

# **Status of Human Rights in Azerbaijan for the 44<sup>th</sup> Session of the Universal Periodic Review**

## **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Azerbaijan (Azerbaijan) for the 44th Session of the Universal Periodic Review (UPR).

## **Background**

2. Azerbaijan is located in Southwestern Asia with a population of 10.4 million people.<sup>1</sup> The population is predominantly Muslim, with 97.3% of the population identifying as Muslim, 2.6% as Christian, less than 0.1% as other, and less than 0.1% as unaffiliated.<sup>2</sup>

3. Azerbaijan's previous review was held on May 15, 2018.<sup>3</sup> As a result of the review, Azerbaijan received 259 recommendations, 179 of which it supported.<sup>4</sup> It was recommended by Ghana, but only noted by Azerbaijan, that the government "[t]ake steps to cease restrictions on the right to freedom of opinion and expression, and ensure that the right to manifest one's religion in private or in public is fully protected and realized."<sup>5</sup> On the issue of human trafficking, it was recommended by the United Kingdom of Great Britain and Northern Ireland, and supported by Azerbaijan, that the government "[w]ork towards ending all forms of human trafficking, including by developing a new national action plan for combatting trafficking in human beings."<sup>6</sup>

## **Legal Framework**

### *Religious Freedom*

4. Azerbaijan's constitution protects freedom of thought and religion.<sup>7</sup> Article 48 states that:

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 religion alone or together with others, or to profess no religion at all, to express and spread religious convictions.

III. The free conduct of religious rites 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.<sup>8</sup>

5. Further, under Article 1 of the Law of the Republic of Azerbaijan "On Freedom of Religious Belief":

Everyone shall determine his/her attitude to religion independently and shall have the right to confess any religion individually or together with others, and express or spread his/her belief dealing with his/her attitude to religion.

It is not allowed to prevent anyone from determining his/her attitude to religion, in confessing religion, taking part in liturgies, making religious rites and rituals and studying religion.

It is prohibited to propagandize religions with the appliance of religious violence or sowing discord among the people with the aim of changing their religious way of life or forcing to confessing religion.

Freedom of religion can be restrained only for the reasons of state and public security and in the event of the necessity to protect rights and freedoms, in accordance with the Azerbaijan Republic's international commitments.

Foreigners and persons without citizenship shall be prohibited to conduct religious propaganda.

Parents or persons replacing them have the right to bring up their children in accordance with their own religious beliefs and religious beliefs upon mutual consent.<sup>9</sup>

6. Additionally, the same law requires all religious groups to be registered with the government. Under Article 12, “[f]or the purpose of state registration of a religious centre, religious departments, religious educational institutions and religious brotherhoods, their respective constitutive document and charter (provision) shall be submitted to a corresponding executive body for religious affairs.”<sup>10</sup> Further, this Article also stipulates that “[w]ithin 30 days, corresponding executive body submits these documents, together with its conclusion, to a state body responsible for registration of legal entities.”<sup>11</sup>

7. In March 2016, a new Administrative Code went into effect that punishes religious leaders who fail to obtain legal registration, criminalizes “religious associations operating away from their registered legal address,” and punishes “clergy and members of religious associations holding special meetings for children and young people.”<sup>12</sup> Individuals in violation are fined between 1,500 and 2,000 Manats, while officials are fined between 7,000 and 8,000 Manats.<sup>13</sup>

8. On June 16, 2021, President Ilham Aliyev signed into law amendments to the Religion Law and Administrative Code.<sup>14</sup> These amendments require the “State Committee for Work with Religious Organisations to approve the appointment of all non-Islamic religious leaders.”<sup>15</sup> In addition, “[c]ommunities without a ‘religious centre’ are not allowed to grant religious titles or ranks to the clergy, apply for permission to have foreign citizens as religious leaders, establish religious educational establishments or organise visits by their adherents to shrines and religious locations abroad.”<sup>16</sup> Further, “State Committee permission is now required to hold religious ‘mass events’ anywhere apart from at state-approved places of worship or shrines.”<sup>17</sup>

9. Moreover, under Article 167-2.1 of Azerbaijan’s criminal code, the “[p]roduction, import with the purpose of sale or distribution, sale or distribution of literature, religious objects and other informational materials of religious content without relevant permission – is punishable by the penalty in size from five thousand to seven thousand manats or by

deprivation of liberty for the period up to two years.”<sup>18</sup>

10. As a party to the ICCPR, Azerbaijan has a responsibility to uphold the rights enshrined in the ICCPR.<sup>19</sup> Under Article 18 of the ICCPR:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.<sup>20</sup>

11. Moreover, under Article 27 of the ICCPR:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion or to use their own language.<sup>21</sup>

### *Human Trafficking*

12. Under Article 144-1 of Azerbaijan’s criminal code:

144-1.1. Trafficking, i.e. recruitment, obtaining, keeping, harboring, transportation, transfer or acceptance of a person with a purpose of exploitation under the threat of violence or using violence, threats or other means of coercion, abduction, fraud, deception by misusing ability to make pressure or helplessness, or providing or receiving material and other values, privileges or benefits to get a consent of the person that exercises control over another person –  
such shall be penalized five to ten years imprisonment.

