to obtain a prior authorization from the Caucasus Muslim Board before applying for official registration. It regrets the absence of any information on the exact composition, criteria and prerogatives of this Board, or on the possibilities for appealing against the negative decisions of the Board. The Committee is concerned at the information that no person may teach religion in the State party if he or she has graduated abroad (art. 18). The State party should take steps to ensure full respect for the right of freedom of religion or belief and ensure that its legislation and practices conform fully to the requirements of article 18 of the Covenant.</p>	<p>Working Group on the Universal Periodic Review, National report, November 2008 101. Under article 48 of the Constitution, every citizen has the right to freedom of conscience and the right freely to determine his or her attitude to religion, express and disseminate his or her religious convictions and perform religious ceremonies. In Azerbaijan, 336 Islamic and 28 non-Islamic religious tendencies have been registered. Of the latter, 20 are Christian, 7 are Jewish and 1 is Krishnaite. There are now a Roman Catholic church, three synagogues and three Russian Orthodox churches in Baku. The towns of Gāncā and Xaçmaz each have a Russian Orthodox church, and the towns of Oğuz and Quba each have a synagogue. Every opportunity has been afforded for citizens to worship in the 1,400 active mosques, churches, synagogues and temples throughout Azerbaijan, and every step has been taken to provide for their safety.</p> <p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>97. Moreover, the procedure of registration of religious associations should be more transparent, including regarding the timeframe of the process. In case of refusal of registration, the relevant institutions have an obligation to formally transmit to the community or group concerned the exact reasons for the refusal. Furthermore, the Government should ensure that these groups or communities have unimpeded access to the competent courts for a judicial review of the refusal.</p>	<p>A/HRC/11/20 Report of the Working Group on the Universal Periodic Review, February 2008 75. [...] The Holy See draw the attention to the cumbersome registration process requested for religions and problem is the difficulty to obtain visas for clergy and religious personnel in general. The delegation recommended coming to a more streamlined, transparent registration process, and visa issuing.</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>

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<p>98. The problem of religious material that propagates the perpetration of illegal activities should be addressed under the relevant laws in force in the country, and not be the object of scrutiny carried out in an arbitrary manner by the members of SCWRA. When the content of religious material is found by SCWRA to raise a concern in terms of its legality, the issue should be brought to the courts for a judicial review in accordance with applicable human rights and fair trial standards.</p>	<p>A/HRC/WG.6/4/AZE/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, November 2008 26. European Association of Jehovah's Christian Witnesses (EAJCW) stated that, despite being legally registered, Jehovah's Witnesses experience difficulties exercising their religious freedom to obtain religious literature [...] Religious literature is censored and often prevented to be brought into the country/refused importation.</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>99. The Government should ensure that religious communities are not unduly deprived of their places of worship. In cases where such deprivation is justified by lawful reasons and after judicial review, it provide the community concerned with a suitable alternative place of worship.</p>	<p>A/HRC/WG.6/4/AZE/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, November 2008 26. European Association of Jehovah's Christian Witnesses (EAJCW) stated that, despite being legally registered, Jehovah's Witnesses experience difficulties [...] to gather for religious meetings. Government agencies have illegally raided religious meetings and mistreated those in attendance.</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>100. Concerning issues related to the clergy, the Special Rapporteur considers that the selection of imams should be made in a more transparent manner and that the Muslim communities concerned should be consulted in the selection process.</p>		<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>101. Regarding the right to conscientious objection, the Special Rapporteur urges the Government to honour its commitment made before the Council of Europe and to adopt legislation on alternative service in pursuance to the provisions of its own Constitution, which guarantees such a right.</p>	<p>A/HRC/WG.6/4/AZE/3 Working Group on the Universal Periodic Review, summary of stakeholders' submissions, November 2008 26. [...] Those who object to military service on religious and conscience grounds are criminally charged and sentenced.</p> <p>CCPR/C/AZE/CO/3 Concluding observations of the Human Rights Committee: Azerbaijan, July 2009 14. The Committee remains concerned that no legal provision regulates the status of conscientious objectors to military service (art. 18). The Committee recommends that a law exempting conscientious objectors from compulsory military service and providing for alternative civilian service of equivalent length be adopted at an early date in compliance with article 18 of the Covenant and the Committee's general comment No. 22 (1993) on article 18 (Freedom of thought, conscience or</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>

