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2016 Report on International Religious Freedom - Azerbaijan

Executive Summary

The constitution stipulates the separation of state and religion and equality of all religions. It also protects the right of individuals to express their religious beliefs and carry out religious rituals, provided these do not violate public order or public morality. The law prohibits the government from interfering in religious activities, but also states the government – and citizens – have a responsibility to combat “religious extremism” and “radicalism.” The law specifies the government may dissolve religious organizations if they cause racial, national, religious, or social animosity; proselytize in a way which “degrades human dignity;” hinder secular education; and for a number of other reasons. The government detained or arrested religious activists after raids on gatherings of minority religious groups, including Jehovah’s Witnesses and Baptists. Local observers estimated the number of religious activists they considered to be political prisoners totaled 86, compared to 46 in 2015. “Nontraditional” religious organizations continued to experience difficulties registering with the government and, as unregistered communities, they were unable to meet openly. Some groups that had been registered under a 2009 law were able to operate while their reregistration applications remained pending, but others reported difficulties in trying to practice their faith. Authorities continued to close religious buildings and interrupt religious services. The government also continued to impose limits on the import, distribution, and sale of religious materials. The government sponsored 14 regional conferences during the year on promoting religious tolerance and combating religious radicalism. It also hosted the 7th Global Forum of the United Nations Alliance of Civilizations, which addressed the problems posed by religious hatred.

During an October visit, Pope Francis made positive public statements on interreligious dialogue and the tradition of religious tolerance in the country. According to media reports, he avoided public mention of religious problems.

The U.S. Ambassador and embassy officers met with the State Committee for Work with Religious Associations (SCWRA) and other government officials to advocate for better treatment of minority religious groups, to urge the government to address registration difficulties faced by minority religious groups, and to lift obstacles to the importation of religious literature. The Ambassador and embassy officers continued to meet regularly with leaders of Christian, Muslim, and Jewish groups, as well as with representatives of nongovernmental organizations (NGOs) to discuss community concerns. The

Ambassador and other embassy representatives issued public statements encouraging the government, civil society, and religious groups to uphold the country’s history of religious tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 9.8 million (July 2016 estimate). According to 2011 data from the SCWRA, 96 percent of the population is Muslim, of which approximately 65 percent is Shia and 35 percent Sunni. Groups that together constitute the remaining 4 percent of the population include members of the Russian Orthodox, Georgian Orthodox, Armenian Apostolic Churches, Seventh-day Adventists, Molokans, Roman Catholics, other Christians, Jews, Bahais, and those professing no religion. Since independence in 1991, a number of religious groups have established a presence, including Pentecostal and other evangelical Christians, Jehovah’s Witnesses, and members of the International Society of Krishna Consciousness (ISKON).

Christians live mainly in Baku and other urban areas. Approximately 15,000 to 20,000 Jews live in Baku, with smaller communities throughout the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution stipulates the separation of state and religion and equality of all religions and all individuals regardless of belief. It protects freedom of religion, including the right of individuals to profess, individually or together with others, any religion or to profess no religion, and to express and spread religious beliefs. It also provides for the freedom to carry out religious rituals, provided they do not violate public order or public morality. The constitution states no one may be required to profess his or her religious beliefs or be persecuted for such, and the law prohibits forced expressions or demonstrations of religious faith.

The law requires religious organizations, which are termed “associations” in the country’s legal code and encompass religious groups, communities, and individual congregations of a denomination, to register with the government through the SCWRA, which controls the registration process and may appeal to the courts to suspend a religious group’s activities. Registration of a religious community is tied to the physical site where the community is located as stated in its application. A subsequent move or expansion to other locations requires reregistration. Registration allows a religious organization to hold meetings, maintain a bank account, rent property, act as a legal entity, and receive funds from the SCWRA. A religious organization failing to register may be outlawed and its activities declared illegal.

The Caucasus Muslim Board (CMB) oversees the activities of registered Islamic organizations, including training and appointing clerics to lead Islamic worship, periodically monitoring sermons, and organizing pilgrimages to Mecca. Muslim communities must receive an approval letter from the CMB before submitting a registration application to the SCWRA.

To obtain registration, a religious organization must submit to the SCWRA a notarized application signed by at least 50 of its members, a charter and founding documents, the names of the organization’s founders, and the organization’s legal address and bank information.