144-1.2 The same acts:

144-1.2.1. committed against two or more persons;

144-1.2.3. committed against an underage person;

144-1.2.4. committed against a pregnant woman whose pregnancy was evident to the defendant;

144-1.2.4-1. with movement of trafficking victim across the state border of the Republic of Azerbaijan;

144-1.2.5. committed by a group of preliminarily conspired persons, organized group or a criminal association (criminal organization);

144-1.2.6. committed by defendant using his official authority;

144-1.2.7. committed by use or threat of violence which represents a menace to life and health;

144-1.2.8. committed by means of torture or cruel, inhumane or degrading treatment against the victim;

144-1.2.9. committed with the purpose of making use of victim's organs or tissues

shall be punishable with imprisonment from eight to twelve years.<sup>22</sup>

13. Furthermore, Article 8 of the ICCPR holds that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”<sup>23</sup>

14. Additionally, Azerbaijan is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.<sup>24</sup> Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.<sup>25</sup>

## **Religious Freedom**

15. Azerbaijan's laws severely restrict the ability of its citizens to practice their faith openly and freely. Its numerous laws and policies have created

a complex labyrinth of “legal” restrictions on and punishments for exercising freedom of religion and belief and other freedoms, normally prepared in secret with no public consultation and rushed through parliament. The aim appears to be to impose state control of society, including any independent civil society activity, and to make all exercise of human rights dependent on state permission. Every significant change to the Religion Law, the Criminal Code, and the Administrative Code has imposed tighter restrictions on freedom of religion and belief and other freedoms.<sup>26</sup>

16. Azerbaijan's law requires religious organizations to register with the government and restricts religious groups to only practice at their registered address.<sup>27</sup> Obtaining this legal registration has proven to be difficult for religious groups.<sup>28</sup> There are reports of churches applying for registration and having to wait years to receive a response. For example, one church applied for registration in 1994 and did not receive a response until 2020 and was only permitted to meet once a week for two hours.<sup>29</sup> Another church applied for registration in 2010, and still has not received a response from the government.<sup>30</sup>

17. Christians were also targeted as a result of the military conflict that began in 2020 between Armenia and Azerbaijan.<sup>31</sup> As a result of this conflict, “[s]everal churches in the two countries have been bombed and seriously damaged, including properties where two small house groups met.”<sup>32</sup> For example, on October 8, 2020, “Azerbaijani forces attacked a church in the city of Shushi.”<sup>33</sup> The Ghazanchetsots Cathedral was attacked twice just hours apart which indicated that the church was an “intentional target despite the absence of evidence

that it was used for military purposes.”<sup>34</sup> These attacks occurred while Azerbaijan was engaged in conflict with Armenian forces for control of the city.<sup>35</sup> These attacks resulted in the deaths of three Russian journalists.<sup>36</sup>

18. In June 2019, teachers called the police after a six-year-old Christian took booklets to school to give to classmates as a gift.<sup>37</sup> After being notified, the police “then raided the parents’ home, seizing Bibles, Christian pamphlets and CDs of worship songs.”<sup>38</sup> Police also discovered that the family held a Christian event on New Year’s Eve 2018 “for children at their home and that twelve youngsters had each received a party gift of sweets and a picture book about the birth of Jesus.”<sup>39</sup> The parents were then charged with “possessing religious literature that did not bear a government ‘control mark’ and holding a children’s meeting in violation of a law that relates to punishing ‘clergy and members of religious associations holding special meetings for children and young people.’”<sup>40</sup> The couple was fined 1,500 manats (\$880) per person.<sup>41</sup>

19. In December 2018, three Christians were fined “for holding a Bible study in the northern Azerbaijan town of Sheki.”<sup>42</sup>

20. Placing such burdensome restrictions on religious groups infringes on the ability of Azerbaijanis to freely and publicly express their faith. Additionally, these laws and their unreasonable application violate protections enshrined in the ICCPR, which guarantees the right for everyone to “either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”<sup>43</sup>

