

AZERBAIJAN

U.S. Commission on International Religious Freedom: 2013 Annual Report

Bottom Line: Despite the Azeri government's claims of tolerance, the religious freedom situation has deteriorated, especially after passage of its restrictive 2009 religion law. Registration requests from religious organizations are delayed or denied and in the past year non-violent religious activists have been detained, fined, and imprisoned.

Despite official claims of tolerance, religious freedom conditions in Azerbaijan have deteriorated over the past few years. Religious organizations were closed and people's non-violent religious activity has been punished with detentions, fines and other penalties. The Azeri government continues to apply the repressive 2009 religion law. Unregistered religious activity is illegal and the activities of registered groups are tightly regulated. Penalties were increased for religion law violations in 2010 and 2011. Based on these concerns, USCIRF places Azerbaijan on Tier 2 for the first time in 2013. USCIRF briefly discussed Azerbaijan in previous Annual Reports and issued a press statement critical of the religion law in 2009.

Background

Azerbaijan's religion law is used to limit religious freedoms and to justify police raids, detentions, and fines. The law's provisions include: compulsory state registration with its complex and intrusive requirements; no appeal for registration denials; religious activities limited to a community's registered address; extensive state censorship of religious material plus official permission for its production, import, export and dissemination; state-approved religious education required to preach, teach religion or lead ceremonies. In October 2012, the Council of Europe's Venice Commission and the Organization for Security and Co-operation in Europe (OSCE) issued a joint legal opinion that Azerbaijan's religion law failed to meet the country's international human rights commitments. In 2013, the Azeri parliament adopted new restrictive amendments to religion, NGOs, and other laws, purportedly to prevent the spread of religious extremism and of foreign missionary activity.

Religious Freedom Conditions

These religion law violations are subject to administrative fines: failing to register; holding religious meetings or ceremonies without state approval; conducting religious activity outside a group's registered address; and activity not in accord with the state-approved statute. In 2010, fines were increased 16-fold from 2009. Violations of provisions on religious education are subject to criminal penalties. Individuals who forced children to take part in religious activity or religious education are liable to fines or jail terms of up to two years. Muslims are subject to additional restrictions: all Muslim religious leaders are appointed by the state-backed Caucasus Muslim Board and must be Azeri citizens educated in Azerbaijan; all mosques must belong to, the Caucasus Muslim Board; and only Azeri citizens can establish Islamic religious communities. Under a 2008 government order, prayer is not allowed outside of mosques, and police have enforced this ban. The Ministry of Education introduced a school uniform in 2010, resulting in a campaign against the Islamic headscarf ban; there were 72 arrests in October 2012. After the reporting period, the headscarf ban was extended to Azeri university students.

Government Control through Registration: The registration process is mandatory and groups denied registration are considered "illegal." Activity of any registered religious organization can only occur at its legal address. All mosques outside the state-backed Caucasian Muslim Board were not registered. Also without legal status are almost all Protestant denominations (including Baptists, Seventh-day Adventists

and Pentecostals), and Jehovah's Witnesses. Some NGOs that campaign for religious freedom or discuss religious topics, such as the International Religious Liberty Association and Devamm, have been denied registration as non-governmental organizations. In February 2012 the Azeri Supreme Court ordered the registration of the Baku-based Cathedral of Praise Pentecostal Church, but that same month the Jehovah's Witnesses lost their Supreme Court case over registration. Forum 18 reported that only six religious communities are known to have achieved state registration in 2012.

Penalties for Religious Activity: Members of unregistered religious communities may face raids, confiscation of religious literature and other penalties, including imprisonment. The Human Rights Center of Azerbaijan (HRCA), a non-governmental organization, has compiled a list of 220 Azeris convicted between 2005 and 2011 for alleged religious extremism, mostly Muslims. According to the HRCA, three people were sentenced in 2012 due to their religious views: Jehovah's Witness Fakhraddin Mirzayev and two Muslims, Nurani Mammadov and Rufat Nuriyev, who protested the school headscarf ban. All three are due to be released in 2013. In January 2013, a rapporteur of the Parliamentary Assembly of the Council of Europe (PACE) issued a human rights report on Azerbaijan. His list of political prisoners included 23 who were convicted in Azerbaijan for alleged membership in Islamist groups and political parties.

Refusal to Allow Conscientious Objection: After Azerbaijan joined the Council of Europe (CoE) in 2001, it promised to allow alternative service, but continues to penalize conscientious objectors. While the Azerbaijan Constitution allows for alternative service, other laws subject those who refuse military service subject to prison terms of up to two years. Fakhraddin Mirzayev, a Jehovah's Witness conscientious objector, was sentenced to a one-year term in September 2012. Two Jehovah's Witnesses conscientious objectors currently have cases pending against Azerbaijan in the ECtHR.

Government Censorship of Religious Materials: State permission is required to produce, import, export, or distribute religious material. Religious material cannot be sold outside officially-approved sites and foreigners cannot preach. Penalties for first time offenders include up to two years' imprisonment, while a "conspiratorial" or organized group, a repeat offender, or an organization official faces a prison term of between two and five years.

Closure and Confiscation of Places of Worship: Since 2009, Azerbaijan has closed or destroyed numerous houses of worship. Mosques closed in 2009 include the "Albanian" Mosque in Gyanja, as well as the Martyrs' Mosque in Baku and the Juma Mosque in Nakhichevan. Other religious minority communities, such as the Baptists in Baku, are seeking the return of their historic places of worship. In December 2012, Baku's Baha'i community lost its last historic building during urban renewal. The Georgian Orthodox Church would like to reopen four churches in the Gakh Region and establish a monastery.

Situation in the Nakhichevan Exclave: Residents of the Nakhichevan exclave encounter more severe religious freedom restrictions than in Azerbaijan's other regions. In 2011, local Sunni Muslims had nowhere to pray. Baha'is, Adventists and Hare Krishnas were banned.

Recommendations for U.S. Policy

In order to promote freedom of religion or belief in Azerbaijan, the U.S. government should:

- Press the Azeri government to allow religious groups to operate freely without registration, and advocate for substantive amendments to the religion law's registration process so as to ease its requirements and to make it voluntary;

- Encourage public scrutiny of Azerbaijan's record on religious freedom and related human rights in appropriate international fora, such as the UN, OSCE and other multilateral venues, and highlight cases of prosecution of Azeri citizens that violate these international norms in comments at such fora;
- Urge the Azeri government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit.
- Ensure that the U.S. Embassy in Azerbaijan maintains active contacts with Azeri human rights activists and press the Azeri government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments;
- Specify freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy, and encourage the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- Increase radio, Internet, and other broadcasting, particularly in the Azeri language, of objective news and information on relevant issues, including specific religious freedom concerns in the country and explaining why religious freedom is an important element of U.S. foreign policy.

Please see USCIRF's 2013 Annual Report for a more extensive review and recommendations on Cuba.