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2017 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 practice religious rituals, provided these do not violate public order or public morality. The law prohibits the government from interfering in religious activities, but it 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 that “degrades human dignity;” and hinder secular education. In June the law was amended to allow foreigners invited by registered religious groups to conduct religious services. Local human rights groups and others stated that the government continued to physically abuse, arrest, and imprison religious activists. The reported total incarcerated at the end of the year was 80, compared with 86 in 2016. In January and December courts sentenced leaders of the Muslim Unity Movement and others arrested in a 2015 police operation in Nardaran to long prison terms on charges many activists considered fabricated, including inciting religious hatred and terrorism. In July authorities sentenced a theologian to three years in prison for performing a religious ceremony after studying Islam abroad. Authorities detained, fined, or warned numerous individuals for holding unauthorized religious meetings. According to religious groups, the government continued to deny or delay registration to minority religious groups it considered “nontraditional,” disrupting their religious services and fining participants. Groups previously registered but which authorities required to reregister continued to face obstacles in doing so. Authorities permitted some of these groups to operate freely, but others reported difficulties in trying to practice their faith. Local religious experts stated the government continued to close mosques on the pretext of repairing them but said the actual reason was government concerns the mosques served as places for the propagation of extremist views. The government continued to control the importation, distribution, and sale of religious materials. The courts fined numerous individuals for the unauthorized sale or distribution of religious materials, although some individuals had their fines revoked on appeal. The government sponsored training sessions throughout the country to promote religious tolerance and combat what it considered religious extremism.

Local religious experts and civil society representatives stated societal tolerance continued for traditional minority religious groups, including Jews, Russian Orthodox, and Catholics; however, citizens often viewed with suspicion and mistrust groups that many considered nontraditional. A limited public debate took place on social media over the proper place of religion in public life after a draft of an alleged “creationist” textbook was posted online; subsequently the Ministry of Education modified the passages offensive to secular leaning academics.

The U.S. Ambassador and embassy officers met regularly with officials from the State Committee for Work with Religious Associations (SCWRA) and other government officials and urged the government to address longstanding issues with the registration process for religious communities and to improve its treatment of religious groups still facing difficulties fulfilling the requirements for reregistration. The Ambassador and embassy officers also continued discussions on obstacles to registration and the importation of religious materials with religious leaders and representatives of nongovernmental organizations (NGOs). The Ambassador and embassy spokespersons issued public statements urging the government and society to uphold religious tolerance and acceptance.

Section I. Religious Demography

The U.S. government estimates the total population at 10 million (July 2017 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 the Russian Orthodox Church, Georgian Orthodox Church, Armenian Apostolic Church, Seventh-day Adventists, Molokans, Roman Catholic Church, other Christians, including evangelical Christians and Jehovah’s Witnesses, Jews, and Bahais. Other groups include the International Society of Krishna Consciousness (ISKON) and those professing no religion.

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 them; the law prohibits forced expressions or demonstrations of religious faith.

The law requires religious organizations – 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. The SCWRA manages 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 government.

To register, 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.

By 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 contradicts 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 may appeal registration denials to the courts.

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.

The law bans activities by unregistered religious groups, which are punishable by fines or imprisonment.

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. It 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. The law penalizes actions intending to change 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.

On June 22, President Ilham Aliyev approved amendments to the religious freedom law that allow foreigners invited by registered religious groups to conduct religious services. Passed by parliament on May 20, the amendments also allow the CMB to grant special permission to citizens who have received Islamic education abroad to perform *Namaz* (ritual prayers) and other Islamic rituals.

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 AZN (\$580) up to 5,000 AZN (\$2,900). 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 inside 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 (\$2,900 to \$4,100) or up to two years' imprisonment for first offenses, and fines of 7,000 to 9,000 AZN (\$4,100 to \$5,300) or imprisonment of between two and five years for subsequent offenses.

There is no separate religious component in the curriculum of public or private elementary or high schools; however, students may obtain after-school religious instruction at registered institutions. 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, including on religious grounds, and refusal to perform military service is punishable under the criminal code with imprisonment of up to two years or forced conscription.

