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## AZERBAIJAN: Religion Law amendments "more controlling mechanisms"

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*On 16 June, President Ilham Aliyev signed into law Religion Law and Administrative Code changes introducing new restrictions on freedom of religion and belief. These include requiring the State Committee for Work with Religious Organisations to approve the appointment of all non-Islamic religious leaders and to take part in the re-attestation of all clerics of the state-controlled Caucasian Muslim Board every five years. "Most provisions of the amendments are quite restrictive and raise the question as to whether they are the right policy," human rights defender Rasul Jafarov commented. "Our opinion is that they are not, as they violate all international standards."*

On 16 June, President Ilham Aliyev signed into law Religion Law amendments which introduce a new requirement for the State Committee for Work with Religious Organisations to approve the appointment of all non-Islamic religious leaders. Only the state-controlled Caucasian Muslim Board will be allowed to name Muslim clerics, but they will have to undergo re-attestation every five years with the involvement of State Committee officials.

Fr Konstantin Pominov, spokesperson for the Russian Orthodox Diocese, said that when the Church names the new head of the Diocese to replace the deceased Bishop, it will require state approval. "We'll need approval from the State Committee and the Justice Ministry," he told Forum 18. "The appointment will have to be agreed with the Sheikh [Allahshukur Pashazade of the Muslim Board], the President [Aliyev] and the Patriarch [Kirill of the Russian Orthodox Church]" Asked why the Church needs to agree the appointment of its leader with the regime and the head of a different religious community, Fr Pominov responded: "We need to have someone who understands Azerbaijan, for them to say who they'd like to see and who not" (see below).

"This initiative came from our President," a Milli Majlis official told Forum 18 on 21 April ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)). The Religion Law and Administrative Code amendments were prepared in secret and adopted very quickly. The texts were only published on the Milli Majlis website in the afternoon of 21 April, two days before their first reading. The first reports of the proposed amendments came only on 13 April, when a local news agency published a summary of the Religion Law amendments. "Decisions are adopted without public debates," human rights defender Eldar Zeynalov commented to Forum 18 (see below).

In line with Azerbaijan's legally-binding international human rights obligations, the decisions (including those reached in May and June) of both the United Nations (UN) Human Rights Committee and the European Court of Human Rights (ECtHR) require the regime to change its laws and practices so that freedom of religion and belief violations cannot recur ([https://www.forum18.org/archive.php?article\\_id=2665](https://www.forum18.org/archive.php?article_id=2665)). Forum 18 is not aware of any proposed government legal or other changes to meet this obligation. Instead, the Religion Law and Administrative Code amendments increase restrictions on the exercise of freedom of religion or belief.

"The judgment of the Court [the ECtHR] alone is not enough for justice," a lawyer who wished to remain anonymous for fear of state reprisals told Forum 18. "The government's failure to fulfil its ECtHR obligations is a serious issue," says another lawyer, Asabali Mustafayev. "The Council of Europe and other international organisations are not insistent enough, so the government gets away with flouting [its obligations]." ([https://www.forum18.org/archive.php?article\\_id=2664](https://www.forum18.org/archive.php?article_id=2664))

The Milli Majlis, adopted the Religion Law amendments on their third reading on 4 May. Administrative Code amendments were also adopted on their third reading the same day. These state that local religious organisations functioning outside their legally registered address would face punishment, but not state-registered "religious centres" (headquarters) (see below).

The Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments also close mosques and Islamic shrines when they do not have a Muslim Board-appointed leader (see below).

Communities without a "religious centre" are not allowed to grant religious titles or ranks to the clergy, apply for permission to have foreign citizens as religious leaders, establish religious educational establishments or organise visits by their adherents to shrines and

religious locations abroad. Tighter restrictions are imposed on mass religious events outdoors (see below).

