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AZERBAIJAN: Religion Law amendments contradict themselves

By Felix Corley, Forum 18

The latest available text of the amendments to Azerbaijan's Religion Law – approved by Parliament on 8 May - changes it to claim that "legislation on religious liberty consists of the Constitution, International agreements agreed by Azerbaijan, this Law and other relevant legislative documents," Forum 18 News Service notes. However the amendments contradict international human rights standards agreed by Azerbaijan. Examples include making legal status dependent on communities fulfilling highly intrusive requirements, including unspecified doctrinal tests. Officials are also given many reasons for refusing to register or ban organisations, including such formulations as "violating social order or social rules." The amendments do not state whether legislation which breaks international human rights standards - such as the amendments - are therefore illegal. Religious communities and human rights defenders have condemned the changes. Imam Ilgar Ibrahimoglu, for example, complained that restrictions on selling religious literature and conducting religious education mean that "officials will interpret this as being a ban on activity which is not specifically approved."

After Azerbaijan's adoption on 8 May of amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences, religious communities and human rights activists in Azerbaijan have expressed shock and concern about the new restrictions which have reportedly been introduced. "The amendments will prevent religious communities from flourishing and are a step back to Soviet thinking," Ilgar Ibrahimoglu Allahverdiev, a Muslim rights activist, told Forum 18 from the capital Baku on 13 May. "I'm in shock," Ilya Zenchenko, head of the country's Baptist Union, told Forum 18 the same day. "Of course life for us will be harder."

The controversial amendments to the Religion Law were approved on 6 May in a joint session of the Milli Mejlis (Parliament) Human Rights Committee and the Legal Policy and State Building Committee (see F18News 6 May 2009 http://www.forum18.org/Archive.php?article_id=1291). They were approved in a single vote by the full Parliament two days later.

Forum 18 has asked the Presidential Administration – which drew up the original amendments - why it believes these amendments are needed and why it proposed amendments which violate Azerbaijan's international human rights commitments (see F18News 14 May 2009 http://www.forum18.org/Archive.php?article_id=1296).

Rabiyat Aslanova, a Parliamentary deputy who chairs the Human Rights Committee, promised Forum 18 on 13 May that she would send the texts of the so far unpublished amendments, as approved by Parliament on 8 May. However, Forum 18 had not received them by the end of the working day in Baku on 14 May.

Given the impossibility of seeing the amended Religion Law as approved by Parliament, religious communities have had to respond to provisions in the original version of the Law drawn up by the Presidential Administration and sent to Parliament in March, together with press reports of the debate and approval on 8 May. Deputy Aslanova insisted to Forum 18 that Parliament had made "serious changes" to the presidential version, but this cannot yet be proved.

Concerns over existing Religion Law

The existing Religion Law, with the state's demands to re-register after each successive amendment, has long been a cause of frustration for human rights defenders and religious believers of all faiths (see F18News 6 May 2009 http://www.forum18.org/Archive.php?article_id=1291).

A particular source of frustration has been the way that officials unilaterally extend "legal" restrictions on freedom of religion or belief beyond the limits of written law. The most common example of this is the claim that unregistered religious activity is illegal. So the importance of the latest amendments is not only what they say, but also what they may reveal about the ways the state intends to label exercising religious freedom as "illegal".

Implementation of international agreements?

The existing Religion Law preamble proclaims that it "provides for the implementation of Freedom of Religion (..) according to the

Constitution of the Republic of Azerbaijan and international agreements". However, Article 2 is reportedly amended to state that "legislation on religious liberty consists of the Constitution, International agreements agreed by Azerbaijan, this Law and other relevant legislative documents of Azerbaijan."

However the amendments break international standards on freedom of religion or belief which Azerbaijan has agreed to, such as those outlined in the OSCE / Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief (see

<http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282004%29028-e>).

The amendments do not discuss whether any legislation which breaks international human rights standards – such as the amendments themselves – is therefore illegal in Azerbaijan.

Unclear wording of ban on some religious organisations

The amendments add to Article 1 of the Religion Law an undefined ban on "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. It is prohibited to spread and propagate religions (religious movements) against the principles of humanity and human dignity."

Ban on conscientious objection?

Article 4 of the Religion Law is changed to include a ban on "refusing or declining to fulfil obligations determined by the law for his/her religious beliefs." This may be aimed at barring conscientious objection to military service on grounds of religious belief, and similar objections based on conscience.

Ban on criticism of religions

Article 6.1 reportedly states that "establishing any superiority or limitations for any religion in comparison to another shall not be allowed." This appears to attempt to ban criticism of any or all religious beliefs, or suggesting that one religion or belief (including non-religious beliefs, such as atheism) may be more valid than another belief.

Religious education restricted

Article 6.2 reportedly adds a provision that religious education of children or adults in institutions can only happen if it is specified in the organisation's charter. It is unclear whether this is the only context in which religious education can happen. Article 10 now reportedly states that "religious educational institutions act on the basis of a special permission (license) issued by competent executive power by the rules defined by the legislation of the Republic of Azerbaijan".

