

SOCIAL SCIENCES

FREEDOM OF RELIGION AND BELIEF IN THE REPUBLIC OF AZERBAIJAN

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Abstract

The study subject covers the protection of human rights and freedoms, provision of the freedom of religion and conscience in Azerbaijan, as well as the work done for the regulation of relations between state and religion. The special attention is paid to the provisions on the freedoms of faith and conscience, indicated in the Constitution of the Republic of Azerbaijan, as well as the support of the government to all the local and international efforts in the protection of freedoms of religion and conscience, based on the principles and norms of the international law in this field, the historically developed traditions and national and spiritual values. The article shows that throughout the history Azerbaijan stood out for its polyethnicity and multinationality; it emphasizes also the presence of high tolerance, the implementation of peaceful and joint activities by the representatives of all religions, the prevention of the national, religious and racial discriminations, the constant application of efforts to strengthen friendship and brotherhood, and the reign of peace, tranquility and amity between people regardless of their religious identity. At the same time, the article says that the legislation of Azerbaijan prescribes the punishment for the violation of the rights and freedoms on the grounds of national, ethnic, racial or religious affiliation of a person.

Keywords: state, religion, principle, legislation, freedom of conscience

Every state has its own approach toward the provision of freedom of religious belief and conscience, regulation of state-religion relations, the duties and principles and performance of this policy. This policy is based on historical tradition, national-moral values, as well as principles and norms of international law and national legislation.

Throughout history, Azerbaijan had been distinguished by its polyethnicity and multiculturalism, its culture of tolerance had become higher, the representatives of different religions coexisted peacefully, and national, religious and racial discrimination had not been allowed. Azerbaijani people always made efforts to strengthen friendship, brotherhood, kindness, and regardless of religious identity they worked on the continuation of peace, tranquility and tolerance among them [1, 8].

In modern times, this rich tradition is being preserved and continued successfully in our country. All religions contribute to the development of society in the same way. This is the indication of the tradition of historical tolerance of our people, as well as the result of the policy directed to the strengthening of tolerance in the Republic of Azerbaijan [2, 159].

Today, representatives of religions freely perform their rites and rituals in our country. The government does not interfere in their activities, government-religion relations are regulated in accordance with international law, and the relevant authorities of the Republic of Azerbaijan are closely cooperating with international organizations to provide freedom of religion and belief.

Our government which has chosen the path of establishing legal, democratic and secular state is rapidly integrating into the world community, and is doing a number of consistent and purposeful works in order to provide human rights and freedoms, including the freedom of conscience and religious belief.

National Leader Heydar Aliyev laid the foundation of state policy in Azerbaijan to ensure freedom of religion. During his leadership of the country, the legal base was strengthened, traditions of tolerance was further strengthened, regular and consistent measures were taken to protect the rights of ethnic and religious groups and to improve interfaith relations.

Currently, the President of the Republic of Azerbaijan Ilham Aliyev continues the policy with success and great foresight. Particular attention is paid on the provision and protection of the principles of freedom of thought, speech and conscience in Azerbaijan.

The work done in this area is always in the spotlight, and the government supports all efforts to protect freedom of religion and conscience in the country and around the world. As a result of this policy, the freedom of religion of representatives from all types of religions in the country was ensured, and equal opportunities, environments and conditions to work freely were created.

The policy carried out to provide the freedom of religion of citizens in Azerbaijan is yielding positive results. The religious situation in the country is stable and the level of tolerance is high. Religious discrimination between citizens is not allowed, international conferences and meetings on religion are held on a regular basis in the country [3, 172].

Establishment of legal base to ensure the freedom of conscience, its continuous improvement and successful application is always in the spotlight as one of the main activities of the independent Azerbaijan. At the same time, while establishing the legal base regulating state-religion relations, special attention was paid to the provision of freedom of conscience of multi-ethnic and multi-religious ethnic groups living and working in the country, strengthening of traditions of religious and national tolerance which has been the biggest

achievement of the people living in brotherhood conditions with Azerbaijanis for centuries and protection of them from foreign influences.

The policy of religion in the Republic of Azerbaijan is based on the principles and norms of international law, international agreements joined by our country, the relevant provisions of the Constitution of the Republic of Azerbaijan, the Law of the Republic of Azerbaijan "On Freedom of Religious Belief" and other regulatory and legal acts.

The adoption of the Constitution of the Republic of Azerbaijan in 1995 with the nation-wide vote (referendum), as well as the adoption of the Law of the Republic of Azerbaijan "On Freedom of Religious Belief" (Additions and amendments to the law - 1996, 1997, 1999, 2001, 2002, 2005, 2009, 2011, 2012, 2013, 2015) in 1992 provided reliable legal and political basis for the provision of main human rights and freedoms, as well as freedom of conscience, preservation of national and moral values, implementation of state policy in this area in accordance with the norms and requirements of international law. The Law of the Republic of Azerbaijan "On Freedom of Religious Belief" occupies a special place among the regulatory and legal acts aimed at ensuring freedom of religious belief. Over the past 20 years since the adoption of the law, significant changes have occurred to ensure freedom of religious belief, state policy in this area was further developed and new principles and mechanisms of management were established.