The law stipulates the government may revoke the citizenship of individuals who participate in terrorist actions; engage in religious extremist actions; undergo military training abroad under the guise of receiving religious education; propagate religious doctrines in a “hostile” manner, which the law does not further define; or participate 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

Summary paragraph: The government continued to physically abuse, arrest and imprison religious activists who local human rights groups deemed to be political prisoners according to local human rights groups and others. There were an estimated 80 individuals incarcerated as of the end of the year. In January and December the Baku Grave Crimes Court sentenced leaders of the Muslim Unity Movement and others arrested in a 2015 police operation in Nardaran to long prison terms. In July the Masalli District Court sentenced a theologian to three years in prison for performing a religious ceremony after studying Islam outside the country. Authorities detained, fined and

warned numerous individuals for holding unauthorized religious meetings. According to religious groups, the government continued to deny or delay registration to minority religious groups it considered “nontraditional,” disrupting their religious services and fining participants. Groups previously registered but which the authorities required to reregister continued to face difficulties doing so. Local religious experts stated the government continued to close mosques on the pretext of repairing them but said the actions were actually due to government concerns the individuals in mosques promulgated extremist views. The government continued to restrict the importation, distribution, and sale of religious materials. The courts fined numerous individuals for the unauthorized sale or distribution of religious materials, although some individuals had their fines revoked on appeal. The government organized conferences and took other steps to combat what it considered to be religious extremism and to promote religious tolerance.

On September 30, authorities detained 30 men who, in violation of local edict, were marching towards the Imamzadeh Mosque in Ganja to commemorate Ashura. Police charged four individuals with hooliganism and for resisting the police and placed them in pretrial detention. Human rights lawyers reported the police severely beat many of the detainees in custody.

Government authorities continued to arrest and incarcerate individuals for their religious activities. Local human rights groups considered many of these individuals political prisoners. There were no reliable figures on the number of religious activists detained or released during the year, although the estimated total incarcerated as of the end of the year was 80, compared with 86 in 2016, according to data collected by the Working Group for the Unified List of Political Prisoners and other NGOs.

On January 25, the Baku Grave Crimes Court sentenced Muslim Unity Movement leader Taleh Bagirzada and his deputy Abbas Huseynov to 20 years in prison following the December 2016 police raid in the village of Nardaran. The court sentenced 16 others associated with the case to prison terms ranging from 10 to 19 years. In July a court denied appeals to overturn the sentences. On December 28, the Baku Court sentenced another group of individuals arrested in connection to the special police operation in Nardaran to prison terms of 12 to 15 years. Lawyers for the convicted men publicly called the verdicts and sentences illegal and said they would appeal them. Authorities charged the group with terrorism, murder, calling for the overthrow of the government, and inciting religious hatred. Human rights defenders stated the government fabricated the charges to halt the spread of an Islamic political opposition in the country. In September the government granted the early release of 18 individuals convicted of minor crimes related to a 2015 police operation in Nardaran.

On July 3, the Masalli District Court sentenced theologian Sardar Babayev to three years in prison for performing *Namaz* (ritual prayers) after having studied Islam outside the country. He was the only individual ever prosecuted under this law. Following Babayev's arrest, parliament passed legislation allowing the CMB, the same body that had originally appointed him as imam in Masalli, to waive selectively the same legal

requirements for other individuals. According to NGOs Human Rights Without Frontiers (HRWF) and Forum 18, Babayev’s lawyer was unable to attend the first hearing on February 22 due to the short notice, and while in pre-trial detention from February to July prison authorities reportedly denied Babayev access to the Quran and to a prayer mat.

On July 25, the Baku Court of Appeals affirmed a lower court’s conviction of Inqilab Ehadli for treason (reportedly wanting to overthrow the constitutional order). On May 11, 2016, the Baku Grave Crimes Court had sentenced him to five years in prison. Lawyers stated the real reason for his conviction was his support of the politically active Muslim Unity Movement.

According to the media reports, police in the town of Quba raided a religious meeting at the home of local resident Tehran Amiraslanov on March 4 and detained 22 participants on charges of holding a religious meeting without state permission. Police seized 54 religious books and 16 audio tapes and sent them to the SCWRA for analysis. At least 21 of the accused reportedly were found guilty and each was fined 1,500 AZN (\$880) at hearings on March 5.

On April 9, according to NGO reports, police raided meetings of Jehovah’s Witnesses in the Qaradag district of Baku, detaining 39 individuals, including 10 children. Police seized a large quantity of religious literature during the raids. At year’s end, the investigation of the case continued. Jehovah’s Witnesses also reported police raided and interfered with religious services, seized religious literature, physically attacked individuals, and detained them for hours in three incidents in Barda and Lokbatan. Between October 2016 and July 2017, Jehovah’s Witnesses representatives’ reported 10 cases of police interference with their public proselytizing.

Media reported authorities removed an imam in the Goychay district, Ruslan Mammadov, from his position as the CMB-approved imam, charging him with illegal activity for setting up a mosque in a village near his home. Media also reported the SCWRA issued a warning to Imam Ilgar Ibrahimoglu for holding an “illegal” meeting in Baku during Ramadan for the Juma Mosque religious community from which authorities officially removed him in 2004.

