

# **AZERBAIJAN 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Mejlis (National Assembly). The presidency is the predominant branch of government, exceeding the judiciary and legislature. On February 9, the government conducted National Assembly elections. The election observation mission of the Organization for Security and Cooperation in Europe concluded that the National Assembly elections and the 2018 presidential election took place within a restrictive legislative framework and political environment, which prevented genuine competition in these elections.

The Ministry of Internal Affairs and the State Security Service are responsible for security within the country and report directly to the president. The Ministry of Internal Affairs oversees local police forces and maintains internal civil defense troops. The State Security Service is responsible for domestic matters, and the Foreign Intelligence Service focuses on foreign intelligence and counterintelligence matters. The State Migration Service and the State Border Service are responsible for migration and border enforcement. Civilian authorities maintained effective control over the security forces. Members of security forces committed some abuses.

During 44 days of intensive fighting from September 27 to November 10 involving Azerbaijan, Armenia, and Armenia-supported separatists, significant casualties and atrocities were reported by all sides. After Azerbaijan, with Turkish support, reestablished control over four surrounding territories controlled by separatists since 1994, a Russian-brokered ceasefire arrangement announced by Azerbaijan and Armenia on November 9 resulted in the peaceful transfer of control over three additional territories to Azerbaijan, as well as the introduction of Russian peacekeepers to the region. Since 1995 the final status of Nagorno-Karabakh has been the subject of international mediation by the cochairs of the Organization for Security and Cooperation in Europe's Minsk Group (the United States, France, and Russia). There was also an outbreak of violence with casualties along the international border between Azerbaijan and Armenia near Tovuz from July 12 to

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July 16. During the period of martial law from September 28 to December 12, which the government declared following the outbreak of hostilities on September 27, authorities restricted freedom of movement and access to information.

Significant human rights issues included: unlawful or arbitrary killing; torture; arbitrary detention; harsh and sometimes life-threatening prison conditions; political prisoners; arbitrary interference with privacy; politically motivated reprisal against individuals outside the country; pervasive problems with the independence of the judiciary; heavy restrictions on free expression, the press, and the internet, including violence against journalists, the criminalization of libel and slander, harassment and incarceration of journalists on questionable charges, and blocking of websites; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; severe restrictions on political participation; systemic government corruption; police brutality against individuals based on sexual orientation; and existence of the worst forms of child labor. Significant human rights issues connected with the Nagorno-Karabakh armed conflict included unlawful killings, civilian casualties, and inhuman treatment.

The government did not prosecute or punish the majority of officials who committed human rights abuses; impunity remained a problem.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings.

The Office of the Prosecutor General is empowered to investigate whether killings committed by the security forces were justifiable and pursue prosecutions.

Reports of arbitrary or unlawful killings in police custody continued. For example, on November 9, Talysh historian and activist Fakhraddin Abbasov reportedly died

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in Gobustan prison under suspicious circumstances. Prison authorities stated he committed suicide. On October 13, he reportedly announced that his life was in danger and warned family and supporters not to believe future claims he had died by suicide. Some human rights activists also noted suicide was against Abbasov's religious views.

During the 44 days of intensive fighting involving Azerbaijan, Armenia, and Armenia-supported separatists, there were credible reports of unlawful killings involving summary executions and civilian casualties (see sections 1.b., 1.c., 1.d., 2.a., 5, and 6, and the *Country Reports on Human Rights Practices for 2020* for Armenia). The sides to the conflict submitted complaints to the European Court of Human Rights (ECHR) accusing each other of committing atrocities. The cases remained pending with the ECHR.

In early October, two videos surfaced on social media of Azerbaijani soldiers humiliating and executing two Armenian detainees in the town of Hadrut. On October 15, the videos were assessed as genuine by independent experts from Bellingcat, the BBC, and the Atlantic Council's Digital Forensic Research Lab (DFRL). Armenian authorities identified the victims as civilian residents Benik Hakobyan (age 73) and Yuriy Adamyan (age 25). Digital forensic analysis by the DFRL and Bellingcat concluded the video footage was authentic, noting it was filmed in Hadrut, Nagorno-Karabakh, and showed the captives being taken by men speaking Russian and Azerbaijani and wearing Azerbaijani uniforms. One of the captors in the video was wearing a helmet typically worn by members of the Azerbaijani special forces, according to the Atlantic Council and Bellingcat analyses. The government stated the videos were staged.

In another high-profile example, on December 10, Amnesty International issued a report based on 22 videos it had authenticated, out of dozens of videos circulating on social media depicting atrocities committed by both Azerbaijanis and ethnic Armenians. Among these 22 videos, the Amnesty report documented the execution by decapitation of two ethnic Armenian civilians by Azerbaijani forces, one of whom wore a helmet that Amnesty reported was associated with special operations forces. Amnesty urged both countries to investigate what it described

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as “war crimes.”

There were credible reports of Azerbaijani forces and Armenian or ethnic Armenian separatist forces firing weapons on residential areas and damaging civilian infrastructure with artillery, missiles, and cluster munitions. Such attacks resulted in significant civilian casualties.

Azerbaijani armed forces allegedly used heavy artillery missiles, combat unmanned aerial vehicles (UAVs), and aerial bombs, as well as cluster munitions, hitting civilians and civilian facilities in Nagorno-Karabakh. The Azerbaijani government denied the accusations that the military shelled civilian structures. For example, on October 3 and December 11, Human Rights Watch criticized Azerbaijan’s armed forces for repeatedly using weapons on residential areas in Nagorno-Karabakh. On October 5, Amnesty International crisis response experts corroborated the authenticity of video footage--consistent with the use of cluster munitions--from the city of Stepanakert that was published in early October and identified Israeli-made cluster munitions that appeared to have been fired by Azerbaijani armed forces. The Hazardous Area Life-support Organization (HALO) Trust, an international nongovernmental organization (NGO) working in Nagorno-Karabakh to clear unexploded ordnance, confirmed the use of cluster munitions in operations striking civilian infrastructure in Nagorno-Karabakh during intensive fighting in the fall.

On November 2, the Office of the UN High Commissioner for Human Rights criticized continuing attacks in populated areas in and around the Nagorno-Karabakh conflict zone. High Commissioner Michelle Bachelet noted that “homes have been destroyed, streets reduced to rubble, and people forced to flee or seek safety in basements.”

The Azerbaijani government reported 98 civilians killed and more than 400 wounded during the fighting. Armenian authorities reported 75 ethnic Armenian civilians were killed and 167 were wounded during the fighting.

There also was an outbreak of violence--including the exchange of fire using heavy weaponry and deployment of drones--at the international border between Azerbaijan and Armenia from July 12 to July 16. Recurrent shooting along the

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Line of Contact caused civilian deaths.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

The International Committee of the Red Cross (ICRC) processed cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. According to the ICRC, approximately 4,500 Azerbaijanis and Armenians remained unaccounted for as a result of the conflict in the 1990s. The State Committee on the Captive and Missing reported that, as of December 1, there were 3,890 citizens registered as missing as a result of the Nagorno-Karabakh fighting in the 1990s. Of these, 719 were civilians. On December 15, the ICRC reported it had received thousands of calls and visits from families of individuals missing and received hundreds of tracing requests for civilians and soldiers connected with the fall fighting.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

While the constitution and criminal code prohibit such practices and provide for penalties for conviction of up to 10 years' imprisonment, credible allegations of torture and other abuse continued. Most mistreatment took place while detainees were in police custody, where authorities reportedly used abusive methods to coerce confessions and denied detainees access to family, independent lawyers, or independent medical care. There also were credible reports that Azerbaijani and Armenian forces abused soldiers and civilians held in custody.

