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2011 Report on International Religious Freedom - Azerbaijan

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution provides for religious freedom; however, other laws and policies restricted religious freedom in practice. Most religious groups met without government interference; however, authorities reportedly monitored and raided some religious services, confiscated religious materials, and harassed and detained some members of Muslim and Christian groups. The government considers some of these groups "nontraditional" because they lack a long history in the country. There are also burdensome registration requirements for religious groups that the government enforced. Legislation passed during the year increased restrictions on religious groups. However, in practice, the government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There was occasional hostility toward groups that proselytized, particularly Jehovah's Witnesses, evangelical Christians, and other missionary groups.

As part of its overall policy to promote and defend religious freedom, the U.S. government discussed religious freedom with the government, various nongovernmental organizations (NGOs), and religious leaders.

Section I. Religious Demography

Approximately 96 percent of the population is Muslim, with the remainder consisting mostly of Russian Orthodox, Armenian Apostolic, followers of other Christian groups, Jews, and nonbelievers. Approximately 65 percent are Shia and 35 percent are Sunni, according to the State Committee on Work with Religious Associations (SCWRA), the government body tasked with implementing policy on religious issues, enforcing relevant regulations, and interacting with religious organizations. Christians are mainly concentrated in Baku and other urban centers. The majority of Christians are Russian Orthodox whose identity, like that of Muslims, tends to be based more on culture and

ethnicity than on religion. Approximately 20,000 Jews live in Baku, with smaller communities throughout the country.

Other small religious groups have existed in the country for more than 100 years, including Lutherans, Roman Catholics, Baptists, Molokans, Seventh-day Adventists, and Baha'is.

Since independence in 1991, a number of religious groups considered by the government as foreign or "nontraditional" have established a presence, including Salafist Muslims, Pentecostal and other evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There are significant foreign resident Christian communities in Baku.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for religious freedom; however, other laws and policies restrict religious freedom.

Under the constitution, persons have the right to choose and change religious affiliation and beliefs (including atheism), to join or establish the religious group of their choice, and to practice religion.

The law on religious freedom expressly prohibits the government from interfering in the religious activities of any individual or group; however, there are exceptions. The law regulates cases in which religious organizations may be liquidated, including acting contrary to the objectives upon which the organization was established; causing racial, national, religious, or social animosity; and propagating a faith that degrades human dignity or contradicts the principles of humanism. Other grounds for liquidation include hindering secular education and inciting members of a religious organization and other individuals to give over their property to the religious organization. The law also provides that no one shall be forced to express or demonstrate his or her religious faith or belief.

A number of legal provisions enable the government to regulate religious groups, including a requirement in the law on religious freedom that religious organizations, including individual congregations of a denomination, be registered by the government. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity.

The SCWRA, in particular its chairperson, has broad powers over registration and may also appeal to the courts to suspend a religious group's activities. It also controls the publication, import, and distribution of religious literature. All religious literature must be reviewed and approved by the SCWRA for legal sale and distribution.

Local officials hold considerable power in the enforcement and interpretation of laws, and some of the reported restrictions were from areas outside the capital city.

The registration process appears to serve as a point of leverage for the government to use against religious groups it deems undesirable. The groups most susceptible to government scrutiny are typically lesser-known religious groups, some of which are Muslim. Organizations operating without official registration continued to be vulnerable to government harassment, including fines for administrative violations and court cases demanding their closure. As a result, these groups found it difficult, or in some cases impossible, to function. Groups that were denied registration sat in a legal gray area; they could not congregate legally and could be subjected to harassment by law enforcement officials.

Religious groups are permitted to appeal registration denials to the courts. Under the law on religious freedom, the authorities may deny registering a religious community if

the activities of a religious community, its goals, or the essence of the religion contradict the constitution and other laws. The law also specifies a community can be denied registration if it is not recognized as a religious association, its charter and other establishment documents contradict the legislation, or the information is false.