Unregistered Muslim and non-Muslim religious groups considered nontraditional by the government reported authorities continued to impede their functioning and subject them to fines. Some Protestant leaders reported that their continued inability to obtain legal registration prevented them from openly conducting worship services or advertising their locations to bring in new members. Leaders of unregistered home-based churches continued to report they kept their activities discreet after past unsuccessful registration attempts brought them unwanted attention from authorities.

Numerous religious communities continued to report experiencing problems with the government’s registration application process, leaving them unable to register.

Communities applying for registration for the first time stated the government continued to return applications because of what it said were technical or administrative problems with the information provided. In 2009, the government amended the law governing religious communities to require all registered groups to resubmit registration applications. The SCWRA did not reregister some groups, including several minority Muslim groups, Jehovah's Witnesses, and some evangelical Christians, despite their submission of their applications before the January 2010 deadline, and continued to require the groups to dissolve legally before accepting new applications for registration.

Some religious community leaders also reported the SCWRA continued its policy of applying pre-2009 registration status for such communities only to the physical structures mentioned in their pre-2009 registration forms. The SCWRA continued to state the religious activities of these communities in additional facilities or new locations acquired since 2009 were not covered under their pre-2009 registration status.

The SCWRA reported it continued to provide letters authorizing previously registered communities to operate while their new registration applications remained pending. Although the SCWRA stated those communities were able to operate under their previous registration, some of the religious communities unable to reregister reported police continued to reject the SCWRA letters as inadequate and stated only communities listed on the SCWRA website as currently registered were allowed to operate.

According to the SCWRA, the number of registered communities during the year reached 793, of which 28 were non-Muslim – 17 Christian, eight Jewish, two Bahai, and one ISKON. The SCWRA also reported 2250 mosques, 14 churches, and seven synagogues were registered at the end of the year. The SCWRA stated it had registered ten religious education schools during the year.

The SCWRA said in a press release it terminated the activities of seven religious communities for noncompliance with the law and reported registering 34 religious communities.

Observers reported the government and the majority of school administrators throughout the country continued to permit girls to wear the hijab in primary and secondary schools despite directives in 2007 and 2009 that mandated school uniforms and implied girls should not wear the hijab.

According to religious experts, the government continued to exercise control over the activities of Muslim groups, including through regulating the content of religious television broadcasts and the sale of religious literature. The government also reportedly continued confiscations of unapproved books.

According to NGO reports, on May 5, police in the southern town of Astara, on the border with Iran, seized 365 banned religious books and 13 CDs from five homes. The police investigation reportedly continued at year’s end.

Although some religious groups reported the process for obtaining permission to import religious literature remained burdensome, Jehovah’s Witnesses stated their previous problems with the importation of religious materials and literature had ended following meetings on the subject with the SCWRA.

On May 31, the Sheki Court of Appeals upheld a fine of 1,500 AZN (\$880) imposed on Sunni Muslim Shahin Ahmadov for holding an “illegal” religious meeting. Police had detained him for reading aloud from the works of theologian Said Nursi to three friends while picnicking on April 18.

On June 21, the Sheki Court of Appeals upheld a fine of 1,500 AZN (\$880) given to Baptist Pastor Hamid Shabanov for an illegal religious gathering after police raided a 2016 meeting with fellow church members in the village of Aliabad in the northern Zakatala district. Media reported police also fined Mehman Agamammadov for his participation in the same gathering, but he was unable to join Shabanov’s appeal, having never received a written decision from the court, despite repeated attempts to obtain it. Human rights defenders stated there were multiple violations of law and process in this case, such as the court’s failure to provide a translator and asking Shabanov to sign documents he could not read.

In early January a higher court rejected the appeal by three Jehovah’s Witnesses from the Goranboy district of fines imposed on them for discussing their faith with others and offering to give them religious literature.

Local media reported authorities fined Kifayat Maharramova, a bookseller in Ganja, 2,000 AZN (\$1,200) in early May for selling religious books and discs without the necessary state permission. Two booksellers in Baku, Shahmerdan Imamaliyev and Islam Mammadov, lost their appeals in January to overturn similar fines imposed in 2016.

In March a court in Baku acquitted the owners of a store selling Christian books after they showed evidence to the court they had previously applied for the needed license to sell religious items, and the books being sold had received state approval or were sample copies to be submitted for such approval. Following the court decision in their favor, they received the necessary license from authorities with the assistance of the SCWRA.