Unregistered organisations have no legal status

The new amendments devote much space to restricting legal status, and imply although do not explicitly state that unregistered organisations are illegal. State officials can be expected to regularly use this to try to ban the "illegal" exercise of freedom of religion or belief. Article 12 of the Religion Law now reportedly claims that: "All religious organisations can act as a juridical person only after being state registered by certain executive bodies."

Doctrinal and other intrusive tests for registration

Among the ways the Religion Law is amended to break international standards even more is the addition of highly intrusive and vague registration requirements.

Article 12 now reportedly demands "information on the citizenship, residence, and date of birth of people founding the religious society, a copy of their identity cards, the basis of their religious doctrine, information on the date of establishment of the religion and society, its form and methods, traditions, attitude to the family, marriage and education, information on limitations on rights and duties of the members of the society. Other documents demanded by the Law 'on State Registration of the Juridical Person' shall also be submitted with the application."

The amendments do not indicate by what authority, standards, or competence state officials will decide registration applications or appeals against their decisions. Only 20 days are allowed for a religious body to lodge appeals, or make changes demanded by state officials. The officials have no such deadlines within which their decisions must be made.

Extra reasons to refuse legal status

If state officials do not find enough grounds in the doctrinal tests or documents demanded to refuse registration, the Religion Law's Article 12 reportedly provides extra grounds for refusal. Among other reasons, state registration may be refused if "the activity of the

religious organisations, their aim, or sense of the religious doctrines, and their main principles contradict the Constitution and laws" or if "the presented charter (regulation) or other documents contradict the requirements of legislation or the information is wrong."

Reasons for banning organisations

Among the many – often undefined - reasons Article 12 reportedly allows a court to use to ban organisations state officials want to ban are:

- "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. Forcing people to express a religious belief, participate in prayer, religious rites or ceremonies, learning about then religion. Spreading and propagating religions (religious movements) against the principles of humanity and human dignity."
- "violating social order or social rules"
- "inciting people to refuse to execute duties required by the law"
- and "not observing the requirements of an executive body on submitting information on changes made in the information or documents necessary for state registration."

Religious activity restricted to approved venues

The new Article 12 reportedly includes a provision: "The religious organisation can act only in the juridical address defined in the information presented for state registration." This appears to indicate that any activity outside such venues will be regarded as illegal.

A new Article 13.2 allows religious organisations to sell religious literature only at venues approved by the authorities.

Re-registration requirement

The Religion Law amendments require all registered religious communities to undergo compulsory re-registration. Those that fail to achieve this will be deprived of legal status. The presidential version of the amendment specified a deadline of 1 September 2009, which religious communities told Forum 18 many would struggle to meet. Deputy Aslanova claimed to Forum 18 that this specific deadline had been removed by Parliament and that no deadline is in the latest text.

Religious communities' responses

Forum 18 was unable to reach anyone on 13 and 14 May at the Caucasian Muslim Board to find out its reaction to the amendments to the Religion Law. Representatives of the Baku diocese of the Russian Orthodox Church declined to comment to Forum 18.

Other religious believers, however, have been outspoken in their criticism of what they know of the amendments. Muslim rights activist Ibrahimoglu, who was ousted by the state authorities as imam of the Juma (Friday) Mosque in Baku's Old City in 2004 and who heads the Devamm organisation, pointed out to Forum 18 that in much of the world what is not banned is allowed. "But this Law is like in Soviet times – only what is specifically written down as approved is approved."

To illustrate this, Ibrahimoglu highlighted the restriction on selling religious literature to designated, state-approved venues or the requirement for a licence to conduct religious education. "Officials will interpret this as being a ban on activity which is not specifically approved."

Ibrahimoglu complained that the Law seems set to make it more difficult to register and that religious communities that do not have registration will be banned. He also complained that the new Law seems set to build on existing government censorship of religious literature.

A Protestant pastor, who asked not to be identified for fear of worsening the difficult situation for his community, told Forum 18 that he expected "nothing good" from the amendments. "This Law is not for our benefit. I don't have real hope." The pastor complained that registration for his community has already been denied for some years. "It's already a problem for us. Why can't we have our meetings?"

A member of a minority faith, who asked not to be identified as they were speaking personally, described the extensive information and documentation required under the new Law before religious communities can apply for registration as "crazy". The individual echoed complaints from others over the restriction of religious activity to a registered organisation's legal address, restriction of sale of religious literature to approved venues, the restrictions over religious education, and the requirement yet again for re-registration.

Zenchenko of the Baptist Union points to the waste of religious communities' resources that the new Law's re-registration requirement will entail. "This means that instead of studying and teaching the Bible we will have to spend time and effort on preparing our applications," he told Forum 18. He pointed out that of the Baptist Union's twenty congregations, only three have been able to get registration under current restrictive practices.

Zenchenko said that if the amendments are signed into law and re-registration is demanded, he will be urging all Protestant communities to refuse to re-register. "They can't close down all the Protestant churches." (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=1192.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=23>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

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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