

AZERBAIJAN 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for religious freedom; however, other laws and policies restricted religious freedom in practice, particularly for members of some religious minorities. Many religious groups encountered little or no government interference. The requirement that all religious organizations register with authorities, however, left unregistered groups – particularly those considered “nontraditional” by the government – vulnerable to fines, closures mandated by court decisions, and police harassment. The government also continued to restrict the importation of some religious literature. The trend in the government’s respect for religious freedom did not change significantly during the year.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

U.S. embassy officials discussed religious freedom with the government, nongovernmental organizations (NGOs), and religious leaders, highlighting burdensome registration requirements for religious organizations. The embassy also sponsored visits to the United States for the chairman of the State Committee on Work with Religious Associations (SCWRA) and a group of Islamic scholars and professionals.

Section I. Religious Demography

The population as estimated by the State Statistics Committee in 2012 is 9.3 million. According to 2011 data from the SCWRA, 96 percent of the population is Muslim, with the remainder consisting primarily of members of the Russian Orthodox and Armenian Apostolic Churches, other Christians, Jews, and nonbelievers. Approximately 65 percent of the Islamic population is Shia and 35 percent Sunni.

Christians mainly live in Baku and other urban areas. Approximately 20,000 Jews live in Baku, with smaller communities throughout the country. Other small religious groups include Lutherans, Roman Catholics, Baptists, Molokans, Seventh-day Adventists, and Bahais.

Since independence in 1991, a number of religious groups considered by the government to be foreign or “nontraditional” have established a presence,

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including Salafist Muslims, Pentecostal and other evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There is a significant number of foreign resident Christian communities in Baku.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

While the constitution provides for religious freedom, some laws and policies restrict religious freedom, particularly for members of some religious minorities.

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 engage in religious practice.

The law on religious freedom expressly prohibits the government from interfering in the religious activities of any individual or group; however, there are exceptions. The law regulates cases in which religious organizations may be dissolved, including acting contrary to the objectives upon which the organization was established; causing racial, national, religious, or social animosity; and propagating a faith that degrades human dignity or contradicts the principles of humanism. Other grounds for dissolution include hindering secular education and inciting members of a religious organization and other individuals to cede their property to the organization.

The law also provides for freedom from religion by prohibiting forced expressions or demonstrations of religious faith.

A number of legal provisions enable the government to regulate religious groups, including a requirement that religious organizations and individual congregations of a denomination register with the government. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity.

The SCWRA holds broad powers over the registration process and can appeal to the courts to suspend a religious group's activities. Muslim groups must be approved by the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA. The CMB oversees the activities of registered Islamic organizations, including appointing religious clerics leading Islamic worship, periodically monitoring sermons, and organizing pilgrimages to Mecca.

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According to the law, the authorities may deny registration of a religious community if its actions, goals, or essence contradict the constitution and other laws. Religious groups are permitted to appeal registration denials to the courts. A community can be denied registration if it is not recognized as a religious association, its charter and other establishment documents contradict the law, or the information provided is false.

The SCWRA reviews and approves all religious literature for legal sale and distribution. According to the law, punishment for the illegal production, distribution, or importation of religious literature not approved by the SCWRA can include fines ranging from 5,000 to 7,000 manat (\$6,329 to \$8,860) or up to two years' imprisonment for first offenses, and from 7,000 to 9,000 manat (\$8,860 to \$11,392) or imprisonment between two and five years for subsequent offenses.

The law prohibits religious proselytizing by foreigners, but does not prohibit citizens from doing so. Islamic religious rituals and ceremonies can only be conducted by citizens who are educated within the country or whose religious education abroad is approved by the government. Foreigners affiliated with other religious groups, however, can perform rituals and ceremonies as long as they are registered with the government.

There is no religious curriculum at privately funded or public elementary and high schools. Students can pursue religious courses at higher educational institutions and 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 SCWRA or the Ministry of Education; otherwise, religious education abroad does not require preliminary permission from authorities.

By law, political parties cannot engage in religious activity. Religious leaders may not simultaneously serve in public office and in positions of religious leadership. Religious facilities may not be used for political purposes.

Although the constitution allows alternative service when military service conflicts with personal beliefs, there is no legislation permitting alternative service and refusal to perform military service in peacetime is punishable under the criminal code.

