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There was no change in the status of respect for religious freedom during the period covered by this report. Some religious groups reported delays in and denials of registration as well as limitations upon their ability to import religious literature. Others have indicated that they either received or expect to receive their registration, they are able to import religious literature, and they meet without government interference. However, local authorities occasionally monitor religious services, and officials at times harassed nontraditional religious groups.

The generally amicable relationship among religions in society contributed to religious freedom; however, there is popular prejudice against Muslims who convert to non-Muslim faiths and hostility towards groups that proselytize, particularly Evangelical Christian and missionary groups.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The Embassy is engaged actively in monitoring religious freedom and maintains contact with the Government and a wide range of religious groups.

Section I. Religious Demography

According to official figures, the country has a total area of 33,774 square miles, and its population is approximately 8 million. There are no reliable statistics on membership in various faiths; however, according to official figures, approximately 96 percent of the population is Muslim. The rest of the population adheres to other faiths or consists of nonbelievers. Among the Muslim majority, religious observance is relatively low and Muslim identity tends to be based more on culture and ethnicity rather than religion; however, imams reported increased attendance at mosques during 2003. The Muslim population is approximately 70 percent Shi'a and 30 percent Sunni; differences traditionally have not been defined sharply.

The vast majority of the country's Christians are Russian Orthodox whose identity, like that of Muslims, tends to be based as much on culture and ethnicity as religion. Christians are concentrated in the urban areas of Baku and Sumgait. Most of the country's Jews belong to one of two groups: the "Mountain Jews," who are descendents of Jews who sought refuge in the northern part of the country more than 2,000 years ago; and a smaller group of "Ashkenazi" Jews, descendents of European Jews who migrated to the country during Russian and Soviet rule.

These four groups (Shi'a, Sunni, Russian Orthodox, and Jewish) are considered traditional religious groups. There also have been small congregations of Evangelical Lutherans, Roman Catholics, Baptists, Molokans (Russian Orthodox old-believers), Seventh-day Adventists, and Baha'is in the country for more than 100 years. In the last 10 years, a number of new religious groups that are considered foreign or nontraditional have been established. These include "Wahhabist" Muslims, Pentecostal and Evangelical Christians, Jehovah's Witnesses, and Hare Krishnas.

There are fairly sizeable expatriate Christian and Muslim communities in the capital city of Baku; authorities generally permit these groups to worship freely.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides that persons of all faiths may choose and practice their religion without restriction; however, there were some abuses and restrictions. Under the Constitution, each person has the right to choose and change his or her own religious affiliation and belief—including atheism, to join or form the religious group of his or her choice, and to practice his or her religion. The Law on Religion expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there are exceptions, including cases where the activity of a religious group "threatens public order and stability."

A number of legal provisions enable the Government to regulate religious groups, including a requirement in the Law on Religion that religious organizations be registered by the Government. The State Committee for Work with Religious Associations (SCWRA), which replaced the Department of Religious Affairs in 2001, assumed responsibility for the registration of religious groups from the Ministry of Justice. Government authorities gave the SCWRA and its chairman, Rafiq Aliyev, sweeping powers for registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law. Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA.

Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Unregistered organizations are exposed to allegations that they are illegal and find it difficult, but not impossible, to function. The Baku city government has attempted to use registration as a requirement for occupying religious buildings registered as historical landmarks. In February and March, the city government asked the courts to evict the unregistered Juma Mosque community from its historic mosque in Baku's old city. On March 1, a Sabayil District Court judge ordered the Juma Mosque be turned over immediately to the Icheri Sheher Historical and Architectural National Park. On March 11, the Juma Mosque community filed for and received a postponement of their eviction pending an appeal. The Court of Appeals on April 22 upheld the Sabayil District Court decision to evict the Juma Mosque community from its mosque. Officials from the Ministry of Justice and police began the court-ordered eviction of the Juma Mosque Community on June 30.

Unregistered groups were more vulnerable to attacks and closures by local authorities. In 2001, religious groups were called upon to reregister with the SCWRA; however, the registration process is burdensome, and there are frequent, lengthy delays in obtaining registration. To register, religious groups must complete a seven-step application process that is cumbersome, opaque, arbitrary, and restrictive. One of the primary complaints is the requirement to indicate a "religious center," which requires additional approval by appropriate government authorities if the "center" is located outside the country. Board members also are required to provide their place of employment. Many groups have reported that the SCWRA employees charged with handling registration-related paperwork repeatedly argued over the language in statutes and also instructed some groups on how to organize themselves. Religious groups are permitted to appeal registration denials to the courts.

During the period covered by this report, the Government registered 58 religious groups. Since the call for reregistration, 257 groups have successfully registered, compared with 406 that were registered under the previous law. The majority of the registered groups were Muslim. The SCWRA estimates that 2,000 religious groups are in operation; many have not filed for registration or reregistration. The Muslim Juma Mosque community refuses to submit a complete reregistration package amid concern that provisions of the reregistration process will bring government interference in its ability to worship freely. The community argues that its 1993 registration should remain in force. Among minority religious communities that have faced reregistration problems was the Baptist denomination. Of its five main churches, three have gained reregistration; Baptist churches in Aliabad and Neftchala remain unregistered.