## **Human Trafficking**

21. Human trafficking is a concern for both men and women in Azerbaijan.<sup>44</sup> Azerbaijan operates as “a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. Women and children from Azerbaijan are subjected to sex trafficking within the country and in the United Arab Emirates (UAE), Turkey, Russia, Iran, and Sweden.”<sup>45</sup>

22. One victim explained how she was exploited as she was struggling to provide for her family.<sup>46</sup> She was approached and offered a job in Turkey that would help support her daughter and sick father.<sup>47</sup> Once she arrived in Turkey, her contact took her passport and forced her into prostitution.<sup>48</sup> She endured this abuse for a year before she could escape back to Azerbaijan.<sup>49</sup> Once back in Azerbaijan, she was placed in a shelter for rehabilitation.<sup>50</sup>

23. Since Azerbaijan’s previous UPR, the government has adopted the National Action Plan on Combatting Human Trafficking (NAP) for 2020 – 2024 to eliminate human trafficking.<sup>51</sup> The plan includes strengthening measures to prevent human trafficking and support previous victims.<sup>52</sup> One way in which Azerbaijan is helping victims of human trafficking is through the national Victim Assistance Centre, which “has to date provided rehabilitation assistance to 326 victims of human trafficking.”<sup>53</sup>

24. On October 4, 2022, there was a midterm review of the progress of NAP.<sup>54</sup> Solutions were proposed for a more targeted approach to quickly identify and assist victims of human trafficking.<sup>55</sup> The review also involved discussions of investigating and prosecuting human trafficking, accommodating health care for victims, and fighting the root causes of trafficking, which were identified as education and awareness.<sup>56</sup> Mr. Gjorgjiev, Chief of Mission for the International Organization for Migration (IOM) Azerbaijan, noted that the main goal of the review was to allow state bodies and non-governmental organizations to

collaborate in fighting trafficking and assisting the victims.<sup>57</sup>

25. From 2020 to 2021, Azerbaijan registered 311 cases of human trafficking, 8 forced labor cases, and 83 crimes with connections to human trafficking.<sup>58</sup> The courts indicted twenty-eight people, twenty-four people were imprisoned, two people received conditional sentences, and two people received postponed sentences.<sup>59</sup> During a roundtable discussion on fighting human trafficking, NGOs, state representatives, and donors, who were working to fight human trafficking, noted that Azerbaijan has been dedicated to ending human trafficking.<sup>60</sup>

## Recommendations

26. Azerbaijan must reform its laws and regulations so that they no longer restrict the free exercise of religion. Azerbaijan's laws restricting the ability of its citizens to openly practice their faith without needing government approval place barriers to their freedom to adopt a religion of their choosing, practice their faith, and manifest that belief in public with others. Additionally, Azerbaijan must repeal its registration laws, as well as the June 2021 amendments, which the government has used to delay granting legal status to religious organizations and to stifle all freedom of religion. Additionally, the government must not criminalize religious groups for possessing and distributing religious literature. The government must correct these issues and establish legal protections that assure the people that their freedom of religion will be allowed and protected. Further, Azerbaijan must refrain from targeting religious sites in armed conflict.

27. Moreover, since the last UPR, Azerbaijan has taken steps to prosecute human traffickers and provide aid for the victims. We want to encourage Azerbaijan to continue with these measures so that traffickers are held accountable, and the victims receive the assistance they need.

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<sup>1</sup> *Azerbaijan*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/azerbaijan/> (Jan. 24, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Universal Periodic Review – Azerbaijan*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/az-index> (last visited Feb. 8, 2023).

<sup>4</sup> *Azerbaijan Infographic 30th*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/AZ/AZERBAIJAN\\_Infographic\\_30th.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/AZ/AZERBAIJAN_Infographic_30th.pdf) (last visited Feb. 8, 2023).

<sup>5</sup> OHCHR, UPR of Azerbaijan 3rd Cycle – 30th Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/AZ/MatriceRecommendationsAzerbaijan.docx> (last visited Feb. 20, 2023).

<sup>6</sup> *Id.* A/HRC/39/13 – Para. 140.

<sup>7</sup> AZERBAIJAN'S CONSTITUTION 1995 (amended 2016), art. 48, [https://www.constituteproject.org/constitution/Azerbaijan\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Azerbaijan_2016.pdf?lang=en).

<sup>8</sup> *Id.*

<sup>9</sup> Law of the Republic of Azerbaijan “On Freedom of Religious Belief” art. 1, [https://files.preslib.az/projects/remz/pdf\\_en/atr\\_din.pdf](https://files.preslib.az/projects/remz/pdf_en/atr_din.pdf).

<sup>10</sup> *Id.* art. 12.