During the year the government took no action in response to the Council of Europe's Committee for the Prevention of Torture (CPT) reports on six visits it conducted to the country between 2004 and 2017. In the reports the CPT stated that torture and other forms of physical mistreatment by police and other law enforcement agencies, corruption in the entire law enforcement system, and

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impunity remained systemic and endemic.

There were several credible reports of torture during the year.

For example, human right defenders reported that on April 28, Popular Front Party member Niyamaddin Ahmadov was taken from the Detention Center for Administrative Detainees and driven to an unknown location with a bag over his head, where he was beaten and physically tortured in an effort to obtain an allegedly false confession concerning illegal financing of the party. There were also reports that he was subsequently beaten in Baku Detention Center No.1, where he was moved after the government opened a criminal case against him.

Human rights defenders reported the alleged torture of Popular Front Party members Fuad Gahramanli, Seymur Ahmadov, Ayaz Maharramli, Ramid Naghiyev, and Baba Suleyman, who were arrested after a major rally the night of July 14-15 in support of the army following intensive fighting on the Azerbaijan-Armenia border (also see section 2.b., Freedom of Peaceful Assembly). The detainees' location remained unknown for days, and they were deprived of access to lawyers and family members. Throughout their detention, friends, relatives, and lawyers were not allowed to visit for an extended period. The independent Turan News Agency reported that Gahramanli was "severely tortured" in Baku Detention Center No.1 after his arrest. Gahramanli reportedly refused the services of his independent lawyer after being forced to do so by government authorities. He was deprived of the right to call or meet with his family for months with the exception of one short call to his brother 10 days after his detention, when he informed him that he was alive. The call followed social media allegations that Gahramanli had died after being tortured in custody.

There were developments in the 2017 government arrest of more than 100 citizens in Terter who were alleged to have committed treason by engaging in espionage for Armenia. Family members and civil society activists reported that the government had tortured the accused in an effort to coerce their confessions, as a result of which up to nine detainees reportedly died. According to the independent Turan News Agency, four of the deceased were acquitted posthumously and investigators who had fabricated the charges against them were prosecuted, convicted, and received prison sentences of up to seven years. Following a closed

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trial of 25 individuals, at least nine remained in prison, some serving sentences of up to 20 years. On September 14, relatives of those killed or imprisoned in the case attempted to hold a protest at the Presidential Administration. They called for the release of those incarcerated, posthumous rehabilitation of those who died after being tortured, and accountability for those responsible.

There were numerous credible reports of cruel, inhuman, or degrading treatment in custody. For example, activist Fuad Ismayilov reported that on March 7, he was beaten in Police Department No. 32 of Surakhani District. Relatives reported that on June 21, he was also beaten by police officers in the Detention Center for Administrative Detainees.

Media outlets reported the mistreatment of imprisoned Muslim Unity Movement deputy Abbas Huseynov. Huseynov conducted a hunger strike of approximately three weeks to protest the ban on family-provided food parcels because of quarantine rules, as well as the high prices for food in the prison market. In response prison officials barred Huseynov from bathing or communicating with family. The prison administration also placed him in solitary confinement.

On June 8, police used excessive force while conducting an early morning raid in a residential building in Baku. A day earlier, building residents had thrown garbage at police officers while they were detaining a neighbor for violating the COVID-19 pandemic quarantine regime. During the operation police also treated some detainees in a humiliating manner by not allowing them to dress properly before removing them from their homes. On June 9, Karim Suleymanli, one of those detained, stated that police had beaten him for five hours while he was in custody. On June 10, Radio Free Europe/Radio Liberty (RFE/RL) reported that Suleymanli's lawyer stated Suleymanli had obtained a medical report declaring that he had been severely beaten. According to Suleymanli, all 11 detained individuals were beaten in Police Department No. 29. Courts later sentenced them to administrative detention for periods of from 10 to 30 days. On June 9, Suleymanli's sentence was postponed, and he was released because of his health condition. On June 16, the Baku Court of Appeal replaced his previous 15-day administrative detention with a fine. Following the event the Ministry of Internal

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Affairs dismissed one police officer for publicly insulting a local resident.

Authorities reportedly maintained an implicit ban on independent forensic examinations of detainees who claimed abuse and delayed access to an attorney. Opposition figures and other activists stated these practices made it easier for officers to mistreat detainees with impunity.

There were credible allegations that authorities forcibly committed opposition Popular Front Party member Agil Humbatov to a psychiatric hospital in Baku twice after he criticized the government. Human rights NGOs reported he was institutionalized on March 31 after posting a social media message criticizing the country's leadership on March 30. On April 1, he reportedly was released; however, on April 2, he was reinstitutionalized after posting a message complaining authorities had forcibly placed him in the psychiatric hospital due to his political views. On July 1, he was released.

There were credible reports that Azerbaijani forces abused soldiers and civilians in their custody (see the *Country Reports on Human Rights Practices for 2020* for Armenia). For example, on December 2, Human Rights Watch reported that Azerbaijani forces inhumanly treated numerous ethnic Armenian soldiers captured in the Nagorno-Karabakh conflict. According to the report, Azerbaijani forces subjected the detainees to physical abuse and humiliation in actions that were captured on videos and widely circulated on social media. Human Rights Watch was unable to verify the locations and times but was confident that none of the videos was posted before October-November.

Human Rights Watch closely examined 14 such cases and spoke with the families of five detainees whose abuse was depicted. According to one family's account, on October 2, the parents of a youth named Areg (age 19) lost contact with him. On October 8, a relative alerted the family to two videos that showed Areg lying on top of an Azerbaijani tank and then sitting on the same tank and, on his captor's orders, shouting, "Azerbaijan" and calling the Armenian prime minister insulting names. In mid-October according to the Human Rights Watch report, three more videos with the same person appeared on social media. One showed Areg, apparently in the back seat of a vehicle wearing a flowery smock and a thick black blindfold, repeating on his captors' orders, "long live President Aliyev" and



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“Karabakh is Azerbaijan” and also cursing Armenia’s leader.

On December 10, an Amnesty International report authenticated 22 of the dozens of videos circulating on social media, which included--among other abuses--the mistreatment of Armenian prisoners and other captives (see the *Country Reports on Human Rights Practices for 2020* for Armenia). According to Amnesty International, seven of the videos showed what it termed “violations” by “Azerbaijani forces.” According to the report, in some videos, Azerbaijani soldiers kicked and beat bound and blindfolded ethnic Armenian prisoners and forced them to make statements opposing their government.

As of year’s end, authorities had arrested four soldiers for desecrating bodies and grave sites.

According to Human Rights Watch, Azerbaijani armed forces reportedly used artillery missiles, aerial bombs, and cluster munitions, against Stepanakert and struck civilian infrastructure. According to the Armenian government and Armenian media reports, a diverse range of nonmilitary sites was hit, including medical emergency service centers and ambulances, food stocks, crops, livestock, electricity and gas plants, and drinking-water installations and supplies, as well as schools and preschools. According to the BBC, many homes in Stepanakert, Nagorno-Karabakh’s largest city, were left without electricity or water. The Azerbaijani government denied these accusations.

