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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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LAW
ON FREEDOM OF RELIGIOUS BELIEF
OF THE REPUBLIC OF AZERBAIJAN

as last amended in 2011

Law of the Republic of Azerbaijan

"On Freedom of Religious Belief"

This law regulates the relations arising from activities of religious associations, defines the duties, rights and status of religious associations and creates guarantees for implementation of freedom of religious belief in the Republic of Azerbaijan in accordance with Constitution of the Republic of Azerbaijan and international agreements adopted by the Republic of Azerbaijan.

Chapter I. General Provisions

Article 1. Freedom of Religious Belief

Everyone shall determine his/her attitude to religion independently and shall have the right to confess any religion individually or together with others, and express or spread his/her belief dealing with his/her attitude to religion.

It is not allowed to prevent anyone from expressing his/her religious belief, taking part in liturgies, and studying religion. Nobody is obliged to express his/her belief, make religious rites or take part in liturgies. It is prohibited to propagandize religions with the appliance of religious violence or sowing discord among the people with the aim of changing their religious way of life or forcing to confessing religion. Propaganda and dissemination of religions (religious trends) humiliating human dignity and contradicting with humanity principles is prohibited.

Freedom of religious belief can be restrained only in accordance with law and necessity in democratic society for the interests of public security, guarantee of public rules, protection of freedoms and rights of other peoples or health or morality.

Foreigners and persons without citizenship are prohibited to conduct religious propaganda.

Parents or persons replacing them have the right to bring up their children in accordance with their own religious beliefs and religious belief upon mutual consent.

Article 2. Legislation on Freedom of Religious Belief

Legislation on Freedom of Religious Belief consists of this Law, Constitution of the Republic of Azerbaijan, international agreements adopted by the Republic of Azerbaijan and other legislative documents of the Republic of Azerbaijan.

Article 4. Legal Equality of Persons Irrespective of their Religious Beliefs

Everybody is equal before the court and law regardless his/her religious attitude. Indication of citizens' attitude to religion in official documents shall be allowed upon his/her wish only.

No one shall have the right to refuse or decline to fulfill obligations determined by the law for his/her religious beliefs. Changing performing one duty by another for religious motives is permitted only in cases stipulated by the legislation of the Republic of Azerbaijan.

Article 4-1. Professional Religious Activity and Religious Figure

4-1.1. Professional religious activity is activity aimed at religious education, religious training, meeting religious needs of devout, dissemination of religions, making religious rites, preaching, administrative and organizational management of religious associations.

4-1.2. Religious figure is a person with secondary and high religious education engaged in religious activity.

Article 5. State and Religious Associations

In the Republic of Azerbaijan religion and religious associations are separated from the state.

The state shall not instruct religious associations to fulfill any state's affair and doesn't interfere with their activities.

All religions and religious associations are equal in relation to the law. Establishing any superiority or limitations for one religion or religious associations in comparison to another shall not be allowed.

Religious associations shall have the right to take part in public life and along with public associations use mass media.

Religious associations shall not partake in the activity of political parties and help them financially.

In case of being appointed or elected to work at state authorities, the professional religious activity of religious figures shall be suspended for relevant time.

Religious associations fulfill requirements of the existing law of the Republic of Azerbaijan and bear responsibility to them.

Religious associations shall implement measures defined by relevant legislation with the aim to prevent financing of terrorism, legalization of illegally obtained funds and other properties.

Article 6. Relations between Religion and School

In the Republic of Azerbaijan the state education system is separated from religion.

Theological, religious and religious-philosophical subjects, as well as acquaintance with the bases of the sacred-cult books may be included into educational programs of state educational institutions.

Citizens have the right to study theology and receive religious education in any language, individually or together with others.

In accordance with their relevant charters and legislation religious associations can implement instructional and educational process in defined forms by creating educational institutions for the purpose of religious enlightening of youth and elderlies.

The courses of religious associations for studying holy books by youth and elderlies shall be organized in accordance with charters of those associations and under consent of religious centers and departments they obey.

Chapter ii. Religious Associations in the Republic of Azerbaijan

Article 7. Religious associations

Religious centers and departments, religious education institutions and religious communes, their associations shall be religious associations. Religious associations are represented by their center (departments).

Religious associations shall act in accordance with this Law and their approved charters (provisions).

Islamic religious associations acting in the Republic of Azerbaijan must present reports on their activity to Caucasian Muslims Board.