An amendment that would have allowed non-Islamic communities to establish and apply for state registration of a "religious centre" (headquarters), though only if they had at least five registered communities in at least five different towns or districts, was included in the draft amendments presented to the Milli Majlis in April. However, it had been deleted by the time the draft completed passage in the Milli Majlis, so it remains unclear how non-Islamic communities can gain this status (see below).

State Committee permission is now required to hold religious "mass events" anywhere apart from at state-approved places of worship or shrines. "This is a very dangerous provision," the lawyer Asabali Mustafayev told Forum 18. "The Law gives no indication of how many participants there must be before a meeting is considered a mass event." He notes that this issue has arisen earlier in several cases where he was involved, where individuals were punished for holding religious meetings in homes (see below).

"Most provisions of the amendments are quite restrictive and raise the question as to whether they are the right policy," human rights defender Rasul Jafarov told Forum 18 from Baku on 21 May. "Our opinion is that they are not, as they violate all international standards .. Maybe they want more controlling mechanisms." He added that it remains unclear if the regime will use the new powers immediately, or will keep them in reserve. "It looks like the latter at the moment" (see below)

Subhan Hasanli, a lawyer, commented that "because of growing social and economic tensions, the government is enacting greater supervision over religious institutions and individuals," he told Forum 18 on 20 May. "This amounts to the installation of a new, state-centred religion" (see below).

"As usual, all these amendments have a restrictive character," human rights defender Elshan Hasanov told Forum 18 from Baku ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)) while the draft amendments were still in parliament. "The result: pilgrimages – only with permission; mass religious rituals – only with permission; religious education – only with permission; literature – only with permission."

"Not appropriate" to answer questions

Forum 18 was unable to reach any officials to discuss the proposed amendments. The individuals were not in their offices or telephones went unanswered on 17 June of: at the Presidential Administration, the Head of the Department of Humanitarian Policy, Diaspora, Multiculturalism and Religious Issues Farah Aliyeva, the Head of the Legal Expertise Department Shahin Aliyev, and other officials; and at the Milli Majlis, members of the Public Associations and Religious Organisations Committee as well as several other deputies.

The head of the State Committee for Work with Religious Organisations ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), Mubariz Qurbanli, told Forum 18 on 17 June that he was busy and asked it to call back an hour later. Subsequent calls went unanswered.

The same day, Ali Haziyeu, head of the State Committee's International Relations Department, told Forum 18 it is "not appropriate" to answer questions by telephone and asked Forum 18 to send them in writing. He insisted that the State Committee would respond, although the last time it replied to written questions from Forum 18 was in April 2014.

Among the written questions Forum 18 asked in the middle of the Baku working day on 17 June were:

- Why do the amendments not meet Azerbaijan's obligations following United Nations Human Rights Committee and European Court of Human Rights decisions which oblige Azerbaijan to change its laws to remove restrictions in the area of freedom of religion or belief?

[Among these legally-binding obligations ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) are to allow the exercise of the freedom of religion and belief without state permission, to end compulsory censorship of all religious texts, and to provide a genuinely civilian alternative service for conscientious objectors to military service.]

- Why do non-Islamic religious communities need to get State Committee permission to appoint leaders?

- Why does the State Committee need to take part in re-attesting Islamic clergy every 5 years? Is this not a matter for the Islamic community itself?

- Why will mosques and shrines have to close when they do not have a leader named by the Muslim Board? Surely this is an issue for each community itself?

- How can religious communities get the status of a "religious centre" (headquarters)? The part of the law setting that out was removed. How many "religious centres" does the State Committee recognise in Azerbaijan at the moment?

- Why cannot communities without a "religious centre" grant religious titles or ranks to the clergy, apply for permission to have foreign citizens as religious leaders, establish religious educational establishments or organise visits by their adherents to shrines and religious locations abroad?

Forum 18 had received no reply to its questions from the State Committee by the end of the working day in Baku on 17 June.

