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Key Findings

Despite societal religious tolerance in Azerbaijan, government actions over the past several years have led to a deterioration in religious freedom, especially after penalties were increased in 2010 and 2011 for violating the restrictive 2009 religion law. Registration requests from religious organizations have been delayed or denied, religious groups closed, and in the past year non-violent religious activists have been detained, fined, and imprisoned. Based on these concerns, USCIRF again places Azerbaijan on Tier 2 in 2014. Azerbaijan was on Tier 2 for the first time in 2013.

Background

Azerbaijan's 2009 religion law is used to limit religious freedoms 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 state-approved religious education to preach, teach religion or lead ceremonies. In October 2012, the Council of Europe's (CoE) Venice Commission and the Organization for Security and Co-operation in Europe (OSCE) issued a legal opinion that Azerbaijan's religion law failed to meet its international human rights commitments. In May 2014, Azerbaijan will become the chair of the CoE Council of Ministers for six months.

Individuals or groups violating the religion law are subject to administrative fines. Possible violations include: failing to register; holding religious meetings or ceremonies without state approval; conducting religious activity outside a group's registered address; and activity not in accord with the state-approved statute. In 2010, fines were increased 16-fold from 2009. Violations of provisions on religious education are subject to criminal penalties. Those who are found to have forced children to take part in religious activity or religious education are liable to fines or jail terms of up to two years.

In 2013, the Azeri parliament adopted new restrictive amendments to religion, NGOs, and other laws, purportedly to prevent the spread of religious extremism and of foreign missionary activity.

Religious Freedom Conditions 2013-2014

Government Control through Registration

The registration process is mandatory and groups denied registration or refusing to register are considered "illegal." Permissible activity of any registered religious organization can only occur at its legal address. Certain religious freedom NGOs, such as the International Religious Liberty Association and *Devamm*, were denied registration. In February 2012, the Azeri Supreme Court ordered the registration of the Baku-based Cathedral of Praise Pentecostal Church, but that same month the Jehovah's Witnesses lost their Supreme Court case over registration.

Penalties for Religious Activity

Members of unregistered religious communities face raids, confiscation of religious texts and other penalties. The Azeri NGO Legal Protection and Awareness Society Public Union has compiled a list of 51 Muslims jailed for the non-violent practice of their faith (see appendix). Most were sentenced since 2012, many for taking part in public protests of what in effect is a ban on headscarves in schools. Islamic theologian Taleh Bagirov, who publicly criticized state efforts to impose an imam from the Caucasus Muslim Board on his mosque, was sentenced to a two-year prison term in November 2013 on fabricated drug charges. In August 2013, Bagirov's driver, Anar Melikov, received a 19-month prison term, also on drug charges. The Parliamentary Assembly of the Council of Europe (PACE) rapporteur presented a report to PACE in January 2013 that Azerbaijan had imprisoned 23 on religion-related political charges; PACE failed to pass a resolution on political prisoners in Azerbaijan.

Additional Restrictions on Muslims

Muslims in Azerbaijan (most of whom are Shi'a) are subject to additional restrictions. All Muslim religious leaders are named by the state-backed Caucasus Muslim Board and must be citizens educated in Azerbaijan; all mosques must belong to the Caucasus Muslim Board; and only Azeri citizens can establish Islamic religious communities. During 2013, all Islamic communities that did not belong to the Muslim Board still lacked legal status. Police continue to enforce a 2008 government order that does not allow prayer outside of mosques. The Ministry of Education introduced a school uniform in 2010, in effect banning the Islamic headscarf. In 2013 that ban was extended to universities, leading to many petition drives and protests, for which people were arrested. In December 2013, local officials destroyed a village mosque being built in Peshtatuk because it lacked a national permit. Two Muslims were fined in late 2013 up to one year's salary for informally praying in a cemetery and for lacking official permission.