Article 8. Religious Community

Religious commune is a local religious association of religious persons of mature age, who have united voluntarily for the purpose of conducting joint liturgies and satisfying other religious needs.

Islamic religious communes in the Republic of Azerbaijan are subordinated by Caucasian Muslims Board, in terms of organizational matters, whereas non-Islamic religious associations have the right to be subordinated and to change their respective subordination to religious centers (departments) operational in Azerbaijan and outside it.

Religious figures leading places of divine services related to Islam religion are appointed by Caucasian Muslims Board by informing appropriate executive authority.

Islam religious communities are established in Mosques by the citizens of the Republic of Azerbaijan.

Article 9. Religious Centers and Departments

In the Republic of Azerbaijan Islamic religious communes are united in their historical center – the Caucasian Muslims Board.

Non-Islamic religious communes, centers of which are outside of the Republic of Azerbaijan can follow, in carrying out activities, charters of their respective centers in cases which don't contradict the legislation of the Republic of Azerbaijan.

Relations not regulated by legislation between government and religious centers and departments, including those ones situated outside of the Republic of Azerbaijan shall be regulated between themselves and in accordance with arrangements with state authorities.

Religious centers and departments may establish praying houses and religious educational institutions in accordance with their charter.

Article 10. Religious Educational Institutions

Only religious centers and its' departments may establish religious educational institutions to train religious persons and personnel for other religious specialties.

Religious centers and departments have no right to establish more than one high religious education institution. Relations between religious education institutions and religious centers or departments are regulated by constitutive documents.

Religious education institutions operate in accordance with legislation of the Republic of Azerbaijan and with special consent (license) of relevant state executive authority.

Persons studying at higher and secondary religious educational institutions shall enjoy rights and privileges established for persons studying at state educational institutions.

Article 11. Charters of Religious Associations

Religious association shall have its own charter determining its legal capability in accordance with the civil law.

The charter of religious associations shall be adopted at the believers' general meeting or at religious congress, conferences.

Charter of religious association shall indicate the following:

- 1) Name, type, confessional belonging and place of religious association;
- 2) Position of religious association in the organizational structure of religious commune;
- 3) Goals and objectives of religious associations, as well as main forms of activity;
- 4) Structure, management bodies and the rule of their organization, as well as competence of those authorities;
- 5) Status of assets of the religious association;
- 6) The right of religious communes to establish facilities, mass media and other religious associations and educational institutions;
- 7) The order of making amendments and additions to the charter of the religious associations;
- 8) The order of abolishment of religious association
- 9) The order of settlement of property and other disputes in case of cessation of activity of a religious commune.

The name of religious association must reflect to which religion it belongs.

Charter may also cover other matters related to peculiarities of the activity of this religious commune.

Documents determining religious activity of a religious commune and setting its other matters are not subject to registration by state bodies.

Charter of religious association must be compatible with charter of its religious center.

Religious association shall be considered legal entity since the date of registration of its Charter.

Article 12. State Registration of Religious Associations

All religious associations can operate after state registration by relevant executive authority and registration in state registry of religious associations. Religious associations can operate only at praying houses described as legal places in documents submitted for state registration and after appointment of religious figures by religious centers and departments to those religious associations.

For state registration of religious commune at least 50 (fifty) persons at mature age or their representatives in charge shall address application with enclosed protocol of constitutive assembly and Charter of commune to religious center or department. The list of constitutors of the religious association with data on their nationality, birth place and temporary residence, copy of their identification card, principles of religious teaching, as well as establishment history of religious commune, forms and methods of its activity, traditions, attitude to family, marriage and education, information about restrictions on rights and duties of members of that commune and as well as documents specified by law of the Republic of Azerbaijan on "State Registration and State Registry of Legal Entities" shall be added. Religious center or department shall submit these documents, together with written notification, to a corresponding executive body within 30 (thirty) days.

For the purpose of state registration of a religious center, religious departments and religious educational institutions their respective constitutive document and charter shall be submitted to a corresponding executive body.

Corresponding executive body implements state registration of religious associations during time specified by legislation.

If there are any changes in data required for state registration of religious association registered by state the relevant executive authority must be informed about these changes via religious center and departments and the documents confirming these changes shall be submitted at the same way within 20 (twenty) days.

