

Baptist World Alliance  
405 N. Washington Falls Church, VA 22046  
Tel: +1703-790-8980 Fax: +1703-893-5160  
Website: [www.bwanet.org](http://www.bwanet.org) Email: [fandj@bwanet.org](mailto:fandj@bwanet.org)

---



---

## BWA Report on Religious Freedom Violations in Azerbaijan

Submitted by:

Raimundo C. Barreto Jr., Ph.D., *Director of the Division on Freedom and Justice, BWA*  
Christer Daelander, *BWA Representative to the UN, Geneva; EBF Religious Freedom Representative*

## **ON THE UPCOMING REVIEW OF THE REPUBLIC OF AZERBAIJAN AT THE 16TH SESSION OF THE UPR WORKING GROUP – A report by the Baptist World Alliance**

### **Preamble**

On April 30, 2013, the Working Group on the Universal Periodic Review (UPR) established in accordance with Human Rights Council resolution 5/1 of June 18, 2007, will review the Republic of Azerbaijan as part of the UPR second cycle. In accord with paragraph 6 of resolution A/HRC/RES/16/21, the second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the country under review.

Given the importance of this process and the unique opportunity for this council to address problems that concern the people of Azerbaijan (primarily those whose voice cannot be often heard on the spheres of power) and all people, countries and organizations concerned with protecting and promoting human rights, it is important that those who have the privilege of speaking during the UPR review of Azerbaijan (the members of this honorable Council) do not miss the unique opportunity to address the matters raised on this report, which also deserve proper consideration and attention on the part of the country under review. We are worried about the violations of religious freedom affecting most religious groups, especially minority groups, in Azerbaijan.

This document highlights cases that Baptist World Alliance (BWA) and the European Baptist Federation (EBF) have documented between January, 2009 and March, 2013. Baptist World Alliance (BWA) consists of 223 Baptist unions, conventions, and associations representing 44 million people in 120 countries, including Azerbaijan. The European Baptist Federation (EBF), consisting of 51 Baptist Unions and 12,000 local congregations in Europe, Central Asia, Middle East, and Egypt, is a regional body of the Baptist World Alliance (BWA). The Baptist movement has held a strong commitment to Religious Freedom for all people and to the human dignity of all individuals from its inception in 1609 in Amsterdam. As an integral part of that commitment, we seek to stay in contact with individuals and churches in all countries where we have member bodies, including our members in Azerbaijan.

In January, 2009 a BWA/EBF delegation visited Azerbaijan, meeting with the Religious Committee, the State Committee for Work with Religious Associations, the Head Rule of Law OSCE Baku, local Baptist leaders, other Christian leaders representing Evangelical churches and the Russian Orthodox Church, and religious leaders representing the Muslim Board of Caucasus and the Jewish Community. The investigations led by this international team, before and during this visit, concluded that serious instances of intolerance and discrimination towards Baptist Christians and churches continue to take place in Azerbaijan. Over the past four years, other reports from Baptist and other religious leaders in the country have reinforced those findings.

As the second review of the Republic of Azerbaijan approaches, the Baptist worldwide community adds its voice to those who are concerned with indications of a decline in the Azerbaijan "government's

respect for freedom of thought, conscience and belief compared to the previous review in February 2009.” (Azerbaijan Religious Freedom Survey 2012)

Although all civil liberties are interconnected and are equally important, this document focuses on religious freedom concerns, which are the most immediate problems interfacing the lives of religious minorities in Azerbaijan.

### **Religious Freedom Related Recommendations made to Azerbaijan on the 1st Cycle Review**

The first review of Azerbaijan was held on February 4, 2009. Among the recommendations made to Azerbaijan on the Report of the Working Group on the Universal Periodic Review presented to the General Assembly on May 29, 2009 (A/HRC/11/20), the country under review was asked to address short comings in the area of human rights promotion and protection, including the rule of law and adequate protection of vulnerable segments of the population, to take fully into account the recommendations of the Special Rapporteur on Freedom of Religion aimed at promoting and fully ensuring freedom of religion for all religious communities throughout Azerbaijan, put in place further measures to ensure respect for freedom of expression and of the media, and come to a more streamlined and transparent registration process and visa issuing for clergy and religious personnel in general.<sup>1</sup>

### **Azerbaijan’s Responses to 1st Cycle Review’s Recommendations and Constitutional Guarantees of Freedom of Conscience and Belief**

On the same Working Group Report referred above, the Republic of Azerbaijan stated that its Constitution guarantees the equality of all, irrespective of ethnicity, religion, or race.<sup>2</sup> That statement is in accord with Article 18 of the Constitution, which affirms that that government must not interfere in the practice of religion and that every individual has the right to practice their religion freely and may not be restricted in any way. The obligation of the state to ensure the rights and liberties-including religious liberty-of its citizens, the equality of all religions before the law, and the assurance that everyone must enjoy freedom of conscience, speech, and belief, including “the right to define his/her attitude to religion, to profess, individually or together with others, any religion or to profess no religion, to express and spread one’s beliefs concerning religion,” are also reinforced on Articles 12, 47 and 48 of the Constitution.

