

# **AZERBAIJAN 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution protects the right of individuals to express their religious beliefs. Several laws and policies, however, limit the free exercise of religion, especially for members of religious groups considered “non-traditional” by the government. The government detained several religious activists, including three who were considered by local observers to be political prisoners, which brought the total number of religious activists deemed to be political prisoners to 52. Authorities raided gatherings of minority religious groups, including Salafis, readers of texts by Islamic theologian Said Nursi, and suspected followers of the Islamic cleric and theologian Fethullah Gulen. Some religious organizations experienced difficulty registering with the government, and unregistered communities could not openly meet. The government also imposed limits on the importation, distribution, and sale of religious materials. The government took some steps to improve religious tolerance, including providing support for activities by the Jewish community.

There were incidents where individuals forcibly shaved off Salafi Muslims’ beards. After a video of one such event was circulated, police were criticized for not intervening.

U.S. embassy officials urged government representatives to address registration difficulties and obstacles to the importation of religious literature. Embassy officials also met with government representatives and leaders of religious groups and nongovernmental organizations (NGOs) to discuss specific concerns related to religious freedom.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 9.7 million (July 2014 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 those professing no religion. 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

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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**

#### **Legal Framework**

The constitution protects freedom of religion, including the right of individuals to profess, individually or together with others, any religion or to profess no religion and to express and spread religious beliefs. The constitution also guarantees the freedom to carry out religious rituals, provided they do not violate public order or public morality. The law prohibits forced expressions or demonstrations of religious faith. The law on hate speech also prohibits threats or expressions of contempt for persons based on religious belief.

The law requires religious organizations, which are termed "associations" in the country's legal code and encompass religious groups, communities, and individual congregations of a denomination, to register with the government through the SCWRA, which controls the registration process and can appeal to the courts to suspend a religious group's activities. Registration allows a religious organization to maintain a bank account, rent property, and act as a legal entity. A religious organization that fails to register may be outlawed and its activities declared illegal.

The Caucasus Muslim Board (CMB) oversees the activities of registered Islamic organizations, including appointing religious clerics to lead Islamic worship, periodically monitoring sermons, and organizing pilgrimages to Mecca. Muslim communities must receive an approval letter from the CMB before submitting a registration application to the SCWRA.

To obtain registration, a religious organization must submit a notarized application signed by at least 50 community members, a charter and founding documents, the names of the organization's founders, and the organization's legal address and bank information.

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Authorities may deny registration of a religious organization if its actions, goals, or religious doctrine contradict the constitution and other laws. Authorities may also deny registration if an organization's charter and other establishment documents contradict the law or if the information provided is false. Religious groups are permitted to appeal registration denials to the courts.

While the law prohibits the government from interfering in the religious activities of any individual or group, there are exceptions. The law specifies cases in which religious organizations may be dissolved, including if they act contrary to their founding objectives; cause racial, national, religious, or social animosity; or proselytize in a way that degrades human dignity or contradicts recognized principles of humanity, such as "love for mankind, philanthropy, and kindness." Other grounds for dissolution include hindering secular education or inducing members of a religious organization or other individuals to cede their property to the organization.

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 can include fines ranging from 5,000 to 7,000 manat (AZN) (\$6250 to \$8750) or up to two years' imprisonment for first offenses, and from 7,000 to 9,000 AZN (\$8750 to \$11,250) or imprisonment between two and five years for subsequent offenses.

There is no separate religious component in the curriculum at private or public elementary or high schools, but religion is taught as part of history and other courses. Students may take courses in religion at higher educational institutions, and the CMB sponsors some religious training abroad. Individuals wishing to participate in state-supported religious education abroad, whether supported by the Azerbaijani or foreign governments, must obtain permission from, or register with, the SCWRA or the Ministry of Education. Individuals who pursue state-supported religious education abroad without permission are not allowed to hold official religious positions, preach, or lead sermons after returning to the country. If religious education abroad is not supported by the Azerbaijani or foreign governments, individuals are not required to obtain advance permission from authorities.

Islamic religious rituals and ceremonies may only be conducted by citizens who are educated within the country or whose religious education abroad is approved

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by the government. Foreigners affiliated with other religious groups may perform rituals and ceremonies only if they are registered with the government.

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.

The law prohibits proselytizing by foreigners but does not prohibit citizens from doing so.