In the subsequent years, socio-economic and cultural development of the country, its integration into the world community, increase of reputation in international arena, participating in new international conventions necessitated changes and amendments to legislation on freedom of religious belief too, as in other areas [4, 58].

Wide coverage was given to the freedom of religious belief and conscience in the Articles 18, 25, 47, 48, 49 and 71 of the Constitution of the Republic of Azerbaijan. Based on the Article 18 of the Constitution, **"Religion in the Republic of Azerbaijan is separated from state. All religions are equal before the law. Spreading and propaganda of religions (religious movements) humiliating people's dignity and contradicting the principles of humanism are prohibited. State educational system is secular"**.

Based on this provision, religion does not interfere with state policy. The separation of religion from state is political and ideological and implies secularization of socio-political system, non-governance of the country by Shari'ah, not basing on the religious doctrines of the state's social, economic, political and legal basis, not taking on its religious monopoly, not giving preference to religion or religious organization in the country compared to others, and secularization of the state education system.

Here is a point that has a particular importance. While religion is separate from the state, the religious are not separate from the state. The State respects beliefs of the people and considers the protection of national and moral values as an integral part of the religious policy. The President as a head of state puts hand

on Quran and takes an oath, along with the Constitution of The Republic of Azerbaijan. It should also be noted that, some of the symbols of Islam are reflected in state attributes.

It was shown in paragraph 3 of Article 25 that: **"The state guarantees equality of rights and freedoms of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, convictions, membership in political parties, trade unions and other public organizations. Human and civil rights and freedoms cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social identity."**

In general this paragraph serves for ensuring equality among all people, including different ethnic and religious groups. It is highlighted that, everyone has the same rights and freedoms regardless of their religion, and restriction of human rights and freedoms according to religious identity is prohibited. As a result of the successful policy of the Republic of Azerbaijan, these provisions are reflected in real life too and directed to directly protect the rights of national and religious minorities. Thus, representatives from different types of religions have the same rights with the citizens of other countries. The restriction of their rights and freedoms was prohibited according to national and religious identity.

It was written in the Article 47 of the Constitution that: **"Everyone has the freedom of thought and speech. Nobody should be forced to promulgate his/her thoughts and convictions or to renounce his/her thoughts and convictions. Propaganda provoking racial, national, religious and social discord and animosity is prohibited"**.

It was found in this Article that, everyone has the freedom of thought in the Republic of Azerbaijan, and it was prohibited to force people to disclose their religious beliefs and to return them from their convictions, and to conduct religious enmity and hostility propaganda.

Everyone in the country has the right to independently determine his/her attitude to religion and to practice the religion he/she wants. At the same time, it is prohibited to promote racial, national, religious, social enmity and hostility.

Based on the Article 48 of the Constitution, **"Everyone has the freedom of conscience. Everyone has the right to define his/her attitude to religion, to profess, individually or together with others, any religion or to profess no religion, to express and spread one's beliefs concerning religion. Everyone is free to carry out religious rituals, however this should not violate public order and contradict public morals. Religious beliefs and convictions do not excuse infringements of the law. No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals and participate in religious ceremonies."**

The Article of the main Law gives the right to the citizens of country to independently and freely determine their attitude to religion. The state ensures the freedom of conscience of the citizens, respects the choice of their convictions, as well as controls whether

they follow the laws. Religious belief does not justify breaking the law. Every religious person is also the citizen of his/her country and he/she has the rights and duties before the state.

The freedom of conscience is the right of people on thinking and behaving according to their beliefs. This law covers the issues about practicing any religion independently or jointly with others linked to each other, changing religion, promoting, conducting atheist propaganda, freely participating in the execution of religious rites and rituals and a number of important issues.

Based on the Article 49 of the Constitution, **“Everyone has the right of freedom of assembly. Everyone has the right, to meet with other people peacefully and without arms, organize meetings, demonstrations, processions, and place pickets by notifying respective governmental bodies in advance.”** In the project of referendum act in nation-wide vote in 2016, this article is intended to be given as follows: **“Everyone has the right to meet with other people peacefully and without arms, organize meetings, demonstrations, processions, and place pickets by preserving public order or public morals by notifying respective governmental bodies in advance.”** In this article the right of free assembling of the citizens of the country was found. The state creates the proper conditions for free assembling of people by preserving public order or public morals.