Restrictions on Religious Minorities

Almost all Protestant denominations are without legal status (including Baptists, Seventh-day Adventists and Pentecostals), as well as Jehovah's Witnesses. In May 2013 a court overturned fines against two Baptists who took part in unregistered religious activities. Two Georgian Orthodox communities are registered, but Gakh region authorities have restricted worship to 30 minutes in three Georgian Orthodox churches and many are deprived of sacraments. Baku's historic Armenian Apostolic Saint Gregory the Illuminator's Church was renovated and now serves as the archive

department of the Department of Administration Affairs of the Presidential Administration of Azerbaijan.

Status of Conscientious Objection

When Azerbaijan joined the CoE in 2001 it promised to allow alternative service, but has yet to enact a law on conscientious objection. While the Constitution allows for alternative service, other laws set 2-year prison terms for those who refuse military service. In June 2013, the country's two known conscientious objectors, both Jehovah's Witnesses, were released as part of a prisoner amnesty.

Government Censorship of Religious Materials

State permission is required to produce, import, export, or distribute religious material. Religious material cannot be sold outside officially-approved sites and foreigners cannot preach. Penalties for first-time offenders include up to two years' imprisonment, while a "conspiratorial" or organized group or a repeat offender faces a prison term of between two and five years. Legal bans on undefined "religious propaganda" by foreigners and stateless persons have led to deportations of some Muslims, Protestants and Jehovah's Witnesses, including former Soviet citizens and long-term residents. In May 2013, the State Committee for Work with Religious Organizations announced it would make public a list of banned materials, but it has not yet done so. The government has raided homes and confiscated religious materials, including Qur'ans, works of the Turkish Muslim theologian Said Nursi, and Baptist literature. It also has confiscated religious texts at the country's borders. Reportedly, the Georgian Orthodox Church, the Catholic Church, and some Muslim groups can more easily obtain or publish literature.

Closure and Confiscation of Places of Worship

Since 2009, Azerbaijan has closed or destroyed numerous houses of worship, including such mosques as the "Albanian" Mosque in Gyanja, the Martyrs' Mosque in Baku and the Juma Mosque in Nakhichevan. Baptists in Baku are seeking return of their historic places of worship. In late 2012, Baku's Baha'is lost their last historic building to urban renewal. The Georgian Orthodox Church is attempting to reopen four churches in the Gakh Region and establish a monastery.

Situation in the Nakhichevan Exclave

Residents of the Nakhichevan exclave encounter more severe religious freedom restrictions than in Azerbaijan's other regions; local Sunni Muslims had nowhere to pray. Baha'is, Adventists and Hare Krishnas were banned.

Recommendations for U.S. Policy

For the past decade, U.S. policy in Azerbaijan was dominated by the Afghan war, and human rights and religious freedom were not major concerns. USCIRF believes that this policy was shortsighted. The evolving regional geopolitical situation may or may not create new security imperatives for the United States, but USCIRF recommends that the U.S. government prioritize religious freedom and related human rights in Azerbaijan by:

- Pressing the Azeri government to allow religious groups to operate freely without registration and to amend the religion law registration process to ease its requirements and make it voluntary;
- Encouraging public scrutiny of Azerbaijan's religious freedom record in international fora, such as the UN, the Council of Europe (CoE) and the OSCE, and highlight cases of prosecution of Azeri citizens that violate international norms in comments at such fora;
- Urging the Azeri government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such visits;
- Ensuring that the U.S. Embassy in Azerbaijan maintains active contacts with Azeri human rights activists and press the Azeri government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer;
- Specifying freedom of religion as a grants category and area of activity in U.S. government programming in Azerbaijan; re-establish funding for the State Department's Title VIII program for research, including on religious freedom and human rights, and language programs; 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
- Encouraging the Broadcasting Board of Governors to increase radio, Internet, and other broadcasting, particularly in the Azeri language, on Azerbaijan's human rights and religious freedom record and freedom of religion or belief as an element of U.S. foreign policy.