

THE 2011 HUMAN DIMENSION IMPLEMENTATION MEETING
Warsaw, 26 September to 7 October 2011

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Working session 2.

Role of the Ombudsman of the Republic of Azerbaijan in
Ensuring of Freedom of Religion or Belief

Mr. Moderator
Ladies and Gentlemen,

One of the distinguishing features of the Republic of Azerbaijan as a state integrating towards legal, democratic, and a secular state establishment is the poly-ethnic as well as multinational population living within the country. More than 80 people live in Azerbaijan which proves the reliable condition for the national minorities and ethnic groups' development.

Historically, there was not ethnic, religious and racial discrimination among people in Azerbaijan and tolerance, ethnic-racial tolerance became a characteristic of the national mentality. During centuries, all religions were living in peace and tranquility in Azerbaijan. In the country, religious difference is preserved until today.

For the purpose of ensuring of religious tolerance within the country, the Government provides all necessary conditions for equal observance of all religions. In the Republic of Azerbaijan national, religious and ethnic relations are regulated in accordance with the international law. In conformity with, Article 7 of the Constitution of the Republic of Azerbaijan, Azerbaijan is a democratic, legal, secular and unitary Republic. Secularization is reflected itself in separation of religion and state from each-other, not interference with each-others' activities and independence of each in execution of own activities.

Secularization of the state is stated within the following provisions of the Constitution:

- No religion shall be given preference than other one, that is no any religion is considered as a prior or a compulsory religion of the State;
- Religious bodies are separated from the State and are equal before the law in the Republic of Azerbaijan.

Secularization guarantees a person's equal rights and main freedoms related to religion. Thus, belief of a person cannot be under influence or coercion. Furthermore, the rights of persons to manifest, teach, read holy books and had read, or using of mass media for distribution of the religion, to practice religion are taken under protection in the secular state.

These rights have been guaranteed by the Constitution of the Republic of Azerbaijan and they have been stated in the international documents on human rights and main freedoms.

Article 18 of the Constitution of the Republic of Azerbaijan determines the constitutional basis of the State and religious affairs. So, in conformity with the Constitution, religion is separate from the State. All religions are equal before the law. Distribution and campaigning of religions, degrading the human dignity or contradicting with humanism principles, are forbidden. State education is characterized as a secular.

Along with the right to freedom of religion or belief, the rights of national, ethnic, linguistic and racial minorities are absolutely ensured and protected.

On the way to democracy, freedom of religion as one of the main achievements of the mankind is a significant instrument for ensuring of any confession as well as against regional religious disputes.

Article 48 of the Constitution of the Republic of Azerbaijan affirms freedom of religion. According to the Constitution, everyone has a right to freedom of religion. Everyone has the right to freedom of thought, conscience and religion, have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. If the observance of religious ceremonies does not violate the public order or not contradicted to public moral is free. Freedom of religion or belief does not justify the violation of the law.

This Article is in harmony with the Article 18 of the UDHR, Article 18 of the ICCPR and Article 9 of the ECHR. This very important provision has been stated within the "Law on Freedom of Religion" of the Republic of Azerbaijan that was approved on 20 August 1992. The abovementioned Law regulates the issues with regard to the ensuring of freedom of religion in the country.

As a consequence of the reforms made for the regulation of state-religious affairs within Azerbaijan, the State Committee on Works with Religious Bodies of the Republic of Azerbaijan, established in accordance with the Decree of the Republic of Azerbaijan, dated June 2001, secures the implementation of the state policy in the field of religion.

One of the important steps taken by the Republic of Azerbaijan, while integrating to Europe, was an establishment of the Ombudsman Office as a legal protecting mechanism of human rights and main freedoms. The main duty of the Ombudsman is a restoration of violated human rights and freedoms, reflected either in the

national legislation or international treaties that the State is party to. Since beginning of the activity, the Ombudsman draws special attention to ensuring of freedom of religion or belief.

