

# **AZERBAIJAN 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution provides for religious freedom. Other laws and policies, however, 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 left unregistered groups, particularly those the government considered “non-traditional,” vulnerable to fines, closures mandated by court decisions, and police harassment. The government also continued to restrict the importation of some religious literature.

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

U.S. embassy officials discussed religious freedom with the government, nongovernmental organizations (NGOs), and religious groups, highlighting burdensome registration requirements for religious organizations and obstacles to the importation and publication of religious literature.

## **Section I. Religious Demography**

The U.S. government estimates the total population is 9.6 million (July 2013 estimate). According to 2011 data from the State Committee on Work with Religious Associations (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 members of the Russian Orthodox and Armenian Apostolic Churches, Seventh-day Adventists, other Christians, Jews, Molokans, Bahais, and non-believers. Since independence in 1991, a number of religious groups considered by the government to be foreign or “non-traditional” have established a presence, including Salafist Muslims, Pentecostal and other evangelical Christians, Jehovah’s Witnesses, and Hare Krishnas.

Christians mainly live 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**

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### Legal/Policy Framework

While the constitution provides for religious freedom, some laws and policies requiring religious organizations to register 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 engage in religious practice.

Since 1992 the government has amended the Law on Religious Freedom 14 times. While the law expressly prohibits the government from interfering in the religious activities of any individual or group, 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 allows 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.

According to the law, 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

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and other establishment documents contradict the law, or the information provided is false.

The SCWRA reviews and approves all religious literature for legal importation, 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 (AZN) (\$6,250 to \$8,750) or up to two years' imprisonment for first offenses, and from AZN 7,000 to 9,000 (\$8,750 to \$11,250) or imprisonment between two and five years for subsequent offenses.

On February 22, the parliament passed amendments to the Law on Religious Freedom authorizing the sale of religious materials such as books, videos, and audio tapes and discs, provided there is a state-issued "verification mark" noting approval for sale.

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 can perform rituals and ceremonies if 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.

### **Government Practices**

The government imprisoned several religious activists and used the registration process to restrict the activities of religious groups it considered “non-traditional,” including Jehovah’s Witnesses and unsanctioned Muslim religious organizations. In several cases, police raided gatherings of Jehovah’s Witnesses, but charges were either not filed or dismissed in court. Unregistered groups, including readers of texts by Islamic theologian Said Nursi and some Christians, remained vulnerable to government raids.

On March 4, police interrogated two Baptists in Zagatala for allegedly holding illegal religious gatherings. On March 29, a Zagatala court levied fines of AZN 1,500 (\$1,875) on each individual. The Baptist community filed an appeal, and on April 29, the Sheki Court of Appeals overturned the lower court’s decision.

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. In May authorities released two conscientious objectors, both Jehovah’s Witnesses, who had been convicted of refusing to serve in the military.

Controls on a variety of Islamic activity, including religious television broadcasts and sale of religious literature at metro stations, remained in effect.

The government continued to use the re-registration process to limit activities of groups it deemed undesirable. Non-traditional religious groups, both Muslim and non-Muslim, operating without official registration continued to have difficulties functioning; the government fined them for administrative violations.

Many religious communities complained that the government was slow to act on registration applications and refused some on questionable grounds. As of October 30, eight religious groups had complied with the requirement that all religious groups, regardless of their previous registration status, re-register. This

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brought the total of registered groups to 809 since registration requirements were first instituted, of which 34 were non-Muslim. According to government officials, as of November 20, of the 588 organizations that successfully registered since the 2009 amendments to registration requirements came into law, 567 were Muslim and 21 non-Muslim, including 12 Christian, six Jewish, two Bahai, and one Hare Krishna group. The approved applications included 374 renewed registrations and 216 first-time registrations. As of November 20, the SCWRA was reviewing registration applications for 40 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 non-transparent registration procedures prolonged the process. There continued to be confusion with the Ministry of Justice (MOJ) about the validity of pre-existing legal registration of religious groups as non-governmental entities. For example, the Greater Grace Protestant Church continued to submit parts of a registration application to the SCWRA. The application began in April 2012 when a Baku court issued a verdict revoking the previous MOJ registration of the Greater Grace Protestant Church on the basis of its refusal to comply with the requirement to re-register with the SCWRA. As of November, the church was awaiting a response.