Amendments prepared as usual in secret, no legal review sought

As is often the case, the regime prepared the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) and Administrative Code ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments in secrecy and with no public consultation. Although the head of the State Committee for Work with Religious Organisations ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), Mubariz Qurbanli, stated in February that it was preparing Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments, he gave no indication of what was to be in them ([https://www.forum18.org/archive.php?article\\_id=2647](https://www.forum18.org/archive.php?article_id=2647)). It remains unclear if the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments now adopted are the same as those apparently being prepared by the State Committee.

The regime did not seek a review of these amendments ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)) from either the Council of Europe's Venice Commission or the Organisation for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights. The two inter-governmental organisations, often together, provide reviews of laws and draft laws on request.

Inter-governmental organisations have repeatedly criticised the regime's restrictions on freedom of religion and belief and other human rights ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)). Both the Council of Europe's Venice Commission and the OSCE have drawn extensively on their highly critical October 2012 Joint Opinion on the Religion Law ([https://www.legislationline.org/download/action/download/id/4150/file/214\\_FOR\\_AZE\\_15%20Oct%202012\\_en.pdf](https://www.legislationline.org/download/action/download/id/4150/file/214_FOR_AZE_15%20Oct%202012_en.pdf)) in the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities (<https://www.osce.org/odihr/139046>).

The latest Religion Law and Administrative Code changes ignore the OSCE/Venice Commission Joint Opinion on the Religion Law, as well as the legally-binding international human rights obligations outlined in the Guidelines on the Legal Personality of Religion or Belief Communities.

Updating?

The Presidential Administration handed the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) and Administrative Code ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments to the Milli Majlis, apparently in April. They were originally scheduled to be considered on 15 April only by the Legal Policy and State Building Committee. However, ahead of the hearing this was changed, so that the main Committee considering them would be the Public Associations and Religious Organisations Committee. However, members of both Committees took part in the 15 April meeting ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)), which took place online.

Fazail Ibrahimli, chair of the Public Associations and Religious Organisations Committee, explained the proposed Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments, Trend news agency noted the same day. He claimed that the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), first adopted in 1992, needed updating, in particular by setting out the rights, obligations and responsibilities of the state, the individual and religious communities.

Gunduz Ismayilov, a Deputy Chair of the State Committee for Work with Religious Organisations ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), and Simran Hasanov, chief of staff of the state-controlled Caucasian Muslim Board ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), were also at the 15 April meeting.

The Milli Majlis adopted the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) and Administrative Code ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments in the first reading on 23 April, the second reading on 27 April and the third reading on 4 May. The Milli Majlis made almost no changes to the text originally presented to it by the Presidential Administration ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)). Once adopted, the amendments were sent to President Aliyev, who signed them into law on 16 June, according to the presidential website.

Local religious communities not "religious centres" subject to some punishments

Ali Huseynli, chair of the Legal Policy and State Building Committee, outlined to the 15 April meeting the related Administrative Code ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments. He claimed that it is important to set out the norms of the ban on promoting extremism and the use of inter-religious conflicts for political ends.

However, the one proposed amendment to the Administrative Code ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) (also signed into law on 16 June) was to Article 515.0.4, which punishes "Religious associations operating away from their registered legal address" ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)). The amendment specified that local religious communities not "religious centres" would be subject to punishments imposed by this article.

An official of the Milli Majlis Public Associations and Religious Organisations Committee refused to discuss the content of the amendments ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)) with Forum 18 on 21 April.

#### State permission now required for non-Islamic clergy appointments

The Muslim Board is specifically identified in the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments as the only Muslim organisation allowed to appoint clerics to individual communities, as well as to shrines which do not have a resident community and which do not have state registration. The Muslim Board has to inform the State Committee of these appointments.

The Muslim Board now has to re-attest each cleric every five years, with a State Committee official participating in the re-attestation process.

"When a cleric appointed to a place of worship or shrine is relieved of his post," the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments note, "the religious community of the place of worship and the shrine shall cease its religious activities until a new cleric is appointed to that position."

