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Key Findings

Despite societal religious tolerance in Azerbaijan, governmental respect for religious freedom continued to deteriorate in 2014, along with a sharp decline in respect for democratic norms. The past year witnessed a marked increase in arrests of civil society activists and members of religious groups. In addition, the government continued to levy penalties for violations of the restrictive 2009 religion law. Registration requests from religious groups were delayed or denied and religious groups closed. Peaceful religious believers, their defenders, and other activists have been detained, fined, and imprisoned on various charges. Based on these concerns, in 2015 USCIRF again places Azerbaijan on Tier 2, where it has been since 2013.

Background

Bordering Armenia, Georgia, Iran, and Turkey, Azerbaijan has a majority Shi'a Muslim population of nine million; some 13 million ethnic Azeris live in northern Iran. According to the State Department, 96 percent of Azerbaijan's population is Muslim, of whom about 65 percent are Shi'a Muslims and 35 percent Sunni Muslims. The remaining 4 percent of the population includes: Russian Orthodox, Armenian Orthodox, and other Christians (including Lutherans, Roman Catholics, Baptists, Molokans, and Seventh-day Adventists); some 20,000 Jews; Baha'is; and nonbelievers. Among Muslims and Russian Orthodox, religious identity is usually based on ethnicity. Shi'a Muslims, Sunni Muslims, Russian Orthodox, and Jews are officially seen as the country's "traditional" religious groups.

Pre-Soviet independent Azerbaijan was the world's first Muslim-majority secular parliamentary republic. After the USSR collapsed, Azerbaijan gained independence in 1991. The Nagorno-Karabakh war with Armenia ended in a 1994 cease-fire; Azerbaijan lost 16 percent of its land and gained 600,000 internally displaced persons. The OSCE Minsk Group, co-chaired by the United States, France, and Russia, mediates this conflict; clashes in August 2014 led to military fatalities on both sides.

The Aliev family, with roots in the Nakhchivan exclave, dominates Azerbaijan's politics. Heydar Aliev was the First Party Secretary of Soviet-era Azerbaijan from 1969 to 1982, and then president of independent Azerbaijan from 1993 until his 2003 resignation for health reasons. Aliev named his son, Ilham, as his party's sole candidate in a much-criticized 2003 presidential election. Term limits were lifted in 2009 and Ilham Aliev has been president ever since. The Azerbaijani government is viewed as corrupt

and increasingly authoritarian.

During the reporting period, there was a marked increase in arrests and repression of civil society activists and peaceful members of religious groups in Azerbaijan. In 2014, the parliament also increased reporting requirements for NGOs and religious groups to the State Committee for Work with Religious Organizations (SCWRO), purportedly to prevent the spread of religious extremism and foreign missionary activity. These problematic actions occurred while Azerbaijan chaired the Council of Europe (CoE) Council of Ministers for six months in 2014. The CoE human rights chief, Nils Muiznieks, criticized Azerbaijan's government in September 2014 for a "totally unacceptable" human rights situation that "flies in the face" of CoE standards. In an August 2014 statement by the office of the UN High Commissioner for Human Rights, experts said they were "appalled" by "criminalization of rights activists" and called for their release.

Azerbaijan's 2009 religion law is used to limit religious freedom and to justify fines, police raids, detentions, and imprisonment. The law's provisions include: compulsory state registration with complex and intrusive requirements; no appeal for registration denials; religious activities limited to a community's registered address; extensive state controls on the content, production, import, export, and dissemination of religious materials; and required state-approved religious education to preach, teach religion, or lead ceremonies. Individuals or groups violating the religion law are subject to administrative fines. In 2010, fines for religious organizations increased 16-fold. In 2012, the CoE's Venice Commission and the Organization for Security and Co-operation in Europe (OSCE) issued a legal opinion finding that Azerbaijan's religion law failed to meet its international human rights commitments. In 2014, the European Court of Human Rights (ECtHR) found that Azerbaijan's 2009 religion law gives authorities "unlimited discretionary power" to define and prosecute "illegal" religious activity.

Religious Freedom Conditions 2014-2015

Government Control through Registration

Registration is mandatory, and religious groups denied registration or that refuse to register are deemed "illegal." Members of unregistered religious communities often face raids, confiscation of religious texts, and other penalties. Yet even registered religious groups are only allowed to conduct activity at their legal address and subject to other restrictions. The State Committee for Work with Religious Organizations claimed in February 2014 that the country's total number of registered religious groups was 588.