### **Government Practices**

The government detained several religious activists, including three who were considered by local observers to be political prisoners, bringing the total number of religious activists deemed to be political prisoners to 52. The government also placed religious activists into custody for short periods after raiding religious gatherings, including those of unregistered groups, such as readers of texts by Islamic theologian Said Nursi. The registration process restricted the activities of religious groups the government considered nontraditional, including Jehovah's Witnesses and some Islamic religious organizations. The government also imposed limits on the importation, distribution, and sale of religious materials. The government took some steps to improve religious tolerance. Jewish community representatives said the government provided support for their activities.

On April 12, police disrupted a Nursi gathering in Baku, arresting 41 people and confiscating religious materials. Police released most of the detainees after reportedly holding several incommunicado for hours. On April 14, a district court fined nine of these individuals 1,500 AZN (\$1,875) each, charging them with participating in an illegal religious gathering. The Ministry of National Security (MNS) initially held two of the detainees, Eldaniz Hajiyev and Ismayil Mammadov, for two months on charges of conducting illegal religious activities. A district court later extended their detention. Authorities detained a third participant in the Nursi gathering, Revan Sabzaliyev, on May 23 and sentenced him to prolonged detention. In September authorities replaced the detention measures with house arrest until the

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conclusion of the case, which was ongoing at year's end. Local observers considered these three activists to be political prisoners.

The same court in April fined a Shia theologian who had been teaching his faith in the same district.

In November authorities detained Salafi community activist Zohrab Shikhaliyev in Jorat, accusing him of illegal possession of weapons. Other members of the Salafi community said the weapons had been planted on Shikhaliyev by law enforcement officials, who had arrested and detained another nine Salafi adherents, later releasing them after police reportedly had humiliated and abused them. Shikhaliyev reportedly had rejected religious radicalism and violence and had opened a chapel in his yard because there was no Sunni mosque in Sumgait.

On December 17, the MNS detained well known religious scholar Elshan Mustafayev. Two days later, a district court sentenced him to four months' pretrial detention on charges of treason.

According to local observers, the government sometimes incarcerated religious activists on spurious charges because of their political activism.

The government reportedly detained Salafis in various parts of the country, confiscated religious materials, and replaced community leaders and imams in mosques suspected of being Salafi gathering places. Although Salafis could attend these mosques, they were prohibited from holding positions of leadership, leading prayers, or delivering sermons.

Police conducted raids on suspected followers of Islamic Turkish cleric and theologian Fethullah Gulen and confiscated religious materials. Authorities deported some Turkish nationals and arrested some Azerbaijani citizens on suspicion of Gulen affiliation. Two government officials were removed from their positions due to suspected ties with the Gulen movement, and authorities forced changes in leadership in 11 high schools, 13 university exam preparation centers, and a private university believed to be linked to the Gulen movement.

On several occasions, police raided gatherings of Jehovah's Witnesses and confiscated religious materials, but charges were either not filed or dismissed in court.

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Nontraditional religious groups that lacked official registration, both Muslim and non-Muslim, said they continued to have difficulties functioning and on occasion were fined by the government for administrative violations. A number of Protestant leaders cited registration problems that prevented them from openly worshiping, performing sacraments, or advertising their locations to bring in new members. Home church leaders stated registration attempts would bring unwanted attention.

Many religious communities said the government was slow to act on registration applications (despite a requirement that authorities act on applications within 30 days of receipt) and returned some applications because of alleged technical or administrative problems with the information provided. Several Muslim and non-Muslim groups reported the SCWRA either rejected or did not adjudicate reregistration applications, which were required following a 2010 decision that all religious communities must reregister even if they were registered before 2010. Additionally, groups reported confusion within the Ministry of Justice (MOJ) about the validity of the pre-existing registration of some religious groups as nongovernment entities. For example, the Greater Grace Protestant Church resubmitted parts of its registration application to the SCWRA following a Baku court's April 2012 decision to revoke the church's MOJ registration on the basis of its alleged refusal to comply with the requirement to reregister with the SCWRA. By year's end, the church reported minor progress on the renewal of its registration.

According to government officials, as of December 19, the total number of registered religious groups was 597, of which 21 were non-Muslim, including 12 Christian, six Jewish, two Bahai, and one Hare Krishna. Religious groups whose registration was left in limbo during the year included some Islamic groups, Jehovah's Witnesses, Baptists, Seventh-day Adventists, and the Baku International Fellowship, a non-denominational Protestant church.

According to a September 17 public statement by SCWRA Chairman Mubariz Gurbanli, only recognized clergy of registered religious communities had permission to hold religious ceremonies.