<sup>11</sup> *Id.*

<sup>12</sup> *Azerbaijan Religious Freedom Survey, November 2018*, FORUM 18 (Nov. 7, 2018), [https://www.forum18.org/archive.php?article\\_id=2429%26pdf=Y](https://www.forum18.org/archive.php?article_id=2429%26pdf=Y).

<sup>13</sup> *Id.*

<sup>14</sup> Felix Corley, *Azerbaijan: Religion Law Amendments “More Controlling Mechanisms,”* FORUM 18 (Jun. 17, 2021), [https://www.forum18.org/archive.php?article\\_id=2666](https://www.forum18.org/archive.php?article_id=2666).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

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<sup>17</sup> *Id.*

<sup>18</sup> CRIMINAL CODE OF THE REPUBLIC OF AZERBAIJAN [CRIMINAL CODE] art. 167-2.1, <http://scfwca.gov.az/store/media/NewFolder/Criminal%20Code%20of%20the%20Republic%20of%20Azerbaijan.doc>.

<sup>19</sup> *Ratification Status for Azerbaijan*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=11&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=11&Lang=en) (last visited Feb. 20, 2023).

<sup>20</sup> International Covenant on Civil and Political Rights art. 18, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

<sup>21</sup> *Id.* art. 27.

<sup>22</sup> CRIMINAL CODE art. 144-1.

<sup>23</sup> ICCPR art. 8, *supra* note 20.

<sup>24</sup> A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, UNITED NATIONS TREATY COLLECTION, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en) (last visited Feb. 20, 2023).

<sup>25</sup> A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime art. 9 sec. 1, *adopted on* Nov. 15, 2000, 2237 U.N.T.S. 319, [https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch\\_XVIII\\_12\\_ap.pdf](https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf).

<sup>26</sup> *Azerbaijan: Religious Freedom Survey, November 2018*, *supra* note 12.

<sup>27</sup> Peter Roudik, *Azerbaijan: New Law on Religious Organizations*, LIBRARY OF CONGRESS (June 16, 2009), <https://www.loc.gov/item/global-legal-monitor/2009-06-16/azerbaijan-new-law-on-religious-organizations/>.

<sup>28</sup> Corley, *supra* note 14.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Timothy, *Christians Among Thousands Killed in Fighting Between Armenia and Azerbaijan; Ceasefire Agreed*, OPEN DOORS UK (Nov. 17, 2020), <https://www.opendoorsuk.org/news/latest-news/christians-armenia-azerbaijan/>.

<sup>32</sup> *Id.*

<sup>33</sup> *Azerbaijan: Attack on Church Possible War Crime*, HUMAN RIGHTS WATCH (Dec. 16, 2020), <https://www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime>.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Young Boy's Gift of Christian Books to Classmates Leads to Massive Fines for Parents in Azerbaijan*, BARNABAS AID (Jun. 24, 2019), <https://www.barnabasfund.org/us/news/young-boy-s-gift-of-christian-books-to-classmates-leads-to-massive-fines/>.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> ICCPR art. 18, *supra* note 20.

<sup>44</sup> Ruth Beni, *Two Little Girls: Azerbaijan*, RUTH BENI, <https://ruthbeni.com/campaigns/two-little-girls/azerbaijan-2/> (last visited Feb. 20, 2023).

<sup>45</sup> *Id.*

<sup>46</sup> Alessandra Heitmann *5 Ways to Combat Human Trafficking in Azerbaijan*, BORGEN PROJECT (July 08, 2021), <https://borgenproject.org/human-trafficking-in-azerbaijan/>.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Permanent Mission of the Republic of Azer. to the UN Off. and Other Int'l Orgs., Letter dated March 18, 2022 from Permanent Mission of the Republic of Azer. to the UN Off. and Other Int'l Orgs. the Off. of the High Comm'r for Human Rts., <https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/states/2022-07-26/submission-sdgs-state-Azerbaijan.pdf>.

<sup>52</sup> *Id.*

<sup>53</sup> *IOM and Partners Discuss Human Trafficking in Azerbaijan*, IOM (Aug. 1, 2022), <https://rovienna.iom.int/news/iom-and-partners-discuss-human-trafficking-azerbaijan>.

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<sup>54</sup> Press Release, IOM, IOM Azerbaijan Provided a Platform for Mid-term Review of 4th National Action Plan

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on Combating Trafficking in Persons for 2020-2024 Implementation (Oct. 6, 2022),  
<https://azerbaijan.un.org/en/202275-iom-azerbaijan-provided-platform-mid-term-review-4th-national-action-plan-combating>.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*