In October 2014, an Azerbaijani NGO, Islam-Ittihad Association, won a case at the ECtHR challenging its 2003 dissolution. The ECtHR found that the government had violated the Association's rights to freedom of assembly and association by closing it down for organizing Muslim pilgrimages and criticizing the state-backed Caucasian Muslim Board (CMB). In November 2014, Azerbaijan's Supreme Court rejected an appeal by Baku's Fatima Zahra Sunni mosque against state-enforced legal liquidation. SCWRO officials claimed in late 2014 that Baptists and Adventists will be registered, but only if they liquidate and apply as new organizations; otherwise they face judicial liquidation.

Penalties for Religious Activity or Religious Freedom Advocacy

The Azerbaijani NGO Legal Protection and Awareness Society Public Union (LPASPU) has compiled a list of Muslims jailed for the non-violent practice of their faith or advocacy for religious freedom. Most were sentenced for publicly protesting what is in effect a ban on headscarves in school: 11 members of that group are still imprisoned, seven were released in 2014; two were pardoned by President Aliiev in March 2015. The trial of lawyer Rasul Jafarov, LPASPU leader, began in January 2015 although witnesses' testimony did not support the official charges of financial manipulations; he was sentenced to

6.5 years. Leila and Arif Yunus, noted human rights activists who also drew attention to religious freedom, have been jailed since August 2014; their worsening health status is ignored in the penal system.

In November 2014, nine Sunni Muslims arriving to pray in a Sumgait home were detained for several hours; police claimed to have found weapons. In February 2015, a Baku court sentenced the home's owner, Zohrab Shikhaliyev (who offered his home for prayer because all local Sunni mosques were closed) to a six-month term on false weapons charges. Islamic theologian Taleh Bagirov, who publicly criticized the naming of a CMB imam to serve in his mosque, was sentenced in 2013 on fabricated drug charges and released in late 2014. The trial of three Muslims – Eldeniz Hajiyev, Ismayil Mammadov and Revan Sabzaliyev – for allegedly reading "illegal" religious literature and organizing an "illegal" religious group began in Baku in December 2014. If convicted, they face three to five year prison terms. Muslim scholar and CMB press officer, Elshan Mustafaoglu, was sentenced on December 19, 2014 to four months of pre-trial detention, reportedly on treason charges. He had studied Islam in Iran and took part in the U.S. International Visitor Program in 2009. Jeyhun Jafarov, former host of a TV show on Islam, reportedly was arrested on unknown charges after the reporting period and sentenced to four months in pre-trial detention.

Additional Restrictions on Muslims

All Muslims in Azerbaijan are subject to official restrictions. All Muslim religious leaders are named by the state-backed CMB and must be citizens educated in Azerbaijan; all mosques must belong to the CMB; and only citizens can establish Islamic religious communities. By 2014, all Islamic communities that did not belong to the CMB lacked legal status and were vulnerable to police action. Police still enforce a 2008 decree that does not allow prayer outside of mosques. In 2010, the Ministry of Education introduced a school uniform, in effect banning the Islamic headscarf. In 2013 that ban was extended to universities, leading to petitions and unauthorized protests.

In 2014 the government and the CMB stepped up its apparent campaign to close Sunni places of worship. The Lezgin Mosque – one of two Sunni Muslim mosques open in Baku – was threatened with closure. In 2014, a Sunni mosque near Baku was put under new control; the SCWRO claims the mosque's first community dissolved by "choosing" to admit Shi'a members.

Restrictions on Religious Minorities

Most Protestant denominations do not have legal status, including Baptists, Seventh-day Adventists, and Pentecostals, as well as Jehovah's Witnesses. Two Georgian Orthodox communities are registered, but Gakh region authorities restricted worship services to 30 minutes per day in three Georgian Orthodox churches. The government has confiscated religious facilities without compensation. It uses Baku's renovated Armenian Apostolic Saint Gregory the Illuminator's Church as the archive for the Presidential Administration Department of Administration Affairs. The Culture Ministry runs a concert hall in Baku's confiscated Lutheran Church building; in October 2014 it limited rentals of that building to registered religious groups. Baku's Lutheran Church and New Life Pentecostal Church (two among the few registered non-Muslim religious groups) rent the building, but the unregistered Greater Grace Church was told by officials it no longer can do so.