Controls on a variety of activities by Islamic groups, including religious television broadcasts and the sale of religious literature at metro stations, remained in effect. The government continued to pre-approve television shows, and religious experts noted a tendency to allow only Shia television broadcasts. The police reportedly

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maintained a list of books banned by the SCWRA, which authorities used when confiscating publications from religious groups.

Head coverings were allowed in most public places but not in official photographs. An unofficial directive from the then-minister of education prohibited girls from wearing the hijab in primary and secondary schools. The government took no legal steps to implement this directive, and the majority of school administrators throughout the country did not implement it.

Several Muslim and Christian groups, including Jehovah's Witnesses, complained of censorship and a lengthy and burdensome process to obtain permission to import religious literature.

On May 5, state-affiliated media reported that law enforcement officials confiscated books promoting a variety of religious groups and movements during operations conducted against religious movements perceived as dangerous to national security. Officials stated the books had been banned by the SCWRA, and their importation was prohibited.

Domestic human rights monitors criticized the government for not offering any form of alternative service to conscientious objectors who refused compulsory military service. On July 16, an appeals court upheld a decision prescribing a year of service in a military disciplinary unit for Jehovah's Witness Kamran Shikhaliyev, who was conscripted against his will in October 2013.

Local executive authorities continued to close mosques they said were in need of renovation or had safety issues. A number of mosques closed by authorities on this basis in 2010 remained closed. Many local religious experts said these closures indicated a government attempt to counter extremism, especially in the Baku area.

During the year, according to government officials, authorities constructed two mosques and continued the construction of a grand mosque in the Binagadi District of Baku. Authorities also renovated 14 mosques, three churches, and one synagogue.

The government allocated 2.5 million AZN (\$3.1 million) to Muslim communities and 400,000 AZN (\$500,000) to non-Muslim communities, both traditional and non-traditional, to use at their discretion.

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The SCWRA continued to hold conferences and public events on religion and state affairs. During the year, the SCWRA, together with the Eurasian Regional Center of Islamic Conference Youth Forum, sponsored regional training and seminars promoting tolerance that brought together representatives of different faiths to discuss religious issues. In addition, the government established the Baku International Multiculturalism Center and the National Tolerance Center to conduct seminars and training on diversity issues and promote tolerance.

On November 16, the government organized a conference on “State and Religion: Contemporary Challenges and Tolerance,” featuring discussions on religious freedom, tolerance, and efforts to combat radicalism.

On November 17-18, the Organization for Security and Cooperation in Europe (OSCE) Project Coordinator’s Office in Baku, in conjunction with the CMB, organized an international conference on “Strengthening Religious Tolerance: Azerbaijan’s Model and Challenges in the OSCE Area and Beyond.” Government, diplomatic corps, and religious community representatives participated, along with international experts.

Jewish community representatives reported authorities continued to support their activities and allow the duty-free importation of religious items.

### **Abuses by Rebels, Foreign Forces or Terrorist Organizations**

The government did not exercise control over the Nagorno-Karabakh region. Religious groups and NGOs, including Jehovah’s Witnesses and Forum 18, reported some restrictions and abuses in Nagorno-Karabakh. For example, on November 10, a local court reportedly sentenced 19-year-old Jehovah’s Witness Artur Avanesyan to 30 months in prison for refusing to complete compulsory military service.

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

There were several incidents of forced shaving of Salafi Muslims’ beards. Video footage of an incident on July 4 in Sabirabad, when a group of residents forcibly removed the beard of a Salafi man, was followed by widespread criticism of law enforcement officials for failing to intervene. On July 8, police detained Ramzi Zeynalov, who could be seen in the video cutting the individual’s beard, and a local court sentenced him to two months’ pretrial detention on charges of

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hooliganism. CMB Chairman Sheikh Allahshukur Pashazade publicly condemned such incidents.

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

The Ambassador and U.S. embassy officials urged government representatives, including senior SCWRA officials, to address religious registration issues as well as obstacles to the importation and publication of religious literature. The Ambassador and embassy officials also met with leaders of Christian, Muslim, and Jewish groups and NGO representatives to discuss obstacles to registration and the importation of religious materials.

In July the embassy hosted an iftar for government officials, Muslim and non-Muslim religious leaders, and NGO representatives, and discussed the history of mutual tolerance and respect among Azerbaijan's many religious communities and the shared goal of religious freedom.

In November and December the Charge d'Affaires met separately with senior SCWRA officials, CMB representatives, and local religious experts and civil society representatives to discuss efforts to counter violent extremism.