



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

# COUNTRY UPDATE: AZERBAIJAN

March 2021

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## Stalled Progress in Azerbaijan

*By Keely Bakken, Senior Policy Analyst*



*A mosque outside of Siyazan*

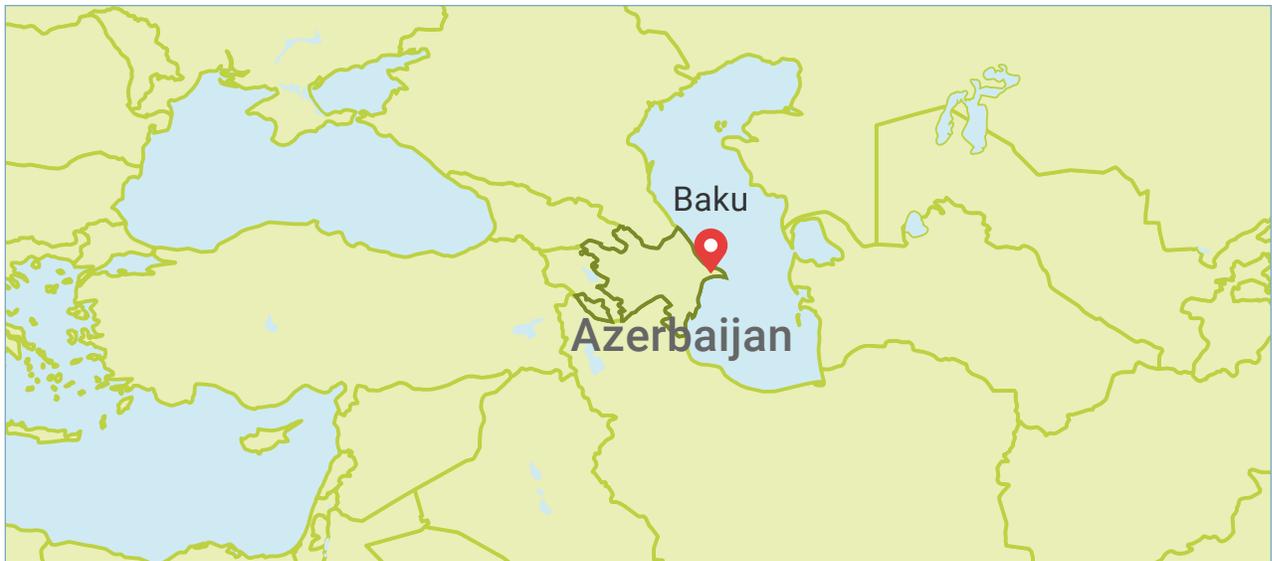
### USCIRF's Mission

*To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.*

### Overview

The U.S. Commission on International Religious Freedom (USCIRF) has monitored religious freedom conditions in Azerbaijan for over a decade, [raising the alarm](#) ahead of the passage of restrictive amendments to the country's religion law in 2009, and [including](#) Azerbaijan in USCIRF's Annual Reports every year since 2013.

During 2020, the Azerbaijani government increasingly cracked down on members of the [political opposition](#), leading the U.S. State Department and various human rights organizations to [express](#) concern about the overall deterioration of human rights and Baku's growing disregard specifically for the freedoms of expression and assembly. While the general trajectory of human rights in the country remains troubling, freedom of religion or belief (FoRB) represents one area in which the Azerbaijani government has shown some willingness to change through its recent, increased attention to this particular right. As noted in USCIRF's 2020 Annual Report chapter on [Azerbaijan](#), the government took notable steps in 2019 to curb persecution



on religious grounds by largely ending police raids on religious communities, and that trend continued through 2020.

Although the Azerbaijani government has taken action to bring an end to law enforcement and other authorities' harassment of religious communities, it has shown little interest in taking steps to revise problematic legislation that limits religious freedom, such as reforming the country's 2009 law "On Freedom of Religious Beliefs" (often referred to as the religion law) or creating an alternative civilian service for conscientious objectors. As Azerbaijani officials continue to engage in domestic and international dialogue regarding religious freedom, it is crucial that the government adopt measures that codify religious freedom protections and bring them in line with international standards.

### The Obstacle of Registration

Religious freedom in Azerbaijan is significantly impeded by state-mandated registration for all religious communities by locale. According to the religion law "all religious institutions can operate *only* after the state registration at the relevant executive authority and the inclusion in the state register of religious entities" (emphasis added). For many years, law enforcement subjected unregistered religious communities that met for worship to raids, and their members to detainment, arrests, or fines, for "violating" this provision, until the authorities generally ceased such practices in 2019.