The amendments to Article 8 of the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) for the first time require non-Islamic religious communities to get permission from the State Committee to appoint individuals as religious leaders.

Fr Konstantin Pominov, spokesperson for the Russian Orthodox Diocese, said that when the Church names the new head of the Diocese to replace Archbishop Aleksandr (Ishchein), who died on 10 June, it will require state approval. "We'll need approval from the State Committee and the Justice Ministry," he told Forum 18 from Baku on 17 June.

"The appointment will have to be agreed with the Sheikh [Allahshukur Pashazade of the Muslim Board], the President [Ilham Aliyev] and the Patriarch [Kirill of the Russian Orthodox Church]." Asked why the Church needs to agree the appointment of its leader with the state regime and the head of a different religious community, Fr Pominov responded: "We need to have someone who understands Azerbaijan, for them to say who they'd like to see and who not."

It remains unclear how the new requirement in Article 8 of the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments might apply to the Roman Catholic Apostolic Prefecture of Azerbaijan. Under the terms of the 2011 Agreement between the Holy See and Azerbaijan, the Holy See "freely chooses" the head of the Apostolic Prefecture, the Ordinary, with no requirement to await the approval of the Azerbaijani regime.

Under the Agreement, before the appointment of an Ordinary is published the President is informed "out of courtesy and confidentially" without any mention of the regime being able to block the appointment. The Agreement gives the appointed Ordinary the right to appoint foreign priests and nuns, to which the regime must "upon formal request" grant a residence permit and a work permit "intended for the exercise of pastoral ministry".

All the clergy and nuns of the Catholic church in Baku are foreign citizens, including the head, Bishop Vladimir Fekete.

Speaking before the amendments were approved, several members of non-Islamic communities expressed concern as to how the State Committee might interpret its role. One noted that it might decide to ban individuals who have previously been punished for exercising freedom of religion or belief under the Criminal Code or the Administrative Code ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)). Another linked this State Committee power to a "Sword of Damocles" hanging over each non-Islamic community.

#### Who can have a "religious centre"?

The Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments increase the distinction between "religious centres" (headquarter bodies) and local religious communities. The Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) previously made less of a distinction, though it appears to presume that each non-Islamic community has a "religious centre" outside Azerbaijan.

A registered "religious centre" is allowed to operate throughout Azerbaijan, according to the amendments.

The regime apparently recognises the state-controlled Caucasian Muslim Board

([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) as a "religious centre" and the only one that can exist for communities of Muslims. It appears – as has been the situation - that no other Islamic communities will be allowed to exist.

The Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments, as presented to the Milli Majlis by the Presidential Administration, would have allowed non-Islamic communities to establish and apply for state registration of a "religious centre", though only if they had at least five registered communities in at least five different towns or districts. However, this provision was removed by the time the President signed the amendments into law.

It remains unclear whether any further non-Islamic communities will be allowed to register a "religious centre".

It seems that the State Committee recognises the Russian Orthodox diocese of Baku and Azerbaijan, the only registered Russian Orthodox community in the country, as a "religious centre". It has six parishes, but they are based in only four cities (Baku, Sumgait, Ganca, and Khachmaz), which means the Russian Orthodox would not have qualified to have a "religious centre" under the provision in the Presidential Administration version of the amendments.

The State Committee similarly appears to recognise the Roman Catholic Apostolic Prefecture as a "religious centre". It registered it on 7 July 2011, the day after an Agreement came into force between the Holy See and Azerbaijan. "The Republic of Azerbaijan recognizes and registers the juridical personality of the Catholic Church, as well as of all its institutions established on the basis of the legislation of the Catholic Church, in conformity with the present Agreement," Article 2 of the Agreement notes. Like the Russian Orthodox Diocese, the Catholic Apostolic Prefecture would not have qualified to be a "religious centre" under the provision in the Presidential Administration version of the amendments.

