

Law of the Republic of Azerbaijan

On freedom of religious beliefs

This law provides guarantees for religious freedom in the Republic of Azerbaijan in accordance with the Constitution of the Republic of Azerbaijan and international treaties wherein the Republic of Azerbaijan is one of the parties, establishes the status, rights and responsibilities of religious entities, regulates relations arising in connection with the activities of religious entities.

CHAPTER I

GENERAL PROVISIONS

Article 1. Freedom of Religious Belief

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.

It is prohibited to put any obstacles to the expression by any person of his religion, his participation in worship, religious rites and ceremonies or the study of religion. Nobody can be forced to expression (demonstration) of his religion, performance of religious ceremonies or participation in them. Propaganda of religion and religious ways of life through the use of force or threat of force, as well as incitement to racial, ethnic, religious, social animosity and hostility are prohibited. The dissemination and promotion of religions (sects), degrading human dignity or contradicting the principles of humanity is not allowed.

Freedom of religion may be limited only in cases stipulated by law and necessary in a democratic society, in the interests of public safety, to ensure public order, health or morals protection, as well as protection of the rights and freedoms of others.

Carrying out religious propaganda by foreigners and persons without citizenship shall be prohibited.

Parents or the persons replacing them may educate their children based on mutual consent, in accordance with their religious beliefs and relation to religion.

Article 2. Legislation on of religious liberty

Legislation on freedom of religion consists of the Constitution of the Republic of Azerbaijan, international treaties wherein the Republic of Azerbaijan is one of the parties, this Law and other legislative acts of Azerbaijan Republic.

Article 3. Obligations of the law of religious liberty

(Excluded)

Article 4. Equality of persons regardless of religious affiliation

All persons are equal before the law regardless of religious affiliation. Stating of a religious affiliation of the person in official documents is allowed only at his own will.

No one can refuse or evade execution of statutory duties on religious convictions. Replacement of execution of one duty by the execution of another duty as per the religious convictions is permitted only in cases stipulated by law.

Article 4-1. Professional religious activity and religious figure

4-1.1. Professional religious activity - activities aimed at spiritual upbringing and spiritual education, satisfaction of spiritual needs of the believers, performance of religious rites, reading sermons (*khutbah*), administrative and organizational management of religious structure.

4-1.2. Religious figure - the person with the highest spiritual and secondary special education, engaged in religious activities.

Article 5. State and religious institutions

Religion and religious institutions shall be separate from the state in the Republic of Azerbaijan. The government shall not commission on the religious institutions with any work related to it and shall not intervene in their activity.

All religions and religious institutions shall be equal in relation to the law. In relation to any religion (religious movement) and religious education can not be established any advantages or limitations in comparison with others.

Religious communities shall have the right to take part in public life, as well as to use mass media together with social associations.

The religious institutions shall not participate in the activity of political parties and provide them financial aid.

When electing or appointing the religious leaders to the public authorities, their professional religious activities shall be suspended for the period of holding this position.

Religious institutions shall comply with the requirements of legislation of the Republic of Azerbaijan and are responsible for their violation.

Religious structures should take appropriate measures, established for them in respective legislation, to prevent the legalization of monetary funds or other assets obtained by criminal means and the financing of terrorism.

Article 6. Relations of religion and school

The state education system shall be separate from religion in the Republic of Azerbaijan.

Learning of subjects on religion study, religious cognition, religious philosophy and basis of sacred religious books may be included in the curricula of the state educational institutions.

The citizens may learn theology and receive religious education individually or together with others.

Religious institutions in accordance with their charters, in an order established by the legislation, may establish educational institutions for religious education of youth and seniors and implement the educational process in a prescribed form.

Religious institutions establish courses (groups) to study the sacred books by young people and adults, in accordance with the provisions of these religious entities with the consent of religious centers and institutions to which they are subject.

