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PERMANENT MISSION OF THE REPUBLIC OF  
AZERBAIJAN TO THE UNITED NATIONS OFFICE  
AND OTHER INTERNATIONAL ORGANIZATIONS  
AT GENEVA



AZƏRBAYCAN RESPUBLİKASININ BMT-ün  
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DİGƏR BEYNƏLXALQ TƏŞKİLATLAR YANINDA  
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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and herewith with reference to the Letter GVA 0655 dated 3 August 2010, has the honor to transmit the information of the Government of the Republic of Azerbaijan on the implementation of prohibition of incitement to national, racial or religious hatred through national legislation and different types of policies.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 3 pages.

Geneva, 20 October 2010

THE OFFICE OF THE UN HIGH  
COMMISSIONER  
FOR HUMAN RIGHTS  
GENEVA

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## **Information for the OHCHR workshops on the implementation of prohibition of incitement to national, racial or religious hatred through national legislation and different types of policies**

The Constitution and legislation of the Republic of Azerbaijan articulate direct prohibition of incitement to national, racial or religious hatred and also indirect disapproval through provisions protecting and ensuring equality and also criminalizing violation of the right to equality.

Article 25 of the Constitution guarantees general provision on equality before the law, gender equality and equal enjoyment of rights and freedoms by everyone irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, belief, affiliation to political parties, trade unions and other public organizations.

Article 47 of the Constitution, which guarantees freedom of expression, express the prohibition of agitation and advocacy leading to racial, national, religious, social hatred and hostility.

At the same time it is worth to note that International treaties Azerbaijan is a party to are an integral part of the legislative system of the state and in case of collision between the laws (except Constitution and constitutional laws) and international treaty, the latter prevails. Furthermore according article 12 of the Constitution the rights and freedoms articulated therein shall be applied in conformity with the international treaties Azerbaijan is a party to.

Azerbaijan is a party to International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, European Convention on Human Rights and other important human rights treaties.

In the light of above mentioned we may conclude that the provisions of the national law on freedom of expression and prohibition of incitement to national, racial and religious hatred and hostility have to be considered in the light of the framework of articles 19 and 20 of the International Covenant on Civil and Political rights and other international human rights norms.

### ***National Law***

Following are the provisions from different codes and laws of the Republic of Azerbaijan related to prohibition of incitement to national, racial or religious hatred or hostility.

#### **Constitution**

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Article 47.3 *'Agitation and advocacy leading to racial, national, religious, social hatred and hostility is prohibited'*

*The Criminal Code*

Article 283 *'Acts aimed at raising national, racial or religious hostility, humiliation of national dignity, as well as to limitations of the rights or acquirement of privileges based on national, racial or religious origin are criminalized when committed publicly or via mass media leading ... is sentenced ...'*

According to article 120.2.12 *'To kill a man with an intention of national, racial, religious hatred or hostility'* is considered an aggravating circumstance of murder.

*The Law on Freedom of Religious Faith*

Article 1.2 *'Propagation of religious faith and religious life style with use or threat of force, and also with the view of raising racial, national, religious, social hatred and hostility is prohibited'*.

*The Code on Election*

Article 88.2 *'According to the Criminal Code of the Republic of Azerbaijan abusing means of mass media for advocacy inciting social, racial, national, religious hatred and hostility during pre-election campaign is prohibited'*.

*The Law on means of Mass Media*

Article 10 *'Using Mass media with the aim of ... advocating war, violence and cruelty, national, racial, social hatred or intolerance ... is not allowed'*.

*Law on Television and Radio Broadcasting*

Article 11 *'State's main functions and duties: 5.4 supervising the prohibition of advocacy of terrorism, violence, cruelty, national, racial and religious discrimination'*.

Article 32 *'The programs prepared for broadcasting should answer following conditions: ... (5) should not advocate terrorism, violence, cruelty, national, religious and racial discrimination'*.

***Policy and Preventive measures***

The State Committee on work with Religious Organizations has been established in 2001 which also decides on the prevention of import and dissemination of the religious materials which aims at the tension and conflict between religious communities, advocates intolerance against other religions.

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The committee held 420 seminars and trainings during 2007-2009 and 22 seminar and trainings in 2010 on "Inter-religious dialogue", "Struggle against terrorism", "Legal base for State-religion relations" in different cities and regions of the country. The committee also publishes "State and Religion" journal and weekly "Community and Religion" newspaper on ideas of tolerance and its importance and disseminates among religious communities.

Besides organizing regional seminars Azerbaijan pays attention also to international events on the issue of tolerance and friendly relations among different religious communities. International conference on "Interreligious Dialog: from Mutual Understanding to Joint Cooperation" was held on 6-7 November 2009 in Baku attended by 167 guest from 31 countries and 8 international organizations. On 26-27 April 2010 there was held "World Summit of Religious Leaders" in Baku. There is going to be held an international Conference on "State-religion relations: historical traditions and new attitudes" on 1-2 December 2010 in Baku. The Conference would be a forum for discussions on prohibition of advocacy to religious hatred and hostility in the light of freedom of expression.