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AZERBAIJAN: "The latest devious move to control religious communities"

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

Azerbaijan's President Ilham Aliyev has sent new amendments to the Religion Law to the country's parliament, the Milli Mejlis, which is due to consider them on 10 June. Among other new restrictions in the draft text seen by Forum 18 News Service, they will require 50 adults to state that they are founders for a religious community to apply for state registration. Also the amendments increase the controls that the state requires religious headquarter bodies or centres to have over all communities under their jurisdiction. "This is the latest devious move to control religious communities through the law," a member of a religious minority told Forum 18. Muslim activist Ilgar Ibrahimoglu Allahverdiev noted that "these amendments are anti-Constitutional and violate the European Convention on Human Rights and United Nations human rights provisions". Iqbal Agazade, the only Milli Mejlis deputy of the opposition Umid (Hope) Party, told Forum 18 that "the amendments restrict human rights and are not in accordance with Azerbaijani law and international standards".

Human rights defenders and religious communities are fearful that new amendments to Azerbaijan's restrictive Religion Law will increase state restrictions on people exercising their right to freedom of religion or belief. If adopted, the amendments would require 50 adults to state that they are founders for a religious community to apply for state registration, Forum 18 News Service has learnt. The present requirement is for 10 adult founders. Also the amendments increase the controls that the state requires religious headquarter bodies or centres to have over all communities under their jurisdiction. The amendments especially apply this to the state-backed Caucasian Muslim Board, to which all Muslim communities must belong.

The full Milli Mejlis (Parliament) is set to consider the amendments on 10 June, the Chair of the Milli Mejlis Human Rights Committee Rabiyyat Aslanova told Forum 18 from the capital Baku on 4 June.

Many re-registration applications, submitted by religious communities in 2009 in line with the re-registration requirement in the 2009 Religion Law amendments, have still not been answered. These communities now fear that the State Committee for Work with Religious Organisations will use the new increased number of founders as an excuse to reject their applications submitted when the requirement was 10. They would then have to start the burdensome process of gathering new documentation to reapply (see F18News 8 June 2011 http://www.forum18.org/Archive.php?article_id=1578).

All religious activity which does not have state permission was outlawed under May 2009 revisions to the Religion Law, which also required all religious communities to gain re-registration by 1 January 2010 (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

What is in the proposed amendments?

The draft amendments presented to the Milli Mejlis by President Ilham Aliyev contain 19 amendments, often with ambiguous or vaguely defined changes of wording. This – as was the case with the May 2009 Religion Law changes – allows scope for arbitrary official actions.

- Who can lead religious activity?

A new Article 4-1 (the part of the Religion Law which gives definitions) covers "Professional religious activity and religious persons". "Professional religious activity is activity directed to religious education, religious training, satisfying the religious needs of believers, spreading religion, performing religious ceremonies, giving sermons (preaching) and administering religious structures. A religious person engaged in religious activity is a person with higher or secondary specialised religious education."

The definition of "religious person" does not specify that only "professional" religious workers can conduct activities such as religious education or leading worship. But officials often interpret such definitions as banning people from doing anything they are not in published law specifically authorised to do.

- Religious education

An addition to Article 6 specifies new requirements for establishing religious education. "Courses by religious communities for young adults and adults to study holy books can be created with permission from religious centres and departments and shall be in accordance with regulations of religious communities and shall be subject to religious centres and departments."

- Religious brotherhoods

In amending Article 7, "religious brotherhoods" have been removed as one of the forms of a religious structure. It remains unclear what impact this will have in practice.

- Reporting

An addition to Article 7 would require all Islamic communities to "present a report on their activity" to the Muslim Board. The Article does not state how often such reports must be presented.

According to the local APA news agency on 1 June, Milli Mejlis Human Rights Committee members added a requirement under the same Article that non-Muslim organisations will have to submit similar reports on their activity to the State Committee.

- Founders

A new provision affecting only Muslims is added to Article 8: "Islamic religious communities shall be created in mosques by citizens of the Azerbaijani Republic." It remains unclear if this bans Islamic communities which wish to exist outside the framework of a mosque or whether it is targeted at mosques created by foreign citizens.

An amended Article 12 would require 50 adults "or their authorised representatives", not 10 adults as at present, to submit a registration application.

An amendment to Article 12-1 (an Article added to the Law in 2009) would allow a religious centre to file a request with the State Committee to change the legal founders of an individual community under its control or indeed liquidate it if the community violated the Constitution or conducted any other specified illegal or unapproved activity. At present only the founders or a court can do so.

"State security"

Vigorously backing the proposed amendments was Aslanova, a deputy of the ruling Yeni Azerbaijan (New Azerbaijan) Party. "They are very positive and necessary," she insisted to Forum 18. "Controlling the religious situation is necessary for state security."

Paragraph 8 of the former United Nations Human Rights Committee's General Comment 22, on the International Covenant on Civil and Political Rights, specifically states that "national security" is not a permissible reason to limit freedom of religion or belief (see <http://www.unhchr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15>).