Although the government has stopped enforcing many of the possible repercussions for unregistered religious activity, a lack of registration remains one

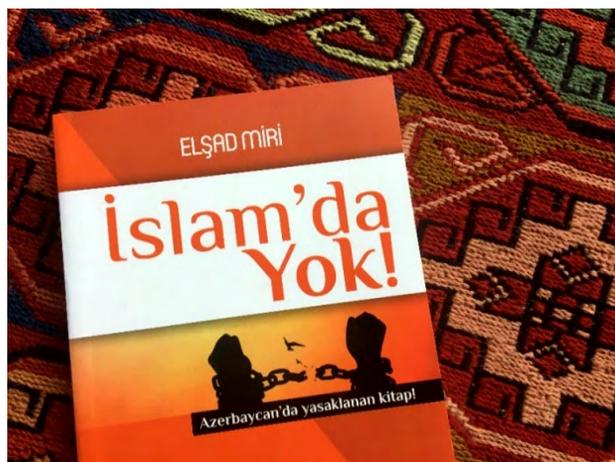
of the greatest concerns for unregistered religious communities that continue to fear it exposes them to harassment or potential legal consequences. Moreover, the registration process itself is difficult to navigate and oftentimes practically unachievable, particularly for religious minorities. The foremost barrier to this process is a requirement that each community have at least 50 adult founding members to register—a figure that often precludes small non-Muslim religious communities, and especially those located outside of the capital, from official registration. Legislation adopted in 1992 after independence initially set the minimum number of required members for registration at 10; however, that number was subsequently raised specifically to control Muslim communities.

Not every religious community that sought registration received it in the last year, despite continued efforts on the part of various Protestant and Jehovah's Witness congregations and some earlier optimism that their registration applications may finally be accepted due to the government's apparent shifting stance on the issue. Reportedly, 14 religious communities received registration in 2020, including two Christian communities.

Recently, the Azerbaijani government has suggested that unregistered religious communities in the regions—that is, outside of the capital—"affiliate" with their registered counterparts in Baku as a way, essentially, to circumvent the often insurmountable 50-person minimum requirement. However, this suggestion would not award registered status to those communities, nor does it appear to have any basis in existing legislation;

it therefore affords no guarantee of legal protection. For example, “affiliated” religious communities are not included in the public list of registered religious communities that law enforcement often references. Moreover, this proposal fails to address the predicament of those religious communities that lack a registered counterpart in the capital, or those that are independent or nondenominational and choose not to affiliate with another religious community.

In a separate instance, officials from the State Committee on Work with Religious Associations (SCWRA) issued a letter to an unregistered Baptist community based in a village in Zaqatala, northwestern Azerbaijan, granting its members permission to assemble in the pastor’s yard on Saturdays from 10 a.m. to 12 p.m. This letter represents an unprecedented approach on the part of the government to permit an unregistered religious group to practice its beliefs, albeit under extremely circumscribed conditions. No other religious community is known to have received a similar such letter authorizing unregistered religious gatherings.



*“Things Not Found in Islam,” by Azerbaijani theologian Elshad Miri, has been banned in Azerbaijan*

However, even religious communities that pass this first hurdle often become caught in the imbroglio of other unclear or purposefully discretionary aspects of the registration process. In some cases, authorities have reportedly disqualified certain individuals with criminal records from counting towards the required 50-person minimum membership, or continually find technical flaws that require resubmission of the community’s application. Similarly, some communities also reported having to go through different procedures for recording their membership; generally, all 50 members’ personal

information from official ID cards must be copied down for the registration application and requires notarization. While some communities have been required to send all 50 members to the notary on the same day, others have had to coordinate the presence of all 50 members *at the same time*. Setting aside the unreasonable difficulty of having to align the schedules of 50 individuals, many members of these communities are also reluctant to disclose their personal information (including addresses) given the past incidence of police raids on private homes. Finally, while mandatory registration poses one of the most significant obstacles to freedom of religion or belief in Azerbaijan, other restrictions and limitations in the 2009 religion law further confine religious activities, even those of communities that are formally registered. For example, one provision in the religion law prohibits non-citizens from engaging in “religious propaganda,” which has been interpreted to mean missionary activity. That provision leads foreign citizens living and working in Azerbaijan to exercise extreme caution in their religious activities or to abstain completely from anything that could be viewed as a leadership role, to avoid possible deportation. Other provisions in the law limit all religious activity to a registered religious community’s legal address; although some communities nonetheless organize activities outside of these addresses, such a decision still constitutes a risk. The government also requires state approval for the content, production, import, export, distribution, and sale of all religious literature and related materials—a process that various interlocutors have told USCIRF is onerous and unnecessary. Muslim scholars and theologians have experienced more difficulty than others in gaining state approval to publish their works.