12-1. Abolition of Religious Association

Religious Associations can be abolished under further circumstances:

- 1) by decision of founders or body authorized for this purpose in accordance with charter;
- 2) by decision of the court in accordance with application of the relevant executive body.

In accordance with paragraph 3 article 1 of this Law Religious Association can be abolished by court decision in accordance with reasons mentioned below:

- 1) implementation of activities contradicting with establishment goals or violation of the Constitution of the Republic of Azerbaijan, this Law and other Laws by religious association;
- 2) promotion of religious belief and religious life style by force, or threat of force, as well as with the aim of causing racial, religious, national, social hostility or enmity, forcing to express (demonstrate) religious belief, to fulfill religious ceremonies or forcing to take part at religious ceremonies, dissemination and promotion of religions contradicting with humanity principles and humiliating human dignity;
- 3) violation of public security and public order;
- 4) implementation of activities towards terrorism, financing of terrorism, diversion and violent crime actions;
- 5) prevent getting secularized education;
- 6) incitement or forcing members of religious association and other persons to resign their property in favour of religious association;
- 7) preventin person from leaving the religious association by force or other illegal activities

8) incitement of persons to refuse execution of activities defined by legislation and implementation of other illegal activities;

9) repeatedly refuse carrying out request of presenting information about changes in documents and reports required for state registration to relevant executive authority;

Religious centers and departments having information considered in paragraph two of this agreement on religious associations can apply to relevant executive authority for change of founders' composition of those religious associations and abolishment of religious association.

Chapter III. Status of Assets of Religious Associations

Article 16. Usage of Assets owned by the State, Public Organizations or Citizens

Religious associations have the right to use the premises and the assets for their needs assigned to them by the state, public organizations or citizens under agreement.

State-owned buildings of cult designation and other assets may be transferred to religious associations for gratis usage.

Religious associations shall have priority rights in getting a grant of premises of religious assignment with the surrounding territory.

Decisions of transferring buildings, cult subjects and property to religious associations shall be made no later than within one month since the date of receipt of corresponding request, of which the applicant is notified in written form.

Religious associations shall use lands in accordance with the Land Code of the Republic of Azerbaijan.

Article 17. Assignment and utilization of properties representing historical and cultural monuments.

Buildings, as well as thing representing monuments of history and culture may be transferred, according to law, to religious associations and be used by them.

Privatization of monuments of state property representing religious history and culture and public circulation of religious assigned cultural heritage included in the State List of national cultural property of the Republic of Azerbaijan is not permitted.

Article 18. Property of Religious Associations

Buildings, cult articles, production facilities, public and charitable designation, monetary assets and other properties necessary to ensure activities of religious associations may be in their properties.

Religious associations have the ownership right over the assets acquired or created at their own expense, sacrificed by citizens, organizations or transferred by the state, as well as acquired according to other reasons stipulated by the law.

Religious associations may also own properties situated in abroad.

Religious associations have the right to ask for voluntary donations and also receive these donations.

The funds of religious centers and departments are established by financing acquired in accordance with requirements of this Law, as well as by voluntary contributions of legal and natural entities, religious associations and places of pilgrimage.

State and regional self-government authorities can support financial aid to religious associations.

Property right of religious associations is protected by law.

Article 19. Production and Economic Activity of Religious Associations

Religious Associations, in accordance with legislation and their respective Charters have the right to establish publishing and printing houses, production, restoration and building facilities with the status of legal entity, orphanages, boarding-schools, hospitals and so on.

Article 20. Order about the assets of terminated religious associations

The assets assigned by the state, public organizations or individual citizens for utilization by religious associations without agreements shall be returned to their owners after termination of their operation.

Under cessation of activity of a religious association, the property it owned shall be disposed in accordance with the association's charter and existing legislation.

Creditors have no right to claim for property of cult designation owned by a religious association.

In the event of absence of legal successors the property shall pass to the state.

Chapter IV. Rights of Citizens and Religious Associations on Religious Freedom

Article 21. Religious rites and rituals

For the purpose of religious prayers and assemblies, religious associations shall have the right to possess places suitable for this purpose, as well as patron the sites of pilgrimages considered sacred according to a definite religion and use them.

Liturgies, religious rites and rituals shall be freely carried out in temples, them-owned territories, in places of pilgrimages, cemeteries, institutions of religious associations, as well as apartments and houses of citizens.

