



**JUBILEE CAMPAIGN
ECOSOC Special Consultative Status (2003)**

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Republic of Azerbaijan

A Vital Voice for Those Suffering in Suffering in Silence
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**United Nations Human Rights Council
Universal Periodic Review of the Republic of Azerbaijan**

I. Background

1. **Jubilee Campaign**, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Republic of Azerbaijan as a contribution to the Universal Periodic Review.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.

2. Azerbaijan has ratified the Convention on against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Optional Protocol of the Convention against Torture; International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
3. Azerbaijan has not ratified the Convention on the Protection of All Persons from Enforced Disappearance; and the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation(s)

We urge the Republic of Azerbaijan to:

4. Ratify the Convention on the Protection of All Persons from Enforced Disappearance; and the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.

III. Violations of international human rights obligations, considering applicable international humanitarian law

A. Freedom of thought, conscience, and religion

5. Article 18 of the 1995 Constitution of the Republic of Azerbaijan (amended 2016) outlines the separation of church and state; additionally, the article states that all faiths are “equal before the law”. The article does include one extremely vague and concerning caveat that “the spread of propaganda of religions (religious movements) which humiliate human dignity and contradict the principles of humanity are banned”. Article 25 assures that every citizen of Azerbaijan is entitled to equal rights and freedoms regardless of various identities, including faith and spiritual belief. This article also prohibits “limitations [...] of rights and freedoms because of race, ethnicity, social status, language, origin, convictions and religion”. Article 48 of the present constitution further elaborates on religious rights and freedoms, stating “(I) everyone has the right to freedom of conscience and religion” ; “(II) everyone has the right to independently define his or her attitude towards religion, to profess religious alone or together with others, or to profess no religion at all, to express and spread religious convictions” ; “(III) the free conduct of religious sites if it does not violate public order or public morality is authorized” ; “(IV) the violation of the freedom of religion and self-expression is not allowed” ; “(V) no one shall be forced to express (or demonstrate) his or her religious faith and belief, to execute religious rituals or participate in religious ceremonies”. Article 71 regarding the protection of human rights and civil liberties includes the provision that “no one shall be compelled to make public religious and other convictions and thought and be persecuted for them”.¹
6. The 1999 Criminal Code of the Azerbaijani Republic in Article 109 prohibits “the prosecution of any group or the organization on political, racial, national, ethnic, cultural, religious reasons [...] that is gross violation of basic rights of people because of their belonging to these groups or the organizations” and stipulates a punishment of five to ten years’ imprisonment for such unlawful prosecution. Article 116.0.8 on violations of human rights during wartime criminalizes the attack of religious heritage sites, with a corresponding punishment of ten to twenty years’ imprisonment. Article 120.2.12 on what constitutes premeditated murder includes, among other kinds, the “intentional deprivation of life of other person [...] on motive of national, racial, religious hatred or hostility” and stipulates a prison term of fourteen years’ to life imprisonment. Article 154.1 on violations of citizen equality prohibits discrimination on the basis of faith, with the punishment via fine, “corrective works”, or imprisonment. Article 167 stipulates a fine to any individual who commits “illegal hindrance to making of religious practices”. Articles 167-1.1 and 167-1.2 prohibit the compulsion of an individual to adhere to a religion as well as prohibits the restriction on a person’s right to renounce a faith if they so wish. Article 168 criminalizes religious practice which involves violence or harm against other Azerbaijani citizens. Interestingly, despite that previous articles outline equality and diverse rights for people of faith, Article 167-2.1 prohibits the production, sale, and dissemination of religious texts and materials without receiving prior approval, with a corresponding punishment of between

¹ Constitute Project, [Azerbaijan's Constitution of 1995 with Amendments through 2016](#) [Azerbaijan].

two to five years' imprisonment. Article 283.1, effectively a hate speech law, forbids the incitement of religious hatred or hostility.²