### Conscientious Objection

Azerbaijan has yet to offer an alternative civilian service for those who object to mandatory military service due to their religious or non-religious beliefs, even though the Azerbaijani Constitution explicitly provides for alternative service. This issue remains the subject of a complicated if subdued conversation in Azerbaijan; during the visit of a [USCIRF Commissioner delegation](#) to the country in February 2020, officials stated that while they supported the creation of an alternative service—and, according to some, it was already under active consideration—there are many perceived obstacles to its actual implementation. The overriding explanation for a failure to introduce an alternative service has been the ongoing conflict over Nagorno-Karabakh and the

surrounding territories, which officials argue makes the creation of an alternative service unpalatable to politicians, legislators, and the general public.

In March 2020, Member of Parliament Siyavush Novruzov reportedly [suggested](#) that the country adopt an alternative service, leading to [speculation](#) that the government supported the move. Despite concerns that a resumption in fighting over Nagorno-Karabakh in July and September 2020 would lead to the tapping of Jehovah's Witnesses for military service, none of them have recently experienced problems specifically in connection with their conscientious objection.

## Discrimination

The Azerbaijani constitution guarantees rights and freedoms regardless of religion, and it expressly [prohibits](#) their restriction on the basis of religion. At the same time, the government also regularly [highlights](#) the country's history of multiculturalism and religious tolerance. Reports in recent years, however, have [raised](#) claims of discrimination against women and girls who wear the hijab while seeking employment or pursuing an education. Others have indicated that, in some cases, women have been [compelled](#) to remove their hijab in order to work.

Non-Muslim religious minorities have come forward, with relative less frequency, expressing similar claims of discrimination in Azerbaijan. In December 2018, an employee of the Azerbaijani Parliament, Rahim Akhundov, was dismissed from his position in the International Relations department; according to Akhundov, he was coerced to request his own dismissal and therefore step down "voluntarily" or face forcible dismissal under fabricated charges. He claimed this coercion was due to his identity as a Christian and his religious activities, and specifically for his work pastoring a house church. In January 2020, a judge deemed Akhundov's lawsuit inadmissible and the Baku Court of Appeal [upheld](#) that decision in June, as did the Supreme Court in September. Leading up to his initial appeal, then-U.S. Ambassador at Large for International Religious Freedom Samuel D. Brownback [tweeted](#) his concern about Akhundov's case.

## Religious Prisoners

The government of Azerbaijan denies that it has imprisoned any individuals for their religious beliefs or activities. However, nongovernmental organizations (NGOs) that monitor human rights issues and track political prisoners in Azerbaijan maintain otherwise. In June 2020, the Working Group on a [Unified List of Political Prisoners in Azerbaijan](#) categorized 43 of its identified 108 political prisoners as "religious activists" imprisoned due to their activism. This latest list marked the continuation of a downward trend in the total number of religious prisoners in Azerbaijan compared to previous years, although other organizations [place](#) the number of religious prisoners as high as 51.

In 2020, Azerbaijani authorities released three religious prisoners. As noted in [USCIRF's 2020 Annual Report](#), Shi'a Muslim imam Sardar Babayev was released in February 2020 following the completion of his three-year prison sentence for "illegally" leading Friday prayers after having received a religious education in Iran. With the onset of the [global coronavirus \(COVID-19\) pandemic](#) in late 2019, and Azerbaijan's first confirmed case of the virus in late February 2020, Azerbaijani President Ilham Aliyev in April [pardoned](#) 176 prisoners over the age of 65—of whom two were considered religious prisoners—in light of mounting health concerns in [crowded prisons](#). Although then-Ambassador Brownback [urged](#) the Azerbaijani government to release all religious prisoners, no additional releases are known to have been made during the year, despite the continued spread of COVID-19, including in prisons. In July, news outlets [reported](#) an outbreak in Baku's prison No. 2, where a number of prisoners were believed to have contracted COVID-19. According to human rights activists, two religious prisoners are serving their sentences at this facility, with one reportedly placed in isolation for possible infection. In mid-March 2021, President Aliyev [issued](#) another pardon that reportedly included as many as 31 religious activists.



