

AZERBAIJAN

International Religious Freedom Report 2008

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion; however, burdensome registration requirements and selective harassment marred application of the law.

There was no change in the status of respect for religious freedom by the Government during the period covered by this report. Some religious groups reported delays in and denials of registration. There continued to be some limitations on the ability of groups to import religious literature. Most religious groups met without government interference; however, local authorities monitored religious services, and officials at times harassed and detained members of Islamic and "nontraditional" religious groups.

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

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. U.S. embassy officers conveyed concerns about the registration process and official attitudes toward "nontraditional" religious groups and expressed objections to the censorship of religious literature.

Section I. Religious Demography

The country has an area of 33,774 square miles and a population of 8.5 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, Jews, followers of other Christian groups, 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 Associations (SCWRA), the Muslim population is approximately 65 percent Shi'a and 35 percent Sunni; traditionally, differences are not defined sharply.

The majority of Christians are Russian Orthodox whose identity, like that of Muslims, tends to be based as much on culture and ethnicity as 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 Guba and elsewhere.

Shi'a, 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 Baha'is 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" Muslims, Pentecostal and evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There are significant expatriate Christian communities in Baku.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides that persons of all faiths may choose and practice their religion without restriction. The law protects this right against abuse, either by governmental or private actors, but burdensome registration requirements and selective harassment marred application of the law (see Restrictions). Under the Constitution persons have the right to choose and change religious affiliation and beliefs (including atheism), join or establish the religious group of their choice, and practice religion. 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."

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. Religious groups must register with the SCWRA. The SCWRA has broad powers over registration and the publication, import, and distribution of religious literature, and it may suspend the activities of religious groups who violate the law. Religious groups are permitted to appeal registration denials to the courts.

According to the SCWRA, it registered 106 new groups during the reporting period and did not reject any applications. The SCWRA reported a total of 502 registered religious communities in the country.

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 SCWRA.

Under the law on religious freedom, political parties cannot engage in religious activity, and religious leaders are forbidden from seeking public office. Religious facilities may not be used for political purposes.

Religious instruction is not mandatory, and there is no religious curriculum for public elementary and high schools. Students can pursue religious courses at higher educational institutions.

Restrictions on Religious Freedom

The Government restricted some religious freedoms. Registration was burdensome, and some groups characterized the seven-step application process as arbitrary and restrictive. Unregistered organizations are vulnerable to being declared illegal and closed or subject to selective harassment by local authorities; as a result, they found it difficult, or in some cases impossible, to function. During the reporting period, several groups asserted that the SCWRA sometimes failed to rule on registration applications in a timely manner, and some groups complained that the SCWRA or local officials selectively made the application process difficult or impossible for "nontraditional" communities.

Some Muslim representatives claimed that the registration process was selectively difficult because the CMB first needs to approve the registration before the SCWRA reviews the application. The SCWRA continued to delay or deny registration to a few Protestant Christian groups. According to a variety of Christian representatives, local or SCWRA officials selectively made the registration process difficult or impossible. Some Christian groups contended that when they appealed SCWRA denials of registration, local judges often were biased against Christian churches and were unlikely to rule in a just manner.

Authorities generally permitted expatriate members of Christian groups in Baku to worship freely, but Azerbaijani Christian communities encountered obstacles. The Baptist churches in Neftchala and Aliabad (the latter has sought registration for approximately 15 years) were not able to obtain registration, with local notaries in Aliabad refusing to certify the Aliabad congregation's registration applications. The Cathedral of Praise Church had difficulties obtaining registration for its congregations in Ganja and Sumgayit due to the alleged lack of documents and technical mistakes in the application. The Assemblies of God community in Baku also has had long-standing difficulties obtaining registration for its congregation. A variety of unregistered religious groups continued to function, including Muslim groups, Jehovah's Witnesses, and some evangelical Christians. However, some unregistered groups were subject to periodic and selective police harassment in the form of disruption of religious services and intimidation. Local law enforcement officials occasionally monitored religious services and reportedly singled out some observant Christians and Muslims for searches. Local observers claimed that local authorities routinely monitored certain mosques.

In December 2007 local officials in the northwestern region of Zaqatala sought to impose a ban on the call to prayer, which religious freedom advocates criticized. The local ban followed a nationwide ban in May 2007 against the use of loudspeakers at mosques for announcing the Islamic call to prayer; however, the national ban only lasted a few days before the Government reversed its decision.

The Juma Mosque remained closed, and the Government continued to prohibit the mosque's imam from traveling. According to the law on religious freedom, citizens are free to share their faith; however, in practice proselytizing was often discouraged. The law expressly prohibits religious proselytizing by foreigners, and the Government strictly enforced this. In July 2007 authorities in Khachmaz deported two Jehovah's Witnesses accused of proselytizing. The Government was concerned about Islamic missionary groups (predominantly Iranian and Sunni Salafi) operating in the country and continued to restrict their activities.

Some Muslims complained of the SCWRA's allegedly indiscriminate use of the term "Wahhabi" to cast a shadow on devout Muslims. Local Protestant Christians also claimed that SCWRA Chairman Orujov derogatorily referred to their organizations as "sects."

