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AZERBAIJAN: Why and how will Religion Law be amended?

By Felix Corley, Forum 18

A parliamentarian preparing changes to Azerbaijan's restrictive Religion Law, Rabiyyat Aslanova, has declined to discuss them or why they are being made, Forum 18 News Service has found. She expressed hostility to "Christian missionaries", who she accused of "working underground and calling for an uprising," but declined to give Forum 18 any proof of her allegations. Aslanova also denied that religious literature censorship exists – until Forum 18 reminded her of its existence – and then defended it, as well as denying both that police have raided religious communities and that religious communities are arbitrarily denied legal status. An official of the State Committee for Work with Religious Organisations could not explain why the state practices religious discrimination. Human rights activists have expressed frustration to Forum 18 at the secretiveness surrounding the new Law, and pessimism that it will bring any improvement to the religious freedom situation.

Religious minority communities have expressed their frustration that they have no information about the planned changes to Azerbaijan's Religion Law, which are due to be presented to the Milli Mejlis (Parliament) in the autumn. "We have not given the text to anyone," Rabiyyat Aslanova, a parliamentary deputy of who chairs the working group preparing the amendments, told Forum 18 News Service from Baku on 20 July. "But of course there will be open discussion of it before it goes to Parliament."

Although unable to say if the new Law will remove restrictions on religious freedom demanded by human rights activists and religious minorities, Aslanova expressed hostility to "Christian missionaries", defended the existing censorship of all religious literature, and denied both that police have raided religious communities and that religious communities face arbitrary denial of legal status.

Religious communities themselves have differing views as to what they would like to see changed in the Religion Law, from the state-approved Caucasian Muslim Board looking for a more restrictive law, to religious minorities wanting an end to restrictions on religious liberty which violate international human rights norms (see F18News 14 August 2006 http://www.forum18.org/Archive.php?article_id=828).

Among those expressing frustration over the secrecy in which the amendments are being drafted is Ilgar Ibrahimoglu, imam of the Juma mosque community in Baku's Old City which was forcibly evicted by police in 2004 (see F18News 5 April 2004 http://www.forum18.org/Archive.php?article_id=294). "Work on these amendments is going on in secrecy and there is no transparency," he told Forum 18 from Baku on 10 August. "So it's difficult to say anything about them."

Ramazan Askarov, secretary of the capital Baku's Baha'i community, told Forum 18 his community had offered to participate in discussion with the State Committee for Work with Religious Organisations, about the proposed amendments. He said the State Committee had promised to invite the community to take part, but no invitation has been issued yet.

Some remain sceptical that any new law will improve the religious freedom situation. "I don't believe the proposed amendments will change the law for the good and towards meeting European standards," Islamic scholar Nariman Gasimoglu told Forum 18 from Baku on 8 August. "Amendments introduced to the Religion Law since 1996 have ended up toughening the government's control over the religious situation, which believers have been unhappy with." His Centre for Religion and Democracy <http://www.reldem.org> has been repeatedly denied registration as an NGO with the Justice Ministry (see F18News 27 June 2005 http://www.forum18.org/Archive.php?article_id=594).

Eldar Zeynalov, head of the Baku-based Human Rights Centre of Azerbaijan, is equally sceptical. "Unless this law is drafted by the Council of Europe, I doubt our 'parliamentarians' will propose something productive in the spirit of Europe," he told Forum 18 on 9 August.

The former head of the State Committee for Work with Religious Organisations, Rafik Aliev, who was removed from office by the president in June, frequently told the media the law would be changed, but the work of the group led by Deputy Aslanova appears to be the first concrete sign that a new text is being produced.

Aslanova said the drafting group aims to complete its work in September and issue the preliminary text for comments to

non-governmental organisations, religious communities and the public through "educational work" on television. Some television stations have a record of participating in the state's intolerance of religious minorities (see eg. F18News 21 June 2005 http://www.forum18.org/Archive.php?article_id=590). "We don't yet know when the final text will go to parliament," Aslanova told Forum 18. "It depends how long the consultation lasts."

Deputy Aslanova also said that Parliament has not yet approached the Organisation for Security and Cooperation in Europe, or the Council of Europe, for help on the draft. Both organisations offer help to member states to ensure that laws comply with international human rights standards.

Asked why the 1992 Law – which was amended three times in 1996 and once in 1997 – needs amendment, Aslanova responded: "The old Law is out of date." But she refused to specify how. Agil Hajiev, the spokesperson for the State Committee for Work with Religious Organisations, which is also involved in the drafting process, was equally vague about why he believes the Law needs updating. "The same Law has existed unchanged for nine years," he told Forum 18 from Baku on 26 July. Asked why this means the Law needs changing he responded: "We hope the new version will be a better law – to defend freedom of conscience."

Deputy Aslanova was unable to say how the 1997 law will be amended, while Hajiev's only hint was that the new law would take account of Azerbaijan's commitment to introduce an alternative to compulsory military service.

Asked what she finds wrong with the 1997 Law, Aslanova responded with nothing but praise. "It was a good law, necessary to counter Christian missionary activity," she told Forum 18. "Christian missionaries spoke out against the interests of the state, working underground and calling for an uprising. They imported their literature and spread false information." She declined to give any proof of her allegations.

Asked whether the new draft would end the compulsory prior censorship of all religious literature published in Azerbaijan or imported into the country, Deputy Aslanova asserted that censorship has been abolished. Reminded that it still exists for religious literature and is enforced by the State Committee, she declared: "We're still looking at this. If religious literature violates state interests and has political aspects, then this is necessary."