According to the law, the government must rule on a registration application within 30 days, but it does not specify any consequences if the government fails to act by the deadline. Authorities may deny registration of a religious organization if its actions, goals, or religious doctrine contradict the constitution or other laws. Authorities may also deny registration if an organization’s charter and other establishment documents contradict the law or if the information provided is false. Religious groups are permitted to appeal registration denials to the courts.

While the law prohibits the government from interfering in the religious activities of any individual or group, there are exceptions for suspected extremist, or other illegal, activity. The law states government entities and citizens have rights and responsibilities to combat “religious extremism” and “radicalism,” referring to other criminal, administrative, and civil provisions of the law in prescribing punishments. The law defines religious extremism as behavior motivated by religious hatred, religious radicalism (described as believing in the exceptionalism of one’s religious beliefs) or religious fanaticism (described as excluding any criticism of one’s religious beliefs). According to the law, this behavior includes forcing a person to belong to any specific religion or to participate in specific religious rituals, but also includes activities seeking to change by force the constitutional structure of the country’s government, including its secular nature, or setting up or participating in illegal armed groups or unions, and engaging in terrorist activities. Per an amendment to the criminal code passed by the parliament on October 28, the law penalizes actions aimed at changing the constitutional order or violating the territorial integrity of the country on the grounds of religious hatred, radicalism, or fanaticism, with prison terms from 15 years to life.

The law also specifies cases in which religious organizations may be dissolved, including if they act contrary to their founding objectives; cause racial, national, religious, or social animosity; or proselytize in a way that degrades human dignity or contradicts recognized principles of humanity, such as “love for mankind, philanthropy, and kindness.” Other grounds for dissolution include hindering secular education or inducing members or other individuals to cede their property to the organization.

According to the law, religious rituals and ceremonies may only be led by citizens who are educated within the country or whose religious education abroad is approved by the government. The law stipulates punishments for individuals who lead Islamic

religious ceremonies in violation of the restrictions against citizens receiving unauthorized religious education abroad. The penalties include up to one year's imprisonment or fines from 1,000 manat (AZN) (\$540) up to 5,000 AZN (\$2,700). A longstanding agreement between the government and the Holy See allows foreigners to lead Catholic rituals.

The law also restricts the use of religious symbols and slogans to the inside of places of worship.

According to the law, the SCWRA reviews and approves all religious literature for legal importation, sale, and distribution. Punishment for the illegal production, distribution, or importation of religious literature can include fines ranging from 5,000 to 7,000 AZN (\$2,700 to \$3,800) or up to two years' imprisonment for first offenses, and fines of 7,000 to 9,000 AZN (\$3,800 to \$4,900) or imprisonment of between two and five years for subsequent offenses.

There is no separate religious component in the curriculum at public or private elementary or high schools. Students may take courses in religion at higher educational institutions, and the CMB sponsors some religious training abroad. Individuals wishing to participate in state-supported religious education outside the country, whether supported by the national or foreign governments, must obtain permission from, or register with, the SCWRA or the Ministry of Education. If religious education abroad is not supported by the national or foreign governments, individuals are not required to obtain advance permission from authorities. Individuals who pursue foreign government-supported or privately funded religious education abroad without permission from the government are not allowed to hold official religious positions, preach, or lead sermons after returning to the country.

Although the constitution allows alternative service “in some cases” when military service conflicts with personal beliefs, there is no legislation permitting alternative service, and refusal to perform military service is punishable under the criminal code with imprisonment of up to two years or forced conscription.

New amendments introduced in December to the provisions of the law relating to citizenship specify new grounds for losing citizenship, including participation in terrorist actions, participation in religious extremist actions or military training abroad under the guise of receiving religious education, propagating religious doctrines in a hostile manner (the law does not further define what a hostile manner is), or participation in religious conflicts in a foreign country under the guise of performing religious rituals.

According to the constitution, the law may restrict participation of “religious officials” in elections and bars them from election to the legislature. By law, political parties may not engage in religious activity. The law does not define “religious officials.” The law

prohibits religious leaders from simultaneously serving in any public office and in positions of religious leadership. It proscribes the use of religious facilities for political purposes.