On the Interim Report of the Government of the Republic of Azerbaijan on the Implementation of the Recommendations by the Working Group of the UN Human Rights Council on the Universal Periodical Review with respect to the First Report of the Republic of Azerbaijan, the government of Azerbaijan

---

<sup>1</sup> These recommendations are only a few of those accepted by the Government of Azerbaijan. All recommendations made to Azerbaijan on the 1<sup>st</sup> UPR Cycle can be found here: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=11&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&se\\_archReco=&resultMax=25&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=11&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&se_archReco=&resultMax=25&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly) .

<sup>2</sup> Azerbaijan has also ratified most important international human rights treaties, including the ICCPR (August 13, 1992).

pointed to the approval of the National Action Program by the Order of the President of the Republic of Azerbaijan on December 27, 2011. Among other things, the National Action Program has a full chapter on increasing measures to protect various population groups, which certainly includes religious groups and minorities.

### **Areas of Continued Concern**

In spite of all these words and efforts, it is troubling to observe that violations of freedom of conscience and belief by the state continue to happen on a systematic basis. In practice, reality does not confirm the ideals described in the documents mentioned above, as the Azerbaijan Religious Freedom Survey (2012), among other recent reports made by credible organizations, has shown. Our main concerns relate to the legal restrictions imposed on religious practitioners based on the Religion Law, and to a number of practical cases of restriction or violation of religious rights, such as the ones listed below.

Legal Restrictions affect the free practice of religious in several ways.

1. **Registration problems.** According to a Religion Law enacted in 1992 and amended in 2010, no religious activity is allowed without registration. Article 12 of that law describes in detail the requirements for a religious group to apply for registration, which delays the registration process and often takes years if ever concluded.
2. **Control by the government on the production and distribution of religious literature.** Only registered religious centers can establish religious publishing houses and all literature they produce must be subjected to prior censorship. The State Committee also insists that the number of copies of each work to be imported or printed locally must be approved. A special Expertise Department of the State Committee oversees this censorship.
3. **Restrictions on religious education.** Courses studying holy books should take place under the control of the Committee. The Committee should be notified of these courses in advance. In the notification there must be a list with names of those taking part in the courses (which must be citizens of Azerbaijan), copies of their identification cards, a list of teachers (which must be only citizens of Azerbaijan), and the program of these courses.
4. **Property of religious communities.** Religious communities have the right to use buildings and properties accepted by the State. The State Committee must approve any new place of worship or rebuilding of any place of worship. The New Administrative Code has separately introduced punishments for breaking these rules. In practice, it is very difficult for religious minorities to get permission for places of worship. The case of the Church building of “the Cathedral of Praise” is an example of a registered Charismatic Church whose building was confiscated.
5. **The Criminal and Administrative Code.** New articles limiting religious freedom have been introduced. Article 299: Activity of a religious community not registered will give a fine of 1500 manat for physical persons and officials 7000-8000 manat. Article 300 determines the fines for production, import and export, distribution, and sale of the religious literature without approval of the State Committee.

## **The Status of Religious Freedom in Azerbaijan**

Azerbaijan prides itself on being a secular state and a tolerant society where its citizens enjoy freedom of conscience and belief, according to the Azerbaijan constitution. However, religious minorities of all kinds have experienced discrimination and harassment. In the summer of 2009 the situation with registration of religious entities became very difficult. The parliament of the Republic of Azerbaijan passed a new law requiring all religious entities who had previously received registration to re-register once again with the State Committee (SCWRA). The deadline for re-registration was set for January, 2010. Unfortunately, the process of re-registration created a lot of difficulties, especially for protestant Christians. Only a small Pentecostal church got its registration renewed. Most, including some established groups who have previously had registration for a number of years, have been denied re-registration. This includes the Seventh Day Adventists of Azerbaijan and Baku International Fellowship. The Baptist Union tried to get registration approximately ten years ago without success, and several local Baptist Churches have tried for decades without success. The First Baptist Church of Baku has a registration under the old Religion Law and claims it to be valid since it has not been annulled by any court.