Ensuring or protection of freedom of religion is in the center of the attention of the Commissioner. It should be noted that among multiply complaints addressed to the Commissioner, there were not a complain about issues such as discrimination on the ground of religion, violation of right to freedom of religion or violation of worship, right to change a religion or reject a religion. Thus, this is other indicator of the State that it does not give preference to any religion.

While visiting the places of detention, the Commissioner has also drawn attention to the issues relating to religion. It is obvious, people with different religious background are held in the places of detention. The religious background of these persons shall be taken into consideration inside the regime of their detention and taken comprehensive measures for more effective implementation of their right to freedom of religion. Taking into account, the Ombudsman proposed the different feeding of the detainees with different religious background and regular meeting of them with officials of religious confessions. Furthermore, the Ombudsman suggested including a reformatory of detainees through religion into the correction system as well as inviting religious officials from different religious communities registered by the State to the places of detention for moral education of the detainees. It is remarkable that worship rooms are available in the places of detention for manifesting by the detainees, holding in the temporary places of detention as well as prisoners.

The Ombudsman, is taking into account national and religious tolerance as the best characteristic features and achievements of the Azeri society, suggested establishment of the inter-religious Council “Peace Culture through Religion” including main religious groups representing in the country.

It is noteworthy that various seminars and trainings have been held using the book titled “Education of Culture of Peace from the Gender Perspective” that has been translated from English into the Azeri and Russian languages with support of the UNESCO for the elimination of conflicts within the society and family life with the initiative as well as general editorship of the Ombudsman.

One of the important documents for Azerbaijan as a legal, democratic state which declares ensuring of human rights as its main goal is the National Action Plan (NAP) on protection of human rights approved by the Decree of the Republic of Azerbaijan, dated 28 December 2006.

From the point of view of effective organization of ensuring the human rights and main freedoms stated in international legal norms and national legislation having of the NAP is very significant. Inter-religious cooperation and tolerance are also taken into account by the before mentioned Plan.

For the purpose of improvement of legally thought and legal education of population, prohibition of discrimination, advocating of the peace as well as

tolerance, it was taken into account organization of awareness raising activities, international events on strengthening of intercultural dialogue and inter-religious cooperation in the cities and rural areas of the Republic of Azerbaijan which was consequently held multiply events with an initiative of the Commissioner last year.

The last of such events devoted to “21 September-International Peace Day” was held on 12 September 2011 at the Office of Ombudsman of the Republic of Azerbaijan.

The Azerbaijan Peace and Development Alliance’ which encompassing several public authorities, NGOs, various ethnic groups and religious communities and a member of International Peace Bureau, Appeal addressed to the Secretary-General of the UN, the Security Council and other international organizations and supported by the Commissioner was adopted.

Along with covering several issues such as taking necessary measures for strengthening of the universal peace, ensuring of the international peace and security and for this reason to eliminate the threaten against the peace, taking all effective measures for elimination of aggressions and other violated acts of the peace, regulation of conflicts by peaceful means and just peace and in conformity with international legal norms, prohibition of ethnic cleansing at international level and punishment of the perpetrators, it was indicated on the Appeal about four Resolutions -822, 853, 874, 884 adopted in 1993 by the UN SC as well as solution of the occupied inseparable part of Azerbaijan, the Nagorno-Karabakh problem, cessation of hostilities threatening the peace and security in the region, ensuring the cease-fire. Furthermore, it was also underlined that non-execution of the Resolution of the UN General Assembly, dated 14 March 2008, which implies the absolute withdrawal of occupying forces from the Azerbaijani regions, and international legal documents adopted by the CoE as well as OSCE cause impunity and huge threaten to the peace in the whole world.

The Ombudsman also expressed in the event the necessity of support to the peacemaking processes, coordination and implementation of all efforts towards improvement of welfare of peoples.

Overall, for the democratic reforms and establishment of legal state the Commissioner for Human Rights of the Republic of Azerbaijan in cooperation with other legal protection mechanisms performs as a provider of ensuring of freedom of religion or belief and intends advancing and improving her activities concerned.

Thanks for your attention!