The constitution prohibits “spreading and propaganda of religions humiliating people's dignity and contradicting the principles of humanism,” as well as “propaganda” inciting religious animosity. The law also prohibits threats or expressions of contempt for persons based on religious belief.

The law prohibits proselytizing by foreigners but does not prohibit citizens from doing so. In cases of proselytization by foreigners and stateless persons, the law sets a punishment of one to two years in prison.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The government continued to detain religious activists who local human rights groups deemed to be political prisoners. There were no reliable figures on the number of religious activists detained or released during the year, although the estimated total detained as of the end of the year was 86, compared to 46 in 2015, according to data collected by the Working Group for the Unified List of Political Prisoners and other NGOs. The registration process restricted the activities of religious groups the government considered nontraditional, including Jehovah's Witnesses, Baptists, and some Islamic religious organizations. Authorities continued to close mosques and interrupt religious services of unregistered communities. The government also imposed limits on the importation, distribution, and sale of religious materials. The government took some steps to promote religious tolerance.

According to the international NGO Forum 18, Inqilab Ehadli, a Shia Muslim, was arrested in January and transferred to the secret police Investigation Prison for allegedly supporting the Muslim Unity Movement. A human rights activist reportedly told Forum 18 Ehadli had been in poor health when arrested and as of April was in critical condition in a prison hospital. No further information on his case was available.

According to press and government reports, the government continued to detain representatives of minority religious groups, including Salafis and Baptists, in various parts of the country.

Throughout the year, but particularly after the attempted coup in Turkey in July, police conducted raids on, and confiscated religious materials from, purported followers of Turkish Islamic cleric and theologian Fethullah Gulen on charges of religious hatred and discrimination.

On March 23, police raided a gathering of Jehovah’s Witnesses in Gakh, briefly detained 56 people, and confiscated religious materials that had not been authorized by the government. The court later imposed 1,500 AZN (\$820) fines on 34 individuals on charges of participating in an illegal religious gathering.

According to the World Watch Monitor, a Christian NGO, two home church leaders in the southern village of Aliabad were fined 1,500 AZN (\$820), after police raided a prayer meeting at their home and initially arrested all 30 participants before releasing them. At a December 12 court hearing, the two leaders were reportedly warned not to hold any further meetings unless they first sought official registration and permission, or there would be “more serious consequences.” National television reports described their arrest as based on “illegal religious activities” and “spreading illegal religious doctrines.”

During the year, the government continued the trials of 17 imprisoned Nardaran settlement residents, as well as theologian and chairman of the Muslim Unity Movement Taleh Baghirov (also known as Taleh Baghirzade), all of whom had been arrested in 2015 on charges of religious extremism. The trial was ongoing at year’s end. Police officers reportedly stood outside every mosque in Nardaran in an effort to intimidate villagers at the end of Ramadan. A human rights activist reported an “undeclared state of emergency” had been in effect in Nardaran since the November 2015 police action.

The Baku City Court of Grave Crimes in July began hearing the case of religious scholar Elshan Mustafayev (also known as Mustafaoghlu), a former department head at the CMB originally arrested in 2014 for treason. During the court hearings, Mustafayev stated he was subjected to physical abuse by the police in efforts to coerce his testimony against Muslim community leader Sheykhulislam Allahshukur Pashazade. Mustafayev also stated authorities did not permit visits from his family and appealed to the Prosecutor General and Ombudswoman to investigate his mistreatment. Authorities did not respond to his allegations. On December 30, Mustafayev was sentenced to 10 years imprisonment.

On April 19, the Baku Court of Appeals released Nurju followers Ravan Sabzaliyev, Zakariyya Mammadov, and Shahin Hasanov, who had been arrested in 2013 on charges of producing and distributing illegal religious materials and committing civil rights violations under the guise of performing religious rituals. The court also reduced the sentences of Eldaniz Hajiyeve and Ismayil Mammadov, arrested for the same reasons, from five to three years in prison.

On September 30, authorities released theologian Jeyhun Jafarov from prison, reducing his sentence to house arrest. Security services had arrested Jafarov in March 2015 on charges of treason, after searching the offices of his translation center and confiscating computers and mobile phones.

On January 28, the Pirallahi District Court in Baku released two imprisoned Jehovah's Witnesses, Valida Jabrayilova and Irina Zakharchenko, after 11 months in prison for illegal distribution of religious literature.