CHAPTER II

RELIGIOUS INSTITUTIONS IN THE REPUBLIC OF AZERBAIJAN

Article 7. Religious institutions

The religious centers and institutions, religious educational institutions and religious communities, their associations are religious entities. The religious institutions shall be represented by their centers (departments).

Religious institutions shall operate in accordance with this Law and their approved charters.

Islamic religious institutions, operating in the Republic of Azerbaijan, shall submit a report on their activities to the Board of the Caucasus Muslims.

Article 8. Religious community

A religious community shall be a local religious institution of adult believers united voluntarily to pray and to meet other religious requirements jointly.

Islamic religious communities shall subordinate to the Board of the Caucasus Muslims in organizational issues in the Republic of Azerbaijan, and non-Islamic religious communities shall have the right to become subordinate to the religion centers (departments) acting in the Republic of Azerbaijan and abroad, and change the subordination.

The priests, governing the places of public liturgy belonging to the Islamic religion are appointed by the Board of the Caucasus Muslims with the notification of relevant executive authorities.

Islamic religious communities are established in mosques by the citizens of the Republic of Azerbaijan.

Article 9. Religion centers and departments

Islamic religious institutions in Azerbaijan Republic shall unite in their historical Islam center - Board of the Caucasus Muslims.

Non-Islamic religious institutions having their organizational centers abroad in their activity may guide the charters of those centers to the extend not contradicting the legislation of the Republic of Azerbaijan.

The relations of the state with religious centers and departments, including the religious centers and departments operating beyond the territory of the Republic of Azerbaijan, which are not regulated by law, shall be regulated among themselves and pursuant to the approval of the state bodies.

Religious centers and departments may establish temples and religious educational institutions on the basis of their charters.

Article 10. Religious educational institutions

Religious educational institutions on training of ministers of religion and other ministers on religious specialties may be established only by religious centers and departments. Religious centers and departments can establish only one high educational religious institution. Relations

between religious educational institutions and religious centers or departments shall be determined by the constituent documents.

Religious schools operate under a special permit (license) issued by the relevant executive authority in the manner prescribed by the legislation of the Republic of Azerbaijan.

Students of religious educational institutions shall use the rights and concessions determined for the students of the state educational institutions.

Article 11. Charters of religious institutions

The religious institution shall have the charter that determines its legal capability in accordance with the civil law.

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

The following shall be indicated in the charter of religious institution:

1. Type, name of religious institution, religious relation and place;
2. Place of religious communities in organizational structure of religious union;
3. The purpose and objectives of religious institution, as well as the basic forms of its activities;
4. Structure, the administration authorities of religious institution and the order of their organization as well as powers of these authorities;
5. Status of assets of the religious institution;
6. Rights of religious institutions to establish institutions, mass media, other religious institutions and educational institutions;
7. Procedure of making amendments and additions to the charter of the religious institution;
8. Procedure of the abolition of religious institution;
9. The procedure for settlement of property issues and other issues during termination of the activity of the religious institution.

Name of religious institution must reflect that it belongs to one religion or another.

The charter may include other issues concerning the principles of activity of the religious institution.

The documentation determining the religious belief activity of the religious institution and its other internal issues shall not be registered at the governmental bodies.

The charter of the religious institution shall coincide with the charter of the religious center (department).

The religious institution shall be a legal entity from the date of its state registration.

Article 12. State registration of religious institutions

All religious institutions can operate only after the state registration at the relevant executive authority and the inclusion in the state register of religious entities. Religious institutions can function only in places of worship, specified as a legal address in the data submitted for the state registration, after the appointment of a religious figure in these religious institutions by religious centers and institutions.