Islamic religious rites and rituals may be carried out only by citizens of the Republic of Azerbaijan studied in the Republic of Azerbaijan.

Commandments of military divisions shall have no right (except exceptional cases) to prohibit military servants to pray and perform religious rites during their personal time. Activity of churchmen in military divisions is permitted upon commandment's consent.

In hospitals, military hospitals, old people's homes, invalid's homes, hostels and solitary confinements, people staying there shall have the right to ask for permission to make services or religious rites. The management of above-mentioned associations shall render assistance in inviting priests, partake in determining time frames and other conditions for holding liturgies, rites and rituals. In other cases public liturgies, religious rites and rituals shall take place according to the order established for holding meetings, street meetings and demonstrations.

Religious associations have the right to address proposals concerning performing liturgies to citizens situated in hospitals, military hospitals, old people's homes, and invalid's homes, hostels and prisons.

Article 22. Religious literature and articles of religious assignment

Religious associations and citizens have the right to acquire religious literature written in any language, as well as other things and materials of religious assignment and use them.

Religious associations, legal and natural entities which are not religious associations have the right, upon consent of the corresponding executive authority to produce, import, export and freely spread literature, thing of cult designation and other informational materials of religious content.

The sale of literature, thing of cult designation and other informational materials of religious content is implemented only through specialized sale points established under consent of corresponding executive authority.

Article 23. Charitable and cultural-enlightening activity of religious associations

Religious associations shall carry out their cultural-enlightening and charitable activities independently and through self-established funds, as well as by means of public funds.

Article 24. International relations and communication of believers and religious associations

Citizens and religious associations have the right to take part in international religious events, religious liturgies held abroad both in groups or individually and visit places of pilgrimage.

Sending citizens abroad for religious education institutions and exchange of religious figures is implemented by religious centers or departments being coordinated with corresponding executive power body.

Chapter V. Labor Activity at Religious Associations and their enterprises

Article 25. Labor interrelations in religious associations

Labor relations between religious association and employee are regulated in accordance with Labor Code of the Republic of Azerbaijan.

Terms of labor in religious associations shall be determined in accordance with agreement between religious association and the employee and indicated in labor agreement to be concluded in written form.

Religious associations, in the established order shall register the labor agreement and documents determining the terms of payment for the work of religious persons.

Citizens working for religious associations according to labor agreement have the right to be members of a trade union.

Article 26. Labor rights of citizens working in religious associations

Requirements of labor legislation shall be applied without exception to all citizens working in religious associations by agreement.

Article 27. Pension maintenance and social insurance of employees of the religious associations

Social insurance of employees of the religious associations is regulated in accordance with the Law of the Republic of Azerbaijan on "Social insurance", and pension maintenance is regulated in accordance with the Law of the Republic of Azerbaijan on "Labor Pensions".

Chapter VI. State Bodies and Religious Associations

Article 28. Control over the Law on Freedom of Religious Belief

The control over the execution of the legislation of the Republic of Azerbaijan on freedom of religious belief shall be implemented in accordance with the legislation in force.

Article 29. Relevant Body of Executive Power

Relevant Body of Executive Power:

- render, upon request of religious associations, necessary assistance to reach agreements with state bodies and for issues requiring decision by state bodies;
- help strengthen mutual understanding, tolerance and respect environment among religious associations of various religious beliefs;
- implements registration of Charters of religious associations in accordance with this Law, as well as amendments and additions to them;
- maintain connections with relevant bodies of foreign states;
- establishes information bank, in the Republic of Azerbaijan for execution of the legislation on religious associations and religious belief;
- promote to the participation of religious associations in business relations with foreign religious associations, international religious centers, fora and international religious movements;

- receive necessary information from religious centers, religious departments and other religious associations;
- ensure the conduction of religious studies with the participation of representatives of religious associations and appropriate specialists;
- give reference on advisability of construction of temples, and reconstruction of current temples;
- analysis and approves the programs of religious education institutions together with relevant body of executive power, gives reference on definition of quality of religious education.

Article 30. Responsibility for violation of the law on freedom of religious belief

Official persons, other legal and natural entities are responsible for violation of the law on freedom of religious belief in accordance with rules defined by the legislation of the Republic of Azerbaijan.

Article 31. International agreements

International agreement shall prevail if regulations on religious belief of the agreement differ from the internal legislation of the Republic of Azerbaijan.

Baku, August 20, 1992