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.

According to the government, during the first half of the year the SCWRA received 440 requests to import religious material and denied six. 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 granted all 84 requests received for publication of religious documents.

The government took no legal steps to implement the government directive prohibiting girls from wearing the hijab, or headscarf, in primary and secondary schools, and the majority of school administrators throughout the country did not implement the directive. According to a local NGO, authorities arrested Nihad Gahramanov for participating in a protest against the government's ban on wearing the hijab in schools and on October 21, the Narimanov District Court sentenced

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him to four years in prison. During the year, authorities also imprisoned four other activists arrested in 2012 for protests against the hijab ban.

A number of mosques closed by authorities in 2010 remained closed. Local executive authorities closed some mosques 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.

During the year authorities reconstructed and inaugurated three mosques. President Aliyev participated in the inauguration of the grand mosque in Shamakhy, the grand mosque in Sumgayit, and the Gabala City Mosque. Publicly-funded restoration work continued at the Ganja City Imamzade Mosque, and construction was underway on the grand mosque in the Binagadi District of Baku. This will be the largest mosque in the country.

Authorities renovated two Georgian churches in Gakh and funded construction of the Russian Orthodox bishop's chair in the Orthodox Church of Jen Mironosec (Holy Mirrors).

In February the Cabinet of Ministers approved a decree allocating funds to religious communities. The government subsequently allocated AZN 2 million (\$2.5 million) to Islamic communities and AZN 400,000 (\$500,000) to non-Islamic communities, both traditional and non-traditional.

The SCWRA embarked on a pilot project to provide funds for social projects undertaken by religious communities. Twenty religious communities received grants of up to AZN 5,000 (\$6,250) each for social programs.

The SCWRA continued to hold conferences and public events on religion and state affairs. The SCWRA sponsored seven regional conferences at which prominent religious leaders delivered messages and promoted tolerance. The SCWRA also hosted a soccer tournament at which religious communities competed for the "Tolerance Football Cup." Additionally, the SCWRA took up an initiative of the Cathedral of Praise, a Christian community, to plant 18,000 trees.

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In September SCWRA officials met with local and international members of the Baptist World Alliance (BWA) to discuss concerns about registration and problems with distributing religious literature. The BWA representatives assessed the meeting positively.

In September a group of Salafi Muslims complained that police forced individuals to shave their beards.

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.

The 18 cases brought by the Jehovah's Witnesses to the European Court of Human Rights concerning religious re-registration, the right to assemble, and censorship of religious literature remained pending.

### **Section III. Status of Societal Respect for Religious Freedom**

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

In September a BWA delegation reported that some of its members were subject to discrimination in the workplace because of their religious affiliation.

### **Section IV. U.S. Government Policy**

Embassy officials urged government representatives to address religious registration issues, as well as obstacles to the importation and publication of religious literature. Embassy officials also met with government officials and civil society members, including leaders of religious groups and NGO representatives, to discuss specific concerns related to religious freedom.

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

In September the Ambassador met with the SCWRA chairman to discuss religious freedom and to raise specific cases.

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In September the Ambassador met with BWA representatives to discuss concerns about registration and problems with distributing religious literature. In October the Ambassador met with a delegation of the National Council Supporting Jews, which was assessing the situation of Jewish communities.

The embassy issued two grants for programs to encourage youth activism in civil society and to engage Baku residents of conservative Islamic neighborhoods in discussions regarding the role of religion in a pluralistic society. The embassy also issued four grants focused on women's issues that have religious freedom aspects.