Registered Muslim organizations are subordinate to the Caucasus Muslim Board (CMB), a Soviet-era muftiate that appoints Muslim clerics to mosques, administers Islamic education institutions, periodically monitors sermons, and organizes annual pilgrimages to Mecca. Muslim religious groups must receive a letter of approval from the CMB before they can be registered by the SCWRA. The CMB has the authority to appoint religious clerics leading Islamic worship institutions, while informing the relevant executive power.

On July 10 the Milli Majlis (parliament) adopted 19 amendments into the law on religious freedom. New amendments strengthened the position of the CMB by requiring all Islamic organizations to report to the CMB. Amendments also raised the required number of members from 10 to 50 for any group to be able to apply for registration.

On December 12 and 13 the president signed amendments into the Criminal Code and Administrative Code of Violations, respectively, which enacted stricter punishments for the illegal production, distribution, and importation of religious literature (literature not approved by the SCWRA). Under the amended law, punishment can include fines ranging from 5,000 to 7,000 manat (\$6,329 to \$8,860) or up to two years' imprisonment for first offenses, and from 7,000 to 9,000 manat (\$8,860 to \$11,392) or imprisonment between two and five years for subsequent offenses.

The law on religious freedom prohibits religious proselytizing by foreigners, although it does not prohibit citizens from doing so. The law also states Islamic religious rituals and ceremonies shall only be conducted by citizens who received their education in the country, or whose religious education abroad was approved by the government. Foreigners affiliated with other religions, however, are free to perform rituals and ceremonies, as long as they are registered with the government.

Religious instruction is not mandatory, and there is no religious curriculum at privately funded or public elementary and high schools. Students can pursue religious courses at higher educational institutions. The CMB sponsors some religious training abroad. Those wishing to participate in state-supported training abroad for religious studies must obtain permission from, or register with, the SCWRA or the Ministry of Education. Otherwise, religious education abroad does not require the preliminary permission of authorities.

By law, political parties cannot engage in religious activity. Religious leaders may not simultaneously serve in public office and in positions of religious leadership, although this stipulation does not limit the right of a public official to worship. Religious facilities may not be used for political purposes.

The constitution provides for alternative service when military service conflicts with one's beliefs but requires implementing legislation. No such law has been enacted to implement alternative service and refusal to perform military service in peacetime is punishable under the Criminal Code.

Head coverings are allowed in most public places but may not be worn in official photographs.

The government observes the following religious holidays as national holidays: Gurban Bayram (Eid al-Adha) and Ramazan (Ramadan).

Government Practices

There were reports of abuses of religious freedom, including religious prisoners and

detainees. The government also raided religious communities and confiscated religious literature. The government often targeted religious groups it considers "nontraditional" religions, including Jehovah's Witnesses and unsanctioned Muslim religious organizations, which the government claims politicize Islam. In practice, some groups were vulnerable to government raids for worshipping without registration.

The government took no legal steps to implement the minister of education's directive prohibiting the right of girls to wear the hijab, or headscarf, in primary and secondary schools, and the majority of school administrators throughout the country did not implement the minister's directive.

On May 6 a group of people gathered in front of the Ministry of Education to protest the minister's directive on wearing hijabs at primary and secondary schools. A large police force dispersed the protesters and it was reported that authorities released forty detainees the next morning, but jailed the remaining five for 12 to 15 days on administrative charges of hooliganism, resisting arrest, and disturbing public order.

Domestic human rights monitors continued to criticize the government's failure to develop a civilian alternative option to non-combat military service, and Jehovah's Witnesses argued that the country, as a signatory of the European Convention on Human Rights, is obliged to develop one. The government continued to charge and imprison conscientious objectors for refusing to serve in the military. A court convicted Farid Mammadov, a member of the Jehovah's Witnesses, in 2010 for refusal to perform military service in peacetime and sentenced him to nine months' imprisonment. Authorities freed him from prison on June 8.