At least fifty persons of mature age or their representatives shall address the religious center or department with an application with the enclosure of the constituent protocol and charter of the community for the registration of the religious community. The application shall also be enclosed with a list of persons, establishing religious community, stating their nationality, place of residence and date of birth, copies of their identity cards, information on the basis of religious doctrine, including the date of formation of religious institution, forms and methods of its

activity, traditions, attitudes towards family, marriage and education, restrictions of rights and duties of members of this community, as well as other documents stipulated by the law of Azerbaijan Republic "On State Registration and State Register of Legal Entities". The religious center or department within 30 days shall send those documentation together with their recommendation to the relevant body of Executive authorities.

The foundation document and charter shall be submitted to the relevant body of Executive authorities for the state registration of religious centers, religious departments and religious educational institutions.

Respective executive power authority shall take decision as regards state registration of religious institutions within the period stipulated by the legislation.

When making any changes in the information or documents required for state registration, state registered religious institution, within 20 days by the religious centers and institution shall notify the appropriate executive authority about it and in the same order provide documents, confirming the appropriate changes.

Subject to third part of Article 1 of this Law in the state registration of religious institution can be refused in the following cases:

1. Conflict of the activity of religious institution or its purposes, or the essence and basic principles advocated by their religion with the Constitution and laws of the Republic of Azerbaijan;
2. Non-recognition of establishing institution as a religious institution;
3. Conflict of submitted statute and other documentation with the requirements of the legislation of the Republic of Azerbaijan or uncertainty of the information reflected in them.

Religious institution shall be notified of the refusal of the state registration with an indication of the provisions of legislation being the grounds of refusal.

Except for grounds stipulated by the legislation of the Republic of Azerbaijan, the refusal of state registration of religious institution for some other reasons is not allowed.

Article 12-1. The abolition of religious institution

Religious institutions can be abolished in the following cases:

1. by the decision of the founders or body authorized by charter for that;
2. by the court decision based on appeal of the relevant executive authority.

Subject to third part of Article 1 of this Law, the religious institution can be abolished judicially on the following grounds:

1. Carrying out of religious institution's activity, conflicting with the objectives of its establishment;
2. Propagation of religion and religious ways of life through the use of force or threat of force, as well as for the purpose of incitement to racial, ethnic, religious, social animosity and hostility, compulsion to demonstration of religion, performance of religious ceremonies or participation in religious ceremonies, dissemination and promotion of religions (sects), degrading human dignity or contradicting the principles of humanity;
3. Breach of public safety or public order;
 - 3-1. For religious extremist activity;
4. Implementation of actions aimed at terrorism, the financing of terrorism, sabotage or violent criminal acts;

5. Prevention from receiving of secular education;
6. Inciting or forcing members of religious institution and others to resign its own property in favor of religious institution;
7. Preventing from the withdrawal of the person from the religious institution through the use of force or other unlawful acts;
8. Inciting people to refuse to fulfill their statutory responsibilities and commit other illegal acts;
9. Failure to comply with two written requests of the relevant executive authority for notification of changes, made to the information or documents, required by this authority for the state registration, within one year.

If religious centers and institutions have information about religious communities, envisaged by the second part of this article, they raise a petition before the relevant executive authority of the need to change the data structure of founders of religious communities or liquidation of the community.

It is prohibited religious communities engaged in religious extremist activities.

Article 13. Refusal to register the charter of religious education

(Excluded)

Article 14. Termination of activities of religious groups

(Excluded)

Article 15. Handling complaints regarding the registration and termination of activities of religious groups

(Excluded)

CHAPTER III

STATUS OF ASSETS OF RELIGIOUS INSTITUTIONS

Article 16. Usage of assets owned by the state, public organizations or citizens

The religious institutions shall have the right to use the premises and the assets assigned to them by the state, public organizations or the citizens, on the basis of an agreement.

State-owned buildings and other property of a religious nature can be transferred to the gratuitous use of religious institutions.

The religious institutions shall have priority rights in getting a grant of the premises of religious assignation together with the area of their location.

The resolutions on assignation of premises and assets of religious nature to the religious institutions shall be adopted not later than one month after receiving the application, and the applicant shall be given a written information in this regard.