The Law on Religious Freedom prohibits foreigners from proselytizing. The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, the authorities also appeared to restrict selectively individuals from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remains burdensome, but religious organizations report that it is becoming more regular and that the

SCWRA appears to be handling requests more effectively.

Registered Muslim organizations are subordinate to the Spiritual Directorate of All-Caucasus Muslims, a Soviet-era Muftiate, which appoints Muslim clerics to mosques, monitors sermons, and organizes annual pilgrimages to Mecca for the hajj. Although it remains the first point of control for Muslim groups wishing to register with the SCWRA according to the Law on Religious Freedom, it also has been subject to interference by the SCWRA, which has attempted to share control with the Spiritual Directorate over the appointment and certification of clerics and internal financial control of the country's mosques. Some Muslim religious leaders object to interference from both the Spiritual Directorate and the SCWRA.

Religious instruction is not mandatory in public schools. In 2003, the SCWRA continued its campaign to institute a mandatory religion course in all secondary schools. A draft textbook, authored by the SCWRA Chairman, dedicates the majority of the text to Islam but includes a small portion on other traditional faiths and on some nontraditional Christian faiths. Ministry of Education officials have not approved the course, which would conflict with constitutional laws protecting secular education.

Restrictions on Religious Freedom

The Government restricted some religious freedom during the period covered by this report. The SCWRA continued to delay or deny registration to a number of Protestant Christian groups, including two Baptist churches. At the end of the period covered by this report, the SCWRA had reregistered more than half the number of religious communities previously registered. Some groups reported that the SCWRA employees tried to interfere in the internal workings of their organizations during the registration process. Although unregistered religious groups continued to function, some reported official harassment, including break-ups of religious services and police intimidation, and beatings of worshippers by police.

At the end of the period covered by this report, the ethnic Azeri "Love" Baptist Church continued to conduct services despite losing their appeal to the Supreme Court after charges were brought in 2001 against Sari Mirzoyev, the pastor of the Church, for insulting Muslim fasting traditions in a sermon during the holy month of Ramadan. The Church lost its registration, but Mirzoyev continues to give sermons regularly.

Under the Law on Religion, political parties cannot engage in religious activity, and religious leaders are forbidden from seeking public office. Religious facilities may not be used for political purposes. One of the reasons government officials cited for seeking the eviction of the Juma Mosque community from their current location was the political activity of the mosque's imam, Ilgar Ibrahimoglu. Ibrahimoglu and the leadership of the Juma Mosque community joined opposition political party leader Isa Gambar's election movement, and Ibrahimoglu urged the Juma worshippers to vote against the current government.

Local law enforcement authorities occasionally monitor religious services, and some observant Christians and Muslims are penalized for their religious affiliations.

The Law on Religious Freedom expressly prohibits religious proselytizing by foreigners, and this is enforced strictly. Government authorities have deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law. Authorities warned members of the Adventist church in Ganja after they proselytized in a public school.

The Government is concerned about Islamic missionary groups (predominately Iranian and Wahhabist) that operate in the country, whose activities have been restricted in recent years. The Government closed several foreign-backed Islamic organizations as a result of reported connections to terrorist activity.

Some religious groups continued to report some restrictions and delays in the import of religious literature by some government ministries, although the SCWRA has also facilitated the import of such literature. In late summer 2003, the Union of Baptists of Azerbaijan requested permission to import 50,000 copies of an Azeri language version of the New Testament. The SCWRA initially granted permission for only 2,000 copies. In February, the SCWRA granted permission

for the importation of 10,000 copies. In March, the SCWRA quickly granted permission for the Baptists to import 5,500 copies of a religious book for children. In contrast, in April, the leader of the Baptist Union attempted to import another shipment of religious books. Customs officials refused to allow him to have the books until the SCWRA issued a letter granting him permission to import the books. The SCWRA said they could not grant permission until they had seen the books. The Baptist Union reports that customs officials would not allow them to take the books to the SCWRA until after the SCWRA granted permission for them to allow the books into the country.

The Government regulates travel for the purpose of religious training. One needs to obtain permission from or register with the SCWRA or the Ministry of Education in order to go abroad for religious studies.

No religious identification is required in passports or other identity cards. In 1999, a court decided in favor of a group of Muslim women who sued for the right to wear headscarves in passport photos; however, the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM) reports that authorities still prohibit Muslim women from wearing headscarves in passport photos.

Press reports indicate that in the breakaway Nagorno-Karabakh region, a predominantly ethnic Armenian area over which the authorities have no control, the Armenian Apostolic Church enjoys a special status. The Armenian Church's status results in serious restrictions on the activities of other religions, primarily Christian groups. The ongoing state of war (which is regulated by a cease-fire) has led to hostility among Armenians living in Nagorno-Karabakh toward Jehovah's Witnesses, whose beliefs prohibit the bearing of arms. Courses in religion are mandatory in Nagorno-Karabakh schools. The largely Muslim ethnic Azeri population in Nagorno-Karabakh and the seven occupied territories, which fled the region during the conflict with Armenia in the 1990s, has not been able to return to the provinces.

