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AZERBAIJAN: Will revised Religion Law ban unregistered worship?

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Azerbaijan is apparently rushing restrictive amendments to its Religion Law through parliament, Forum 18 News Service has learnt. "Only the parliamentary deputies have the text, and it will only be published after its adoption," a parliamentary aide told Forum 18. The amendments - which reportedly include a ban on unregistered religious activity - have not been made public, and the full parliament is due to begin consideration of them on Friday 8 May. The refusal to make the text public denies the opportunity for public discussion of the proposals, complains Eldar Zeynalov of the Human Rights Centre of Azerbaijan. "Everything prepared in top secrecy is bad for human rights," he told Forum 18. Parliamentary Deputy Rabiyyat Aslanova, who chairs one of two committees which prepared the draft, told Forum 18 that state registration will be compulsory, but claimed that: "No one will be punished for practicing without registration, as long as they don't preach against the national interest or denigrate the dignity of others." She declined to discuss what this means, and confirmed that religious communities will have to re-register. Religious communities - especially of minority faiths - have struggled to re-register after previous changes.

Revisions to Azerbaijan's Religion Law are due to go to the full session of the country's parliament, the Milli Mejlis, on 8 May, the parliamentary press office told Forum 18 News Service on 6 May. However, the text of the amendments - which are reported to include a ban on unregistered religious activity - have not been made public and Forum 18 has been unable to obtain them from parliament or from the State Committee for Work with Religious Organisations. "Only the parliamentary deputies have the text, and it will only be published after its adoption," a parliamentary aide told Forum 18 on 6 May.

As of the end of the working day on 6 May, Forum 18 could not find the text of the amendments on the Milli Mejlis website, though the website does mention the planned consideration of the amendments by the full parliament on 8 May. It remains unclear whether the draft amendments will be given three readings, and what the parliamentary timetable will be.

Rabiyyat Aslanova, a parliamentary deputy who chairs the Milli Mejlis Human Rights Committee, one of the two committees which prepared the draft, expressed surprise that Forum 18 had been unable to obtain the text of the proposed amendments. She told Forum 18 on 6 May that she did not have the text in front of her and could not discuss every point.

What is in the amendments?

Asked about the reported ban on unregistered religious activity, Aslanova initially said that registration would be made compulsory. Asked whether this meant that unregistered religious activity would therefore become illegal, she responded: "No, it's a free choice, whether to register or not. No one will be punished for practicing without registration, as long as they don't preach against the national interest or denigrate the dignity of others." She declined to discuss the definition of these terms or why such provisions are needed.

Deputy Aslanova confirmed that once the amendments are adopted, religious communities with registration will once again be required to re-register. Religious communities had to re-register in the wake of the adoption of the original Religion Law in 1992. They also had to re-register after changes to the Law in 1994 and 1999, and in 2001 after the State Committee was set up. Each time, religious minority groups struggled to gain re-registration.

Many mosques, Protestant and Jehovah's Witness congregations have been unable to get registration, including the Baptist congregation in Aliabad, which has been trying in vain for nearly 15 years, and the Temple of the Lord, an Assemblies of God congregation in Baku, which has been trying in vain since 2006.

"No one has appealed to me," Deputy Aslanova told Forum 18, denying any knowledge of religious communities which have been refused registration. However, she insisted the amended Religion Law will overcome such obstacles, though without explaining how.

Asked why deputies believe a revised Religion Law is necessary, she declared: "The Law was adopted back in 1992, a very long

time ago, and revised several times since then. The situation has changed." Asked why this meant further changes were needed, she declared: "Many mosques function without registration and one mosque [the Abu Bekr mosque in Baku] was hit in a grenade attack last year. Many religious communities call for separatism." She refused to specify which religious communities call for separatism and why this or her other reasons are relevant to the Religion Law.

The Abu Bekr mosque community has been struggling to re-open their mosque since it was closed by the authorities (see F18News 16 April 2009 <http://www.forum18.org/Archive.php?article_id=1284>).

As is there usual practice, officials at the State Committee refused to discuss the proposed Religion Law changes with Forum 18 or to provide the text of them. Spokesperson Yagut Alieva put the phone down as soon as Forum 18 spoke to her. Committee official Gunduz Mamedov insisted to Forum 18 that only Alieva or Committee chairman Hidayat Orujev could speak for the Committee. However, officials said Orujev had visitors.

