

THE INSTITUTE



Institute on Religion and Public Policy: Religious Freedom in Azerbaijan

Executive Summary

(1) The Republic of Azerbaijan's history since its independence has been marred by war, bloodshed, corruption, and political strife. As a secular state the Constitution of the Republic of Azerbaijan declares that all citizens are free to choose their religion, but in practice the government maintains many Soviet-era types of controls over religion and religious freedom has not flourished. Although the country is primarily Muslim, with 65% of the Muslim population Shi'a and 35% Sunni, the country remains largely unobservant. Religious affiliations claimed by Azerbaijanis tend to be based more on cultural and ethnic grounds rather than purely faith based ideologies. Due to the historical lack of overall observance, the growing populations of observant Muslims, Jews, and Christians are provoking controversy and becoming the targets for discrimination. The government considers Islam, Russian Orthodox, and Judaism to be the "traditional" religious groups, while all other denominations are considered "nontraditional" or "foreign" and are often restricted in their free practice of religion. In addition to the government burdens placed on religion, hostilities based on ethnic and religious lines remain heightened after the Nagorno-Karabakh conflict. As Azerbaijan continues to develop economically and become a stronger member of the global community, it must address the influence extremist groups have on the youth and foster a more religiously tolerant environment.

Institute on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Introduction to the Legal Situation

(3) The Constitution, ratified in 1996, creates a secular society dedicated to guaranteeing human and civil rights. It protects a citizens' right to choose and practice a religion of his choosing without state infringement.

(4) The Law on Religious Freedom reinforces the protections set forth in the Constitution, but registration requirements and societal biases prevented fair application of the law. In addition, the law allows the government to interfere with the free practice of religion when it threatens public safety. The law tries to maintain a separation between religion and politics by prohibiting political parties from engaging in religious activity and preventing religious leaders from serving in public office.

(5) The Law on Religious Freedom requires religious organizations to register with the government to be considered a legal entity. Status as a legal entity allows the organization to have a bank account, rent or own property, and engage in other legal acts. Registration is controlled by the State Committee on Work with Religious Associations (SCWRA), but its decisions may be appealed to the courts. Once registered, the SCWRA will continue to regulate a religious organization by controlling the group's activities including the import and distribution of religious literature. Muslim groups have additional steps in their registration process because they are controlled by the Caucasian Muslim Board (CMB) and must obtain its approval before submitting a registration application to the SCWRA. The CMB is a muftiate remaining from the Soviet era that regulates clerics, Islamic education, sermons, and pilgrimages.

(6) Generally speaking, the registration process is complex and onerous. Some groups claim the approval process is arbitrary and tends to restrict "non-traditional" religions by delaying the application process or rejecting an application. Some Protestant Christian groups complained that the SCWRA unjustly delayed or denied their applications and the local judges were biased in their appeals. Sometimes, registration denials represent societal biases rather than purely governmental bias. Baptist groups in Neftchala and Aliabad were denied registration because local notaries refused to certify their applications. Usually, if a religious group is not registered it will be monitored, persecuted, and shut down by local authorities. However, some unregistered groups, including some Muslim groups, Jehovah's Witnesses, and evangelical Christians, were able to continue practicing.

(7) The foreign aspects of religion are heavily regulated by the government. In addition to controlling the import of religious literature, which many groups complain as being extremely burdensome, the SCWRA also controls travel for religious purposes, particularly when the individual is seeking religious education outside the country. Foreigners are not allowed to proselytize at all, and the government enforces this law strictly. In fact, two Jehovah's Witnesses were deported in 2007 for proselytizing. The government's strict enforcement of this law stems from its concern about the growth and spread of extremist religious views, particularly extremist forms of Islam coming from Iran.

(8) There are many unwritten controls on religion. This is demonstrated by the arbitrariness and lack of transparency in the registration process. Unregistered

religious activity is not explicitly illegal, but it is heavily persecuted by local officials. Additionally, the law does not prohibit religious activity in private homes, but most local officials think that it does and have prosecuted those caught “violating” this provision.