Aslanova rejected suggestions that requiring 50 adults to apply for registration of a religious community might unduly restrict individuals' rights. "Ten people – that's just one family." She also rejected suggestions that it was not the role of the state to specify whether individual mosques need to report to the Muslim Board and how. "All relations between and within religious communities need to be regulated by law."

However, the Head of the State Committee's Registration Department, Yusif Aleskerov, opposes the increase in the number of founders to 50. "That is a lot," he told Forum 18 from Baku on 6 June. "I don't believe this provision will be adopted. There is some discussion of this."

"Government control"

"This is the latest devious move to control religious communities through the law," one member of a religious minority community – who asked not to be identified for fear of further state reprisals – told Forum 18 from Baku on 1 June.

Muslim activist Ilgar Ibrahimoglu Allahverdiev agrees. "These amendments are anti-Constitutional and violate the European Convention on Human Rights and United Nations human rights provisions," he told Forum 18 from Baku on 2 June. "The authorities are using Soviet methods – they don't want people to live their faith."

Equally critical is human rights defender Arif Yunusov of the Baku-based Institute of Peace and Democracy, who has long followed religious affairs. "I'm against these amendments," he told Forum 18 from Baku on 2 June. "I've always been against government control on religious communities."

Both Ibrahimoglu and Yunusov are highly critical of the increased powers the state-backed Caucasian Muslim Board will have over individual mosques, a concern shared by Iqbal Agazade, the only Milli Mejlis deputy of the opposition Umid (Hope) Party. "The amendments restrict human rights and are not in accordance with Azerbaijani law and international standards," Agazade told Forum 18 from Baku on 2 June.

Muslim Board backing

However, backing the amendments was Salman Musaev, one of the deputy heads of the Muslim Board. "We're for them," he told Forum 18 from Baku on 2 June. "If they're not against us, of course we're for them." However, he declined to comment on why his Board should be given further control over individual Muslim communities. "Let the Milli Mejlis adopt the amendments and then we'll comment. We can't say anything before they're adopted."

Asked why his Muslim Board should have a legally-enforced monopoly on all Muslim communities in Azerbaijan, Musaev responded: "Why are all Catholic communities under the Vatican? Each community has its own laws. Muslims [in Azerbaijan] decide these issues for themselves and they choose to have only one central body themselves."

Told that Forum 18 has spoken to many Azerbaijani Muslims who want to organise their communities independently of the Muslim Board, Musaev replied: "There aren't any independent Muslims here."

June adoption for new amendments?

The proposed amendments – the thirteenth time the Religion Law has been amended since its original adoption in 1992 – were approved by the Milli Mejlis Human Rights Committee without any prior public information on 31 May. Aslanova, chair of the Human Rights Committee, told Forum 18 that it will depend on deputies whether the amendments require one reading or more. Parliamentary deputy Agazade – as well as several parliamentary officials – told Forum 18 that only one reading will be required as these are merely amendments to an existing law.

Deputy Agazade told Forum 18 he will oppose the amendments in the vote in the full Milli Mejlis. "Maybe I'll be the only one to vote against."

In December 2010 fines under the Code of Administrative Offences were for exercising the right to freedom of religion or belief were dramatically increased (see F18News 7 January 2011 http://www.forum18.org/Archive.php?article_id=1527).

Amendments initiated by Presidential Administration?

The proposed amendments were sent by President Aliyev to the Milli Mejlis on 17 May, according to the text of the amendments seen by Forum 18. They were then assigned to the Human Rights Committee under deputy Aslanova for initial consideration.

Opposition deputy Agazade speculated that the amendments could have been initiated by the powerful Presidential Administration or the Muslim Board. Human rights defender Yunusov of the Institute of Peace and Democracy thinks that while the State Committee for Work with Religious Organisations and the Muslim Board might have been involved, the Presidential Administration would take all the important decisions.

Deputy Aslanova denied that the Presidential Administration had anything to do with the text, but refused to tell Forum 18 who had initiated the amendments. She would only say that the Muslim Board had urged that its controls over individual mosques be increased.

However, one parliamentary official involved in the process told Forum 18 categorically on 2 June that the amendments were prepared by the Presidential Administration.

Forum 18 was unable to reach anyone at the Presidential Administration prepared to discuss the proposed amendments on 2 June. Officials said Shahin Aliyev, head of Department of Legislation and Legal Expertise, was away in Strasbourg and no-one in his department was prepared to comment. Officials of the Public and Political Department referred Forum 18 to Aliyev.

Yunusov said that Ramiz Mehdiyev, the powerful head of the Presidential Administration, keeps close control over religious policy. "The authorities aim to have everything under their control, just as the Soviet Communist Party did," he told Forum 18. "After the opposition ceased to be a serious force in 2006, Islam has become the major focus for the authorities." (END)

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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.

A printer-friendly map of Azerbaijan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan>.

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