Lack of public consultation

The refusal to make the text public denies the opportunity for widespread public discussion of the proposals, complains Eldar Zeynalov, the head of the Baku-based Human Rights Centre of Azerbaijan. "Everything prepared in top secrecy is bad for human rights," he told Forum 18 on 6 May. "There are no nice surprises from our deputies."

Zeynalov fears that the new amendments will make the already restrictive Religion Law even worse. He called for parliament to open up discussion of these draft amendments to local civil society experts first and then to send the draft to international organisations such as the Council of Europe or the Organisation for Security and Cooperation in Europe (OSCE) for them to assess their conformity with Azerbaijan's international human rights obligations.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) told Forum 18 from Warsaw on 6 May that it has not been approached by the Azerbaijani authorities about the proposed amendments to the Religion Law. "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," a spokesperson for ODIHR told Forum 18.

Swift parliamentary progress

Reports in the Azerbaijani media, quoting parliamentary officials, note that the proposed amendments to the Religion Law were approved on 6 May in a joint session of the Human Rights Committee chaired by Aslanova and the Legal Policy and State Building Committee, which is chaired by Ali Huseynov, in preparation for their consideration by the full parliament.

Addressing the session was Orujev of the State Committee, who was quoted as declaring that the religious situation in Azerbaijan is "fairly stable". However, he accused heads of families who become Jehovah's Witnesses or who join some unnamed Muslim groups of forcing their family members to adopt the same faith. He also claimed that some religious communities do not want to gain state registration, which would force them to act "in accordance with their statute".

An Azeri Press Agency report of 5 May said that under the amendments, unregistered religious activity would be banned. Interfax-Azerbaijan also noted on 6 May that the amendments would require religious organisations to obtain a licence to open educational institutions.

Linked changes to Constitution and Interior Ministry Plan?

In a move possibly related to the Religion Law amendments, changes to the Constitution were passed on 18 March. Officials claimed these would make it easier to crack down on "harmful" religious groups (see F18News 1 April 2009 <http://www.forum18.org/Archive.php?article_id=1277>).

The Interior Ministry has issued but apparently not published - a "Plan to Prevent the Spread of Religious Extremism by Radical Sects". A raid on a Jehovah's Witness meeting was linked by officials to the Plan. Human rights defenders and religious communities and religious communities have been particularly concerned by the authorities publishing the full names, addresses and birthdates of victims of such raids. One human rights defender stated it could be regarded as "a kind of hate speech". No official has been able to explain to Forum 18 how these official actions "prevent the spread of religious extremism" (see F18News 16 April 2009 <http://www.forum18.org/Archive.php?article_id=1284>).

Existing Religion Law criticised

The Religion Law was first adopted in 1992 and amended several times, each time making the Law more restrictive. Discussion of what some officials claimed was a "need" to revise the Religion Law peaked in late 2006, though Forum 18 was unable to find out why officials believed such a need existed.

Jeyhun Mamedov of the State Committee told Forum 18 categorically in May 2008 that there would be no new Religion Law. "This is what we've been told from above" (see F18News 30 June 2008 <http://www.forum18.org/Archive.php?article_id=1152>).

Human rights defenders and religious communities have repeatedly criticised the existing Religion Law, which requires all Muslim communities to be under the umbrella of the Muslim Board; imposes compulsory prior censorship by the State Committee of all religious texts printed in Azerbaijan or imported into the country; appears to allow only registered religious centres to establish educational institutions - and even then a maximum of one per central community; and appears to allow only registered religious centres to establish religious publishing houses. There have been recent moves to harshen the censorship regime (see F18News 24 February 2009 <http://www.forum18.org/Archive.php?article_id=1259>).

Many religious communities have also criticised the burdensome registration requirements and arbitrary denials of registration. Religious communities also complain of police and National Security Ministry secret police raids on peaceful religious meetings, most recently in the case of a 9 April raid on a Jehovah's Witness meeting in Gyanja [Ganca] (see F18News 16 April 2009 <http://www.forum18.org/Archive.php?article_id=1284>). (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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