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AZERBAIJAN

USCIRF–RECOMMENDED FOR SPECIAL WATCH LIST

KEY FINDINGS

In 2021, religious freedom conditions in Azerbaijan generally trended negatively, with a few notable positive developments. In the beginning of the year, the Azerbaijani government unexpectedly [announced](#) plans to amend the country's restrictive 2009 law On Freedom of Religious Beliefs (religion law); these amendments passed swiftly and entered into force mid-year. Several entities, including USCIRF and the Council of Europe's Venice Commission, had previously called for the government to revise the law to guarantee the protection of freedom of religion or belief and to remove provisions that constituted violations of this right. The amendments not only failed to address existing problems but also introduced new restrictions on religious communities. Prominent among those additions were requirements that the government approve the appointment of essentially all religious leaders; religious communities cease religious activity in the absence of an appointed cleric; certain categories of religious activities only take place in approved spaces; and worship and religious ceremonies only be carried out by Azerbaijani citizens, unless given express permission otherwise. Moreover, despite public [urging](#), the Azerbaijani government declined to seek feedback on the amendments from the general public or international organizations such as the Organization for Security and Cooperation in Europe (OSCE).

Ongoing issues stemming from the religion law and other policies that impact the exercise of freedom of religion or belief also saw no improvement. During 2021, the government did not register any non-Muslim religious communities that had pending applications under the religion law. According to the official State Committee for Work with Religious Associations (SCWRA), the government [registered](#) at least 16 Muslim communities. Although sources stated that the Azerbaijani government was considering adopting a civilian alternative to mandatory military service for conscientious objectors, nongovernmental organization (NGO) Forum 18 reported that an official from the Presidential Administration

[refuted](#) that claim. Azerbaijan's human rights commissioner additionally [hinted](#) that the government may repeal a ban prohibiting women and girls from wearing headscarves in passport photos.

In mid-March, Azerbaijani President Ilham Aliyev unexpectedly [pardoned](#) 31 religious activists, many of whom were considered members of the Muslim Unity Movement (MUM), as part of a broader release of prisoners ahead of the Novruz holiday. The pardon and release of other religious activists upon the completion of their sentences brought down the total number of individuals imprisoned for their religious affiliations or activities to between 11–21 prisoners. However, law enforcement authorities detained or arrested other religious activists throughout the year, including MUM members Razi Humbatov and Vugar Hajiyev, and briefly [rounded up](#) a number of Shi'a Muslim clerics before releasing all but one of them.

Concerns remained regarding the protection and preservation of religious and cultural heritage sites in Nagorno-Karabakh and the territories returned to Azerbaijani control following the November 2020 ceasefire between Armenia and Azerbaijan. Caucasus Heritage Watch, a research initiative supported by Cornell University, [documented](#) through satellite imagery the razing of two Armenian cemeteries and a mosque. It also catalogued several churches that appeared damaged or that researchers considered "threatened" due to nearby construction projects. And while the Azerbaijani government announced in [2020](#) that two soldiers would face charges for destroying Armenian gravestones, authorities have since [refused](#) to release any information regarding those cases. In December, the International Court of Justice [ordered](#) Azerbaijan to "take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including . . . churches and other places of worship . . . [and] cemeteries." Finally, Azerbaijani military forces reportedly [blocked](#) a group of pilgrims from visiting monasteries in these areas.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Azerbaijan on the U.S. Department of State's Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Work with the government of Azerbaijan to revise the 2009 religion law, as most recently amended in 2021, to comply with international human rights standards and to bring it into conformity with recommendations made in 2012 by the Council of Europe's Venice Commission and the OSCE;
- Assist the Azerbaijani government, in collaboration with international partners, to develop an alternative civilian service and permit conscientious objection pursuant to its commitment made to the Council of Europe, obligations under international human rights law, and the Azerbaijani constitution; and
- Allocate funding to the U.S. Agency for International Development (USAID) and U.S. Embassy in Baku to restore, preserve, and protect places of worship and other religious or cultural sites in Nagorno-Karabakh and surrounding territories.

The U.S. Congress should:

- Raise concerns, through public hearings and other actions, about Azerbaijan's religious freedom and broader human rights abuses, including treatment of the MUM, directly with the Azerbaijani Embassy and other government officials and advocate for the release of all prisoners of conscience.

Background

The U.S. government [estimates](#) the population of Azerbaijan at nearly 10.3 million people. Roughly [97](#) percent of citizens are Muslim, with [around](#) 65 percent identifying as Shi'a Muslim and 35 percent identifying as Sunni Muslim. The remaining less than three percent of the population comprises atheists, Armenian Apostolics, Catholics, Georgian Orthodox, members of the International Society for Krishna Consciousness, Jehovah's Witnesses, Jews, Molokans, Protestants, and Russian Orthodox.

