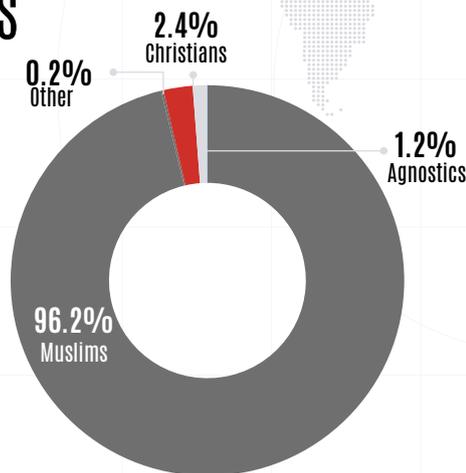




AZERBAIJAN

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Whilst the Constitution of Azerbaijan recognises the right of individuals to “freedom of conscience and religion” (Article 48, 1),¹ the 2009 Law on Freedom of Religious Belief has imposed restrictions on free religious practice, requiring organisations to register with the State Committee for Work with Religious Associations (SCWRA); it has also established strict censorship on all religious literature imported, sold and distributed in the country.² The state maintains strict control over Muslims, and only the communities that belong to the Caucasus Muslim Board (CMB) have the legal right to exist, with the CMB overseeing their activities, including the training and appointment of imams, regular monitoring of sermons and the organisation of pilgrimages to Makkah.³

The law against religious extremism, adopted in December 2015,⁴ gave unlimited powers to the authorities in the fight against radicalism; however, the vagueness with which extremist activity is defined does not provide adequate guarantees against excessive and arbitrary application of the law.⁵

A law on a civilian alternative to military service for con-

scientious objectors on religious grounds in application of Article 76 (2)⁶ of the constitution has not yet been adopted. The importance of such a law was reiterated in parliament on 30th March 2020 by MP Siyavush Novruzov, deputy executive secretary of the governing party.⁷

On a positive note, changes to the Criminal Code came into force on 1st June 2020. These relax the penalties imposed for the production, sale and distribution of religious material without state authorisation pursuant to Article 167-2, by providing the possibility of restrictive freedom as an alternative to jail time.⁸

INCIDENTS AND DEVELOPMENTS

Azerbaijan is home to various ethnic, cultural, linguistic and religious groups. Azerbaijani President Ilham Aliyev noted that the country’s ethno-cultural pluralism is its greatest asset.⁹ The government has promoted various initiatives and events to foster intercultural and interreligious dialogue, including the Second Summit of World Religious Leaders held in Baku in November 2019, which brought together senior religious and political leaders from 70 countries.¹⁰ Every year, the Presidential Reserve Fund finances various religious groups, namely the Caucasus

Muslim Board, the Orthodox and Catholic Churches, as well as several Jewish and Udi communities.¹¹

Relations with the Catholic Church are good, as noted during a visit to the Vatican in February 2020 by President Ilham Aliyev.¹² Other religious groups perceived as traditional, including Jews, Orthodox Christians and Islamic groups associated with the Caucasus Muslim Board, also operate in a climate of religious respect and tolerance; the situation is more complex for non-traditional groups, which are surrounded by suspicion and distrust.¹³

However, 2019 also saw some positive developments and greater respect for religious freedom. There were fewer reprisals and raids against Baptist communities and Jehovah's Witnesses. After 25 years of waiting, the Baptist community in Aliabad was finally allowed to hold religious services. In January 2020, the SCWRA, whilst not granting the community any legal status, informed Pastor Hamid Shabanov that it had no objection to members meeting every Saturday for two hours in a purposed building in the yard of his home.¹⁴

In November 2018, the Jehovah's Witnesses in Baku were finally registered. The community in Ganja (Ganca) still remains without state recognition, despite its attempts to register since 2010. However, here too, SCWRA officials said that worshippers could meet provided they gave timely notice.¹⁵

By the end of 2019, the SCWRA had registered 34 communities (31 Muslim and three Christian) for a total of 941, including 35 non-Muslim.¹⁶

Despite these important positive developments, free religious practice still faces obstacles. The country's very restrictive censorship system is a source of problems, despite a decline in incidents compared to previous years. Ilya Zenchenko, leader of the Baptist Union in Azerbaijan, said that the only known incident affecting Baptists in 2019 involved a couple, Safqan and Gulnar Mammadov. In February 2019, their son brought some Christian brochures to school, which he gave to fellow students.¹⁷ The police questioned the mother, Gulnar Mammadova, for six hours, then seized over 100 unauthorised Christian books and brochures from the couple's home. On 16 April 2019, both parents were found guilty and fined 1,500 Manats (US\$900), the equivalent of three month's wages. They later lost their appeal as well.¹⁸ In September 2019, Kamran Huseynzade was fined 2,200 Manats (US\$ 1,300) for selling religious books outside a Baku mosque without

state authorisation. The books were confiscated.¹⁹

Although raids against religious gatherings have slowed over the past year, unauthorised meetings have continued to be penalised. Three Protestants - Samir Ismayilov, Ismat Azizov and Jalil Rahimli - were fined 1,500 Manat (US\$900) each for holding a Bible study meeting in the city of Sheki in December 2018.²⁰ Three Muslims - Vugar Mammadov, Rauf Majidov and Qanbar Zeynalov - were fined between 1,200 and 2,000 Manats (US\$ 900-1,200) for holding a religious meeting in a private home in the city of Agsu in September 2018.²¹