The State Committee records other registered religious communities – including of Jews, Georgian Orthodox, Baptists, Pentecostals, Lutherans and other Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees – simply as "religious communities". It seems unlikely they will be able to gain the status of a "religious centre".

Most of these faiths have been allowed to register only one or at most two local communities. The State Committee has allowed the Georgian Orthodox Church to register only three communities, all of them in Qakh Region.

The State Committee arbitrarily denies registration to many other religious communities, including mosques not affiliated to the state-controlled Caucasian Muslim Board ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), as well as other religious communities, particularly away from the capital Baku. The Jehovah's Witness community in the second city Ganca has been seeking registration in vain since 2010.

The State Committee gave Baku's Azeri-language Baptist congregation state registration only in November 2015. It gave the city's Russian-language Baptist congregation state registration only in July 2019, nearly a decade after it applied for the compulsory re-registration ([https://www.forum18.org/archive.php?article\\_id=2557](https://www.forum18.org/archive.php?article_id=2557)). The Baptist congregation in Aliabad first applied for state registration in 1994. Over a quarter of a century later, in January 2020, the State Committee said it had "no objection" to the community meeting in a home once a week for two hours ([https://www.forum18.org/archive.php?article\\_id=2557](https://www.forum18.org/archive.php?article_id=2557)).

What smaller religious communities won't be able to do

Under the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments, local religious communities still require (as at present) 50 adult citizens as founders, but these founders have to live in one administrative district. As already laid down in the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), any exercise of freedom of religion and belief by a local community outside its registered legal address is banned.

Some religious communities currently rent premises for worship which are not their registered legal address.

Only "religious centres" are now allowed to grant religious titles or ranks to the clergy. This appears to be mainly targeted at Muslim preachers, teachers and imams who do not have Muslim Board approval.

Only "religious centres" are allowed to apply for permission to have foreign citizens as religious leaders (see below).

As in the previous Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), only "religious centres" are allowed to establish religious educational establishments, and have to get permission to establish them from the State Committee. Each "religious centre" is allowed to establish only one such educational establishment, and these also require a state licence.

Only "religious centres" are allowed to organise visits by their adherents to shrines and religious locations abroad, for which the state is to set out procedures, according to the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments. The "religious centres" have to inform the State Committee in advance of such organised visits.

Muslim scholar Elshad Miri expressed unhappiness at these new state controls over foreign religious visits. "Will the regime now

stop people travelling abroad for tourism or other purposes?" he told Public TV on 17 April, as news of the content of the amendments was emerging. "Why should Muslims be stopped?"

Tighter state control on religious "mass events"

Only Azerbaijani citizens are allowed to organise religious "mass events".

While the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) already claims that homes can be used "unimpeded" for religious rites and ceremonies, a new Article 6-1 of the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) restricts larger-scale religious ceremonies and "mass events" to places of worship or shrines. The only exceptions are funerals, iftars, religious weddings, ceremonial meals after a funeral (ehsan) and the observance of the birthday of the Islamic prophet Muhammad (movlud).

State Committee permission is required to hold religious "mass events" anywhere apart from at state-approved places of worship or shrines.

"This is a very dangerous provision," the lawyer Asabali Mustafayev told Forum 18 from Baku before the amendments were adopted. "The Law gives no indication of how many participants there must be before a meeting is considered a mass event." ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)) He notes that this issue has arisen earlier in several cases where he was involved, where individuals were punished for holding religious meetings in homes.

In April 2012, police in Ganca raided a Muslim meeting for worship in a home after which three participants were fined and initially ordered deported ([https://www.forum18.org/archive.php?article\\_id=1719](https://www.forum18.org/archive.php?article_id=1719)). In September 2015, police raided a meeting to study Muslim theologian Said Nursi's works at a home in Baku, with five later given criminal convictions, many others fined and two individuals deported ([https://www.forum18.org/archive.php?article\\_id=2106](https://www.forum18.org/archive.php?article_id=2106)). In March 2017, police raided a home in Quba where Muslims who study Nursi's works were meeting and almost all participants were subsequently fined ([https://www.forum18.org/archive.php?article\\_id=2294](https://www.forum18.org/archive.php?article_id=2294)). In 2020 and 2021, the European Court of Human Rights found a violation of the individuals' rights, or accepted the regime's admissions that it had violated the individuals' rights ([https://www.forum18.org/archive.php?article\\_id=2647](https://www.forum18.org/archive.php?article_id=2647)) and agreement to pay compensation to the victims.