Abuses of Religious Freedom

Sporadic violations of religious freedom by some officials continued. Baptist leaders in the southeastern town of Neftchala reported harassment by local police in February and March. In mid-March, Baptist leaders in Baku spoke with the Neftchala government leader, who said he would see that the harassment stopped. The Neftchala Baptist community reports that there has been no harassment since then. Baptist leaders also reported harassment in the northern Gusar and Balakan regions in October and November of 2003; however, the situation has improved. The chairman of the SCWRA spoke on television in March, claiming that Adventists used financial bribes to recruit new adherents. The Adventists have denied the accusations.

In many instances, abuses reflected the popular antipathy towards ethnic Azeri converts to non-Russian Orthodox Christianity and other nontraditional religions. In February, an Adventist pastor in Naxchivan reported that local Muslim activists threatened him, and that Naxchivan police took no action when he reported the threats.

Government authorities took various actions to restrict what they claimed were political and terrorist activities by Iranian and other clerics operating independently of the organized Muslim community. The Government outlawed several Islamic humanitarian organizations because of credible reports of connections to terrorist activities. The Government also deported foreign Muslim clerics it suspected of engaging in political activities. There also were reports that the Government harassed Muslim groups due to security concerns. For example, the Human Rights Resource Center in Khachmaz reported that Wahhabis in Khachmaz were harassed because the authorities suspected that all Wahhabists have links to terrorism.

Members of the Juma Mosque community alleged they were kicked as police entered during morning prayers on June 30. In addition the Caucasus Muslim Board has appointed a new akhund to replace Ibrahimoglu. Worshipers have reacted with anger to news of the appointment.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Improvements and Positive Developments in Respect for Religious Freedom

Some religious groups in the country reported improvements in their ability to function freely. Several churches have indicated that they either received or expect to receive their registration, they were able to import religious literature, and they met without government interference.

When minority religious communities outside of Baku reported that local authorities illegally denied their registration, the SCWRA intervened on their behalf and rectified the situation. In previous years, the SCWRA had taken a particularly strict approach to the registration of minority religious communities and had failed to prevent local authorities from banning such communities.

During the period covered by this report, the Government worked actively to promote interfaith understanding. The SCWRA convened leaders of various religious communities on several occasions to resolve disputes in private and has provided forums for visiting officials to discuss religious issues with religious figures. In the past year, the SCWRA organized 15 seminars, 2 roundtables, 2 conferences, and 3 regional meetings on religious freedom and tolerance.

Section III. Societal Attitudes

The generally amicable relationship among religions in society contributed to religious freedom; however, there is popular prejudice against Muslims who convert to non-Muslim faiths and hostility toward groups that proselytize, particularly Evangelical Christian and missionary groups. This has been accentuated by the unresolved conflict with Armenia over Nagorno-Karabakh. During the period covered by this report, newspapers and television broadcasts depicted small, vulnerable, religious groups as a threat to the identity of the nation and undermining the country's traditions of interfaith harmony. These broadcasts led to local harassment.

During the period covered by this report, articles critical of Wahhabism and Christian missionaries appeared in many newspapers in the country. Religious proselytizing by foreigners is against the law, and there is vocal opposition to it.

Hostility also exists toward foreign (mostly Iranian and Wahhabist) Muslim missionary activity, which partly is viewed as seeking to spread political Islam and therefore as a threat to stability and peace. The media targeted some Muslim communities that the Government claimed were involved in illegal activities.

Hostility between Armenians and Azeris, intensified by the unresolved conflict over Nagorno-Karabakh, remains strong. In those portions of the country controlled by Armenians, all ethnic Azeris have fled and those mosques that have not been destroyed are not functioning. Animosity toward ethnic Armenians elsewhere in the country forced most ethnic Armenians to depart between 1988 and 1990, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remain closed. As a consequence, the estimated 10,000 to 30,000 ethnic Armenians who remain in the country are unable to attend services at their traditional places of worship.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. During the period covered by this report, the Ambassador conveyed U.S. concerns about the registration process to the chairman of the SCWRA and expressed strong concerns about the Government's commitment to religious

freedom with others in the Government and publicly in the press. The Embassy also repeatedly expressed objections to the censorship of religious literature. The Embassy also closely monitored the court case against the Juma Mosque community and met with government and religious leaders to urge them to respect religious freedom.

The Ambassador and Embassy officers maintain close contacts with leading Muslim, Russian Orthodox, and Jewish religious officials, and regularly meet with members of nonofficial religious groups to monitor religious freedom. The Ambassador and Embassy officers also work closely with nongovernmental organizations that deal with issues of religious freedom.

In November 2003, the Ambassador hosted an Iftar for leaders of the country's major religious communities.

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