According to various international observers, Azerbaijani armed forces on multiple occasions struck near humanitarian organizations, such as the ICRC and HALO Trust, located in Stepanakert. On October 2, the Azerbaijani armed forces struck the emergency service administrative building in Stepanakert, wounding nine personnel and killing one. On October 14, three aircraft reportedly dropped bombs on the military hospital in Martakert, damaging the hospital and destroying nearby medical vehicles, all clearly marked as medical. On October 28, more than 15 strikes hit various areas of Stepanakert and Shusha. An Azerbaijani missile hit rescue personnel conducting humanitarian functions in Shusha, killing one person and seriously injuring five. Another missile, reportedly a high-precision, Long Range Attack (LORA) missile struck a Stepanakert hospital maternity ward. Unexploded missiles were later found inside the hospital. On November 2, an

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Azerbaijani UAV destroyed a fire truck transporting fresh water to civilians in the Askeran region.

### **Prison and Detention Center Conditions**

According to prison monitoring conducted by a reputable organization prior to the onset of COVID-19, prison conditions reportedly were sometimes harsh and potentially life threatening due to overcrowding; inadequate nutrition; deficient heating, ventilation, and sanitation; and poor medical care. Detainees also complained of inhuman conditions in the crowded basement detention facilities of local courts where they were held while awaiting their hearings. There was no reporting or evidence that conditions improved during the year.

**Physical Conditions:** Authorities held men and women together in pretrial detention facilities in separate blocks and held women in separate prison facilities after sentencing. Local NGO observers reported female prisoners typically lived in better conditions, were monitored more frequently, and had greater access to training and other activities. The same NGOs noted, however, that women's prisons suffered from many of the same problems as prisons for men. The law allows convicted juvenile offenders to be held in juvenile institutions until they reach age 20.

While the government continued to construct prison facilities, some operating Soviet-era facilities continued to fail to meet international standards. Gobustan Prison, Prison No. 3, Prison No. 14, and the penitentiary tuberculosis treatment center reportedly had the worst conditions.

Human rights advocates reported guards sometimes punished prisoners with beatings or by placing them in solitary confinement. Local and international monitors reported markedly poorer conditions at the maximum-security Gobustan Prison.

Prisoners claimed they endured lengthy confinement periods without opportunity for physical exercise. They also reported instances of cramped, overcrowded conditions; inadequate ventilation; poor sanitary facilities; inedible food; and insufficient access to medical care. Former prisoners and family members of

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imprisoned activists reported prisoners often had to pay bribes to meet visiting family members, watch television, use toilets or shower rooms, or receive food from outside the detention facility. Although the law permits detainees to receive daily packages of food to supplement officially provided food, authorities at times reportedly restricted access of prisoners and detainees to family-provided food parcels. Some prisons and detention centers did not provide access to potable water.

**Administration:** While most prisoners reported they could submit complaints to judicial authorities and the Ombudsman's Office without censorship, prison authorities regularly read prisoners' correspondence, monitored meetings between lawyers and clients, and restricted some lawyers from taking documents into and out of detention facilities. The Ombudsman's Office reported that it conducted systematic visits and investigations into complaints, but activists claimed the office regularly dismissed prisoner complaints in politically sensitive cases.

Authorities limited visits by attorneys and family members, especially to prisoners widely considered to be incarcerated for political reasons. For example, family members of political activists detained after the July 14-15 proarmy rally in Baku stated that authorities illegally prohibited communication with their relatives for the first several weeks of their detention.

**Independent Monitoring:** The government permitted some prison visits by international and local organizations, including the ICRC and CPT.

Authorities generally permitted the ICRC access to prisoners of war and civilian internees held in connection with the Nagorno-Karabakh conflict. The ICRC conducted regular visits throughout the year to provide for protection of prisoners under international humanitarian law and regularly facilitated the exchange of messages between prisoners and their families to help them re-establish and maintain contact.

A human rights community prison-monitoring group, known as the Public Committee, was allowed access to prisons without prior notification to the

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Penitentiary Service.

**Improvements:** The Ministry of Justice reported that more than 2500 Azerbaijanis avoided incarceration during the year with the use of GPS-enabled electronic bracelets.

### **d. Arbitrary Arrest or Detention**

Although the law prohibits arbitrary arrest and detention and provides for the right of persons to challenge the lawfulness of their arrest or detention in court, the government generally did not observe these requirements.

NGOs reported the Ministry of Internal Affairs and the State Security Service detained individuals who exercised their rights to fundamental freedoms. Several citizens reported they had been summoned to police departments for their posts on social media critical of the government's response to COVID-19, and many were forced to delete their posts. For example, media outlets reported that Facebook-user Rahim Khoyski was called to a police department for making recommendations to the government on his social media account to freeze debts and loans, to stop collecting taxes from entrepreneurs, and to provide monetary assistance to citizens who had lost their income. Police warned him not to make such recommendations and ordered him to delete his post.

### **Arrest Procedures and Treatment of Detainees**

The law provides that persons detained, arrested, or accused of a crime be accorded due process, including being advised immediately of their rights and the reason for their arrest. In all cases deemed to be politically motivated, due process was not respected, and accused individuals were convicted under a variety of spurious criminal charges.

According to the law, detainees must appear before a judge within 48 hours of arrest, and the judge may issue a warrant either placing the detainee in pretrial detention or under house arrest, or releasing the detainee. At times, however, authorities detained individuals for longer than 48 hours without warrants. The initial 48-hour arrest period may be extended to 96 hours under extenuating circumstances. During pretrial detention or house arrest, the Prosecutor General's

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Office must complete its investigation. Pretrial detention is limited to three months but may be extended by a judge up to 18 months, depending on the alleged crime and the needs of the investigation. There were reports of detainees not being informed promptly of the charges against them during the year.

A formal bail system existed, but judges did not utilize it during the year.

The law provides for access to a lawyer from the time of detention, but there were reports that authorities frequently denied lawyers' access to clients in both politically motivated and routine cases. Human rights defenders stated that many of the political activists detained after the July 14-15 rally were denied access to effective legal representation and were forced to rely on state-appointed lawyers who did not adequately defend their clients due to fear of government reprisal.

Access to counsel was poor, particularly outside of Baku. Although entitled to legal counsel by law, indigent detainees often did not have such access. The Collegium of Advocates, however, undertook several initiatives to expand legal representation outside the capital, including the establishment of offices in regional Azerbaijan Service and Assessment Network centers to provide legal services to local citizens.

By law detained individuals have the right to contact relatives and have a confidential meeting with their lawyers immediately following detention. Prisoners' family members reported that authorities occasionally restricted visits, especially to persons in pretrial detention, and withheld information regarding detainees. Days sometimes passed before families could obtain information regarding detained relatives. Authorities reportedly used family members as leverage to put pressure on selected individuals to stop them from reporting police abuse. Family members of some political activists detained after the July 14-15 rally stated that authorities illegally prohibited communication with their relatives for several weeks to limit the dissemination of information and to hide traces of torture.

Azerbaijani and Armenian officials alleged that soldiers on both sides remained detained following intensive fighting in the fall (see sections 1.a. and 1.c.). As of year's end, two exchanges resulted in the return of 57 ethnic Armenian detainees

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and 14 Azerbaijani detainees. ICRC representatives visited a number of the detainees and continued to work with the sides to develop accurate lists and encourage the exchange of any remaining detainees.