Based on the paragraph 4 of Article 71 of the Constitution, **“Nobody, in no circumstances may be forced to promulgate his/her religious and other beliefs, thoughts and to be persecuted for such.”**

As you see, it was stated in this article that it is prohibited to force the representative of any religion to disclose his/her religious belief and to be accused due to that. Everyone is free to choose and practice the religion he/she wants. It is not allowed to force the representative of any religion to disclose his/her religious belief and to be accused due to that.

The requirements of these provisions of the Constitution which are based on the international legal norms are reflected clearly in the Law of the Republic of Azerbaijan “On the freedom of religious belief”. The main Law is a legal-political document regulating state-religion relations according to the world order, by giving reliable guarantee to the freedom of conscience of each citizen, regardless with their language, religion, racial-ethnic identity. Officials and citizens breaking the requirements of the Law bear responsibility stipulated by the legislation of the Republic of Azerbaijan.

At the same time, Azerbaijani government determined the penalties due to break of rights and freedoms of people in the Constitution on national, ethnic, racial or religious grounds. The freedom of religious belief might only be restricted for the interests of public safety, provision of public order, protection of health, moral or rights and freedoms of other people in the manner stipulated by law and necessary in democratic society [5, 23].

One of the important measures taken to provide the freedom of religious belief in the Republic of Azer-

baijan and to regulate state-religion relations is the establishment of State Committee on Deals with Religious Organizations on June 2001. The launch of this organization seriously affected the more efficient implementation of state policy in religious activity in the country, strengthening and further development of tolerance, prevention of unpleasant situations that may occur in religion in the future. The committee regularly holds meetings and seminars in order to built state-religion relations on a strong foundation, to protect the stability of religious situation, to strengthen tolerance, to strengthen agreement among religious communities and to create close relationships [6, 377].

One of the factors indicating the provision of freedom of conscience and religious belief in Azerbaijan and high attention to this area are the increase in the number of religious places of worship during the period of independence. If there were 18 mosques in Azerbaijan before the state independence, currently there are 2166 mosques, 13 churches and 7 synagogues [6, p. 136]. 5 churches belong to the Orthodox (3 in Baku, 1 in Ganja and Khachmaz), 4 to Georgian Orthodox (Gakh region), 1 to Lutheran, 1 to Catholic and 2 to Albanian-Udi religious communities. 2 of the Jewish synagogues are situated in Baku, 2 in Oghuz, 3 in Red settlement in Guba region. Currently, 719 religious communities are registered in the country and 27 of them are non-Islamic communities. Out of the latter- 18 are Christian, 6 are Jewish, 2 are Baha’i and 1 is Krishna religious communities [3, 171]. These facts show that, special attention is paid to the regulation of state-religion relations, free operation of all the religions in our country.

One of the priorities of religious policy in the Republic of Azerbaijan is to protect the tradition of tolerance which was created in the country for centuries and became characteristics of our people. Consequent measures are taken to develop and further strengthen this tradition in our country, to promote it locally and internationally, and special attention is paid to the restoration and repair of historical-religious monuments.

Representatives of Islam, Christian and Jewish religions in Azerbaijan have been living in the environment of mutual respect and understanding for centuries, enmity and confrontation have not been observed among ethnic and religious groups. People belonging to the various religions and cultures have played an important role in socio-political and economic life of Azerbaijani people for centuries, preserved their ethnic peculiarities, religions and traditions and kept them alive to the present day. The history, cultural monuments and rich cultural heritage of these religions are preserved in the modern times.

Today, in the most of the countries over the world, religious identity of people is taken as a basis to determine their place of residence. The representatives of Judaism, Christianity, Islam and other religions live in the different districts. But in Azerbaijan, people belonging to different religions freely live in the same streets, yards, even houses and attend one another’s festivals and religious rites as a family.

One of the ancient nations living in Azerbaijan is Jews. The Jews, who were subjected to torture and harassment in other countries where they settled, have taken refuge in our country and have been living here for more than 2500 years. They have never been subjected to the religious intolerance and discrimination in our country and on the contrary they have always been surrounded by attention and care of local people [7, 35].

Today, Azerbaijan is one of the few countries, where the Jews are behaved with tolerance and gently. The Jews shared the grief of Azerbaijanis in many important issues, and the representatives of both nations fought together in the unified front against the enemy [8, p. 127].

The Jews in Azerbaijan are represented by three communities- Mountain, Ashkenazi and Georgian Jews. The vast majority of Jews living in the country is Mountain Jews settled in Baku, Guba and Oghuz. Red settlement in Guba is the only place where the mountain Jews densely populated in the former Soviet Union. The Ashkenazi Jews taking refuge in our country in the nineteenth century mostly settled in Baku and Sumgait. 6 Jewish religious communities were registered in Azerbaijan. 2 synagogues freely operate in Baku and Oghuz and 3 in Guba.

