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July-December, 2010 International Religious Freedom Report - Azerbaijan

Bureau of Democracy, Human Rights, and Labor
September 13, 2011

[Covers six-month period from 1 July 2010 to 31 December 2010 (USDOS is shifting to a calendar year reporting period)]

The constitution protects religious freedom; however, other laws and policies restrict religious freedom and, in practice, the government generally enforced these restrictions. Most religious groups met without government interference; however, authorities reportedly monitored and raided some religious services, confiscated religious materials, and harassed and detained members of Muslim and Christian groups, some of which are minority religious groups that lack a long history in the country. There are also burdensome registration requirements for religious groups.

There was no change in the status of respect for religious freedom by the government during the reporting period; however, there were negative developments in some areas. Examples of new government restrictions were: a ban on the wearing of the hijab (headscarf) for female students in elementary and secondary schools for the sake of preserving a secular environment in the country's schools and substantial increases in fines for violating laws on religious activities.

There were reports of societal discrimination based on religious affiliation, belief, or practice. There was occasional hostility toward groups that proselytized, particularly Jehovah's Witnesses, evangelical Christians, and other missionary groups.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote and defend human rights.

Section I. Religious Demography

The country has an area of 33,774 square miles and a population of nine million. There were no reliable statistics on membership in specific religious groups; however, according to official figures, approximately 96 percent of the population is Muslim. The remainder of the population consists mostly of Russian Orthodox, Armenian Orthodox, followers of other Christian groups, Jews, and nonbelievers.

Among the Muslim majority, religious observance is relatively low, and Muslim identity tends to be based more on culture and ethnicity than religion; however, there has been a gradual growth in the number of observant Muslims. According to the State Committee on Work with Religious Structures (SCWRS), a state-appointed body that oversees religious activities, the Muslim population is approximately 65 percent Shia and 35 percent Sunni; traditionally, differences are not sharply defined in the country.

The majority of Christians are Russian Orthodox, whose identity, like that of Muslims, tends to be based more on culture and ethnicity than on religion. Christians are concentrated in Baku and several other urban areas.

The great majority of the Jewish population, numbering approximately 20,000, lives in Baku.

Much smaller communities exist in the Guba region and elsewhere.

Shia, Sunni, Russian Orthodox, and Jews are considered to be the country's "traditional" religious groups. Small congregations of Lutherans, Roman Catholics, Baptists, Molokans (Russian Orthodox Old Believers), Seventh-day Adventists, and Bahais have been present for more than 100 years.

Since independence in 1991, a number of religious groups considered by the government as foreign or "nontraditional" have established a presence, including "Wahhabi" and Salafist Muslims, Pentecostal and other evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There are significant foreign resident Christian communities in Baku.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards
<http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution protects religious freedom; however, other laws and policies restrict religious freedom and, in practice, the government generally enforced these restrictions.

Under the constitution, persons have the right to choose and change religious affiliation and beliefs (including atheism), to join or establish the religious group of their choice, and to practice religion, unless that practice requires sharing one's faith with other individuals. The law on religious freedom 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. Another section provides that no one shall be forced to express (to demonstrate) his or her religious faith and belief.

A number of legal provisions enable the government to regulate religious groups, including a requirement in the law on religious freedom that religious organizations, including individual congregations of a denomination, be registered by the government. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. In practice, some groups were vulnerable to government raids for worshiping without registration.

The SCWRS and its chairman have broad powers over registration and may also appeal to the courts for the suspension of activities of a religious group.

The government required all registered religious groups to re-register with the SCWRS no later than January and imposed additional requirements for registration. While numerous traditional Muslim and several non-Muslim groups have been registered, many groups have been either refused registration or continue to wait for adjudication of their registration requests. Although the law requires the government to act on registration applications within 30 days of receipt, vague, cumbersome, and nontransparent registration procedures continued to be observed. As a result, some religious groups remained unregistered.

Religious groups are permitted to appeal registration denials to the courts. The groups also reserve the right to pursue legal consideration of their case at the European Court of Human Rights (ECHR). In such an instance, a group would have to exhaust its chances for redress at every court level in the country before applying to the ECHR, which often takes several years.

Registered Muslim organizations are subordinate to the Caucasian Muslim Board (CMB), a Soviet-era muftiate that appoints Muslim clerics to mosques, administers Islamic education institutions, periodically monitors sermons, and organizes annual pilgrimages to Mecca. Muslim religious groups must receive a letter of approval from the CMB before they can be registered by the SCWRS. The CMB has the authority to appoint religious clerics leading Islamic worship institutions, while informing the relevant executive power.

The constitution and the Law on Religious Freedom prohibit spreading of and propagandizing religion (religious movements), humiliating people's dignity, and contradicting the principles of humanism.