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Hate speech laws prohibit threats or expressions of contempt for persons based on religious belief.

Head coverings are allowed in most public places, but may not be worn in official photographs. A directive from the minister of education prohibits girls from wearing the hijab, or headscarf, in primary and secondary schools, although this is not widely enforced.

The government observes the following religious holidays as national holidays: Gurban Bayram (Eid al-Adha) and Eid al-Fitr.

Government Practices

There were reports of abuses of religious freedom, including religious prisoners and detainees. The government also placed restrictions on members of religious groups it considers “nontraditional,” including Jehovah’s Witnesses and unsanctioned Muslim religious organizations. In addition to 13 cases already pending before the European Court of Human Rights (ECHR), the Jehovah’s Witnesses filed four cases before the ECHR concerning religious re-registration, the right to assemble, and censorship of religious literature. The ECHR had not ruled on whether the cases were admissible by year’s end. Unregistered groups, including readers of texts by Islamic theologian Said Nursi and some Christians, were vulnerable to government raids. In May police raided a Seventh-day Adventist Church in Ganja.

Domestic human rights monitors continued to criticize the government for not offering any form of alternative service for those conscientious objectors who refused compulsory military service. On September 25, a court in Ganja sentenced Fakhraddin Mirzayev, a member of the Jehovah’s Witnesses, to a one-year prison sentence for refusing to serve in the military forces.

Controls on a variety of Islamic activity, including religious television broadcasts and sale of religious literature at metro stations, remained in effect. On June 1, police in Baku stopped the Shining Sun religious-themed publishing house from operating and arrested three employees for illegal operation of an unlicensed printing company and for tax evasion. All three employees received five-day sentences and were released.

On June 23, police detained three Baptists in Khachmaz for proselytizing and threatened criminal prosecution.

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Since 1991, the government has required religious groups to re-register on five occasions, with the most recent re-registration beginning in 2009. The re-registration process has served as a point of leverage for the government to use against religious groups it deemed undesirable. The groups most susceptible to government scrutiny have typically been nontraditional religious groups, both Muslim and non-Muslim. Such nontraditional groups operating without official registration continued to be vulnerable to government harassment, including fines for administrative violations and court cases demanding their closure. As a result, these groups found it difficult, or in some cases impossible, to function.

Many religious communities complained that the government was slow to act on registration applications and refused some on questionable grounds. During the year, six religious groups complied with the requirement that all religious groups, regardless of their previous registration status, re-register. This brought the total of registered groups to 801 since registration requirements were first instituted, of which 34 were non-Muslim. According to government officials, of the 576 organizations that have successfully registered since the 2009 amendments to registration requirements came into law, 555 are Muslim and 21 non-Muslim, including 12 Christian, six Jewish, two Bahai, and one Krishna group. The approved applications included 372 renewed registrations and 204 first-time registrations. According to the SCWRA, since 2009 it has returned applications of 193 Muslim organizations to the CMB for further adjustments to meet registration requirements. At the end of the year, the SCWRA was reviewing registration applications for 25 religious organizations.

Several Muslim and non-Muslim groups reported that the SCWRA either rejected or did not adjudicate their re-registrations. Despite a requirement that registration applications be acted on within 30 days of receipt, several religious organizations stated that nontransparent registration procedures prolonged the process. There was also confusion about the validity of pre-existing legal registration of religious groups as non-governmental entities with the Ministry of Justice. For example, on April 25 the Administrative Economic Court in Baku issued a verdict revoking the previous registration of the Greater Grace Protestant Church by the Ministry of Justice on the basis of its refusal to comply with the requirements to re-register with the SCWRA.

Religious groups whose registration was denied or left in limbo during the year included some Islamic groups, Jehovah's Witnesses, Baptists, Seventh-day Adventists, and the Baku International Fellowship.

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According to an NGO report, on May 12 local authorities in Ganja disrupted a meeting of Seventh-day Adventists and fined a member for attending a gathering they deemed illegal. The SCWRA denied knowledge of the disruption and indicated that the group had been registered.

According to the government, during the first half of the year the SCWRA received 333 requests to import religious material and denied 40. Several Muslim and Christian groups, including the Jehovah's Witnesses, complained of censorship and a lengthy and burdensome process to obtain permission to import religious literature. During the first half of the year, the SCWRA received requests for publication of 74 religious documents and denied three.