Members of unregistered Muslim and non-Muslim religious groups, which the government considered to be nontraditional, continued to report they had difficulty functioning, and the government continued to levy fines against them for gathering as unregistered religious groups. A number of Protestant leaders continued to report that registration problems prevented them from openly worshiping, conducting sacraments, or advertising their locations to bring in new members. Home church leaders reported they continued to keep their activities discreet after past registration attempts had brought them what they said was unwanted attention from the authorities.

According to many religious communities, the government continued to delay the registration application process and returned some applications because of what the government said were technical or administrative problems with the information provided. Seventh-day Adventists, however, reported some progress with their application to register their Baku church, although it was still not registered as of the end of the year. Religious groups whose registration applications remained pending included minority Muslim groups, Jehovah's Witnesses outside of Baku, Baptists, Seventh-day Adventists in Ganja, and the Baku International Fellowship, a nondenominational Protestant church. Many communities that had been registered prior to the 2009 law requiring all registered religious communities to reregister continued to report the SCWRA either rejected or did not adjudicate reregistration applications. Almost all religious groups awaiting registration, whether registered prior to the 2009 law or not, had submitted their original registration applications by the original January 2010 deadline and reported they had been involved in the process of making minor corrections to their applications since then as required by the government.

According to the SCWRA, previously registered communities whose new registration applications were pending were able to operate under their previous registration, and the SCWRA continued to provide the communities with letters authorizing them to operate. Some religious communities that were unable to reregister continued to report confusion within the Ministry of Justice about the validity of their preexisting registration. According to these communities, police continued to reject SCWRA letters authorizing them to continue operations with their pre-2009 documents; they said police had told them only communities listed on the SCWRA website as currently registered were allowed to operate.

The SCWRA reported it had approved the registration of 75 religious communities during the year, while 22 communities had dissolved themselves for unspecified reasons. The SCWRA continued to report it had not denied any new registration applications from religious communities during the year; however, the SCWRA reportedly returned registration applications to communities as incomplete or failed to take action on some applications. In addition, the SCWRA continued to consider pre-

2009 registration status for such communities to apply only to the physical structures mentioned in their pre-2009 registration form. The SCWRA stated any religious activities of these communities in additional facilities or new locations acquired since 2009 were not covered under their pre-2009 registration status.

According to government officials, the 75 new registrations brought the total number of registered religious groups to 707, of which 25 were non-Muslim – 16 Christian, six Jewish, two Bahai, and one ISKON group. The SCWRA also reported there were 2,054 registered mosques.

In September according to the news service of Forum 18, authorities closed a Sunni mosque in Gobustan for operating without registration. Subsequently, the court found community leader Ahmad Simirov guilty of violating religious registration requirements and ordered him to pay a 1,500 AZN (\$820) fine.

Local religious experts continued to report local authorities closed mosques, stating they were in need of renovation or had safety issues. Some mosques closed as long ago as 2010 remained closed. According to these experts, the closures were attempts by the government to counter extremism, especially in the Baku area. Government officials stated, in particular, the threat posed by ISIS remained a serious concern.

In July authorities closed the Ashurbey Mosque in the Old City of Baku for renovation. Some civil society activists stated the closure was related to the use of the mosque by Salafi Muslims. According to press and government reports, authorities confiscated religious materials and replaced community leaders and imams in other mosques suspected of being Salafi gathering places. Although Salafis were allowed to attend these mosques, they were prohibited from holding positions of leadership, leading prayers, or delivering sermons.

In January according to Forum 18, police closed a Sunni home mosque in Shirvan that had functioned for 20 years for operating without registration. No further information about the case was available as of the end of the year.

In May authorities and the police demolished a Shia seminary in Nardaran reportedly in order to widen a street that residents said could not be widened. Community members filed a complaint with the judicial authorities. No further information was available about this case as of the end of the year.

On February 22, according to an independent news agency, police stopped a religious ceremony devoted to the daughter of the Prophet Muhammed at a mosque in Nardaran, because they had not received prior notification of the ceremony.

According to Forum 18, some Muslim groups not part of the CMB, particularly Sunni groups, objected to the imposition of a calendar by the state stipulating when they were allowed to pray and celebrate Islamic festivals. They reportedly said they feared arrest if they prayed according to the calendar they believed to be correct.