It is compulsory to be registered in order to be able to meet legally for prayer, worship, teaching, and celebration. Religious groups are only permitted to have meeting within the registered Church building, which means that house Churches and meetings in homes or other venues are unlawful. Theological schools or Bible schools must get permission from the State, the number of lessons per week is limited, and the maximum time allowed for these courses is two years. These amendments of the Religion Law contradict the Constitution. In practice threats and harassments towards religious minorities were frequent prior to the amendments of the Religion Law and the Criminal and Administrative Code, but now this can take place even more on a legal basis. These are problems faced not only by Baptist Christians, but also by many other minority religious groups such as Jehovah's Witness, Baha'is, Muslim groups who do not accept the leaders appointed by the Caucasian Muslim Board, and other religious groups.

One reason for these limitations is the fear of losing control of the population and the fear by the ruling party to lose its power. The International Crisis Group (ICG) wrote a report on September 3, 2010 entitled "Azerbaijan: Vulnerable Stability" in which they analyzed the Government policy, among other thing, towards Islamic groups. One conclusion of that report is that the Government uses the concept of protection against terrorist threats as an argument to crack down on all religious groups who do not accept the authority of the Government controlled Caucasus Board of Muslims. Forum 18 has documented a number of cases of violations of religious freedom since 2011. Other reports of international human rights groups have also drawn attention to these matters. What follows is a summary of information on harassment from the state upon religious minorities.

### **1. Harassment of Baptist Believers**

Several Baptist leaders have described in detail to us instances of harassment and intimidation from the police and public media because they are Baptists. These have included hostile interrogation, threats against themselves and their families, and even imprisonment.

The cases of the two pastors imprisoned in Aliabad have become well known internationally. It is widely considered that Zaur Balayev and Hamid Shabanov were convicted on false charges and had been targeted because they are Baptist pastors of unregistered churches. We received a report from an OSCE representative present in court, stating that the legal procedures followed in the case of Pastor Shabanov were not acceptable. On March 29, 2013 we received reports that these two congregations and pastors had been tried and fined once again.

## **2. Obstacles to Registration of Baptist Churches**

Serious obstacles are placed in the way of Baptist churches seeking official registration as religious communities. If there is political will to register the Baptist churches, these can easily be overcome.

We offer two examples:

The Aliabad Baptist Church led by Pastor Zaur Balayev has been attempting to register itself for 15 years. The local State Notary, Najiba Mamedova, has repeatedly refused to notarize the ten signatures required for the Founding Document, thus making this application impossible to proceed.

The Neftechala Baptist Church needs one more document to complete its registration: the building passport for the facilities it has used since 1966. This document was submitted with an earlier group of papers and was not returned to the church. Now the church has letters stating that no body, nationally or locally, will issue a new Building Passport so that the registration process can be completed. It should be noted, however, that the Committee on request shall provide assistance in reaching agreements with State bodies in this matter of Registration, from the Regulations of the SCWRA, especially Articles 7:4 and 8:5. That has certainly not happened in this case.

In December 2011 the Neftechala Baptist Church was raided and closed by the police and the pastor was fined.

## **3. Discrimination against Baptist Christians in their Employment**

We have documented several cases of Baptists being asked to leave their employment when it is known that they are Baptist Christians, and this continues right up to the present time. One example of this is the case of the former General Secretary of the Baptist Union, Elnur Jabiyev, who was forced to leave his employment as a Baku Police Officer in 2001.

## **4. Soviet-era Building not returned to the Baptists**

From our visits with other faith groups, especially the Muslims and the Orthodox Church, we learned that, despite Azerbaijan having no Law of Restitution, many buildings confiscated by the Soviet authorities have been returned to their original owners. In 1931 a major church building

(constructed by the Baptists in 1911) in Azadliq Avenue 47, Baku, was confiscated, and this building exists today as a Cinema-Theatre. The Baptists regard this as a desecration of one of their holy places and have a document requesting its return dated 1989.

**Conclusion:**

We respectfully submit this report to the attention of the UPR Working Group, believing that with good will on all involved parties, the issues highlighted above can be overcome. We request the HRC members speaking during the UPR session to take an opportunity to highlight these important issues. Emphasizing these problems in the upcoming review of Azerbaijan can be key to helping the Government of Azerbaijan address them with a greater sense of urgency. We make ourselves available to share further documentation or information if you need.