Although Azerbaijan defines itself as a secular state whose constitution [requires](#) the separation of state and religion, the Azerbaijani government conversely actively involves itself in, regulates, and interferes in religious affairs. Primarily, it has legislated an increasingly complex set of regulations that require official approval, consent, or notification for most religious activities.

Problematic Amendments to the Religion Law

In February, chair of the SCWRA Mubariz Gurbanli [stated](#) that the government planned to introduce changes to the country's religion law to "further improve the legal framework regulating the sphere of religion." In the following months, Azerbaijan's National Assembly [rapidly](#) considered and passed a series of amendments that the President [signed](#) into law on June 16, 2021. Rather than reduce bureaucratic barriers to the free practice and expression of one's beliefs, the updates further tightened existing restrictions on worship and other religious activities. Several additions to the law require government authorization or notification for certain actions, such as holding "mass religious worship, rites, and ceremonies" outside designated places of worship and organizing religious pilgrimages abroad. Furthermore, the appointment of all religious leaders in the country requires official approval, and religious communities must cease religious activities in the absence of an approved religious figure until a new one is appointed. The law also bans "forcing children to believe in a religion," which a representative of the official Caucasus Muslim Board [claimed](#) would only apply to "certain religious movements whose participation in rituals and religious conversations is not considered appropriate by the state." The representative clarified that it would not prevent children from practicing Azerbaijan's "traditional religions," namely Islam, Christianity, and Judaism, despite concerns that the vagueness of the amendment would give law enforcement such wide discretion that it could easily be abused.

Imprisonment of Religious Activists

Various NGOs have maintained lists of political prisoners in Azerbaijan for years. In recent years, the total number of individuals imprisoned in connection with their religious activism has continued to decrease. In March, President Aliyev [issued](#) a sweeping pardon in advance of the Novruz holiday that released from prison an estimated 31 religious activists, the majority of whom had some connection to the

MUM. Other individuals were [released](#) following the completion of their sentences. By the end of the year, NGOs assessed that between 11–21 religious activists remained behind bars, a significant drop compared to previous years. In spite of these releases, however, a report by the Parliamentary Assembly of the Council of Europe [found](#) that "the problem of political prisoners in Azerbaijan. . . has been neither duly recognized nor adequately addressed by the authorities, let alone resolved."

Authorities continued to detain or arrest others, ostensibly on charges related to their religious affiliations or activities. In May, authorities [detained](#) MUM representative Elchin Gasimli for unclear reasons. In July, news outlets [reported](#) the detention of Razi Humbatov, a MUM member, on seemingly spurious drug charges that he [believed](#) were in retaliation for his criticism of the government. According to human rights defenders, Humbatov was [tortured](#) for six days to extract a confession. Yet another MUM member, Vugar Hajiyev, was also [arrested](#) during this period on similar charges. Relevant to the ongoing official pressure against the MUM, human rights activists in the country [maintained](#) that authorities continued to restrict access to the settlement of Nardaran, often associated with the group, and enforced a ban on visiting mosques there. In October, Azerbaijan's State Security Service [detained](#) six Shi'a religious leaders, including cleric Ilgar Ibrahimoglu, likely as a result of increased tensions between Azerbaijan and Iran. Family members reported that government agents brought the clerics in for questioning and confiscated several personal possessions, including phones, computers, and religious books. Ultimately, all but one individual were released by the end of the reporting period.

Key U.S. Policy

The bilateral relationship between the United States and Azerbaijan is [motivated](#) mainly by joint efforts to promote European energy security, increase trade and investment, and combat terrorism and transnational threats. In its role as a cochair—along with France and the Russian Federation—of the [OSCE Minsk Group](#), the United States also continued to push for a peaceful settlement of the Nagorno-Karabakh conflict.

The State Department engaged the Azerbaijani government publicly on religious freedom and human rights concerns. In March, the Office of International Religious Freedom [welcomed](#) the Novruz pardoning of hundreds of individuals and called for the release of all prisoners of conscience. In June, the same office [criticized](#) the government's passage of new restrictive amendments to the country's religion law. Over the course of the year, U.S. Ambassador to Azerbaijan Earle D. Litzenberger visited Quba, where he [noted](#) the country's "spirit of tolerance," and the Azerbaijani exclave of Nakhchivan, where it has been difficult to monitor religious freedom conditions. It is not [clear](#) whether the ambassador raised issues related to religious freedom during that trip.

KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Stalled Progress in Azerbaijan](#)
- **Factsheet:** [Destruction of Cemeteries](#)
- **Interview:** [Azerbaijan and Turkey Should Be Included in Special Watch List](#) (in ArmNews TV)
- **Press Statement:** [USCIRF Concerned by Azerbaijan Religion Law Amendments, Condition of Ghazanchetsots Cathedral](#)