On December 9, the minister of education, citing the secular nature of the country, issued a verbal directive to the country's school administrators to prohibit the wearing of hijabs by schoolgirls in elementary and secondary schools. The decision, which was announced while the minister was speaking to the press, was not reinforced by a presidential decree, debated in parliament, or translated into legislation. The minister's comments followed a 2010 decision at the ministry to mandate a national uniform for school children; the minister suggested that hijabs do not conform to the school uniform requirement, and he underscored that there were no limitations on wearing the hijab outside of school. No law prohibits the wearing of a hijab, or addresses what women should or should not wear.

The SCWRS controls the publication, import, and distribution of religious literature, and has the power to suspend the activities of groups violating the law.

The law prohibits religious proselytizing by foreigners. The law also states that Islamic religious rituals and ceremonies shall only be conducted by citizens who received their education in the country.

Religious instruction is not mandatory, and there is no religious curriculum at privately funded or public elementary and high schools. Students can pursue religious courses at higher educational institutions. The CMB sponsors some religious training abroad. Those wishing to participate in state-supported training abroad for religious studies must obtain permission from, or register with, the SCWRS or the Ministry of Education. Otherwise, education abroad does not require preliminary permission of authorities.

The government observes the following religious holidays as national holidays: Gurban Bayram and Ramadan.

By law, political parties cannot engage in religious activity. Religious leaders may not simultaneously serve in public office and in positions of religious leadership, although this stipulation does not limit the right of a public official to worship. Religious facilities may not be used for political purposes.

According to the nongovernmental organization (NGO) Human Rights Without Frontiers (HRWF), the constitution states, "if beliefs of citizens come into conflict with service in the army, then in some cases envisaged by legislation, alternative service instead of regular army service is permitted." No such mechanism has been introduced, however, and refusal to perform military service in peacetime is punishable under Article 321.1 of the Criminal Code.

Restrictions on Religious Freedom

The government generally enforced legal and policy restrictions on religious freedom selectively. Additional restrictions were seen in cumbersome registration procedures, limits on unregistered religious activity, property disputes, and alleged bans on the call to prayer in some areas. Local officials hold considerable power in the enforcement and interpretation of laws, and some of the reported restrictions were from areas outside the capital city.

The requirement for re-registration in 2010 of all religious groups, regardless of the previous status of their registration, was easily fulfilled by some groups. However, other groups were denied registration, and many were left waiting in limbo. Some communities of Jehovah's Witnesses, Baptists, Seventh-day Adventists, the Fatima Zahra mosque, the Baku International Fellowship, the Baptist Church in Aliabad, and the Cathedral of Praise have been denied registration. According to HRWF, the Nehemiah and Pentecostal Churches have also been denied registration. Groups which have been denied registration sit in a legal gray area; they cannot congregate legally and may be subjected to law enforcement harassment. At the end of the reporting period, the Catholic Church was still awaiting the adjudication of their registration application. As of December 24, the SCWRS reported that a total of 510 religious communities had been registered, of which 493 were Muslim, and 17 were non-Muslim.

On December 21, Trend news agency reported that the Milli Majlis (parliament) adopted a law which substantially increases the fines for violation of the laws on religious activities, including the importation of certain religious materials. President Aliyev signed the bill into law on December 29. Activity that constitutes a violation includes failing to register a religious organization, producing, importing, or distributing religious literature without approval from the SCWRS, and the sharing of "religious propaganda" by foreigners. Under the previous law, an individual found guilty of a single violation was fined 100 to 300 manat (\$121 to \$365). Under the new law, an individual convicted of the same violation is fined 1,500 to 2,000 manat (\$1,829 to \$2,439).

The SCWRS granted temporary status to religious groups who were awaiting final disposition of their applications. However, in at least one case, local authorities would not permit religious leaders of the community to rent property in the absence of a permanent certificate.

As noted in previous reports, the registration process appears to serve as a point of leverage for the government to use against religious groups it deems undesirable. The groups most susceptible to government scrutiny are typically lesser known religious groups, some of which are Muslim. Some of the affected groups proselytize.

Organizations that choose to practice without official registration are vulnerable to being declared illegal and closed or subjected to selective harassment by local authorities. As a result, they found it difficult, or in some cases impossible, to function.

An embassy contact reported in late September that university officials had prevented women wearing a hijab from entering university premises.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country, including religious prisoners and detainees. The government also raided religious communities, and confiscated religious literature. The government often targeted Jehovah's Witnesses and unsanctioned Muslim religious organizations, which the government claims politicize Islam.

According to the Azeri-Press Agency (APA), on April 29, the Ministry of National Security and local police officers detained four Turkish citizens for allegedly promoting the religious sect Suleymanchilar without proper registration. No further developments were reported.

Forum 18 reported that the pastor of an unregistered Baptist house church in Aliabad in the region of Zakatala was warned on April 30 that he would have "unpleasantness with the law" if his congregation continued to meet. Police also filmed his apartment and inspected his religious literature. No further developments were reported.