The religious institutions use land according to the Land Code of the Republic of Azerbaijan.

Article 17. Assignment and utilization of the property being historical and cultural monuments

The constructions and articles being historical and cultural monuments may be assigned to religious communities and used by them in accordance with the relevant legislation. Privatization of state-owned religious historical and cultural monuments and civil circulation of cultural property of religious purposes, included in the State List of the National Cultural Heritage of the Republic of Azerbaijan is not allowed.

Article 18. Property of religious institutions

Buildings, religious articles, production facilities, objects of social and charitable assignment, capital resources and other assets necessary to provide the operation of the religious institutions may be in their property.

The religious institutions shall have the ownership rights over the assets gained or formed on the account of their resources, donated by citizens, organizations or given by the state, as well as obtained under other basis stipulated by the law.

The assets available abroad may be in the ownership of religious institutions as well.

The funds of religious centers and institutions are formed at the expense of funds, received subject to the requirements of this Law, as well as of the voluntary contributions of individuals and legal entities, religious structures and sanctuaries. The religious institution can not directly or indirectly give, offer or make a promise to provide material and other values, any privileges or concessions to the donator or any other person in return to received or promised donations. The person making the donation to religious institution is not entitled to directly or indirectly solicit or accept, agree to offer or promise to provide for themselves or others any material and other values, any privileges or concessions in return for donations made or promised.

State agencies and local governments can provide financial assistance to religious institutions.

Religious institutions may apply for voluntary donations and accept them. The ownership right of religious institutions shall be protected by law.

Note: In this article, "donation" means assistance provided to religious institution in the form of financial assets and (or) any other material form without forcing it to achieve any goal.

Article 19. Production and economical activity of religious institutions

In accordance with the law and their charter, religious institutions may found publishing houses, polygraphy, production, reconstruction and construction establishments, canteens, boarding schools, hospitals having a status of legal entity.

Article 20. Instruction about the assets of terminated religious institutions

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

In case of termination of the religious institution, an instruction shall be given about the assets under its ownership pursuant to its charter and the effective laws

The assets of ritual assignment belonged to religious institutions shall not be charged due to the claims of creditors.

In case of absence of a legal successor, the assets shall pass to the state.

CHAPTER IV

RIGHTS OF CITIZENS AND RELIGIOUS INSTITUTIONS ON RELIGIOUS LIBERTY

Article 21. Religious rituals and ceremonies

Religious institutions shall have the right to patronize the places acceptable for them for praying and religious meetings, as well as pilgrimages considered sacred in this or that religion, to preserve and utilize them.

Subject to requirements of clause 1 of this Law, praying, religious rituals and ceremonies shall be carried out without obstacles in temples and in the areas belonged to them, in pilgrimages, cemeteries, and departments of religious institutions, apartments of citizens and homes.

The headquarters of military units (other than in exceptional cases) can not obstacle the soldiers to pray and fulfil religious rituals in their free time. Clergymen's activity in units of soldiers shall be allowed with the consent of the military leadership.

Religious rites and ceremonies pertaining to the Islamic religion can be exercised only by citizens of the Republic of Azerbaijan, received the education in the Republic of Azerbaijan.

Praying and religious rituals shall be earned out in hospitals, houses for olds and invalids, hostels, places of primary arrest with the request of the people in there. The managers of those establishments shall provide assistance to invite the clergymen and take part in determination of the date and other terms for such praying, ritual or ceremony. In other cases open praying, religious rituals and ceremonies, gatherings, meetings, demonstrations and marches shall be carried out in the determined manner.

religious institutions shall have the right to address with proposals for conduction of praying for the citizens in hospitals, houses for olds and invalids, hostels and institutions of service of sentences.

Article 22. Literature (on paper and electronic media), audio and video materials, goods and items of religious purpose and other religious information materials

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 relevant executive authority, 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 relevant executive authority, to 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.

