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AZERBAIJAN: Parliament approves latest Religion Law changes

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Azerbaijan's Parliament, the Milli Mejlis, today (30 June) adopted controversial new amendments to the Religion Law, a month after the last restrictive amendments to the same Law came into force. A parliamentary official told Forum 18 News Service that they "will be sent on to the Presidential Administration for final approval within days." The amendments require all leaders of Muslim communities to be appointed by the state, and state that "religious rituals of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan." Despite these restrictions on freedom of religion or belief, parliamentary deputy Ali Huseynov, who heads the Legal Policy and State Building Committee – which arranged the amendments' passage through Parliament - stated they "do not at all restrict freedom of conscience". Forum 18 was unable to find out from Huseynov why he thinks limiting the freedom of communities to choose their own religious leaders does not limit freedom of conscience.

Azerbaijan's Parliament, the Milli Mejlis, today (30 June) adopted controversial new amendments to the Religion Law, a month after the previous restrictive amendments to the same Law came into force. An official of the Milli Mejlis Legal Policy and State Building Committee – which had handled the Law - told Forum 18 News Service that the amendments were approved with 95 deputies in favour and seven against. "Only one reading was needed as they were merely amendments to an existing Law," the official who asked not to be named told Forum 18 in the wake of the vote. "The amendments will be sent on to the Presidential Administration for final approval within days."

Azerbaijan's Constitution gives the President 56 days from the date of receipt to sign or return a law to Parliament. The amendments were briefly discussed in Parliament on 19 June, before being briefly postponed until today's (30 June) session.

The amendments add two new restrictions which solely affect the Muslim community. A new provision is added to Article 8: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board in agreement with the relevant organ of executive power." The other new provision is added to Article 21: "The performance of religious rituals of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan" (see F18News 18 June 2009 http://www.forum18.org/Archive.php?article_id=1314). The Law specifies that the amendments come into force on the date of their official publication.

Despite these restrictions on freedom of religion or belief, Ali Huseynov, a deputy and the head of the Legal Policy and State Building Committee, was quoted by journalists as telling the Milli Mejlis that these amendments "do not at all restrict freedom of conscience". Forum 18 was unable to reach Huseynov in the wake of the vote to find out why he thinks limiting Muslims' freedom to choose who should lead their communities and places of worship does not limit their freedom of conscience.

Vigorously defending the amendments to Forum 18 has been Rabiyyat Aslanova, a deputy of the ruling Yeni Azerbaijan (New Azerbaijan) Party and head of the Milli Mejlis Human Rights Committee.

But the amendments have provoked strong opposition from human rights defenders, Muslims and opposition politicians. The first deputy chairman of the Caucasian Muslim Board, Haji Salman Musaev, told Forum 18 on 22 June of his personal opposition to the two new amendments (see F18News 25 June 2009 http://www.forum18.org/Archive.php?article_id=1318).

Two opposition parliamentary deputies, Fazil Gazanfaroglu Mustafaeu of the Great Formation Party, and Iqbal Agazade of the Umid (Hope) Party, also told Forum 18 separately that they would oppose these amendments. Human rights defender Eldar Zeynalov and Muslim rights activist Ilgar Ibrahimoglu Allahverdiev were also highly critical (see F18News 25 June 2009 http://www.forum18.org/Archive.php?article_id=1318).

Great concern has also been caused by the authorities' closure of mosques, their barring of children from Jehovah's Witness and Protestant worship, and the recent harshening of Azerbaijan's strict censorship regime (see F18News 26 June 2009 http://www.forum18.org/Archive.php?article_id=1319).

Muslims in the village of Nardaran near Baku, who are known to be particularly devout Shia Muslims, also spoke out against the

latest amendments. The local Turan news agency reported on 24 June that village elder Natig Kerimov described the amendments as "unacceptable and illogical". "It is not clear why Azerbaijanis studying abroad are suspected of disloyalty to the Motherland," he was quoted as saying.

However, the Legal Policy and State Building Committee official defended the new restrictions. "The objections raised by some deputies today mostly concerned the restrictions on those who have studied abroad," the official told Forum 18. "But such limitations are justified by the reality of today's Azerbaijan. Many people come back from studies abroad bringing back the religious policy of those countries." He declined to explain what problems he believes this causes.

Asked whether the amendments – if approved by President Ilham Aliyev – will ban anyone who has gained an education abroad from leading prayers, the official insisted to Forum 18 that the ban relates only to those who have studied Islam abroad. Asked why the text of the amendments did not say this, the official responded: "The text can't include every little detail."

NGO Law amended

Also adopted in the Milli Mejlis on 30 June was a package of controversial amendments to a number of other Laws, including the NGO Law. These had come in for particularly heavy criticism by local NGOs and foreign human rights groups, as well as by the Organisation for Security and Co-operation in Europe (OSCE). However, unlike the Religion Law amendments, these amendments were modified by the Milli Mejlis before being adopted, with some of the most restrictive provisions being removed.

Any NGO working on issues such as religious freedom, or which is religiously-affiliated, would suffer the same new restrictions as any other NGO.

Human Rights Ombudsperson Elmira Suleymanova met NGO representatives who were unhappy with the amendments to the NGO Law. She then wrote to Milli Mejlis Speaker Oktai Asadov to urge deputies to defer consideration of the amendments until the autumn to allow more time, her spokesperson Zemfira Maharramli told Forum 18 on 30 June. However, Maharramli said Suleymanova had made no mention in her letter of the Religion Law amendments. She said the Ombudsperson was away in Russia and unavailable for comment.

No international review

The Azerbaijani authorities sent neither the May 2009 amendments to the Religion Law nor the latest amendments for legal review by experts from the Council of Europe or the OSCE.

Azerbaijan is a member of both organisations, and both laws break international standards on freedom of religion or belief which the country has agreed to, as outlined in the OSCE / Council of Europe 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 OSCE's Office for Democratic Institutions and Human Rights (ODIHR) told Forum 18 that "in line with its mandate, ODIHR stands ready to provide expertise in the field of freedom of religion or belief at the request of participating States" (see F18News 6 May 2009 http://www.forum18.org/Archive.php?article_id=1291).

On 24 June the Monitoring Committee of the Council of Europe's Parliamentary Assembly expressed concern about the amendments to the NGO and other Laws, as well as over the already adopted May 2009 amendments to the Religion Law.

Under the May 2009 amendments, all religious communities will have to re-register with the State Committee by 1 January 2010, a process many communities fear will be difficult. In previous re-registration rounds, many communities that applied for re-registration failed to get it (see F18News 25 June 2009 http://www.forum18.org/Archive.php?article_id=1318).

Andres Herkel, an Estonian parliamentary deputy who is one of the two rapporteurs on Azerbaijan for the Monitoring Committee of the Council of Europe Parliamentary Assembly, says he is concerned about legislative developments in Azerbaijan. "If the Milli Mejlis has adopted controversial changes again to the Religion Law and the NGO Law without discussion and consultation with the rapporteurs and with the Venice Commission, that would be disappointing," he told Forum 18 on 30 June. "It's better to consult in advance on controversial points to help make such Laws better." Azerbaijani Deputy Mustafaev of the Great Formation Party has similarly suggested that consulting international experts would be helpful in ensuring that laws do not violate human rights standards (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305). Herkel said the Monitoring Committee had hoped that consideration of these amendments would have been postponed again. (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 printer-friendly map of Azerbaijan is available at
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

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