A number of mosques that authorities closed during the previous reporting period remained closed.

The Abu Bakr mosque in Baku remained closed by the government, in spite of the community's repeated calls for the mosque to be reopened and repeated court challenges. On August 17, 2008, an explosion at the Abu Bakr mosque killed two and injured 11 persons, including the head of the religious community, who has since recovered. Immediately after the incident, government authorities closed the mosque. Despite several lawsuits and court appeals, the mosque remained closed during what the government called an ongoing investigation. No further developments were reported.

Several mosques were closed or destroyed in 2009 for various reasons. On April 26, 2009, police destroyed the Prophet Muhammad Mosque of the Yasamal District Religious Community. In late April 2009, authorities closed the Shahidlyar Mosque, built with Turkey's support. Some observers viewed the closure as retaliation against Turkey for its efforts to improve its relationship with Armenia. According to the Turkish Embassy, the mosque was closed for repairs. It currently remains closed. In June 2009 authorities closed a mosque located on an offshore drilling settlement, the Oily Rocks, for alleged safety reasons. No further developments were reported.

On September 18, 2009, the Azadliq news outlet reported that authorities closed four mosques in the city of Ganja and confiscated religious materials. In September 2009 authorities closed the Sunni Juma mosque in Ganja, known locally as the "Albanian temple" (the reference is to an ancient people of the Caucasus, not to present-day Albania), for failing to follow registration requirements. No further developments were reported.

On October 19, 2009, Qaynar.info reported that the local executive authority closed the Mehdiabad mosque for the purpose of conducting renovations. No further developments were reported.

The Cathedral of Praise community continues to be mired in a property dispute with government interests, in which approximately one-third of its land, including that on which its church was built, was confiscated. The temporary tent erected by the community burned completely on January 10; the cause of the fire remains unknown. On March 4, the community petitioned to rebuild their tent, and the Baku city government denied the request. However, the community later reported that it had been offered land in a different location as compensation. No further developments were reported.

On May 1, the Supreme Court upheld the lower courts' decisions to allow the destruction of the partially erected Fatima Zahra Shia mosque in the Yeni Guneshli settlement of the Surakhani District of Baku. However, on May 14, President Aliyev reportedly intervened in the case and

DISTRICT OF BAKU. HOWEVER, ON MAY 14, PRESIDENT ALIYEV REPORTEDLY INTERVIEWED IN THE CASE AND TRANSFERRED AUTHORITY OF THE MOSQUE TO THE CMB, SAVING IT FROM DESTRUCTION. THE SCWRS HAD PREVIOUSLY REFUSED THE REGISTRATION REQUEST FROM THE COMMUNITY, AND, AS OF THE END OF THE REPORTING PERIOD, THE COMMUNITY'S STATUS WAS NOT KNOWN. NO FURTHER DEVELOPMENTS WERE REPORTED.

The law expressly prohibits religious proselytizing by foreigners, and officials strictly enforced the prohibition. Jehovah's Witnesses reported that two members of Georgian citizenship were arrested and deported in July 2009. APA reported that on August 12, 2009, an unknown number of Jehovah's Witnesses were detained by local police in the town of Gakh for propagating their faith. Police allegedly seized approximately 60 leaflets and seven books. Those detained were later released. In September 2009 law enforcement authorities fined and deported a man from the northern town of Yalama for hosting religious events in his home. The man, who belonged to a Baptist church, held a Russian passport. No further developments were reported.

On February 16, embassy officials learned that two Jehovah's Witnesses were proselytizing door to door when someone called the police. The worshippers were taken to the police station but refused to sign statements. Police reportedly recorded some personal information on the worshippers before releasing them several hours later. No further developments were reported.

On October 8, Radio Free Europe/Radio Liberty reported that local police had harassed pious Muslims, beaten several, and forced several to shave their beards. Other embassy contacts reported in November that local authorities in the same region had intimidated some pious Muslims into shaving their beards and in general restricted their ability to gather and pray.

On January 26, authorities arrested 80 Muslim followers of Turkish theologian Said Nursi's works who had gathered in a home in Sumgayit. Police allegedly seized 148 banned books from the apartment. No further developments were reported.

From March to May Jehovah's Witnesses and other media outlets reported instances of confiscation of religious material, detention, and fines for sharing their beliefs and distributing religious literature. No further developments were reported.

On May 20, Forum 18 reported that one reader of Nursi's works was arrested at the airport in Nakhchivan when religious literature was found in his belongings. Five more followers of Nursi were later reportedly detained at their homes, and while some were quickly released, others were held in a cellar for three days. No further developments were reported.

Trend news agency reported in May that the home of a man in Lankaran was raided and books were seized because the man was operating an illegal religious school in his home. No further developments were reported.