Sale of literature (on paper and electronic media), audio and video materials, articles and items of religious purposes and other informational materials of religious content, marked with holographic sticker, shall be carried out only in specialized points of sale, formed with permission of the relevant executive authority.

Form, accounting rules, use and issuance of holographic stickers, as well as the amount of payment for obtaining holographic stickers shall be established by the relevant executive authority.

Funds paid for obtaining holographic stickers are transferred to the state budget. Control over the transfer of funds to the state budget and the procedure for their accounting shall be established by the relevant executive authority.

The relevant executive authority ensures the manufacturing of holographic stickers.

Article 23. Charitable and cultural and educational activity of religious institutions

Religious institutions shall conduct charitable and cultural-educational activity independently and by means of funds, formed by them, including the public funds.

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

Citizens and religious institutions, individually or in-group, may take part in religious events, religious ceremonies and go to pilgrimages held abroad.

Sending of citizens abroad to receive education, reception and exchange of religious ministers shall be implemented by religious educational centers or departments with the agreement of the relevant body of executive authorities.

CHAPTER V

LABOR ACTIVITY IN RELIGIOUS INSTITUTIONS AND THEIR ENTERPRISES

Article 25. Labor and law relations in religious institutions

Labor relations between the religious institution and employee are governed by the Labor Code of the Republic of Azerbaijan.

Religious institutions shall register the employment contract and the terms on the wage of believers in specified manner.

The citizens working in religious institutions in accordance with employment contract maybe members of trade union organization.

Article 26. Working rights of citizens working in religious institutions

The requirements of labor law shall be applied to the citizens working in religious institutions without any exception.

Article 27. Social insurance and pension provision for employees of religious institutions

Social insurance for employees of religious institutions is governed by the Law of the Republic of Azerbaijan "On Social Insurance", and pensions - by the Law of the Republic of Azerbaijan "On Labor Pensions".

CHAPTER VI

STATE BODIES AND RELIGIOUS INSTITUTIONS

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

Control over execution of the law on religious liberty of Azerbaijan Republic shall be implemented pursuant to the legislation in effect.

Article 29. Relevant executive authority

Relevant executive authority shall:

- upon request of religious institutions provide necessary assistance to them in obtaining agreements with the governmental bodies and in issues required to be settled by the governmental bodies;
- provide assistance to strengthen the environment for mutual respect, mutual understanding and tolerance among various religious institutions of various religious beliefs;
- provide assistance to local executive power bodies in application of the law on freedom of religious belief;
- keep contact with the relevant bodies of foreign countries;
- create database on religious institutions in the Republic of Azerbaijan and on implementation of the legislation on freedom of religious belief;
- receive the necessary information, including reports of religious activities and finances from the religious center, the religious departments and other religious institutions;
- provide assistance to religious organizations to participate in business relations with international religious movements, forums, international religious centers and foreign religious institutions;
- provides carrying out of religious studies expertise, attracts to this business representatives and relevant experts of religious institution;
- presents a conclusion on the feasibility of building of places of public liturgy and reconstruction of the existing places of public liturgy;
- together with the relevant executive authority analyses and approves the programs of religious educational schools, provide a conclusion on the definition of quality of religious education;
- carries out inspections of the sale of the literature of religious purpose (on paper and electronic media), audio and video materials, goods and articles and other religious information materials marked with holographic sticker, in specialized points of sale in accordance with the Law of the Republic of Azerbaijan "On regulation of inspections in the field of entrepreneurship and protection of interests of entrepreneurs".

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

Officials, other natural and legal entities for violation of the law on freedom of religious belief shall bear responsibility in a manner specified in the legislation of the Republic of Azerbaijan.

Article 31. International agreements

In case the international agreement participated by the Republic of Azerbaijan include provisions different from the internal legislation on freedom of religious belief, the provisions of the international agreement shall be applied.

President of the Republic of Azerbaijan

Abulfaz Elchibey

Baku, August 20, 1992,
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