The regime has long been hostile to independent non-state-controlled public events and activity. The December 2015 Religion Law amendments banned religious slogans, banners and flags on the streets ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)). An unpublished rule already banned people from praying outside mosques ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), although this has unofficially occurred at some mosques.

Increased controls on foreign citizens

The Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) already banned foreigners from conducting "religious propaganda" in Azerbaijan.

Since Religion Law amendments in December 2015 ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), Article 21 has banned both Azerbaijani citizens who had studied abroad and non-Azerbaijani citizens from conducting Islamic rituals.

A new Criminal Code Article 168-1 ("Violation of the procedure for religious propaganda and religious ceremonies") was also introduced at the same time ([https://www.forum18.org/archive.php?article\\_id=2134](https://www.forum18.org/archive.php?article_id=2134)). Part 1 punishes the conducting of Islamic rites by a citizen who has received their education abroad with one year's imprisonment, or a fine of between 2,000 and 5,000 Manats. Part 2 punishes "religious propaganda by foreigners and stateless persons" (except those invited by a registered religious headquarter organisation) with imprisonment of between one and two years.

Imam Sardar Babayev was the first and only person known to have been punished under Article 168-1. He was jailed between February 2017 and February 2020 ([https://www.forum18.org/archive.php?article\\_id=2350](https://www.forum18.org/archive.php?article_id=2350)). After his release, Babayev's lawyer Javad Javadov told Forum 18 that the Imam would not be resuming leading prayers and preaching in the mosque for fear of renewed criminal prosecution ([https://www.forum18.org/archive.php?article\\_id=2557](https://www.forum18.org/archive.php?article_id=2557)).

Under the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments, the ban in the Religion Law on foreign citizens leading meetings for Islamic worship ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) is extended to cover meetings for worship by people of any belief led by foreigners.

Only foreign citizens or stateless persons either on an official visit, or invited by state-registered "religious centres" are exempt from the general ban on foreigners leading meetings for worship. However, they still need the State Committee approval that all religious leaders require.

It remains unclear what will happen in communities which have foreign religious leaders which are not able to gain permission for a

"religious centre".

The regime prevented several Georgian Orthodox priests in succession from continuing their ministry, most recently in June 2015 ([https://www.forum18.org/archive.php?article\\_id=2142](https://www.forum18.org/archive.php?article_id=2142)), claiming that they had to have Azerbaijani citizenship to be able to serve the parishes in the country. In 2016, after a gap of many months, Azerbaijan finally granted citizenship to a priest from Georgia, Fr Petre Khumarashvili. He serves the two state-registered parishes in Qakh Region along the north-western border with Georgia.

### "Forcing religion on children" banned

An amendment to the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) specifies that parents and guardians can bring up their children in accordance with their religious beliefs and attitudes. However, it then adds: "It is forbidden to force children to believe in religion. The religious upbringing of children shall not adversely affect their physical and mental health."

It remains unclear what motivated the regime to introduce this provision. However, there is already regime hostility to freedom of religion and belief relating to children and young people, with restrictions on what religious education can be offered to children and adults. Administrative Code Article 515.0.3 already punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)).

Islamic scholar Elshad Miri was among those criticising what they saw as the vagueness of the new restriction, when details of the amendments were first made public. "In what way will children complain against their parents that they are taught religion against their will?" he told Public TV on 17 April. "Will the regime make children complain against their parents, will this not be psychologically stressful for them?"