7. The 1992 Law of the Republic of Azerbaijan on Freedom of Religious Belief includes many provisions that inspired those included in the 1995 Constitution, most importantly the right to profess a faith and practice or teach it publicly or privately. It additionally permits parents and guardians to raise their children in accordance with their religion. The law strictly prohibits faith-based discrimination and persecution. Article 6 permits religious organizations and communities to establish faith-based educational institutions and likewise allows religious believers – as well as their children – to attend these schools. Article 12 requires religious communities to receive state registration by gathering at least 10 members and a charter to an executive body for approval. Articles 16 and 18 stipulate that religious associations are entitled to their own assets and the management thereof. Article 19 guarantees religious communities the right to establish faith-based businesses such as schools, orphanages, clinics, and publishing houses. Article 21 guarantees people of faith to worship and practice in designated buildings and permits civilian long-term residents of state-owned institutions such as hospitals and prisons to request that they may undertake religious services on such premises. Among the requirements of the executives of religious associations outlined in Article 29 include: promoting freedom of religion and mutual respect among faith communities; manage charters of their associations' intents and provisions; engage with corresponding faith communities in other nations; and more.³
8. Despite the provisions in the Constitution and the Law of the Republic of Azerbaijan on Freedom of Religious Belief which appear to offer a great expanse of rights and liberties to people of faith, persecution continues to be on the rise.
9. In June 2021, Azerbaijani President Ilham passed amendments to the 1992 law on freedom of religion that have been criticized by domestic civilians and international rights defenders for their restrictive nature. The amendments require the pre-approval of non-Muslim religious leaders by the State Committee for Work with Religious Organisations (SCWR) which consists of the Sheikh of the Muslim Board, the Patriarch of the Russian Orthodox Church, and the President of Azerbaijan. Additionally, the new amendments required the closure of mosques and Islamic institutions during periods when the Muslim Board leader position is unfilled. Faith-based communities without a “religious centre” (headquarters) are prohibited from assigning titles to and outlining ranks of clergy; establishing theological schools and organizing pilgrimages; and holding “mass events” without prior approval from the State Committee. Azerbaijani human rights activist Elshan Hasanov said of the amendments: “The result: pilgrimages – only with permission; mass religious rituals – only

² United Nations Office on Drugs and Crime, *Criminal Code of the Azerbaijani Republic* [Azerbaijan], 30 December 1999.

³ International Labour Organization, *Law of the Republic of Azerbaijan “On Freedom of Religious Belief”*, 1997.

with permission; religious education – only with permission; literature – only with permission”. Furthermore:

“The State Committee records other registered religious communities – including of Jews, Georgian Orthodox, Baptists, Pentecostals, Lutherans and other Protestants, Baha’is, Jehovah’s Witnesses and Hare Krishna devotees – simply as ‘religious communities’. It seems unlikely they will be able to gain the status of a ‘religious centre’”. President Ilham clandestinely approved the proposed amendments without prior debate and public cognizance.⁴

10. In March 2022, President Aliyev passed further amendments to the 1992 law which transferred authority to choose mosque prayer leaders from the Caucasus Muslim Board to the SCWR, which has already been given authority over Islamic schools, literature, and places of worship. This amendment has been considered by Azerbaijanis human rights and religious freedom defenders as one of the final steps of the state’s seizure of total control over Muslim faith in the nation.⁵
11. Despite the unexpected March 2021 pardon and subsequent release of 31 religious activists – predominantly members of the Muslim Unity Movement – which drastically reduced the number of religious prisoners of conscience, Azerbaijani authorities continued to arrest MUM members and Shi’a Muslims. While it is believed that MUM members are arrested for their criticisms of the Azerbaijani government, including prisoners of conscience Razi Humbatov and Vugar Hjiyev.⁶ Shi’a Muslims, on the other hand, are believed to be arrested due to their ties to Iran – including completing theological education and training there as well as respecting Iranian faith leaders – with which Azerbaijan has strenuous relationship.⁷
12. Up until approximately 2018, Authorities from multiple state institutions – including the State Security Service (SSS), SCWR, and Religious Affairs Commissions – would repeatedly conduct raids on non-authorized religious worship conducted by various faith communities as well as raids on the homes of religious leaders who lead these gatherings. While these raids have for the most part ceased, “a lack of registration remains one of the greatest concerns for unregistered religious communities”. Specifically, communities that number below 50 adult founding members – the minimum for legal registration – face obstacles to licensure. Previous versions of the 1992 law on religion required only 10 members for legal registration, but this number was incrementally raised.⁸ In December 2022, however, it was reported that numerous Muslims in north-east Azerbaijan had been fined for conducting