Several religious groups remained unregistered. In 2010 the government required all religious groups to re-register with the SCWRA. Although it registered numerous Muslim and several non-Muslim groups, at year's end the SCWRA either refused or did not adjudicate the re-registration of at least 12 groups of various religions. Despite a requirement that registration applications be acted on within 30 days of receipt, religious organizations observed that nontransparent registration procedures prolonged this process.

Throughout the year, legal proceedings by Jehovah's Witnesses against various authorities started, continued, or were completed. At issue was the SCWRA's refusal to grant re-registration and censor the content and number of publications the Jehovah's Witnesses wanted to import. The Jehovah's Witnesses also appealed several convictions and fines of its members. For example, authorities in Ganja on June 12 detained, then released, convicted, and fined four Jehovah's Witness believers from 500 to 1500 manat (\$633 to \$1,898) for allegedly participating in an illegal religious meeting in Ganja. The Ganja Court of Appeals issued a final decision on July 11 to dismiss the Jehovah's Witnesses' appeal of these convictions.

Religious organizations continued to report incidents of authorities raiding and confiscating religious materials. In May police disrupted a Cathedral of Praise service taking place at a restaurant in Sumgait, recorded the names of those present, and took several members of the group to a police station for questioning. Two members received fines of 149 manat (\$190) for the administrative offense of attending church at a location other than its registered address. In another incident in May, approximately 20 police officers and officials from the state committee raided the private home of a South Korean citizen, seizing 60 Bibles and other Christian books.

Media outlets continued to report sporadic confrontations between religious communities (mainly Muslim) and law enforcement agencies. In such incidents, the authorities reportedly pushed, detained for a few days, forcefully questioned, or warned Muslims, often prior to or during major Muslim holidays. For example, in December, police reportedly met and talked with a few Shia leaders in Ganja prior to Ashura, warning the Shia community of the need to maintain order during their religious ceremony.

On July 18 the Azerbaijan Public Association for Security and Defense (MilAz) reported three officers of the National Army were reduced in rank for performing namaz (Muslim prayers). The Ministry of Defense denied this allegation, claiming the officers were moved to other military units and demoted for inefficiency.

Unconfirmed allegations were made by an NGO that the government continued to ban the placement of religious icons and literature in some offices of government employees.

The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, authorities appeared to be selective in their approval of religious materials, especially with religions without a long historical presence, such as Jehovah's Witnesses. Obtaining permission to import religious literature remained burdensome, and Muslim and Christian groups complained of the lengthy process and increased censorship.

Controls on a variety of Islamic activity, including religious television broadcasts and sale of religious literature at metro stations, remained in effect.

Additional restrictions included property disputes, such as with the Cathedral of Praise, and alleged bans on the call to prayer in some areas.

Authorities continued to limit activities of "nontraditional" Muslim communities through closing mosques and prayer houses. There were some reports of closures of Muslim prayer houses in the greater Baku area and northern regions. The government claimed these prayer houses used the premises of different organizations without permission and had failed to properly register. For example, in December, Yasamal District authorities in Baku closed the Huseyniyya prayer house. The SCWRA explained that this was done on the basis of illegal use of premises belonging to other agencies and failure to register.

A number of mosques closed by authorities in 2010 remained closed. Some were closed by local executive authorities on the grounds that they were in need of renovations, or for safety reasons, such as the Shahidlar Mosque. The Sunni Juma mosque in Ganja was closed for failing to follow registration requirements. There have been no further developments regarding these cases.

The construction of the Fatima Zahra Shia mosque in the Yeni Guneshli settlement of the Surakhani District of Baku remained stalled in 2011 as the community's registration request remained unresolved.

The Cathedral of Praise's long-standing property and registration disputes with the authorities continued and remained with the courts. On May 25 the Supreme Court overthrew the Court of Appeals' previous decision dismissing the Cathedral of Praise's lawsuit which had claimed church property was illegally confiscated, and the case was sent back for reconsideration. However, the community reported that it was offered land in a different location as compensation.

