

The Law of the Republic of Azerbaijan "On Freedom of Religious Belief"

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 determining his/her attitude to religion, in confessing religion, taking part in liturgies, making religious rites and rituals and studying religion.

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.

Freedom of religion can be restrained only for the reasons of state and public security and in the event of the necessity to protect rights and freedoms, in accordance with the Azerbaijan Republic's international commitments.

Foreigners and persons without citizenship shall be 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 beliefs upon mutual consent.

Article 2. Legislation on Religious Freedom

The legislation of religious liberty consists of this Law, which provides the main guarantee for religious liberty and the activity of religious associations in accordance with Constitution of the Azerbaijan Republic, and other relevant legislative documents of the Azerbaijan Republic.

Article 3. Objective of the Law on Religious Freedom

The Law shall:

- guarantee the right of everyone in the Azerbaijan Republic to determine and express his/her attitude to religion and to realise this right; ensure social justice, equality of rights, protection of rights and legal interests of citizens regardless of their attitude to religion, in accordance with the legislation of the Azerbaijan Republic and international-legal norms accepted by the Azerbaijan Republic;
- determine state obligations in regard to religious associations;
- determine duties of religious associations to the state and to society;
- promotes to establishing a situation favourable for displaying national morality and humanism regardless of world outlook and religious convictions of people, well-being and collaboration of citizens;
- regulates relations connected with the activities of religious associations

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

Citizens of the Azerbaijan Republic have equal legal rights in all spheres of political, economic, public and cultural life regardless of their attitude to religion. 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 fulfil 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 Azerbaijan Republic.

Article 5. State and Religious Associations

In the Azerbaijan Republic, religion and religious associations shall be separated from the state.

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

All religions and religious associations shall be equal in relation to the law. Establishing any superiority or limitations for one religion 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 to work for a state agency or transfer to a state post, the activity of a cult servant, as a spiritual person, shall be suspended for a relevant term.

Religious associations perform the existing laws of the Azerbaijan Republic and bear responsibility to them.

Article 6. Relations Between Religion and Schools

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

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

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 (provisions), religious associations have the right to create, for the purpose of religious enlightening of children and adults, educational associations and groups, and also teach them in other forms and use them-owned properties for this purpose.

Chapter II

Religious Associations in the Azerbaijan Republic

Article 7. Religious Associations

Religious communes, departments and the center, cloisters, spiritual educational institutions and their associations shall be religious associations. Religious associations are represented by their center (departments).

Religious associations shall be voluntary organisations of age citizens created for the purpose of joint realisation of the right to freedom of religion, as well as for spreading religious beliefs and cults.

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

Article 8. Religious Community

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

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

Article 9. Religious Center and Departments

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

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

Not determined by lagislation relationship between Government and religious center and administration, including those ones situated outside of the Azerbaijan Republic, shall be regulated between themselves in accordance with state authorities.

The religious center and religious department may establish praying houses, cites of pilgrimages, religious educational institutions and religious brotherhoods according to the order provided by their respective charters (provisions).

Article 10. Religious educational institutions

Only a religious center and its departments have the right to establish religious educational institutions to train religious persons and personnel for other religious specialities. A religious center and its departments have no right to establish more than one higher religious educational institution. Relations between religious educational institutions and a religious center and its departments shall be regulated by constitutive documents.

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

Article 11. Charters (Regulations) of Religious Associations

Religious associations shall have its own charter (provision) determining its legal capability in accordance with the civil law.

The charter (provision) of religious associations shall be adopted at the believers' general meeting or at religious congresses, conferences.

Charter (provision) of a religious association shall indicate the following:

- 1) Type of confessional associations, its confessional belonging and whereabouts
- 2) Position of a religious commune in the organisational structure of a religious association
- 3) Status of assets of the religious associations
- 4) The right of religious communes to establish facilities, mass media and other religious associations and educational institutions
- 5) The order of changing and making additions to the charter (provision) of the religious associations
- 6) The order of settlement of property and other disputes in case of cessation of activity of a religious commune

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

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

Religious commune shall be considered legal entity since the date of registration of its charter (provision).

Article 12. State Registration of Religious Associations

For the purpose of state registration of a religious commune, at least 10 age persons, who have established it, shall address a statement with enclosed protocol of constitutive assembly and Charter (provision) of the commune to a religious centre or department. Within 30 days, the religious centre or department shall submit these documents, together with written notification, to a corresponding executive body for religious affairs.

For the purpose of state registration of a religious centre, religious departments, religious educational institutions and religious brotherhoods, their respective constitutive document and charter (provision) shall be submitted to a corresponding executive body for religious affairs.