Status of Conscientious Objection

When Azerbaijan joined the CoE in 2001 it promised to allow alternative service, but has yet to enact such a law. While the Constitution allows for alternative service, other laws set two-year prison terms for those who refuse military service. Jailed since October 2013, Jehovah's Witness Kamran Shikhaliyev lost his court appeal in August 2014 against a one-year term in a military discipline unit where he must serve until

August 2015.

Government Censorship of Religious Materials

Penalties for first-time violators of official restrictions and censorship of religious texts include up to two years in jail. A "conspiratorial" or organized group or a repeat offender faces a prison term of between two and five years; in February 2015, a Baku court ordered Jehovah's Witnesses Irina Zakharchenko and Valida Jabrayilova to be held for three months in a secret police investigation prison; they face up to a five-year term for offering religious literature without state permission.

Situation in the Nakhichevan Exclave

Residents of the Nakhichevan exclave face more severe religious freedom restrictions than elsewhere in Azerbaijan. Local Sunni Muslims have nowhere to pray. In November 2014, up to 200 Shi'a Muslims were arrested; according to Forum 18 News Service, up to 50 are detained and up to 50 mosques – particularly those officially seen as close to Iran – reportedly were closed. During the Shi'a Muslim Ashura commemoration, police outside mosques prevented children and students from entering. Many state employees reportedly are afraid to attend mosque. Baha'is, Adventists and Hare Krishnas are banned. The ancient Armenian cemetery near Juga village repeatedly has been vandalized since 2005.

U.S. Policy

The United States aims to encourage pro-Western democracy and to help build an open market economy in Azerbaijan. Other goals include promoting regional stability, primarily resolution of the Nagorno-Karabakh conflict; enhancing energy security, and fostering economic and political reforms. U.S. companies cooperate in offshore oil development with Azerbaijan. Azerbaijan supports the North Atlantic Treaty Organization (NATO) operations in Afghanistan by participating in the Northern Distribution Network and counters transnational threats, especially from Iran. U.S. assistance helps build capacity for maritime counterterrorism operations, especially in its Caspian Sea area, and provides military security training courses. U.S. civil society assistance in Azerbaijan focuses on small grants for civil-society and on civic dialogue.

Criticism by UN human rights bodies and international civil society groups of Azerbaijan's human rights record has sharply increased during the reporting period. In response to human rights criticism, in 2014 Azerbaijani government officials verbally attacked former U.S. Ambassador Richard Morningstar and Senate staff who were in Baku and met RFE/RL reporter, Khadija Ismayilova, who was later arrested. In February 2015, U.S. Assistant Secretary of State for European and Eurasian Affairs Victoria Nuland went to Azerbaijan to meet senior government officials to discuss bilateral relations on trade and investment; energy diversification; security and counter-terrorism; democracy and civil society, and the Nagorno-Karabakh conflict. During that one-day visit, she also held a brief meeting with civil society and announced the start of an ongoing U.S.-Azerbaijani dialogue on civil society and democracy to run in parallel with Council of Europe initiatives.

Recommendations

In order to promote freedom of religion or belief in Azerbaijan, USCIRF recommends that the U.S. government should:

- Urge the Azerbaijani government to reform its religion law to bring it into conformity with its international human rights commitments, as recommended by the Council of Europe's Venice Commission and the Organization for Security and Co-operation in Europe in 2012;

- Urge the Azerbaijani government to cease detention and imprisonment of members of religious groups, as well as activists, jailed for peaceful religious activity or religious affiliations;
- Ensure that the U.S. Embassy in Azerbaijan maintains appropriate contacts with human rights activists and press the government of Azerbaijan to ensure that every prisoner has regular access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments;
- Encourage public scrutiny of Azerbaijan's violations of international religious freedom and related human rights norms at the UN and Organization for Security and Cooperation in Europe, and urge the OSCE to engage these issues publicly;
- Urge the Azerbaijani government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, as well as Independence of the Judiciary and Torture; set specific visit dates; and provide the necessary conditions for such visits;
- Press the government of Azerbaijan to allow religious groups to operate freely without registration, and advocate for amendments to the religion law's registration process to make it voluntary;
- Specify freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy, and encourage the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- Increase U.S. government-funded radio and Internet programs, particularly in Azeri, of objective information on relevant issues, such as religious freedom, including its role in U.S. foreign policy.

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