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<p>102. With regard to the particular situation in Nakichevan, the Special Rapporteur is of the opinion that the local authorities should be further sensitized to human rights norms and democratic rules of Government. In particular, the Government should support the organization of training sessions in human rights and the right to freedom of religion or belief for all members of the local Government by relevant non-governmental or international organizations.</p>	<p>religion).</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>103. The Special Rapporteur was particularly encouraged by the interfaith engagement of religious leaders in Azerbaijan. She urges them to continue in this direction and to associate the other religious communities of the country in this initiative. Moreover, members of the civil society and women should also be associated with the dialogue so that it also takes a secular approach.</p>	<p>A/HRC/11/20 Report of the Working Group on the Universal Periodic Review, February 2008 75. Holy See was well aware of the enormous contribution Azerbaijan has made to religious freedom and inter-religious dialogue. [...] Finally, in order to foster a further dialogue between religions, the delegation recommends an educational and awareness program focusing on the different religions in the country. 89. [...] The Philippines also recommended that Azerbaijan share best practices in promoting religious tolerance and harmony in society.</p>	<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>104. The Special Rapporteur encourages the creation of a dialogue or other form of interaction between representatives of religious minorities and editors or heads of electronic and print media in order to clarify misunderstandings and misconceptions about the purposes and beliefs of the communities concerned and to initiate a spirit of tolerance towards these communities among the population. Non-governmental organizations should assist and support religious minorities in arranging such dialogues.</p>		<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>105. The efforts to produce a curriculum for schools on the teaching of religions can be extremely useful in order to further strengthen the general level of religious tolerance that exists in Azerbaijan. It should be fully supported by all parts of the Government and shared with other countries that are looking for a model curriculum.</p>		<p>See Annex for a translation of the Government's reply of 5 April 2010</p>
<p>106. Finally, and in order to implement a number of these recommendations, the Special Rapporteur stresses the need for the Government to take all appropriate steps to strengthen the independence and neutrality of the judiciary.</p>		<p>See Annex for a translation of the Government's reply of 5 April 2010</p>

ANNEX: Letter from the Permanent Mission of the Republic of Azerbaijan dated 5 April 2010 (translated from Russian)

Information from the Government of the Republic of Azerbaijan on the table presented by the Special Rapporteur on freedom of religion or belief

Throughout its history, Azerbaijan has distinguished itself by its high level of tolerance towards various groups and religions. The Constitution guarantees equality among all citizens, regardless of ethnic background, religion or race.

Under article 18 of the Constitution, religion is kept separate from the State. All religions are equal before the law. Disseminating or promoting religions (religious tendencies) that demean the dignity of an individual or are contrary to the principles of humanity is prohibited. The State educational system is secular.

Everyone has the right, under article 48 of the Constitution, to freedom of conscience, freely to determine his or her attitude to religion, to profess, independently or together with others, any religion or none, and to express and disseminate opinions that reflect his or her attitude to religion. The performance of religious rites is permitted insofar as it does not disrupt public order or conflict with public morals. Faith and religious convictions do not justify breaches of the law. No one may be compelled to express (or demonstrate) religious beliefs and convictions or perform or participate in religious ceremonies.

Azerbaijan carried out important constitutional reforms on 18 March 2009, enhancing the constitutional protection of human and civil rights and fundamental freedoms, including a stronger social slant to State policy and greater efficacy in the work of the supreme State authorities, particularly the courts and municipalities.

The amendments to the Constitution adopted by referendum improved the provisions governing the rights of the child, the right to protection against unlawful interference in private and family life and equality of rights, and the principles governing assertion of the right to freedom of religion and access to requisite information.

A new form of direct democracy was included in the Constitution. Under the amendments introduced, 40,000 voters can initiate legislation.

Azerbaijani criminal law makes punishable offences of hindering religious ceremonies (art. 167), coercing people to profess a faith (art. 167-1), encroaching on citizens' rights on the pretext of performing religious ceremonies (art. 168) and arousing ethnic, racial or religious enmity (art. 283).

Statistics show that five people have been convicted in recent years of offences under article 283 of the Criminal Code (acts calculated to arouse ethnic, racial, social or religious hatred or enmity).