Instances of Official Discrimination

(9) In May 2007 a nationwide ban was imposed on using loudspeakers at mosques to announce the call to prayer. The government quickly overturned this rule within a few days, but in December 2007, local officials in Zaqatala attempted to impose the ban again within the region.

(10) The Muslim headscarf has become an area of controversy. The religion law does not prohibit wearing a headscarf in schools or state buildings, but the government did not make any attempts to curtail the efforts of professor and employers from discriminating against women who did wear a headscarf.

(11). The biggest problem with government infringements on the free practice of religion comes from the biased application or abuse of laws by local authorities. In June 2008, two Jehovah’s Witnesses were conducting private services in their apartments when local police interrupted detaining some of the participants for several hours before releasing them. Seventh-day Adventists in Baku suffered the same type of disruption in December 2007; however, the police eventually charged them with conducting an illegal gathering.

(12) Under Azerbaijani law all citizens are obligated to serve in the military. However, conscientious objectors are frowned upon and persecuted because the government views military service as a patriotic duty, particularly in light of the the conflict over Nagorno-Karabakh is not completely resolved. In October 2007, Samir Huseynov, a Jehovah’s Witness, was sentenced to 10 months in jail for refusing to serve in the military due to his status as a conscientious objector. He appealed, but lost. This case received substantial criticism from domestic and international human rights organizations calling for the government to offer a non-military option.

(13) As a result of the ongoing global war on terrorism and concerns about the spread of political Islam, the government enacted a number of provisions that place greater controls over Islamic activities. The government now has greater control over television broadcasts, madrassah curricula, and the selling of Islamic religious literature. Over the past year numerous reports have been made that local officials detained “Islamic radicals” and forced them to shave, seized their weapons, and banned their literature. Unfortunately, because religious communities in Azerbaijan have not historically been extremely observant many government officials are having difficulty distinguishing between observant

groups and extremist or militant groups. Said Dadashbeyli attempted to form an Islamic group that rejected fundamentalism and focused on mutual respect and unity between Shias and Sunnis in 2005. On charges of terrorism he was sentenced to 14 years in prison in 2007 and his appeal to the Supreme Court was rejected in 2008.

(14) As previously stated, the Nagorno-Karabakh conflict is not completely resolved. Coupled with the fact that most religious affiliations are a statement of ethnicity rather than ideology there has been a significant amount of discrimination between ethnic Azeris and Armenians. The ongoing conflict has caused a segregation of Christian Armenians and Muslim Azeris. Individuals remaining in an area controlled by opposing ethnic forces are often unable to attend religious services because most of the churches and mosques were abandoned during the late 1980s. Additionally, there is a significant amount of prejudice by ethnic Azeris against other ethnic Azeris that convert to “nontraditional” religions.

Conclusion

(15) Religious conflict in Azerbaijan is as much of an ethnic and cultural problem as it is religious. Therefore, addressing issues of religious freedom in Azerbaijan must also include attempts to resolve ethnic and cultural disputes. The registration process remains a primary official instrument for discrimination by providing the government a method to sanction or condemn particular religious groups. The government must make this process more transparent and less arbitrary. Additionally, government control of Muslim organizations and harassment of minority groups violates Azerbaijan’s constitutional and international commitments to upholding human rights. Similar to their Soviet predecessors, Azerbaijani officials tend to dislike pluralism and try to restrict anything that may challenge their authority. Local officials appear to be the biggest violators of religious freedom, particularly concerning “nontraditional” religions and observant members of traditional religions. Although Azerbaijan should address the security issues brought up by extremist religious groups, it must remain fair and impartial towards those who are simply observant. Azerbaijan maintains a closed-door approach to developing religious policy, which must change if the country wishes to become compliant with its international obligations.