Under Azeri law, printers are not allowed to produce religious literature without specific authorisation for a specified number of copies from the State Committee. Literature brought into Azerbaijan by land or air is subject to inspection and, if more than a handful of books, subject to confiscation and despatch to the State Committee for approval.

Forum 18 has visited the large room in the International Post Office in Baku where all parcels containing religious literature sent to Azerbaijani residents end up, regardless of where in the country they live. Recipients have to come to the post office, collect one copy of each book, take it to the State Committee, wait for it to produce its expert analysis, collect a letter authorising or not authorising the receipt of the named books specifying how many copies of each they may receive, and (if positive) return to the International Post Office to collect the books.

The procedure is so cumbersome and time-consuming that most residents of Azerbaijan – especially those living in distant regions of the country – are in practice unable to devote the time and money to receiving religious literature by post (see F18News 28 March 2003 http://www.forum18.org/Archive.php?article_id=20 and 6 April 2004 http://www.forum18.org/Archive.php?article_id=295).

Hajiev at the State Committee rejected the characterisation of such prior compulsory authorisation for all religious literature as censorship. "We're simply trying to make sure that no bad things are published, such as material against other faiths or the government. It's a question of tolerance."

Deputy Aslanova denied that any religious community has faced difficulty gaining registration, despite numerous such cases, especially among Protestant communities and other religious minorities. "There's no religious discrimination," she claimed to Forum 18. "Religious communities should come to me if they have problems, but they haven't done so."

Hajiev of the State Committee also claimed there is no discrimination, but was unable to explain why so many religious communities have failed to gain registration when they have applied for it (see eg. F18News 3 November 2005 http://www.forum18.org/Archive.php?article_id=681). Asked about why a community of Baptists in the north-eastern village of Aliabad in Zakataly [Zaqatakal] district has thus failed to get registration – the community which Forum 18 believes has been denied registration for the longest time – Hajiev indicated he is familiar with the case.

But he insisted (wrongly) that registration is "a very simple procedure" and that if all documents are "in order" registration cannot be obstructed. Told that the local Notary will not even sign the initial Baptist application allowing it to proceed, Hajiev pledged to pay the church members' travel costs to Baku personally so that they can resolve the issue with the State Committee.

The local Notary angrily refused to discuss why she was refusing to sign the application when Forum 18 visited her office (see F18News 8 December 2004 http://www.forum18.org/Archive.php?article_id=471) and has continued to be obstructive (see eg. F18News 10 January 2005 http://www.forum18.org/Archive.php?article_id=487).

Deputy Aslanova also denied that religious communities have been raided by the police and other law enforcement agencies in recent years (see eg. F18News 16 November 2005 http://www.forum18.org/Archive.php?article_id=689), despite the wide publicity given in the Azerbaijani media about the expulsion of the community of Baku's Juma mosque and raids on Seventh-day Adventist, Baptist and Jehovah's Witness communities. "I doubt if such raids took place," she told Forum 18.

Denial of reality by state officials, including the Human Rights Commissioner, is common (see F18News 29 April 2005 http://www.forum18.org/Archive.php?article_id=552).

Protestant, Baha'i and Hare Krishna communities have all told Forum 18 that police raids on religious worship have reduced over the past year. The Hare Krishna community stated that only one incident with the police was recorded this year. However, all the communities insisted that the underlying systemic restrictions remain, particularly arbitrary bans on religious activity by local officials in the countryside and small towns.

Sociological surveys on the population's attitude to religious issues show some support for religious freedom, though little tolerance for those who "abandon" Islam. This intolerance is a widespread problem in the South Caucasus and Central Asia (see eg. F18News 12 February 2004 http://www.forum18.org/Archive.php?article_id=252, 17 February http://www.forum18.org/Archive.php?article_id=729 and 18 July 2006 http://www.forum18.org/Archive.php?article_id=815).

In a 2003 poll of 981 people in Azerbaijan, conducted by the Baku-based Institute of Peace and Democracy, 56 per cent said they were in favour of religious freedom with only 12 percent against. The rest were indifferent or had no view. Asked their views on people of Muslim background who convert to other faiths, 67 percent were hostile, while less than 10 percent were positive. The authorities are hostile to such independent academic research on religious questions (see F18News 2 December 2004 http://www.forum18.org/Archive.php?article_id=467).

This kind of intolerance among the population, highlighted in the 2003 survey, has also faced the Islamic scholar Nariman Gasimoglu, who was the victim of Iranian-inspired death threats for his Islamic religious views. The police were reluctant to take action to protect him (see F18News 30 March 2005 http://www.forum18.org/Archive.php?article_id=534). His advocacy of the need for religious freedom for all faiths, as the best antidote to Islamic religious extremism in Uzbekistan, is at http://www.forum18.org/Archive.php?article_id=338.

Among the other problems religious communities in Azerbaijan have faced, due to state hostility and intolerance, are: the sentencing of a religious conscientious objector (see F18News 26 July 2006 http://www.forum18.org/Archive.php?article_id=818); non-return of confiscated buildings (see F18News 23 November 2005 http://www.forum18.org/Archive.php?article_id=694); and selective obstruction of foreign religious workers invited by local communities (see F18News 1 November 2005 http://www.forum18.org/Archive.php?article_id=680).

The authorities in Nakhichevan [Naxçıvan], an exclave between Armenia, Turkey and Iran have long had the reputation as the most repressive in Azerbaijan (see eg. F18News 10 December http://www.forum18.org/Archive.php?article_id=474 and 13 December 2004 http://www.forum18.org/Archive.php?article_id=475). (END)

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=92

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>

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