On March 2003, the biggest new Jewish synagogue was opened. Jewish organizations operating abroad, as well Caucasian Muslims Office, Caucasus and Caspian Eparchy of the Russian Orthodox Church took an active part in the construction of the synagogue. The spread of Christianity in Azerbaijan dates back to 1700 years ago [9, p. 115]. Today, many religious communities representing Christianity, Orthodoxy, Catholicism and Protestantism branches of Christianity in Azerbaijan continue to operate freely. Christianity mainly became widespread in Baku, Sumgait and Ganja cities. Currently, 3 Russian Orthodox Churches operate in Baku and 1 in Khachmaz, and 1 temple functions in Sumgait.

The Catholic community was registered in Azerbaijan in 1999. The heads of the Roman Catholic Church John Paul II (May 2002) and Francis (September 2016) visited Baku, met with state officials, public members, highly appreciated religious tolerance in Azerbaijan. In 2008 based on the agreement between Azerbaijan and Vatican, Catholic Church launched in Nobel Avenue of Baku city.

At the same time, Udis who are one of minorities in Azerbaijan and settled in Nij settlement of Gabala region, are covered by any kind of state care. The number of Udis in the world is about 10.000 and about 7000 of them are in Azerbaijan. Azerbaijanis have lived together with Udis for centuries, and there have been always friendly relations and mutual understanding between them.

Thanks to the attention and care of Azerbaijani government, in 2003 Albanian-Udi religious community was registered. In 1836, the management of the Albanian church was given to the Armenian Apostolic Church with the presentation of the Synod. As a result of successful policy pursued by the Azerbaijani government in the field of religious activity, Udi ethnos re-

stored its lost rights and some of the historical monuments belonging to them were restored. One of them is Albanian church-museum which is considered one of the oldest Christianity temples in the Caucasus, as well as in the world and established in Kish village of Shaki in the fourth and fifth centuries. This monument was thoroughly restored and re-opened in 2003. Foreign scientists, as well as Azerbaijani specialists have spent a great effort for the restoration of church.

Intercultural dialogue and inter-religious cooperation play an important role in the provision of the freedom of religious belief and strengthening of the traditions of religious tolerance. Whole society, governmental and non-governmental organizations have much to do for preventing incitement of religious enmity and conflicts. Azerbaijani government taking into account the reality respects the values of all religions, strengthens the traditions of tolerance, prevents the challenges of religious enmity and hostility and tries to strengthen dialogue and cooperation among people, religions and civilizations.

Our country hosts many international conferences and scientific symposiums on inter-religious dialogue and cooperation every year [6, 363]. A number of events were held in Azerbaijan in the recent years. International conference on "Inter-religious dialogue: from the mutual agreement to joint cooperation" in Baku on 6-7 November, 2009, "The World Summit of Religious Leaders" on 26-27 April, 2010, "World Intercultural Forum" on 6-9 April, 2015, International conference on "Strengthening of religious tolerance, Azerbaijani model, challenges in OSCE region and outside of it" were held at the joint initiative of OSCE Project Coordinator, Azerbaijani government, Caucasian Muslims Office and National Commission of Azerbaijan on UNESCO in Baku on November 14, 2014. In the said events, the issues on dialogue among civilizations, cultural rights of national and religious minorities, strengthening of relations and cooperation with the organizations operating in this field were widely discussed.

The President Ilham Aliyev attaches great importance to the high-level regulation of state-religion relations, strengthening of traditions of tolerance, repair and restoration of religious monuments in our country, regularly meets with religious community leaders, deals with their needs and problems, and religious holidays are celebrated officially [10, 221].

Thanks to the attention and care of the President of the Republic of Azerbaijan Ilham Aliyev and the Heydar Aliyev Foundation, a number of mosques, historical cultural monuments, as well as Tazapir, Ajdarbay and Shamakhi mosques, Bibiheybat, Mir Mohsun Agha and Ganja Imamzada sanctuaries were repaired and restored at a high level in the recent years [11, 8].

The state provides special attention and care for the religious communities and the religious, aid is allocated to religious communities from state budget every year and these aids seriously contribute to the religious education work. This is clear evidence of protection of national minorities and religious communities of Azerbaijani government, financing of their activities and the

efforts made for not subjecting to the harmful effects [6, 384].

The work done and measures taken in the recent years show that the choice of religious belief of everyone is respected in our country, the laws and regulatory acts adopted are adjusted to the international laws and norms, the work done has a legal basis to completely provide the freedom of religious belief, to settle the challenges may be created in this field, to regulate the relations between state and religious organizations under the law, equal conditions are created for all religions in our country, tolerance is at high quality, the government respects the rights of all nations, ethnic minorities, gives special importance to study historical and cultural heritage of them, to preserve them.

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