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Azerbaijan

Freedom of religion or belief

Stakeholder Report

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European Baptist Federation (EBF)

The EBF was founded in 1949 to unite European Baptists as Europe emerged from WWII. Today the EBF is comprised of approximately 825,000 members in 61 member bodies representing nearly every country in Europe and Euro-Asia as well as five Baptist Unions in the Middle East.

The EBF is one of the five regions that make up the Baptist World Alliance, and serves as European representative for the BWA. The EBF is diverse in language, culture, and tradition but remains united in Baptist identity, evangelistic zeal, and a concern for human rights and religious freedom.



Baptist World Alliance (BWA)

The Baptist World Alliance is a global movement of Baptists founded in 1905 in London, England. Today, the BWA is headquartered outside Washington D.C., USA and is a fellowship of 246 Baptist conventions and unions in 128 countries and territories comprising 51 million members in 169,000 churches.

1. Short summary

In September 2019, representatives from the Baptist World Alliance, the European Baptist Federation, and the Baptist Union of Azerbaijan met with the State Committee on Religious Affairs to discuss freedom of religion or belief issues. We were thankful for the gracious reception and thoughtful interaction with the State Committee. The State Committee was receptive to some concerns but dismissive of others. While the EBF and BWA were encouraged by the dialogue, we retain reservations about the situation of human rights and freedom of religion or belief in Azerbaijan. Since the 2018 Universal Periodic Review of Azerbaijan, there has been a notable change to the Law on Religions: as of March 2022 all Imams are now appointed by the State Committee on Religious Affairs.¹ There has also been a change in practice regarding unregistered religious communities. The State Committee and other government actors have floated the idea of allowing smaller religious organizations (under 50) to secure the right to gather and worship by affiliating themselves with religious organizations which are already successfully registered with the government. To date there is no legislation or official policy which reflects this change in practice, it is instead simply a change in regular practice. The first change constitutes an even greater imposition of state control on religious affairs in the country while the second change is a small improvement in the conditions of registration for religious minorities. Neither of these developments, however, bring the standards of freedom of religion or belief in accordance with international human rights standards and treaties to which Azerbaijan is a party.² While some religious communities in Azerbaijan have reported an improved climate in which they can practice their faith while others continue to report raids, harassment, and in some instances the imprisonment and torture of their community members. It is crucial to continue to advocate the full respect for human rights and freedom of religion or belief in Azerbaijan, both through reforms in the legal code and in government practices.

2. Legal situation of Freedom of religion or belief in Azerbaijan

According to the ICCPR, the UDHR and customary international human rights law, all persons have a right to freely practice their religion without governmental interference and without explicit prior approval. Governments can only legitimately limit religious activity if it can be established that a particular practice is a threat to public safety, health, or public morals. Further any legitimate restriction to religious freedom must be applied in a limited, legal, non-discriminatory, and proportional manner. Article 12 of Azerbaijan's Law on Religions states that "All religious communities may operate *only* after state registration with the relevant executive authorities and inclusion in the state register of religious communities." Thus, Azerbaijan's Law on Religions is fundamentally at odds with human rights standards, as it makes all religious activity conditional on prior State approval.

The Law on Religions also stipulates that registered religious communities may only engage in religious activities at their registered legal address. All religious literature must be approved by state religious "experts" before distribution. The distribution of unapproved literature incurs heavy fines. This constitutes a practice of censorship incompatible with human rights standards for freedom of expression and freedom of religion or belief. The newly introduced state-controlled appointments of all Islamic clerics also constitutes a violation of freedom of religion. Further, the right of foreign nationals to practice their religion in Azerbaijan is not protected. Only citizens of Azerbaijan are permitted to lead and facilitate religious ceremonies or to act as clergy.

Since the last UPR there have been some moves by the Azerbaijani government to reduce raids of unregistered communities and arrests of their members. There have also been minor reforms

¹ See "Azerbaijan: State appointment of all imams now in law", *Forum 18*.
<https://www.forum18.org/archive.php?article_id=2726>.