**Arbitrary Arrest:** Authorities often made arrests based on spurious charges, such as resisting police, illegal possession of drugs or weapons, tax evasion, illegal entrepreneurship, abuse of authority, or inciting public disorder. Local organizations and international NGOs such as Amnesty International and Human Rights Watch criticized the government for arresting individuals exercising their fundamental rights and noted that authorities frequently fabricated charges against them.

For example, police regularly detained opposition and other activists mainly on the charges of “violating the quarantine regime,” “resisting police,” or “petty hooliganism,” and subsequently took them to local courts where judges sentenced them to periods of administrative detention ranging from 10 to 30 days. Those charged with criminal offenses were sentenced to lengthier periods of incarceration (see section 1.e., Political Prisoners and Detainees). Human rights defenders asserted these arrests were one method authorities used to intimidate activists and dissuade others from engaging in activism. For example, 16 members of the opposition Popular Front Party were arrested and sentenced to administrative detention under such charges from mid-March to mid-May. More than 15 Popular Front Party members were sentenced to administrative detention after the July 14-15 proarmy rally in Baku.

**Pretrial Detention:** Authorities held persons in pretrial detention for up to 18 months, the maximum allowed by law. The Prosecutor General’s Office routinely extended the initial three-month pretrial detention period permitted by law in successive increments of several months until the government completed an investigation.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:** The law provides that persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis, length, or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The judiciary, however, did not rule independently

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in such cases, and while sentences were occasionally reduced, the outcomes often appeared predetermined.

### **e. Denial of Fair Public Trial**

Although the constitution provides for an independent judiciary, judges were not functionally independent of the executive branch. While the government made a number of judicial reforms in 2019, the reforms did not foster judicial independence. The judiciary remained largely corrupt and inefficient. Many verdicts were legally unsupportable and largely unrelated to the evidence presented during a trial, with outcomes frequently appearing predetermined. For example, following the July 14-15 proarmy rally, judges sentenced Popular Front Party board members Fuad Gahramanli, Mammad Ibrahim, Bakhtiyar Imanov, and Ayaz Maharramli from three to four months of pretrial detention, although these political activists did not take part in the rally (see section 1.c.). Courts often failed to investigate allegations of torture and inhuman treatment of detainees in police custody.

The Ministry of Justice controlled the Judicial Legal Council, which appoints the judicial selection committee that administers the judicial selection process and examination and oversees long-term judicial training. The council consists of six judges, a prosecutor, a lawyer, a council representative, a Ministry of Justice representative, and a legal scholar.

Credible reports indicated that judges and prosecutors took instructions from the Presidential Administration and the Ministry of Justice, particularly in politically sensitive cases. There were also credible allegations that judges routinely accepted bribes.

In April 2019 President Ilham Aliyev signed a decree promulgating limited judicial sector reforms. The decree called for an increase in the salary of judges, an increase in the number of judicial positions (from 600 to 800), audio recordings of all court proceedings, and establishment of specialized commercial courts for entrepreneurship disputes. The decree also ordered increased funding for pro bono legal aid. Some measures called for in the decree, such as the establishment of commercial courts and a raise in judicial salaries, were implemented, while others

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remained pending at year's end.

### **Trial Procedures**

The law requires public trials except in cases involving state, commercial, or professional secrets or confidential, personal, or family matters. The law mandates the presumption of innocence in criminal cases. It also mandates the right of defendants to be informed promptly of charges; to a fair, timely, and public trial; to be present at the trial; to communicate with an attorney of choice (or have one provided at public expense if unable to pay); to provide adequate time and facilities to prepare a defense; to free interpretation as necessary from the moment charged through all appeals; to confront witnesses and present witnesses' evidence at trial; and not to be compelled to testify or confess guilt. Both defendants and prosecutors have the right to appeal. Authorities did not respect these provisions in many cases that were widely considered to be politically motivated. Information regarding trial times and locations was generally available. Due to COVID-19 restrictions for most of the year, courts allowed only a small number of individuals to attend hearings, limiting public access to trials.

Although the constitution prescribes equal status for prosecutors and defense attorneys, judges often favored prosecutors when assessing motions, oral statements, and evidence submitted by defense counsel, without regard to the merits of their respective arguments. Members of opposition parties and civil society activists were consistently denied counsel of their choice for days, while government-appointed lawyers represented them, but not in their interest. For example, during the trial of opposition figure Tofiq Yagublu, which continued from July 24 until September 3, the judge reportedly did not conduct an unbiased review of the case and repeatedly denied the motions of Yagublu's lawyers. The judge denied the defendant's requests for additional information relevant to the case and declined to consider misconduct by law enforcement authorities. For example, the judge did not satisfy a motion by Yagublu's lawyers to allow data from telecommunications companies. Additionally, police confiscated Yagublu's cell phone and deleted video footage he had taken during the alleged incident. The judge refused Yagublu's lawyers' motions to restore those videos. Judges also reserved the right to remove defense lawyers in civil cases for "good cause." In



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criminal proceedings, judges may remove defense lawyers because of a conflict of interest or upon a defendant's request for a change of counsel.

By law only members of the Collegium of Advocates (bar association) are able to represent citizens in any legal process, whether criminal, civil, or administrative. Representatives of the legal community and NGOs criticized the law, asserting it restricted citizens' access to legal representation and empowered the government-dominated bar association to prevent human rights lawyers from representing individuals in politically motivated cases by limiting the number of lawyers in good standing who were willing to represent such individuals.

In February, three NGOs reported that, as a result of various punitive measures, more than 24 attorneys had been deprived of the opportunity to practice their profession since 2005. The number of defense lawyers willing and able to accept politically sensitive cases remained small due to various measures taken by authorities, including by the Collegium of Advocates. Such measures included disciplinary proceedings resulting in the censure, suspension, and in some cases disbarment of human rights lawyers. In November 2019 the Collegium suspended the license and initiated disbarment proceedings against lawyer Shahla Humbatova for reasons widely considered to be politically motivated.

In some cases the Collegium of Advocates dropped politically motivated proceedings against lawyers, such as in August those against Zibeyda Sadigova and Bahruz Bayramov. In other cases, however, after dropping proceedings against a lawyer, the Collegium engaged in other punitive measures against the same lawyer. For example, after dropping administrative proceedings against Elchin Sadigov in January, the Collegium issued him a warning and, on September 25, deprived him of the right to continue working as an independent lawyer. Only independent lawyers may represent a client immediately. Those such as Sadigov, deprived of this independent status, are required first to obtain permission to represent a client through a government-approved law firm, which often took days. During this time government-appointed lawyers represented clients and could take action without the approval of or consultation with their clients.

The Collegium issued two other warnings to lawyers during the year: on June 11, to Javad Javadov for sharing information concerning the alleged mistreatment of

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his client, Kerim Suleymanli, by police (see section 1.c.), and on July 13, to Nemat Karimli for publicly sharing information concerning the alleged October 2019 torture of Tofiq Yagublu without waiting for the results of the official investigation.

The majority of the country's human rights defense lawyers were based in Baku. This continued to make it difficult for individuals living outside of Baku to receive timely and quality legal services, since local lawyers were unwilling or unable to take on such cases.