⁴ Felix Corley, [“AZERBAIJAN: Religion Law amendments ‘more controlling mechanisms’”](#), *Forum 18*, 17 June 2021.

⁵ Felix Corley, [“AZERBAIJAN: State takes direct control of mosque leadership”](#), *Forum 18*, 10 February 2022.

⁶ United States Commission on International Religious Freedom [USCIRF], [2022 Annual Report](#); USCIRF, [Razi Humbatov](#).

⁷ Felix Corley, [“AZERBAIJAN: Imam’s pre-trial imprisonment extended in treason case”](#), *Forum 18*, 16 February 2022.

⁸ Keely Bakken, [Country Update: Azerbaijan](#), USCIRF, March 2021.

home worship; in many cases, authorities raid such gatherings and confiscate religious materials.⁹

13. At the closure of 2021, representatives of the Azerbaijani Jehovah's Witness community reported that "at the moment we don't have any problems with the police or the State Committee". However, throughout late 2021 and 2022, there were numerous cases in which Jehovah's Witness conscientious objectors have been arrested and convicted despite that the European Court of Human Rights (ECtHR) publicized a decision in November 2021 stating that Azerbaijan is violating their rights. The ECtHR's decision specifically regarded the case of Jehovah's Witnesses Emil Mehdiyev and Vahid Abilov who were convicted of refusing mandatory military service three years earlier. Rebuffing the ECtHR's decision, Saadat Novruzova of the Presidential Administration's Human Rights Protection Unit stated that alternative service was "not under discussion".¹⁰ Subsequently, in July 2022, newly 18-year-old Jehovah's Witness Royal Karimov was arrested for claiming conscientious objection and detained in a military unit for three months until his release in October. Also, in late September 2022, a court sentenced 22-year-old Jehovah's Witness Seymur Mammadov to nine months' imprisonment for attempting to evade military service; three months later in December 2022 Mammadov's received a suspended sentence.¹¹
14. Nagorno Karabakh, a semi-autonomous region, has been the subject of an unending territorial dispute between Azerbaijan and Armenia. In September 2020, Azerbaijani and Turkish troops launched a joint 44-day military operation in Nagorno Karabakh against Armenian troops and, therefore against innocent civilians, the vast majority of which are Armenian Christians. Humanitarian Aid Relief Trust, an international aid organization directed by Baroness Caroline Cox, has visited Nagorno Karabakh to gather information on the effects of the fighting. Throughout these visits they made the following observations¹²:
 - a. Azerbaijani and Turkish troops have conducted attacks upon civilians using tanks, helicopters, drones, and more. Similarly, religious buildings and heritage sites have been partially or wholly destroyed as a result of targeted bombing/shelling and air strikes. Even necessary infrastructure – including educational institutions, clinics, water supply facilities, electrical grids, food stores, livestock – have had their services to the local population interrupted or permanently stopped due to structural damage. Affected locations include a Stepanakert maternity hospital

⁹ Felix Corley, "[AZERBAIJAN: Multiple fines for Muslims meeting for prayer in homes](#)", *Forum 18*, 9 December 2022.