During the year, an NGO reported one incident of possible forced beard shaving. On July 26 police in the Zagatala region allegedly beat and forcibly shaved a 51-year-old man who refused to shave his beard in order to be photographed for his identity card. However, the Ministry of Internal Affairs disputed the report, claiming the man was given the option of applying for a completely new identity card or shaving his beard to match the photo in his old identity card, and that he departed without any physical altercation.

Unlike in prior years, there were no reports of arrests of individuals who observed the Islamic holiday of Ashura through self-flagellation. The CMB publicly recommended blood donations instead of self-flagellation.

On December 13 Trend news agency reported that local authorities detained an unknown number of Seventh-Day Adventists and confiscated religious literature.

Authorities detained one foreign citizen during this raid.

Several news outlets reported that on October 31 government officials detained four Baptists for a five-day period subsequent to a raid on a private home at which approximately 80 persons had gathered for a harvest festival.

The requirement for re-registration in 2010 of all religious groups, regardless of the previous status of their registration, was easily fulfilled by some groups. However, the government denied the registration of other groups and left others waiting in limbo. For example, the government denied the registration of some communities of Jehovah's Witnesses, Baptists, Seventh-day Adventists, the Fatima Zahra mosque, the Baku International Fellowship, and the Baptist Church in Aliabad. According to Human Rights Without Frontiers, the government also denied the registration of the Nehemiah and Pentecostal churches. Groups that were denied registration sat in a legal gray area; they could not congregate legally and could be subjected to harassment by law-enforcement officials.

As of December 31 the government had registered a total of 570 religious communities, of which 550 were Islamic and 20 were non-Islamic.

Organizations that chose to practice without official registration continued to be vulnerable to being declared illegal and closed or subjected to selective harassment by local authorities. As a result, these groups found it difficult, or in some cases impossible, to function.

The government did not exercise control over the Nagorno-Karabakh region. Religious groups and NGOs, including Jehovah's Witnesses and Forum 18, reported that they faced some restrictions and abuses in Nagorno-Karabakh.

In December Jehovah's Witnesses in Nagorno-Karabakh reported one of their members, Karen Ogandjanyan, was sentenced to 30 months in prison for refusing military service.

Improvements and Positive Developments in Respect for Religious Freedom

President Aliyev attended the opening of the remodeled Ajdarbay mosque in Baku on December 22.

On July 7 the SCWRA registered the Roman Catholic Church. The government also signed an agreement with the Vatican on the legal status of the Catholic Church in the country.

On April 4 the Mountain Jew community opened a new synagogue in Baku. SCWRA chairman Hidayat Orujov relayed President Aliyev's congratulations and the head of the community thanked President Aliyev for the new synagogue.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuse and discrimination based on religious affiliation, belief, or practice. There was popular prejudice against Muslim citizens who converted to other religious groups and hostility toward groups that proselytized, particularly evangelical Christian and other missionary groups.

In general, society was negatively predisposed to foreign (mostly Iranian and Salafist) Muslim missionary activity, which many viewed as an attempt to spread political Islam and therefore a threat to stability and peace.

Radio Liberty reported on September 3 that the Gumbashi mosque in the Lenkoran District came under fire, killing one and injuring one.

Section IV. U.S. Government Policy

Embassy officials maintained close contact with officials from the government and with NGOs that address religious freedom. Embassy officials also maintained contact with various community religious leaders to monitor religious freedom. In March leaders of Muslim, Jewish, Catholic, and Orthodox communities shared examples of religious tolerance and interfaith cooperation in society and government with the U.S. government's special envoy to combat anti-Semitism and the special representative to Muslim communities. In August the embassy hosted an iftar dinner for government officials, religious leaders of various faiths, and NGO representatives, and discussed religious freedom and tolerance.