The government continued to allow head coverings in most public places but not in photographs for official identity documents. According to local observers, the government and the majority of school administrators throughout the country also continued to allow girls to wear the hijab in primary and secondary schools, despite a prior directive not to do so.

The government continued its controls on activities by Muslim groups, including on the content of religious television broadcasts and the sale of religious literature. According to local religious experts, the authorities continued to confiscate banned books.

Several Muslim and Christian groups continued to complain of censorship and of a lengthy and burdensome process to obtain permission to import religious literature. According to the Jehovah's Witnesses, although the SCWRA allowed the importation of Jehovah's Witness publications, the government allegedly ran out of the stamps necessary to mark the publications as approved so the group was unable to use or distribute the publications.

Domestic human rights monitors continued to criticize the government for not offering any form of alternative service to conscientious objectors in place of military service. Government officials stated the reason for this situation was the ongoing conflict in Nagorno-Karabakh.

The supreme court continued to deny Jehovah's Witnesses' appeals on the lack of alternative services despite the government's July 14 statement to the UN Human Rights Council saying alternative service was an option provided by the law. According to the Jehovah's Witnesses, the State Service for Mobilization and Conscription (SSMC) threatened Jehovah's Witness Daniel Khutsishvili with criminal prosecution for requesting conscientious objector status to military service. When Khutsishvili requested alternative service, the SSMC reportedly informed him no provision of law existed to implement conscientious objector status, even though the constitution allowed it.

The government allocated 1 million AZN (\$543,000) to the Caucasus Muslim Board for the needs of Muslim communities, and 800,000 AZN(\$435,000) to non-Muslim communities, both traditional and nontraditional, to use at their discretion. According to SCWRA officials, 2.5 million AZN (\$1.4 million) was allocated to their budget for religious education programs.

In February President Ilham Aliyev participated in the opening ceremony of the Shia Imamzade religious center in Ganja after its extensive renovation. Authorities also renovated 12 mosques, two churches, and one synagogue during the year.

The SCWRA held 14 regional conferences during the year on multiculturalism, tolerance, and combating religious radicalism as part of its annual work aimed at increasing religious tolerance and coexistence. The conferences, as well as training sessions and seminars, cosponsored by the Eurasian Regional Center of Islamic Conference Youth Forum, brought together representatives of different faiths to discuss religion and state affairs.

The government hosted the 7th Global Forum of the UN Alliance of Civilizations in April. The meeting focused on developing inclusive societies and issued a declaration rejecting the advocacy of religious hatred as a means of inciting discrimination, hostility, or violence.

Abuses by Foreign Forces and Nonstate Actors

The government did not exercise control over the Nagorno-Karabakh region. Religious groups, including Jehovah's Witnesses, and NGOs, including Forum 18, continued to report the de facto authorities in Nagorno-Karabakh restricted religious activities in general, but information on specific abuses was unavailable.

Section III. Status of Societal Respect for Religious Freedom

In October Pope Francis visited the country, meeting with Muslim, Jewish and Russian Orthodox Church leaders, as well as leading a Mass for the country's small Catholic community. Media coverage reported the pope made positive reference to the tradition of religious tolerance in the country and avoided public discussion of religious problems or other human rights issues.

Section IV. U.S. Government Policy

The U.S. Ambassador and embassy officers continued to urge government representatives, including senior SCWRA officials, to address longstanding religious registration issues as well as obstacles to the importation and publication of religious literature. Embassy officers continued to hold meetings with the SCWRA, the Caucasus Muslim Board, and the MFA to address the government's treatment of the religious communities having difficulties fulfilling the reregistration requirements, including the Jehovah's Witnesses and other religious minorities. Embassy representatives also observed the trial of Jehovah's Witnesses Valida Jabrayilova and Irina Zakharchenko and met with community representatives to discuss their health and welfare after the court released them in January.

The Ambassador and embassy officers continued to meet regularly with leaders of Christian, Muslim, and Jewish groups and NGO representatives to discuss obstacles to registration and the importation of religious materials.

The Ambassador and embassy officers continued to issue public statements on the need to perpetuate the country's history of religious tolerance for future generations. In June the Ambassador hosted an iftar for government officials, Muslim and non-Muslim religious leaders, and NGO representatives to emphasize mutual tolerance and respect among the country's religious communities.

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