The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, authorities appeared to selectively restrict the import and distribution of religious materials. Obtaining permission to import religious literature remained burdensome, and Islamic and Christian groups complained of the lengthy process. During the reporting period, there were multiple episodes of police confiscating allegedly radical Islamic literature in several areas of the country. However, the SCWRA also facilitated the import of some literature, and the process appeared to be improving, albeit in an arbitrary manner.

The Government regulates travel for the purpose of religious training. Prospective travelers must obtain permission from, or register with, the SCWRA or the Ministry of Education to go abroad for religious studies.

Authorities prevented Muslims from wearing headscarves in passport photos and other official identity documents. Individuals are not forbidden from wearing headscarves in educational facilities or at state facilities, according to the law. However, in practice the Government did little to restrain university administrators or employers from selectively pressuring some women not to wear headscarves. In September 2007 the rector of the Azerbaijani Teachers Institute sought to prohibit students wearing headscarves from entering the classroom. While the female students initially refused to comply with the rector's request, the rector persuaded them to stop wearing headscarves in the same month.

Abuses of Religious Freedom

Sporadic violations of religious freedom by some officials continued. In many instances, abuses reflected the popular prejudice toward ethnic Azeris who convert to "nontraditional" religious groups such as evangelical Christian denominations or who adopt Salafist Islamic practices.

In June 2008 police in the northwestern village of Aliabad arrested Baptist pastor Hamid Shabanov for allegedly possessing an illegal weapon. Local Baptists claimed that local authorities planted the weapon in Shabanov's residence. In March 2008 Zaur Balaev, another pastor of the same Baptist community, was freed as part of a broader presidential pardon. Balaev had been sentenced in July 2007 to 2 years imprisonment for resisting local police who raided a meeting of the group in May 2007. Local Baptists disputed the Government's claim that Balaev resisted police, arguing that he was arrested because of his religious beliefs. In June 2008 police disrupted two Jehovah's Witnesses services being conducted in private apartments in Baku suburbs. In both cases police detained several participants for several hours before releasing them without charges.

In January 2008 the Barda Region police detained a number of Jehovah's Witnesses for several hours and seized religious literature. According to the SCWRA, the group is registered to operate only in Baku.

In December 2007 Baku police disrupted a gathering of approximately 20 Seventh-day Adventists at a private residence, arrested 8 persons, and held them for several hours. Police charged the individuals with conducting an illegal gathering.

In October 2007 a court sentenced Samir Huseynov, a member of Jehovah's Witnesses and conscientious objector, to 10 months' imprisonment for refusing to fulfill his mandatory military service. In May 2008 Huseynov lost an appeal case, but he was released from prison the same month. Domestic human rights monitors criticized the Government's failure to develop a civilian alternative military service option, and members of 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.

In September 2007 police in Sumgayit disrupted a Jehovah's Witnesses service at a private residence and briefly detained one of the participants.

In the latter half of 2007, the Government tightened controls on a variety of Islamic activities, including reportedly pressuring television stations not to broadcast religious programming, banning stores from selling religious literature at metro stations, and closing 19 madrassahs to review their curriculum. During the reporting period, there were multiple reports that authorities detained alleged Islamic radicals, shaved their beards, seized weapons, and banned Islamic literature. Local commentators

reported that Salafists were particularly active in the northern regions of Zaqatala, Guba, and Kachmaz, but they criticized the Government for often failing to distinguish between extremists and observant Muslims.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

In March 2008 a Catholic archbishop and several government officials attended the opening of a new Catholic church in Baku. Former President Heydar Aliyev granted the land for the church to the Vatican in 2002 during former Pope John Paul II's visit to the country.

Some religious groups reported improvements in their ability to function freely in the country.

Section III. Societal Abuses and Discrimination

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There was popular prejudice against Muslims who converted to other faiths and hostility toward groups that proselytized, particularly evangelical Christian and other missionary groups. This was accentuated by the unresolved conflict over Nagorno-Karabakh. Hostility between Armenians and Azerbaijanis, intensified by the Nagorno-Karabakh conflict, remained strong. In those areas of the country controlled by ethnic Armenian separatists, all ethnic Azeris have fled, and the mosques that were not destroyed remained inactive. Animosity toward ethnic Armenians elsewhere in the country forced most of them to depart between 1988 and 1990, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remained closed. As a consequence, the estimated 10,000 to 30,000 ethnic Armenians who remained were unable to attend services in their traditional places of worship.

As in previous reporting periods, newspapers and television broadcasts depicted "nontraditional" religious groups as threats to the identity of the country and as undermining the country's traditions of interfaith harmony, which led to local harassment. During the reporting period, articles critical of "Wahhabism" and of Christian missionaries appeared in newspapers. In general, society was negatively predisposed to foreign (mostly Iranian and "Wahhabi") 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 that the Government claimed were involved in illegal activities.

In contrast with the previous report, there were no reported cases of anti-Semitic incidents.

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. During the reporting period, U.S. embassy officers conveyed concerns about the registration process and official attitudes toward "nontraditional" religious groups to the SCWRA. The Embassy also expressed concern regarding the degree of official

commitment to religious freedom in discussions with the Government and in the press. The Embassy repeatedly conveyed objections to the censorship of religious literature.

The U.S. Ambassador and other embassy officers maintained close contact with Muslim, Christian, and Jewish religious leaders and regularly met with members of unregistered religious groups to monitor religious freedom. Embassy officers also maintained close contact with nongovernmental organizations that addressed matters of religious freedom.