On February 8, the Supreme Court overturned the conviction of Jehovah’s Witnesses Valida Jabrayilova and Irina Zakharchenko on charges of illegal distribution of religious literature. The court found the brochure in question had been approved for import and

was not harmful to society. On August 4, the Nasimi District Court awarded them compensation for “material and moral damage” incurred during their 11-month imprisonment.

Local religious experts stated the government continued to close mosques under the pretext of repairing or renovating them; they said the government’s real motivation was countering perceived religious extremism. Once closed, they said, the mosques remained closed. For example, after the Ashurbey Mosque in the Old City of Baku became popular with Salafis as a place of worship, authorities announced it needed renovation and closed it in July 2016. It remained closed at year’s end.

On July 1, local authorities demolished the Haji Javad mosque in Baku. According to media reports, on April 12, a group of Muslims surrounded the mosque to prevent its demolition to construct a new road. Authorities had suspended the demolition while they studied the issue and held consultations on relocating the mosque to a nearby location. Media reported the government had not authorized the demolition, and officials fired the head of the city district. The government ordered the construction of a new Haji Javad Mosque that was near completion at the end of the year.

Domestic human rights NGOs and Jehovah’s Witnesses reported the government continued not to offer any form of alternative service to conscientious objectors. Government officials continued to state the basis for their stance was the continuing conflict in Nagorno-Karabakh.

On March 17, in conjunction with the declaration of 2017 as a year of Islamic solidarity, the president announced the allocation of three million AZN (\$1,750,000) to the CMB for educational activities throughout the country, to be conducted in coordination with state officials and religious figures.

On June 20, President Aliyev signed a decree allocating one million AZN (\$585,000) to the CMB for the needs of Muslim communities, and 250,000 AZN (\$147,000) each to the Baku Diocese of the Russian Orthodox Church and the religious community of Mountain Jews. The decree also allocated 100,000 AZN (\$58,500) each to the European Jewish community, the Albanian-Udi community, and the Catholic Church of Baku.

During the first six months of the year, the SCWRA held 13 domestic conferences in varying locations on Islamic solidarity, modern challenges, and “religious enlightenment,” 12 roundtables on activities of religious communities in promoting Islamic solidarity, and nine training sessions on the fight against “religious radicalism.”

Abuses by Foreign Forces and Nonstate Actors

The government did not exercise control over the Nagorno-Karabakh region. Some religious groups and NGOs reported continued restrictions on religious activities by the de facto authorities in Nagorno-Karabakh, but information on specific abuses remained unavailable.

On September 8, Grand Mufti Sheikh ul-Islam Allahshukur Pashazade, Armenian Supreme Patriarch Karekin II, and Russian Orthodox Patriarch Kirill I met in Moscow to discuss a peaceful settlement of the Nagorno-Karabakh conflict. The three religious leaders called on the authorities in the region to protect churches and mosques and to respect and preserve religious monuments. They also urged political authorities not to allow the conflict to turn into a religious conflict.

Section III. Status of Societal Respect for Religious Freedom

Local religious experts and civil society representatives stated the country's historical societal tolerance continued with regard to traditional minority religious groups such as Jews, Russian Orthodox, and Catholics, but many persons viewed groups considered nontraditional, such as Baptists and Jehovah's Witnesses, with suspicion and mistrust. Social media comments reflected such mistrust; some users maligned Jehovah's Witnesses for refusing to serve in the army while the country remained at war.

According to a media report in March, there was limited public debate on social media over the proper place of religion in public life after a draft of an alleged “creationist” textbook was posted online for public comment. Secular leaning academics spoke out against the draft textbooks, and in response, the Ministry of Education modified the offending passages.

Section IV. U.S. Government Policy and Engagement

The Ambassador and embassy officers met with senior SCWRA officials and with CMB and Ministry of Foreign Affairs officials and urged the government to address longstanding issues with the registration process for religious groups and the government's treatment of the religious communities continuing to face difficulties in fulfilling registration requirements, including the Jehovah's Witnesses, Baptist communities, and other religious minorities. They also discussed fines and detentions of religious practitioners.

The Ambassador and embassy officers met regularly with leaders of Christian, Muslim, and Jewish groups and civil society representatives for continuing discussions on religious freedom and obstacles to registration.

The Ambassador and embassy spokespersons made several public statements encouraging the government and individuals to live up to country's history of religious tolerance. In June the Ambassador again hosted an iftar for government officials,

Muslim and non-Muslim religious leaders, and NGO representatives at which he emphasized the need for promoting mutual tolerance and respect among the country's religious communities.

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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