During the year the Collegium increased its membership from 1,708 to 1,791. Human rights defenders asserted the new members were hesitant to work on human rights-related cases due to fear they would be sanctioned by the Collegium. Some activists and candidate lawyers stated the examination process was biased and that examiners failed candidates who had previously been active in civil society on various pretexts.

In some instances courts rejected the admission of legal evidence. For example, on February 21, the Baku Court of Appeal ruled that video recordings presented by National Assembly candidate Bakhtiyar Hajiyev in support of his election complaint were inadmissible because they were recorded without the permission of the precinct election commissions responsible for conducting the elections in his district. On February 26, the Supreme Court upheld this verdict.

Although the constitution prohibits the use of illegally obtained evidence, some defendants claimed that police and other authorities obtained testimony through torture or abuse. Human rights monitors also reported courts did not investigate allegations of abuse, and there was no independent forensic investigator to substantiate assertions of abuse.

Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts frequently ended in conviction, since judges generally sought only a minimal level of proof and collaborated closely with prosecutors.

Human rights advocates reported courts sometimes failed to provide interpreters

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despite the constitutional right of an accused person to interpretation. Defendants are entitled to contract interpreters during hearings, with expenses covered by the state budget.

There were no verbatim transcripts of judicial proceedings. Although some of the newer courts in Baku made audio recordings of some proceedings, courts generally did not record most court testimonies, oral arguments, and judicial decisions. Instead, the court recording officer generally decided the content of notes, which tended to be sparse. A provision of an April 2019 presidential decree addressed the problem but had not been implemented by year's end.

The country has a military court system with civilian judges. The Military Court retains original jurisdiction over any case related to war or military service.

### **Political Prisoners and Detainees**

NGO estimates of political prisoners and detainees at year's end ranged from at least 90 to 146. Political prisoners and detainees included journalists and bloggers (see section 2.a.), political and social activists (see section 3), religious activists (see the Department of State's *International Religious Freedom Report*), individuals arrested in connection with the Ganja and Terter cases (see section 1.c.), and the relative of a journalist/activist in exile (see section 1.f.).

In a particularly high-profile case, on March 22, a member of the Coordination Center of National Council of Democratic Forces and the Musavat Party, Tofiq Yagublu, was arrested and ordered held for three months in pretrial detention for "hooliganism" in connection with a car accident. Human rights defenders considered the arrest a staged provocation against Yagublu. On September 3, the Nizami District Court convicted Yagublu and sentenced him to four years and three months in prison. On September 18, the Baku Court of Appeal released Yagublu to house arrest after he was on a hunger strike for 17 days. At year's end Yagublu was awaiting a ruling on his appeal.

In another case, on April 16, Popular Front Party activist Niyamaddin Ahmadov was detained and sentenced to 30 days of administrative detention. After serving his administrative sentence, on May 18, he was sentenced to four months' pretrial

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detention, allegedly on the criminal charge of funding terrorism. Human rights defenders considered the case politically motivated. He remained under pretrial detention at year's end.

From July 14-15, during a spontaneous rally of more than 20,000 persons supporting the army during fighting along the border with Armenia, a group entered the National Assembly and reportedly caused minor damage before being removed. Some protesters allegedly clashed with police and damaged police cars. On July 16, President Aliyev accused the Popular Front Party of instigating protesters to enter the National Assembly and stated law enforcement bodies would investigate the party.

Human rights defenders reported that authorities used these events to justify the arrest of political activists, including those who did not attend the rally. Law enforcement officials opened criminal cases against at least 16 members of the Popular Front Party, one member of the opposition Azerbaijan Democracy and Welfare Movement, and two members of the Muslim Unity Movement. The formal charges against the remaining individuals included damaging property, violating public order, and using force against a government official. In addition Popular Front Party activists Fuad Gahramanli and Mammad Ibrahim were accused of trying to seize power by force in an alleged attempted coup. Popular Front Party member Mahammad Imanli, along with Mammad Ibrahim's son and ruling party member Mehdi Ibrahimov, were also accused of spreading COVID-19 during the demonstration, which included thousands of demonstrators who were not wearing masks.

On August 19, the Khatai District Court released Mehdi Ibrahimov, placing him under house arrest. On November 16, the Sabayil District Court released 21 individuals arrested after the July 14-15 rally, placing them under house arrest. These individuals included 12 members of the Popular Front Party and two members of the Muslim Unity Movement. On December 7, the remaining 15 individuals arrested after the July 14-15 rally, including three Popular Front Party activists and a member of the Azerbaijan Democracy and Welfare Movement, were released and placed under house arrest. On December 1, the Sabunchu

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District Court convicted and sentenced Mahammad Imanli to one year in prison.

There were developments during the year in long-standing cases of persons considered to have been incarcerated on politically motivated grounds. On April 23, the Plenum of the Supreme Court acquitted opposition Republican Alternative (REAL) party chairperson Ilgar Mammadov and human rights defender Rasul Jafarov. As a result, Mammadov and Jafarov no longer faced restrictions based on their criminal records, including restrictions on seeking political office. The court ruled the government must pay 234,000 manat (\$138,000) in compensation to Mammadov and 57,400 manat (\$33,900) to Jafarov for moral damages, and both could seek additional compensation in civil court. The government paid these compensations to Mammadov and Jafarov. In 2014 the ECHR ruled that Mammadov's arrest and detention were politically motivated. In 2017 the ECHR ruled that Mammadov had been denied a fair trial. Six others considered to be former political prisoners whose acquittal was ordered by the ECHR were waiting court decisions at year's end.

On March 17, after serving three years of his six-year prison term, authorities released investigative journalist Afghan Mukhtarli under the condition that he leave the country and relocate to Germany immediately after his release. He remained in Germany at year's end (also see *Country Reports on Human Rights Practices for 2020* for Georgia).

Political prisoners and detainees faced varied restrictions. Former political prisoners stated prison officials limited access to reading materials and communication with their families. Authorities provided international humanitarian organizations access to political prisoners and detainees.

### **Politically Motivated Reprisal against Individuals Located Outside the Country**

There were reports of government abuse of international law enforcement tools, such as those of Interpol (the International Criminal Police Organization), in attempts to detain foreign residents who were activists. There also were reports that the government targeted dissidents and journalists who lived outside of the country through kidnappings, digital harassment, and intimidation of family

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members who remained in the country.

In January authorities in Gdansk, Poland, detained Dashgyn Agalarli, an Azerbaijani national with refugee status in Norway, reportedly due to an Interpol notice submitted by the Azerbaijan government. He was held for three days and then released on bail. According to news reports in September, however, he remained in Poland and was unable to leave the country.

In December 2019 the State Migration Service reported that political emigrant and government critic Elvin Isayev was deported to Azerbaijan from Ukraine and arrested upon arrival. According to RFE/RL, Ukraine's State Migration Service and Prosecutor General's Office denied having ordered his deportation. Isayev was charged with incitement to riot and for open calls for action against the state. On September 8, the Prosecutor General's Office alleged that seven other political emigrants residing in the Netherlands, the United Kingdom, France, Germany, and Switzerland participated in these criminal acts, together with Isayev. On the basis of the Prosecutor General's Office's petition, the Nasimi District Court ordered the arrest of all seven emigrants. The emigrants subject to this order included Ordukhon Babirov, Tural Sadigli, Gurban Mammadov, Orkhan Agayev, Rafael Piriye, Ali Hasanaliyev, and Suleyman Suleymanli. The Prosecutor General's Office stated that it requested an international search for these individuals from Interpol. On October 30, the Baku Court on Grave Crimes convicted and sentenced Elvin Isayev to eight years in prison.