Jehovah's Witnesses have reported 17 incidents involving their members between September 2018 and August 2019.²² In one case, a Jehovah's Witness was questioned and held for 12 hours at a police station in Khachmaz in February 2019.²³ Gulnaz Nasirova received a similar treatment in Lankaran, when she was forcibly taken to the police station in April 2019 for an interrogation that lasted five hours during which she was insulted and threatened.²⁴

In July and September 2018, two conscientious objectors, Emil Mehdiyev and Vahid Abilov, were sentenced to a suspended prison sentence of one year for failing to fulfil their military service;²⁵ their appeals were rejected in April 2019.²⁶ There were no other criminal proceedings against conscripted religious believers in 2019.²⁷ In October 2019, the European Court of Human Rights ruled in favour of five Jehovah's Witness objectors convicted between 2007 and 2013, ordering the Azerbaijani government to pay €38,269 (US\$45,000) to the applicants in compensation and legal expenses.²⁸

Although religious discrimination is formally prohibited, Rahim Akhundov, a staff member at the Azerbaijani parliament, complained that he was fired, on the orders of the secret police, from the International Relations Department in December 2018 after 20 years of service because he is a Christian. After the Baku Appeal Court, on 10 June 2020, rejected his demand that his dismissal be overturned, Akhundov said he would appeal to the Supreme Court.²⁹

Wearing a hijab can also lead to workplace discrimination. Muslim women said they had encountered difficulties whilst looking for work,³⁰ noting that an unofficial ban on the use of the hijab in government offices and schools remains in place.³¹

Over the years, the fear of extremism has led to many arrests and convictions on suspicion of terrorism. Following violent incidents in the city of Ganja in July 2018, which

the government blamed on a conspiracy by extremist Shi- as to destabilise the country, 57 people were tried, convicted and sentenced to prison terms ranging from 18 months to 18 years.³² At present, as many as 45 religious activists are still incarcerated, most of them members of the Muslim Unity Movement (MUM), convicted on controversial charges and sentenced to prison terms of up to 20 years.³³ Among them are MUM leaders Taleh Bagirzade and Abbas Huseynov, who went on a hunger strike in February 2019 to protest against the unprecedented pressures to which they are allegedly subjected in prison.³⁴

Human rights organisations accuse the Azerbaijani authorities of using the outbreak of COVID-19 to further crackdown on dissent, with special anti-COVID-19 regulations used as a weapon to suppress political criticism.³⁵

Nagorno-Karabakh

The question of Nagorno-Karabakh, a region within Azerbaijan militarily conquered by Armenian-backed separatists in 1994, remains unresolved. Recently, the situation has deteriorated with renewed fighting between Armenians and Azerbaijanis, which inevitably has had repercussions on civil liberties.

In the conflict cultural and religious heritage sites have become privileged targets, foremost among these the Cathedral of Shusha, an important historical and religious monument that was hit twice by artillery fire. Built between 1868

and 1887, the cathedral dedicated to Saint Saviour, was rebuilt in the 1990s after the first Nagorno-Karabakh War becoming a symbol of the rebirth of the Armenian community.³⁶ Armenian Archbishop Pargev Martirosyan accused the Azeris, who denied targeting the cathedral,³⁷ of trying “to stomp on the symbols of our faith” out of spite for Armenian “cultural, spiritual and religious values.”³⁸ A Baptist church was also damaged by shelling.³⁹

For many observers, concern is expressed that religion may play an ever-increasing role in the conflict, especially since the arrival of Syrian mercenaries fighting on the Azeri side.⁴⁰

PROSPECTS FOR RELIGIOUS FREEDOM

The challenges created by an ailing economy, exacerbated by the COVID-19 pandemic and the war against Armenia since September 2020, have created an uneasy climate for religious freedom. Despite a more repressive political climate there have been some positive developments including the release in March 2019 of more than 50 political prisoners, as well as the registration of new religious communities and the reduction in the number of raids and sanctions against open religious activity.⁴¹ This has raised hope that Azerbaijan might more successfully guarantee religious freedom in the future.

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