² The ICCPR was ratified by Azerbaijan on 13. August 1992.

regulating the registration of religious communities. A minimum of 50 members are required for a religious community to qualify to apply for registration. This creates a problem: how can a small religious community possibly assemble and organize the 50 members initially required in order to apply for a registration status if the lack of a registration status means that they are forbidden to gather and organize amongst themselves? In recent years, the State Committee for Religious Affairs has attempted to ameliorate this situation. Small unregistered religious communities are now permitted to temporarily affiliate themselves with a registered religious community in order to gain the necessary permission to gather prior to reaching the 50 person threshold required to apply for registration. While these might be seen as steps in the right direction, they do not achieve the full standard for freedom of religion established by international human rights treaties. In the last five years, Azerbaijan has failed to address the human rights violations that are legally enshrined in the national Law on Religions.

3. EBF and BWA visit to State Committee for Religious Affairs Sept 2019

The meeting with the State Committee on Religious Affairs took place on Sept. 3rd, 2019.³ Earlier that year, the Baptist community in Baku was granted state recognition. The representatives from the EBF and BWA exchanged greetings and expressed their satisfaction with the registration results for the Baptists in Baku. The EBF/BWA inquired into the status of the former Baptist Church that was seized in Soviet times and turned into a theater, which still operates today. State Committee officials were dismissive of this inquiry. We also inquired about individual Baptist congregations and pastors across the country, including the status of the Baptist Church in Aliabad.⁴ The EBF/BWA also raised the general issue of the registration framework in Azerbaijani law and pointed out that it was not in accordance with human rights standards and mentioned the regrettable reports of raids on worship gatherings. The State Committee responded by assuring us that the issue of unregistered religious gatherings is considered a civil and not a criminal matter and should thus never be handled by police or result in a raid. Should this come to pass, the committee asked to be notified of the situation. In some regions and amongst some faith groups that we have had contact with, this statement seems to describe lived reality. Other religious groups, on the other hand, seem to continue to be targeted criminally. This could have something to do with varying attitudes and levels of training of different local authorities and law enforcement.

Overall, in the past five years there have been significant improvements in the situation of Baptists in Azerbaijan, especially compared with the situation in the previous three decades. While Baptists, other Christians, Muslims, and people of other faiths do not yet enjoy their full human right of freedom of religion or belief, we have heard multiple reports from different cities and regions of improved and stabilized relationships with authorities which allow for some to more freely practice their faith. However, it is troubling to see that the situation has not improved for all religious groups. Our goal and hope is not to secure special treatment, but much more to promote full freedom of religion for all in Azerbaijan. Representatives of the State Committee cited national security concerns as motivating their tight control and surveillance of religious communities in the country. EBF and BWA representatives stressed that practicing respect for human rights and religious freedom is not at odds with national security. Indeed, when fundamental rights and freedoms are fully respected under the law, citizens and residents feel more secure and satisfied with their government. Improved

³ The State Committee's press release for the occasion can be found here: <<https://scwra.gov.az/en/view/news/9049/chairman-of-the-committee-met-with-representatives-of-the-world-baptist-alliance>>

⁴ See more information about the Aliabad Baptist Church in: "Azerbaijan: 'No objection' to limited worship, but no legal right", *Forum 18*. <https://www.forum18.org/archive.php?article_id=2557>

attitudes contribute to an improved national and human security situation. In cases where it can be demonstrated that a religious practice poses a threat to public safety, provisions for legitimate limitations on religious practices are provided for within the human rights framework. It is absolutely possible to both respect human rights and fundamental freedoms *and* protect national and human security interests. We encourage and urge the Azerbaijani government to do exactly that.

4. Forum 18 reports and continued violence and raids

Forum 18 has reported thoroughly on crackdowns, raids, arrests and fines of members of the Muslim Unity movement as well as other small groups of Muslim believers across the country in recent years.⁵ Forum 18 has also reported on the criminal decisions against Jehovah's Witnesses for conscientious objection to military service.⁶ Conscientious objection to military service is a substantial consideration for freedom of conscience and religion and is not *only* a right which can be derived implicitly from Article 18 of the ICCPR, as the HRC has indicated in multiple rulings.⁷ Additionally, there are provisions in Azeri law for alternative service, both in Article 76 ii of the Constitution of Azerbaijan and Decree No. 94 on the approval of the Regulation on the procedure for alternative service (compulsory labor) of citizens of the Republic of Azerbaijan (from July 31st 1992). The right to conscientious objection is also explicitly protected under Article 18 of the European Convention on Human Rights, to which Azerbaijan is a party. In criminally prosecuting conscientious objectors and failing to provide for alternative service, Azerbaijan is not only in violation of its own international treaty commitments but also its domestic law and constitutional protections.