*The Təzəpir mosque in Baku*

### The Muslim Unity Movement

Members of the Muslim Unity Movement (MUM), who continue to comprise the majority of the above-documented religious prisoners in Azerbaijan, also often face harassment and detention. In January 2020, the group [announced](#) that the government was “pressuring” its members through official summonses. In the first half of 2020, reports indicated that at least eight alleged MUM members were detained or arrested on charges that human rights activists have characterized as either dubious or politically motivated; in the case of Elvin Muradov, relatives claimed he was [detained](#) and later [arrested](#) because of songs and poems he had written about imprisoned MUM leader Taleh Bagirzade. Other alleged members detained or arrested during this period include: [Ilyas Qasimov](#), [Iqbal Sadiqov](#), [Elmeddin Novruzov](#), [Hikmet Agayev](#), [Samir Babayev](#), [Alik Aslanov](#), and [Shamil Hasanov](#).

### Nagorno-Karabakh Conflict

September 2020 saw the [renewal](#) of violent conflict between Armenia and Azerbaijan over Nagorno-Karabakh and surrounding territories. During the course of fighting in October, Armenia [accused](#) Azerbaijan of purposefully shelling the Ghazanchetsots Cathedral in the city of Shusha. According to reports, the cathedral was [hit](#) twice by precision missile strikes that severely damaged the roof and interior of the building. In

December, Human Rights Watch [concluded](#) that the attack was intentional, constituting a war crime that should be investigated and prosecuted. Azerbaijan claimed that Armenian forces also damaged religious sites as a result of recent shelling.

The [announcement](#) of a ceasefire in early November formalized the territorial gains Azerbaijan had made militarily, and it set a staggered timeline for the cession of additional territories to Azerbaijan—[raising concerns](#) about the protection of various churches, monasteries, cemeteries, and other religious and cultural sites scattered throughout the region. President Aliyev reportedly [gave assurances](#) to Russian President Vladimir Putin that the country would protect Christian churches in these areas; however, some sites, such as a cemetery situated alongside an Armenian church in Hadrut, have already been [vandalized](#). In late November, the United Nations Educational, Scientific, and Cultural Organization [reiterated](#) a call for the protection of heritage sites in the area, and it proposed dispatching a preliminary field mission to produce an inventory of such sites “as a prerequisite for effective protection of the region’s heritage.”

### Conclusion

Over the course of the last few years, the Azerbaijani government has taken some steps to reduce or end previous problematic practices that had long served to obstruct legitimate religious activity throughout the country. However, while the government has ceased many pervasive violations of religious freedom—such as police raids for unregistered religious activity—the continued existence of legislation limiting FoRB nonetheless forces many individuals to limit their full exercise of this right for fear of falling afoul of the law. To ensure full respect for and protection of FoRB, the Azerbaijani government should amend the 2009 law “On Freedom of Religious Beliefs” to bring it into conformity with international standards.

For more information about religious freedom conditions in Azerbaijan and USCIRF’s recommendations to the U.S. government, see the Commission’s [2020 Annual Report](#).



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

### Professional Staff

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**Danielle Ashbahian**  
*Senior Communications Specialist*

**Keely Bakken**  
*Senior Policy Analyst*

**Dwight Bashir**  
*Director of Outreach and Policy*

**Elizabeth K. Cassidy**  
*Director of Research and Policy*

**Mingzhi Chen**  
*Policy Analyst*

**Patrick Greenwalt**  
*Policy Analyst*

**Gabrielle Hasenstab**  
*Communications Specialist*

**Roy Haskins**  
*Director of Finance and Operations*

**Thomas Kraemer**  
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**Kirsten Lavery**  
*Supervisory Policy Analyst*

**Niala Mohammad**  
*Senior Policy Analyst*

**Jason Morton**  
*Senior Policy Analyst*

**Mohyeldin Omer**  
*Policy Analyst*

**Jamie Staley**  
*Senior Congressional Relations Specialist*

**Kristina Teater**  
*Policy Analyst*

**Zack Udin**  
*Researcher*

**Nina Ullom**  
*Congressional Relations Specialist*

**Madeline Vellturo**  
*Policy Analyst*

**Scott Weiner**  
*Supervisory Policy Analyst*

**Kurt Werthmuller**  
*Supervisory Policy Analyst*

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.