### **Civil Judicial Procedures and Remedies**

Citizens have the right to file lawsuits seeking damages for, or cessation of, human rights violations. All citizens have the right to appeal to the ECHR within six months of exhausting all domestic legal options, including an appeal to and ruling by the Supreme Court.

Citizens exercised the right to appeal local court rulings to the ECHR and brought claims of government violations of commitments under the European Convention on Human Rights. The government's compliance with ECHR decisions was mixed; activists stated the government generally paid compensation but failed to release prisoners in response to ECHR decisions. In some cases considered to be

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politically motivated, the government withheld compensation ordered by the ECHR. For example, on May 7, journalist and former political prisoner Khadija Ismayilova told media that the government owed her 44,500 euros (\$53,400) in total based on decisions of the ECHR (see section 4).

### **Property Restitution**

NGOs reported authorities did not respect the laws governing eminent domain and expropriation of property. Homeowners often reported receiving compensation well below market value for expropriated property and had little legal recourse. NGOs also reported many citizens did not trust the court system and were therefore reluctant to pursue compensation claims.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications. The government generally did not respect these legal prohibitions.

While the constitution allows for searches of residences only with a court order or in cases specifically provided for by law, authorities often conducted searches without warrants. It was widely reported that the State Security Service and the Ministry of Internal Affairs monitored telephone and internet communications (see section 2.a., Internet Freedom), particularly those of foreigners, prominent youth active online, some political and business figures, and persons engaged in international communication. Human rights lawyers asserted that the postal service purposely lost or misplaced communications with the ECHR to inhibit proceedings against the government.

Throughout the year some websites and social media sources leaked videos of virtual meetings and recorded conversations of opposition figures. It was widely believed that government law enforcement or intelligence services were the source of the leaked videos.

In an effort to intimidate and embarrass an activist and member of the local

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municipal council who advocated more transparent governance, local authorities hung photographs of Vafa Nagi in her swimsuit with the caption “Lady Gaga” throughout her village (see section 3, Participation of Women and Members of Minority Groups).

Police continued to intimidate, harass, and sometimes incarcerate family members of suspected criminals, independent journalists, activists, and political opposition members and leaders, as well as employees and leaders of certain NGOs. For example, human rights defenders considered Emin Sagiyeu to have been incarcerated due to the activities of his brother-in-law, exiled journalist Turkel Azerturk.

There were reports authorities fired individuals from jobs or had individuals fired in retaliation for the political or civic activities of family members inside or outside the country.

## Section 2. Respect for Civil Liberties, Including

### a. Freedom of Expression, Including for the Press

While the law provides for freedom of expression, including for the press, and specifically prohibits press censorship, the government habitually violated these rights. The government limited freedom of expression and media independence. Journalists faced intimidation and at times were beaten and imprisoned. During the year authorities continued to pressure media and journalists in the country and in exile, including their relatives.

**Freedom of Speech:** Although the constitution provides for freedom of expression, the government continued to repress persons it considered political opponents or critics. The incarceration of such persons raised concerns regarding authorities’ abuse of the judicial system to punish dissent. Human rights defenders considered five journalists and bloggers to be political prisoners or detainees as of year’s end. A number of incarcerations were widely seen as connected to the exercise of freedom of expression. For example, on November 16, Polad Aslanov, the editor in chief of the *Xeberman.com* and *Press-az.com* news websites, was convicted of alleged espionage and sentenced to 16 years in prison. Human rights



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defenders asserted the case was a reprisal for Aslanov's public assertion that the State Security Service demanded bribes from Azerbaijani pilgrims seeking to travel to Iran.

The constitution prohibits hate speech, defined as “propaganda provoking racial, national, religious, and social discord and animosity” as well as “hostility and other criteria.”

In addition to imprisonment, the government attempted to impede criticism through other measures, including placing activists in administrative detention for social media posts critical of the government. For example, on April 22, the Surakhani District Court sentenced Popular Front Party activist Arif Babayev to 10 days of administrative detention for dissemination of prohibited information on the internet. Authorities also continued attempts to impede criticism by reprimanding lawyers to intimidate them from speaking with media, as the Council of Europe's commissioner for human rights, Dunja Mijatovic, noted in July 2019.

During the period of martial law from September 28 to December 12, which the government declared following the outbreak of hostilities on September 27, the government reportedly imposed restrictions on the work of some local and international journalists in the area of the conflict.

**Freedom of Press and Media, Including Online Media:** Throughout the year government-owned and progovernment outlets continued to dominate broadcast and print media. A limited number of independent online media outlets expressed a wide variety of views on government policies, but authorities pressured them in various ways for doing so. In 2019 the International Research and Exchanges Board (IREX) *Media Sustainability Index* noted that “access to independent news sources in Azerbaijan gets more limited from year to year” and concluded that “there is no independent print media in the country.”

Authorities continued exerting pressure on leading media rights organizations and independent media outlets outside the country as well as individuals associated with them in the country. Foreign media outlets, including Voice of America, RFE/RL, and the BBC, remained prohibited from broadcasting on FM radio frequencies, although the Russian service Sputnik, which was also originally

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prohibited from broadcasting, was subsequently allowed to broadcast news on a local radio network.

**Violence and Harassment:** During the year police occasionally used force against journalists, as well as other methods, to prevent their professional activities. On February 12, for example, the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of media, Harlem Desir, issued a statement deploring the previous night's detentions, violent incidents, and mistreatment of at least eight journalists covering an election-related protest in Baku.

Local observers reported that journalists from independent media outlets were subjected to harassment and cyberattacks during the year. The harassment mainly targeted journalists from Radio Liberty, *Azadliq* and other newspapers, Meydan TV, and Obyektiv Television.

Civil society activists continued to call on the government to investigate effectively the high-profile killings of journalists Rasim Aliyev in 2015, Rafiq Tagi in 2011, and Elmar Huseynov in 2005.

Lawsuits believed to be politically motivated were also used to intimidate journalists and media outlets. On June 19, the Khatai District Court convicted of alleged hooliganism and sentenced *Azadliq* journalist Tazakhan Miralamli to limitation of liberty for one year. As a result he was required to wear an electronic bracelet and was prohibited from leaving his home from 11 p.m. to 7 a.m. each day. Miralamli and activists asserted the aim of the sentence was to limit his journalistic activities.

Most locally based media outlets relied on the patronage of individuals close to the government or the State Media Fund for income. Those not benefitting from such support experienced financial difficulties, such as problems paying wages, taxes, and periodic court fines.

During the intensive fighting in the fall, there were credible reports of violence against journalists by Azerbaijani forces. According to Reporters without Borders (RSF), on October 27, a group of reporters wearing bulletproof vests clearly

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marked with the word “Press” were targeted when leaving a town 20 miles east of Stepanakert. Tom Mutch, a freelancer from New Zealand working for the United Kingdom’s *Byline Times* news website, Chuck Holton, a war correspondent with Christian Broadcasting Network, and an American crew sent by the Armenian online news site *Civilnet.am* told the RSF that although they were in cars marked “PRESS” and there were no military objectives in the area, they were deliberately targeted after being spotted by drones.