In addition to the restrictive legal developments in the Law on Religion⁸, Forum 18 has also reported on the nine decisions against Azerbaijan by the European Court of Human Rights in freedom of religion or belief cases.⁹ These decisions obligate Azerbaijani government to compensate victims of raids and arrests for exercising their right to freedom of religion or belief. Decisions of both the UN Human Rights Committee and the European Court of Human Rights (ECtHR) requiring the regime to change its laws and practices regarding freedom of religion or belief have, to date, gone unheeded. Forum 18 has submitted its own UPR Stakeholder Report which more thoroughly deals with these and other cases and serves to demonstrate the widespread nature and the gravity of the human rights and freedom of belief violations that continue to take place in Azerbaijan.

5. The rights of parents, ethnic and religious minorities

The EBF has received reports in 2019 that the local authorities in certain regions of the country had taken up the practice of rejecting the given names of children that were insufficiently "Azeri". It was reported that this was a widespread but new practice with which ethnic, religious, and linguistic

⁵ See, "Azerbaijan: Multiple fines for Muslims meeting for prayer in homes", *Forum 18*. <https://www.forum18.org/archive.php?article_id=2794>

⁶ See, "Azerbaijan: Conscientious objector's jail term changed to suspended sentence", *Forum 18*. <https://www.forum18.org/archive.php?article_id=2796>

⁷ See "Conscientious Objection to Military Service", HR/Pub/12/1 OHCHR, 2012, <https://www.ohchr.org/sites/default/files/Documents/Publications/ConscientiousObjection_en.pdf>

⁸ See "Azerbaijan: Religion Amendments 'more controlling mechanisms'", *Forum 18*. <https://www.forum18.org/archive.php?article_id=2726> and "State Appointment of all Imams Now Law", *Forum 18*. <https://www.forum18.org/archive.php?article_id=2666>

⁹ See, "Azerbaijan: 9 new Strasbourg judgements, 9 judgements awaited", *Forum 18*. <https://www.forum18.org/archive.php?article_id=2665>.

minorities in the country were targeted. In applications for birth certificates, names that were too Christian, too Georgian, or too Islamic were all rejected by authorities. One family reported that they refused to change a Christian and Georgian name of the newborn child as requested by local authorities and that the child was not provided a birth certificate as a result. This denial constitutes a major human rights violation as a birth certificate is the functional means by which a person accesses the majority of their human rights—including the right to citizenship, legal personhood, freedom of movement, education, and healthcare, to name just a few. The denial of the right to choose a name for a child also violates the parental rights of the parents, not to mention their religious rights and the rights of ethnic minorities. There were reports of other violations of the minority rights of ethnic and linguistic minorities in the country, Georgians in and around including difficulties accessing government services in their native languages, even as their public education was provided for in that language. Local experts describe this as a process of “quiet assimilation”, in which government prohibits or creates serious obstacles to ethnic groups which seek to study in their own language, create media, or perform theater and other cultural activities in their own language.

6. UPR Recommendations

Azerbaijani government officials have not always been receptive to calls for human rights reform from the international community. During the 30th Session of the UPR Azerbaijan only supported half of the recommendations made in the area of freedom of religion or belief, and only supported recommendations in the categories of continued or minimal action. In the area of freedom of expression, Azerbaijan only supported four of the 27 recommendations. Despite the defensive posture, there have been some signals in the past five years that the Azerbaijani government is open to dialogue on human rights issues. It is important for UN, international and civil society to take these signals as dialogue opportunities, to promote an uncompromised human rights agenda, to attempt to build trust between actors, and to suggest practical steps that can be taken to achieve full respect for human rights in Azerbaijan.

The EBF/BWA suggests the following recommendations for the coming UPR Cycle :

- a) *Review and amend Law on Religions, bringing it in concordance with the international human rights treaties which Azerbaijan has ratified. Ensure that the right to for individuals and communities to peacefully worship is ensured and protected.*
- b) *Provide for the right to alternative service for conscientious objectors to military service, in keeping with Azerbaijan’s national laws and its obligations as member of the Council of Europe and party to the European Convention on Human Rights.*
- c) *Unconditionally release individuals in custody for exercising their rights to freedom of expression, association, assembly, or religion. Likewise, drop all charges and void all fines incurred by those practicing these rights.*
- d) *Ensure non-discriminatory access to public services for ethnic minorities and ensure the rights of parents, ethnic, and religious minorities are protected in all dealings with government authorities.*