Within 30 days, corresponding executive body submits these documents, together with its conclusion, to a state body responsible for registration of legal entities.

State registration of religious communes, refusal of state registration, settlement of disputes and right to appeal to court shall be carried out in accordance with the relevant laws of the Azerbaijan Republic.

Article 13. Excluded.

Article 14. Excluded.

Article 15. Excluded.

Chapter III

Status of Assets of Religious Associations

Article 16. Usage of Assets Owned by the State, Public Organisations or Citizens

Religious associations have the right to use the premises and the assets assigned to them by the state organisations, public organisations or the citizens upon mutual consent.

Local bodies of executive power and state institutions may transfer state-owned buildings of cult designation and other assets to religious communes for gratis usage.

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

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

Religious communes shall receive lands and use them in accordance with the order established by the Land Code of the Azerbaijan Republic and other legal acts.

Article 17. Assignment and utilisation of properties representing historical and cultural monuments and their use

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

Article 18. Property of religious communes

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

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

Religious communes may also own properties situated in abroad.

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

The ownership right of religious communes to property shall be protected by the law.

Article 19. Production and economic activity of religious associations

Religious associations, in accordance with the legislation and their respective charters (provisions) have the right to establish publishing and printing houses, production, restoration

and building facilities with the status of legal entity, orphanages, boarding-schools, infirmaries and so on.

Incomes from production activity of religious communes and their other incomes are subject to taxation in amounts and order established by the law of the Azerbaijan Republic for facilities of public organisations.

Article 20. Instruction about the assets of terminated religious associations

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

Under cessation of activity of a religious commune, the property it owned shall be disposed in accordance with the commune's charter (provision) and existing legal provisions.

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

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 communes shall have the right to possess places suitable for this purpose, as well as patron the cites 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 in apartments and houses of citizens.

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, invalids' 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 or 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 invalids' 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 have the right, upon consent with a corresponding executive body for religious affairs, to produce, import and freely spread literature, things of cult designation and other informational materials of religious content.

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

Religious associations shall carry out their cultural-enlightening activities independently and by means of public funds or in other forms.

Article 24. International ties and contacts of believers and religious associations

Citizens and religious associations have the right to take part in international religious events both in groups or individually, including that taking place in abroad, and also have the right to be pilgrims.

Citizens' sending to abroad to be taught at religious educational institutions there, as well as invitations and exchange of religious persons are the responsibility of a religious centre or religious departments.

Chapter V Labour Activity at Religious Associations

Article 25. Labour interrelations in religious associations

Terms of labour in religious communes shall be determined in accordance with consent between a religious commune and an employee and indicated in a labour agreement to be concluded in written form.

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

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

Article 26. Labour rights of citizens working in religious associations

Legal provisions of the law on labour concerning all citizens working for religious communes according to labour agreement without exception.

Incomes of citizens, including that of religious persons obtained from the work for a religious commune, are taxable according to common provisions.

Article 27. Social maintenance and social insurance of citizens working for religious associations

Religious associations, their institutions and facilities shall make payments to the state social insurance fund and the Pension fund of the Azerbaijan Republic in the order and amounts provided for public organisations and their associations and facilities.

All citizens working for religious associations shall be paid pensions according to common provisions and in compliance with the legislation.

Chapter VI. State Bodies and Religious Associations

Article 28. Control over the law on freedom of religious belief

The law on freedom of religious belief of the Azerbaijan Republic shall be controlled in accordance with the existing legislation.

Article 29. Authoritative body of executive power for religious affairs

Authoritative body of executive power for religious affairs shall:

- 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 of each other among religious associations of various religions;
- register, in accordance with this Law, charters (provisions) of religious associations, as well as changes and additions to them;
- help local bodies of executive power apply the legislation of freedom of religion;
- maintain connections with similar bodies in foreign states;
- create, in the Azerbaijan Republic, an information bank for religious associations and for fulfilment of the legislation of freedom of religion;
- receive necessary information from a religious centre, religious associations and other religious associations;
- promote to the participation of religious organisations in business ties with foreign confessional movements, forums, international religious centers and foreign religious associations;
- ensure the conduction of religious studies with the participation of representatives of religious associations and appropriate specialists

Article 30. Responsibility for violation of the law on freedom of religion

Executive persons and citizens guilty in violating the law on freedom of religion shall bear responsibility in accordance with the order stipulated by legal provisions of the Azerbaijan Republic.

Article 31. International agreements

If an international agreement, in which the Azerbaijan Republic takes part, establishes rules distinguished from that established by the law of the Azerbaijan Republic on freedom of religion, the rules of the international agreement shall then be applied.

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