On December 15, Radio Liberty reported that local officials confronted worshippers who had gathered to mark a traditional Shiite holiday. The government reportedly detained two persons, who were released shortly after.

On December 28, 2009, authorities arrested 10 persons in the village of Bananiyar for observing the Islamic holiday of Ashura in the province of Nakhchivan. Reports vary as to the number arrested, but there were several allegations of beatings and interrogations in various news outlets. Further reports indicated that up to 200 people were arrested on January 5, and those who resisted arrest were beaten. No further developments were reported.

On February 13, approximately 100 persons gathered in the Nizami district of Baku with the intent to march to the Alley of the Martyrs on the anniversary of Prophet Muhammad's death. Approximately 10 persons were detained, and several persons were reportedly injured during the event. Accounts differed as to whether the violence originated with the marchers or the police who confronted them. No further developments were reported.

Nakhchivan Human Rights and Mass Media Monitoring reported on September 21 that the government had banned the foreign travel of a religious leader and resident of Nakhchivan who had been educated in Iran. The group also reported that government organs had repeatedly detained and questioned him and denied him the right to wear religious clothing.

Domestic human rights monitors criticized the government's failure to develop a civilian alternative military service option, and Jehovah's Witnesses argued that the country, as a signatory of the European Convention on Human Rights, was obliged to develop a civilian alternative military service option. Government officials reportedly criticized the group's position on military service as "defeatist" and "contradicting public morality" because of the unresolved conflict over Nagorno-Karabakh.

According to HRWF, on July 16, Farid Mammedov, a member of Jehovah's Witnesses, was convicted under Criminal Code Article 321.1 (refusal to perform military service in peacetime) and sentenced to nine months' imprisonment. On September 8, he lost his appeal.

On December 15, 2009, Forum 18 reported that a member of Jehovah's Witnesses had failed in

his appeal to overturn his criminal conviction for conscientious objection to military service. No further developments were reported.

Several news outlets reported that on October 31, government officials detained four Baptists for a five-day period subsequent to a raid on a private home at which approximately 80 persons had gathered for a harvest festival.

On December 13, Trend news agency reported that local authorities detained an unknown number of Seventh Day Adventists and confiscated religious literature. Authorities detained one foreign citizen during this raid.

On November 29, 2009, police detained and beat an 81-year-old member of Jehovah's Witnesses in Zagatala as she left a religious meeting. A police officer detained her at a bus stop and brought her to a public cafe, where he confiscated her bag containing her religious books and beat her. Forum 18 reported that she was accused of being a prostitute and stripped naked in a drug search. Other police officers then took her to the police station, where she was forced to sign a confession she could not read. She filed a complaint with the Prosecutor's Office, but the official medical examiner refused to see her, despite having pictures showing her injuries. No further developments were reported.

On August 12, Radio Liberty reported that some military units forbade Muslim prayers in barracks in an effort to prevent the formation of radical groups.

In the rest of the country, local law enforcement officials occasionally monitored religious services and reportedly singled out some observant Christians and Muslims for searches. Local observers claimed local authorities routinely monitored certain mosques.

The government did not exercise control over the Nagorno-Karabakh region. Some restrictions and abuses were reported to have occurred there by religious groups and NGOs, including Jehovah's Witnesses and Forum 18.

Jehovah's Witnesses in Nagorno-Karabakh reported raids on meetings and arrests in March and April. No further developments were reported.

On April 27, Forum 18 reported that four persons in the province of Nagorno-Karabakh had been fined for religious worship in the absence of registration, which had been denied to them. Forum 18 also reported that Protestant communities in Nagorno-Karabakh were raided eight times between February and April. No further developments were reported.

Improvements and Positive Developments in Respect for Religious Freedom

On October 05, local media reported that President Aliyev inaugurated the Chabad Ohr Avner education center for Jewish children in the Khatai District of Baku.

During the reporting period, the government registered an additional 175 religious groups.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were some reports of societal discrimination based on religious affiliation, belief, or practice. There was popular prejudice against Muslim citizens who converted to other faiths and hostility toward groups that proselytized, particularly evangelical Christian and other missionary groups.

During the reporting period, articles critical of Salafism and of Christian missionaries appeared in newspapers. In general, society was negatively predisposed to foreign (mostly Iranian and Salafist) Muslim missionary activity, which many viewed as an attempt to spread political Islam and therefore a threat to stability and peace. The media targeted some Muslim communities the government claimed were involved in illegal activities.

Radio Liberty reported on September 3, that the Gumbashi mosque in the Lenkoran District of Azerbaijan came under fire, killing one and injuring one.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. Embassy officials maintained close contact with NGOs that addressed matters of religious freedom. Embassy officials also maintained contact with Muslim, Christian, and Jewish religious leaders and met with members of various groups to monitor religious freedom.