Persons injured by acts of a criminal nature are entitled, under article 12.2 of the Code of Criminal Procedure, to call for criminal proceedings, appear in them as victims or as witnesses for the prosecution, and receive compensation for the moral, physical or material harm incurred.

Criminal proceedings in Azerbaijan are conducted on the basis of the equality of all before the law and the courts. The authorities conducting criminal proceedings do not accord any advantages to any participant in criminal proceedings in connection with their citizenship, social status, sex, race, ethnic background, political or religious affiliation, origin, wealth, official status, beliefs, domicile or place of temporary residence or any other consideration not stipulated by law.

It should be noted that the State Committee on Cooperation with Religious Organizations is empowered to coordinate the activities of administrative authorities and religious organizations, carry out State policy on religious affairs and enforce national legislation on the subject.

The Committee has trained its staff, boosted their skills and qualifications and created a proper environment within which to perform their official duties. Committee officials perform their duties in accordance with domestic law, including the Public Service Act and the Public Servants Ethical Standards Act.

The registration of religious institutions, like other legal entities, and their inclusion in a public register is in no way intended to restrict religious activity. Religious communities are registered under domestic law on the basis of the rule of law, objectivity, transparency, impartiality and the protection of civic rights and freedoms. Registration is subject to the time limits and requirements laid down by law. Routine civil outreach, including information on the relevant legislation and assistance with drawing up the necessary articles of association, helps to make registration effective.

A religious institution may not be refused registration on any grounds other than those specified by domestic law. A religious institution that is refused registration is so informed, and told the reasons for the refusal.

According to Committee statistics, by 1 January 2010 the Committee had reviewed 660 applications for registration from religious communities, of which 150 including 12 non-Muslim communities, had been registered.

In accordance with the Freedom of Religion Act, only religious centres and institutions may establish religious schools to train clergy and other religious staff. Religious educational establishments operate on the basis of a special permit (licence) issued by the Ministry of Education in the manner prescribed by domestic law. The rules and additional conditions governing the issuance and acquisition of such a permit do not require persons who have received an education abroad to hold a permit to teach religion.

Under current legislation, no preferences or restrictions may be granted to or imposed on any religion (religious movement) or religious establishment vis-à-vis another. Religious institutions are represented by their centres and establishments. Islamic religious institutions in Azerbaijan are brought together under the historical religious Islamic centre the Caucasus Muslim Board, and are subject to it in organizational matters.

Azerbaijan currently has more than 1,800 mosques, 5 Orthodox churches, 1 Catholic church, 1 Lutheran church, 1 Albano-Udi, 4 Greek Orthodox churches, 5 synagogues and other houses of worship in operation. Citizens have been afforded every opportunity for worship in these premises. The construction, restoration and rebuilding of houses of worship is generally financed by the State. One of the amendments to the Freedom of Religion Act is related to the construction of religious facilities. Under article 29 of the Act, it is the State Committee that decides whether the construction or rebuilding of houses of worship is desirable.

Azerbaijan is still executing the national plan of action to protect human rights adopted in 2006, which is a road map for State policy on the protection of human rights and fundamental freedoms and for cooperation between State authorities and non-governmental human rights organizations and civil society in this field.

Under the plan, a bill is to be drafted to regulate alternative service, and an ad hoc working group of representatives of various State authorities has been established which, together with the Council of Europe, has drawn up a bill on alternative service and submitted it to Parliament for discussion.

The State Committee on Cooperation with Religious Organizations has continued with extensive religious outreach work this year, conducting some 420 training courses on various topics with local executive authorities in most districts and cities in Azerbaijan.

The topics include: “State-religious relations in Azerbaijan”, “Azerbaijani youth and spiritual and moral values”, “A legislative framework for State-religious relations”, “Non-traditional religions and sects”, “The place and role of religion in combating terrorism and violence”, “Inter-faith dialogue”, “The Azerbaijani model in State-religious relations”, “Commentaries on the law governing religion in Azerbaijan” and “The religious situation in the Caucasus: reality and prospects”.

Such events help to organize religious activity properly in the country and are also effective in providing an accurate understanding of the nature of State-religious relations. The State Committee routinely stages special outreach and public information events in educational establishments, military units, penitentiaries and elsewhere to generate accurate religious knowledge in all areas of social life.