The government took no legal steps to implement the government directive prohibiting the right of girls to wear the hijab, or headscarf, in primary and secondary schools, and the majority of school administrators throughout the country did not implement the directive.

There were reports of bans on the call to Islamic prayer in some areas.

On May 29, the Supreme Court decided the evangelical group Cathedral of Praise was eligible for registration as a religious group, ending the congregation's long-standing property and registration dispute with the SCWRA.

A number of mosques closed by authorities in 2010 remained closed. Some were closed by local executive authorities on the grounds that they were in need of renovations or for safety reasons, such as the Shahidlar Mosque in Baku. Authorities closed the Sunni Juma mosque in Ganja for failing to follow registration requirements.

Authorities in the Surakhani District of Baku continued to block construction of the Fatima Zahra Shia congregation's mosque in the Yeni Guneshli settlement pending resolution of the community's registration request.

On November 14, the CMB made a public announcement on the eve of the Islamic month of Muharram encouraging religious observation in mosques rather than in informal gatherings to prevent the spread of radical preaching.

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During the year, public authorities reconstructed and inaugurated seven mosques. President Aliyev attended the reopening of the remodeled central mosque in Gabala on September 10.

On June 10, in celebration of the 10th Anniversary of Pope John Paul II's visit to Baku, Cardinal Fernando Filoni visited Baku and gave a homily during religious services attended by representatives of the government and different religious groups.

In July the Synagogue of Baku received its first new Torah scroll since the Soviet era, which was funded in part by a special grant from President Aliyev. Over 500 congregants, including member of parliament Yebeda Abramov, attended the signing ceremony.

In October SCWRA officials met with Jehovah's Witnesses local and international representatives to hear their concerns about registration difficulties and obstacles to importing literature as well as to offer further cooperation and dialogue. Jehovah's Witnesses representatives, however, were reportedly unsatisfied with the meeting.

In December the SCWRA and the Organization of Islamic Cooperation Youth Forum for Dialogue and Cooperation held the First International Baku Forum on "State and Religion: Strengthening Tolerance in a Changing World." More than 30 representatives from 10 countries attended, including high ranking officials from Turkey, Egypt, Kuwait, and the Dagestan Republic of the Russian Federation.

The government did not exercise control over the Nagorno-Karabakh region. Religious groups and NGOs, including Jehovah's Witnesses and Forum 18, reported that they faced some restrictions and abuses in Nagorno-Karabakh.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuse and discrimination based on religious affiliation, belief, or practice.

Khazar University professor Agalar Mammadov sought asylum in Sweden in April following threats of physical violence after he initiated a letter attacking extremism in Islam.

On October 5, over 200 individuals protested against the Ministry of Education's informal ban on women wearing the hijab at public schools and universities.

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Demonstrators fought back against police, who acted forcefully to end the unsanctioned protest. Twenty police officers were reportedly injured and police arrested 65 people, including 32 individuals charged with resisting arrest and disturbing the public order.

According to a Center for Economic and Policy Research public opinion poll conducted in August and September, 18 percent of respondents stated that the arrests of individuals widely believed to be spreading political Islam were just and that the individuals are generally “dangerous to the secular society.”

According to a May-June survey conducted by the government Center for Strategic Studies, 40.5 percent of respondents viewed Jews positively or with respect; 46.8 percent viewed Jews neutrally; 8.7 percent reported they did not trust Jews; and 4 percent viewed Jews as an enemy.

Section IV. U.S. Government Policy

On several occasions U.S. embassy officials urged government representatives to address issues identified by “nontraditional” religious groups in the religious registration process. Embassy officers also discussed specific cases involving registration issues, obstacles to the import of religious literature, and mosque closures with government officials, leaders of religious groups, and representatives from nongovernment organizations.

In July embassy officials attended the inauguration ceremony of a new Torah scroll donated to the Jewish community of Baku and the celebration of the tenth anniversary of the visit of Pope John Paul II to Baku.

In August the embassy hosted an iftar for government officials, leaders of various religious groups, and NGO representatives, and discussed religious freedom and tolerance.

In September the embassy sponsored a visit to the United States for five prominent individuals whose professional work related to Islam and religious freedom. The program exposed participants to multifaith tolerance, church and state separation, and promotion of religious freedom. The embassy sponsored a similar program in December for the Chairman of the SCWRA.