### "The installation of a new, state-centred religion"

Some commentators say the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments are part of a wider government programme to control the exercise of freedom of religion or belief. "The government wants to domesticate religion," one commentator told Forum 18 from Baku in early May after the Milli Majlis adopted the amendments. "The government is trying to destroy genuine religion just as it destroyed genuine social (<https://freedomhouse.org/country/azerbaijan/nations-transit/2021>) and political society (<https://www.hrw.org/world-report/2021/country-chapters/azerbaijan>)."

"Unfortunately the new Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) amendments are a continuation of the restrictive amendments we saw before, such as in 2019," human rights defender Rasul Jafarov told Forum 18 from Baku on 21 May. "Most provisions of the amendments are quite restrictive and raise the question as to whether they are the right policy – our opinion is that they are not, as they violate all international standards."

Jafarov complained that the amendments are part of the desire to impose full state control over mosques and other religious communities. "Maybe they want more controlling mechanisms." He added that it remains unclear if the regime will use the new powers immediately, or will keep them in reserve. "It looks like the latter at the moment."

Subhan Hasanli, a lawyer, agreed that the regime adopted the amendments to implement greater control, especially over the Muslim community. "Because of growing social and economic tensions, the government is enacting greater supervision over religious institutions and individuals," he told Forum 18 from Baku on 20 May. "This amounts to the installation of a new, state-centred religion."

Hasanli noted the state-controlled Caucasian Muslim Board ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)), the only Muslim headquarters allowed to exist and to which all mosques are subject. "The Board already sends sermons to all imams which they have to read out each Friday. The Board requires subjugation to the regime."

### "Decisions are adopted without public debates"

Eldar Zeynalov of the Human Rights Centre of Azerbaijan noted that the texts of these amendments to the Religion Law ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) and the Administrative Code ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)) were not available for public scrutiny before consideration of them began in the Milli Majlis. "The problem is that with issues considered important for national security, decisions are adopted without public debates," he told Forum 18 from Baku in April ([https://www.forum18.org/archive.php?article\\_id=2653](https://www.forum18.org/archive.php?article_id=2653)).

"The obvious aim of such amendments is to prevent any foreign 'religious centres' from possible intervention into the religious hierarchy, to monopolise the granting of religious titles, etc.," Zeynalov commented. "However, in the case of non-Muslim clergy, the idea seems absurd."

Zeynalov pointed out that many religious communities have no religious educational establishments in Azerbaijan, including Roman

Catholics, Russian Orthodox, Georgian Orthodox, and Jehovah Witnesses. "If diplomas of Russian, Georgian, or European religious educational establishments would not be accepted, congregations would be without their shepherds."

#### Strict state controls

The new controls on the exercise of freedom of religion or belief come on top of strict controls that the regime already imposes on all exercise by anyone, anywhere in Azerbaijan, of their freedom of religion and belief ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429)). Any meeting by a group of people without state permission to exist is illegal, as are meetings held in venues without state approval. Religious teaching is similarly restricted. All religious literature must undergo pre-publication censorship by the State Committee. Those who violate these state controls face punishment.

Raids on people meeting for worship, on individuals in their homes, and fines were frequent in earlier years. However, the regime appear to have launched fewer such raids since 2019, Forum 18 notes.

Jehovah's Witnesses have in the past been among those targeted by the police and other state officials. "At the moment we don't have any problems with the police or the State Committee," a community member told Forum 18 from Baku on 15 June. "Even before the pandemic, the State Committee's representatives were very cooperative if we had problems with the police or other state agencies." (END)

Full reports on freedom of thought, conscience and belief in Azerbaijan  
(<https://www.forum18.org/archive.php?query=&religion=all&country=23>)

For more background, see Forum 18's Azerbaijan religious freedom survey ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429))

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments ([https://www.forum18.org/archive.php?article\\_id=1351](https://www.forum18.org/archive.php?article_id=1351))

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