On October 8, an Azerbaijani military aircraft bombed the Holy Savior (Ghazanchetsots) Cathedral in Shusha. Several hours after the initial bombing, as journalists were reporting live from the site on the damage to the cathedral, the cathedral was bombed a second time, with precision-guided munitions, gravely injuring three of the journalists present. Multiple international observers confirmed that there were no military targets in the vicinity of the cathedral.

**Censorship or Content Restrictions:** Most media outlets practiced self-censorship and avoided topics considered politically sensitive due to fear of government retaliation. The National Radio and Television Council continued to require that local, privately owned television and radio stations not rebroadcast complete news programs of foreign origin.

**Libel/Slander Laws:** Libel and slander are criminal offenses. The law provides for substantial fines and up to three years’ imprisonment for persons convicted of libel or slander. Conviction of insulting the president is punishable by up to two years’ corrective labor or up to three years’ imprisonment.

### Internet Freedom

During the year reports continued that the government restricted or disrupted online access. During a period of martial law from September 27 to December 12 that the government imposed following the outbreak of violence, authorities blocked access to some websites and social networks. Internet blockages occurred from the beginning of the violence until November 14. Blockages included social media sites such as YouTube, Twitter, and Instagram and impeded the functioning of many virtual private networks (VPNs). Throughout the year authorities continued to block independent media websites that offered views differing from

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government narratives and to incarcerate persons who expressed critical views online. Human rights defenders also reported that individuals were regularly summoned to police stations across the country, forced to delete social media posts that were critical of the government, and threatened with various punishments if they did not comply. On multiple occasions the government selectively cut or degraded internet access during political protests.

The IREX *Media Sustainability Index* for 2019--the most recent year for which the index was available--reported that in 2018 the number of websites blocked for some period of time reached 85, compared with 25 in 2017. The websites of the Voice of America, RFE/RL, and Azerbaijani media outlets, including *Azadliq*, *Bastainfo.com*, *Criminal.az*, *Topxeber.az*, *Fia.az*, *Monitortv.info*, *Xural.com*, *Az24saat.org*, *Anaxaber.az*, and *Arqument.az*, and the Germany-based media outlet Meydan TV remained blocked by authorities during the year.

On March 19, the Plenum of the Supreme Court reviewed a request by the Ministry of Transport, Communications, and High Technologies to block alternate means of accessing media banned in the country (through VPNs and secondary transmission of content through sites such as YouTube), including Meydan TV, Radio Azadlig, *Azadlig* newspaper, Turan TV, and Azerbaijan Saati, and forwarded it for consideration of the Baku Court of Appeal. A decision on the request was pending. Activists asserted that authorities conducted cyberattacks and used other measures and proxies to disrupt internet television programs.

On April 13, authorities cut the internet and telephone connections of Popular Front Party chairperson Ali Kerimli and his spouse. Their telephone connections were restored, although overnight disruptions continued throughout the year. As of December 31, Kerimli and his spouse remained unable to access the internet. On June 23, the Nasimi District Court refused to review a lawsuit Kerimli and his spouse filed challenging the government's denial of access to the internet and telephone communications.

From May 15 through the morning of May 19, the news websites *Turan.az* and its affiliate *Contact.az* experienced a massive cyberattack and were blocked twice. The attack took place after the websites published articles criticizing the

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government's handling of the COVID-19 pandemic.

On June 24, Germany-based independent media outlet Meydan TV experienced a cyberattack that resulted in the deletion of all its Facebook posts since 2018 as well as two months of its content from Instagram.

On November 3, a Baku Court convicted journalist and chief editor of the online publication *Azel.TV*, Afgan Sadigov, of alleged extortion and sentenced him to seven years' imprisonment. Human rights defenders considered the case to be politically motivated, as Sadigov had criticized officials in his social media posts and was previously convicted for his journalism activities. Sadigov went on a hunger strike while in prison to protest the conviction.

The government requires internet service providers to be licensed and to have formal agreements with the Ministry of Transport, Communications, and High Technologies. The law imposes criminal penalties for conviction of libel and slander on the internet, which had a further chilling effect on open and free use of the medium.

There were strong indications the government monitored the internet communications of civil society activists. For example, activists reported being harassed by police and forced to delete critical Facebook posts under threat of physical abuse. During the year activists were questioned, detained, and frequently sentenced to administrative detention for posting criticism of government actions and commenting on human rights abuses online. On January 14, Azerbaijan Internet Watch reported phishing attacks against several civil society figures and an online news platform. The attack sought to disable antivirus software and surreptitiously record key strokes. Based on forensic research, Azerbaijan Internet Watch and its partner Qurium--a media foundation with expertise in digital forensic investigations--concluded the attacker was connected with the government. Some activists were summoned by security forces for making antiwar posts online during the intensive fighting in the fall. For example, in November activist Latif Mammadov reported that State Security Service officials threatened to kill him and his family for his antiwar posts online.

Freedom House's annual *Freedom on the Net* report for the period from June 2019

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through May again rated the country's internet status as "not free." The report concluded the state of internet freedom slightly deteriorated during the period covered. Despite some restrictions, the internet remained the primary method for citizens to access independent media. For example, while Meydan, Azadliq, and other media outlets were blocked, social media users were able to access their reports through Facebook, where videos and articles were shared without restrictions.

### **Academic Freedom and Cultural Events**

The government on occasion restricted academic freedom. Opposition party leaders reported their members had difficulty finding and keeping teaching jobs at schools and universities.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, but the government restricted these rights.

#### **Freedom of Peaceful Assembly**

The government consistently and severely restricted freedom of peaceful assembly. Authorities at times responded to peaceful protests and assemblies by using force against or detaining protesters.

Prior to the imposition of restrictions aimed at combating COVID-19 in March, authorities prevented attempts by political opposition groups to organize demonstrations. For example, on February 11, police violently dispersed a protest concerning the conduct of the National Assembly elections and election results in front of the Central Election Commission. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation mission reported it observed riot police loading protesters onto buses in a disproportionately forceful way and that some protesters were beaten while inside the buses. On February 16, police detained and put approximately 200 protesters into cars and buses, drove them to either the distant suburbs of Baku or other regions of the country, and released them there without explanation or means of return. Following the imposition of COVID-19 restrictions, these political groups did not attempt to

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organize demonstrations that would have otherwise been consistent with the right to freedom of assembly.

During a large and apparently unplanned mid-July gathering in support of the army during fighting along the border with Armenia, there were minor clashes between police and a group of protesters, causing damage to cars and property inside and outside the National Assembly. Police used violence to disperse the crowd. According to Human Rights Watch, police used water cannons, tear gas, and rubber bullets against peaceful protesters.

Following a nationally televised speech in which President Aliyev accused the opposition Popular Front Party of having organized the demonstration, authorities arrested at least 16 members of the party, one member of the opposition Azerbaijan Democracy and Welfare Movement, and two members of the Muslim Unity Movement on criminal charges. An additional 15 or more members of the Popular Front Party were sentenced to administrative detention. Authorities made apparently politically motivated arrests in connection with the proarmy rally, although the gathering was apparently neither planned by the political parties nor in support of either the opposition or general freedom of assembly rights.

The law permits administrative detention for up to three months for misdemeanors and up to one month for resisting police. Punishment for those who fail to follow a court order (including failure to pay a fine) may include substantial fines and up to one month of administrative detention.