The Committee promotes the existing traditions of tolerance and the essence of State-religious relations through the print magazine *State and Religion* and newspaper *Society and Religion*. Issues of the magazine and newspaper are regularly sent free of charge to religious organizations and the relevant State and non-governmental organizations. A book entitled “Non-Traditional Religions and Sects in Azerbaijan” will be republished in the near future. Copies will be supplied free of charge to religious and youth organizations, to secondary schools and higher education institutions, and to the military units specified by law.

Information about Islam and other world religions is included in the humanities curriculum in Azerbaijan’s secondary schools. Students are taught to respect all religions and believers, regardless of their religious views and racial background, and are given material on world religions.

It should be noted that an international conference entitled “Inter-faith dialogue: from mutual understanding to joint action” took place in Baku on 6–7 November 2009, with 167 guests from 31 countries and 8 international organizations in attendance. The holding of this conference is further confirmation of the development of a tradition of religious tolerance in Azerbaijan that can serve as a model for other countries given the religious situation in today’s world.

It should also be noted that the promotion of intercultural and interreligious dialogue is a priority in domestic policy. Azerbaijan launched an international conference entitled “The role of the mass media in the development of mutual understanding and tolerance” in April 2007, a forum entitled “Expanding the role of women in intercultural dialogue” in June 2008 and a conference of European Ministers of Culture on “Intercultural dialogue as a basis for peace and sustainable development in Europe and its neighbouring regions” in December 2008.

Since 2007, Azerbaijan has been a member of the Alliance of Civilizations Group of Friends established on the initiative of Turkey and Spain.

It is important to note the work of the non-governmental Heydar Aliyev Foundation, which has been engaged in the reconstruction of various religious and cultural monuments in the country since 2006. Repair and restoration work on the Orthodox church in Baku was carried out in 2007 under the “address of tolerance” project. The Foundation also completed the reconstruction of the Saint Mary’s Church in Baku in 2009.

The Foundation provided financial assistance for the restoration of five windows in the fourteenth century Strasbourg Cathedral in June 2009. It also provided material assistance for the repair of two monuments featured at the Palace of Versailles.

The State is focusing on improving the law governing the status of courts and legal procedures. A referendum on amendments to the Constitution contains provisions to ensure that the Constitution reflects even more fully questions relating to the administration of justice and the independence of the judiciary. The amendments entered into force on 31 March 2009.

Azerbaijan and experts from the Council of Europe have carried out a thorough joint review of the legislative framework governing the work of the judiciary in recent years and worked to bring it into line with European standards. In doing so, they have drawn on the recommendations of the Committee of Ministers of the Council of Europe on the independence, efficiency and role of judges (1994), the European Charter on the statute for judges and the opinion of the Consultative Council of European Judges on standards concerning the independence of the judiciary and the irremovability of judges (2001).

The Courts and Judges Act has been amended, and the Judicial Council Act, the statute of the Judges’ Selection Committee, the rules for the selection of candidates for vacant judicial posts, the Code of Ethics for Judges, instructions governing judicial proceedings and other regulatory acts have been adopted and enacted with a view to ensuring the independence of the judiciary.

A standing, independent Judicial Council mainly composed of judges has been established under this new legislation to ensure judicial autonomy.

The Judicial Council has established a judicial selection committee to choose candidates for judgeships (through written examinations, interviews and long-term courses); the Committee involves members of civil society and non-governmental organizations in its work.

There have already been two competitive examinations under the new rules, taken by more than 1,700 candidates, from which 157 have been selected. This increased the number of judges by 50 per cent. Azerbaijan currently has 6 judges per 100,000 inhabitants versus 4 in 2000. It should be stressed that both local and international observers have found the selections to be transparent and objective. A third competition is now under way, and 80 candidates who have passed the examinations have already been accepted for long-term courses.

Under the new law, judges can be appointed and dismissed only by recommendation of the Judicial Council. For judges of courts of first instance, the decision is taken by the President; for judges of other courts, it is Parliament that decides. Judges are appointed for an indefinite period. The upper age limit is 65 years. In exceptional cases this period may be extended to 70 years on the recommendation of the Judicial Council.