¹⁰ Felix Corley, "[AZERBAIJAN: Alternative service 'not under discussion' despite latest ECtHR decision](#)", *Forum 18*, 5 November 2021.

¹¹ Felix Corley, "[AZERBAIJAN: Conscientious objector jailing 'very unexpected decision'](#)", *Forum 18*, 29 September 2022. ; Felix Corley, "[AZERBAIJAN: Conscientious objector's jail term changed to suspended sentence](#)", *Forum 18*, 16 December 2022.

¹² Humanitarian Aid Relief Trust [HART], *Grief and Courage in Nagorno Karabakh*, November 2020. ; HART, *Continuing Impunity: Azerbaijani-Turkish offensives against Armenians in Nagorno-Karabakh*, 24 April 2021. ; HART, *HART Visit to Armenia: Ten months after the Nagorno-Karabakh ceasefire*, 20 September 2021.

ward; Armenian holy site Ghazanchetsots Cathedral; a military hospital in Martakert; and more. Approximately 14,000 civilian structures need reconstruction.

- b. 40,000 civilians have been displaced due to incessant (nearly daily) military attacks, and are in need of immediate humanitarian assistance. 20,000 are in a state of food insecurity.
- c. Troops launched highly advanced and “indiscriminate cluster munitions” that, due to their size and range, destroyed non-targeted civilian homes and infrastructure in addition to the specific military targets.
- d. There were 173 civilian casualties and many more serious injuries, the predominantly affected being children and the elderly. This includes a 9-year-old girl killed who was killed by shrapnel while in her family’s yard; a 13-year-old boy and his 15-year-old cousin who suffered major shell wounds; etc. Many hundreds more civilians have been reported missing by relatives. Fortunately, underground shelters and basements offered safety, without which the number civilian fatalities would undoubtedly be much higher.
- e. Military and civilian prisoners of war have a concerning probability of being subjected to killings, torture, and enslavement if troops should follow the same actions taken against POWs in the previous 1990s war. 240 POWs have been identified by the Armenian government.
- f. No fewer than 161 Armenian Christian churches and religious sites have been transferred from Armenian control to Azerbaijani control, raising concerns of the destruction, neglect, or transformation of such culturally and religiously important sites.
- g. Azerbaijani state and non-state actors and media outlets expressed anti-Armenian rhetoric which incited further violence and atrocity.

15. In July 2021, it was reported that for two months Azerbaijani military troops had prevented Christian members of the Armenian Apostolic Church from attending Sunday service at Dadivank Monastery.¹³

16. In late February 2023, the International Court of Justice ordered the Azerbaijani government to end a two-month blockade which is preventing food, medicine,

¹³ Felix Corley, [“AZERBAIJAN: ‘They hold services and pray there, but without a congregation’](#), *Forum 18*, 8 July 2021.

and daily necessities to the Lachin Corridor between Nagorno-Karabakh and Armenia.¹⁴

Recommendation(s)

We urge the Republic of Azerbaijan to:

1. Repeal the amendments made to the 1992 Law on Freedom of Religious Belief which unjustly expand state control over religious affairs and encroach upon citizens' right to freedom of thought, conscience, and religion by increasing obstacles to registration of religious associations and public manifestation of faith.
2. Cease the practice of arresting and convicting Jehovah's Witnesses for their conscientious objection of military service.
3. End the horrific impunity with which military troops have engaged in targeted attacks on civilian infrastructure – which have resulted in civilian casualties and mass displacement – and prosecute individuals who have perpetrated such atrocities in the region of Nagorno Karabakh
4. Ensure that humanitarian aid is swiftly and equitably distributed to affected communities by removing blockades.
5. Ensure that Armenian religious heritage sites which have been transferred to Azerbaijani control are maintained and open to believers for worship and other religious activity.

¹⁴ Anugrah Kumar, [“International Court of Justice orders Azerbaijan to end blockade hurting Armenian Christians”](#), *The Christian Post*, 27 February 2023.