While the constitution stipulates that groups may peacefully assemble after notifying the relevant government body in advance, the government continued to interpret this provision as a requirement for prior permission rather than merely prior notification. Local authorities required all rallies to be preapproved and held at designated locations far from the city center of Baku and with limited access by public transportation. Most political parties and NGOs criticized the requirements as unacceptable and characterized them as unconstitutional.

### **Freedom of Association**

The constitution provides for freedom of association, but the law places some

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restrictions on this right and severely constrained NGO activities. Citing these laws, authorities conducted numerous criminal investigations into the activities of independent organizations, froze bank accounts, and harassed local staff, including incarcerating and placing travel bans on some NGO leaders. Consequently, a number of NGOs were unable to operate.

A number of legal provisions allow the government to regulate the activities of political parties, religious groups, businesses, and NGOs, including requiring NGOs to register with the Ministry of Justice if they seek “legal personality” status. Although the law requires the government to act on NGO registration applications within 30 days of receipt (or within an additional 30 days, if further investigation is required), vague, onerous, and nontransparent registration procedures continued to result in long delays that limited citizens’ right to associate. Other laws restrict freedom of association, for example, by requiring deputy heads of NGO branches to be citizens if the branch head is a foreigner.

Laws affecting grants and donations imposed a de facto prohibition on NGOs receiving cash donations and made it nearly impossible for them to receive anonymous donations or to solicit contributions from the public.

The administrative code and laws on NGOs, grants, and registration of legal entities impose additional restrictions on NGO activities and the operation of unregistered, independent, and foreign organizations. The law also places some restrictions on donors. For example, foreign donors are required to obtain preapproval before signing grant agreements with recipients. The law makes unregistered and foreign NGOs vulnerable to involuntary dissolution, intimidates and dissuades potential activists and donors from joining and supporting civil society organizations, and restricts NGOs’ ability to provide grants to unregistered local groups or individual heads of such organizations.

Government regulations provide for a “single window” mechanism for registering grants. Under the procedures, grant registration processes involving multiple agencies are merged. The procedures were not fully implemented, however, further reducing the number of operating NGOs.

The Ministry of Justice is permitted by law to monitor NGO activities and conduct



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inspections of NGOs. The law offers few provisions protecting NGO rights and authorizes substantial fines on NGOs if they do not cooperate.

The far-reaching investigation opened by the Prosecutor General's Office in 2014 into the activities of numerous domestic and international NGOs and local leadership remained open during the year. While the Prosecutor General's Office dropped criminal cases against the American Bar Association and IREX and ordered their bank accounts unfrozen in July, the two groups continued to face administrative difficulties, such as a remaining tax levy imposed on IREX. Problems remained for other groups. For example, the bank accounts of the Democracy and Human Rights Resource Center remained frozen, and the organization was unable to operate (see section 5).

The government continued to implement rules pursuant to a law that requires foreign NGOs wishing to operate in the country to sign an agreement and register with the Ministry of Justice. Foreign NGOs wishing to register a branch in the country are required to demonstrate their support of "the Azerbaijani people's national and cultural values" and not be involved in religious and political propaganda. The decree does not specify any time limit for the registration procedure and effectively allows for unlimited discretion of the government to decide whether to register a foreign NGO. As of year's end, at least four foreign NGOs had been able to renew their registrations under these rules.

NGO representatives stated the Ministry of Justice did not act on their applications, particularly those from individuals or organizations working on matters related to democratic development. Activists asserted the development of civil society had been stunted by years of government bureaucracy that impeded registration and that the country would otherwise have more numerous and more engaged independent NGOs.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at

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<https://www.state.gov/international-religious-freedom-reports/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected many of these rights but continued its practice of limiting freedom of movement for some prominent opposition figures, activists, and journalists.

During the period of martial law following the September 27 outbreak of intensive fighting with Armenia and Armenia-supported separatists, the government imposed a curfew from 9 p.m. to 6 a.m. in six cities, including Baku and Ganja, and 16 districts.

**Foreign Travel:** Authorities continued to prevent a number of opposition figures, activists, and journalists from traveling outside the country. Examples included Popular Front Party chairperson Ali Kerimli (prohibited from traveling since 2006), investigative journalist and activist Khadija Ismayilova, and lawyer Intigam Aliyev.

The law requires men of draft age to register with military authorities before traveling abroad. Authorities placed some travel restrictions on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad until the terms of their suspended sentences had been met.

### **e. Status and Treatment of Internally Displaced Persons**

The UN High Commissioner for Refugees (UNHCR) reported 652,326 registered internally displaced persons (IDPs) in the country as of midyear. The vast majority fled their homes between 1988 and 1994 as a result of the Nagorno-Karabakh conflict.

IDPs had access to education and health care, but their unemployment rate was higher than the national average. Some international observers continued to state

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the government did not adequately promote the integration of IDPs into society.

### **f. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to some refugees through the Refugee Status Determination Department at the State Migration Service, which is responsible for refugee matters. Although UNHCR noted some improvements, the country's refugee-status determination system did not meet international standards. International NGOs continued to report the service remained inefficient and did not operate transparently.

**Safe Country of Origin/Transit:** According to UNHCR, the country did not allow Russian citizens who fled the conflict in Chechnya access to the national asylum procedure. UNHCR noted, however, that the country tolerated the presence of Chechen asylum seekers and accepted UNHCR's role in providing for their protection and humanitarian needs.

**Access to Basic Services:** The estimated 1,591 refugees (a number that included state-recognized refugees and those recognized as such only by UNHCR) in the country lacked access to social services. Many refugee children, however, were able to enroll at ordinary schools in numerous regions throughout the country.

**Temporary Protection:** The government did not provide temporary protection to asylum seekers during the year.

### **g. Stateless Persons**

According to UNHCR statistics, there were 3,585 persons in the country under UNHCR's statelessness mandate at year's end. According to the State Migration Service, 409 foreigners and stateless persons were granted citizenship during the year. The vast majority of stateless persons were ethnic Azerbaijanis from Georgia or Iran. NGOs stated there were many other undocumented stateless persons, with

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estimates ranging from hundreds to tens of thousands.

While the law provides for the right to apply for stateless status, some persons could not obtain the documentation required for the application and, therefore, remained formally unrecognized. The law on citizenship makes it difficult for foreigners and stateless persons to obtain citizenship.

Stateless persons generally enjoyed freedom of internal movement. Stateless persons were not, however, issued travel documents or readmitted if they left the country. The law provides stateless persons with access to the basic rights of citizens, such as access to health care and employment. Nevertheless, their lack of legal status at times hindered their access to these rights.

The constitution allows citizenship to be removed “as provided by law.” During the year the government stripped one person of citizenship.

### **Section 3. Freedom to Participate in the Political Process**

Although the constitution provides citizens the ability to choose their government through free and fair elections held by secret ballot and based on universal and equal suffrage, the government continued to restrict this ability by obstructing the electoral process. While the law provides for an independent legislative branch, the National Assembly exercised little initiative independent of the executive branch.

#### **Elections and Political Participation**

**Recent Elections:** In December 2019, the president dissolved the National Assembly in response to an appeal to do so by the National Assembly and announced early elections for the body to be held on February 9.

Some opposition parties boycotted the election, citing the restrictive environment, while other opposition parties and groups took part. According to the OSCE ODIHR election observation mission, the restrictive legislation and political environment prevented genuine competition in the February 9 elections. ODIHR concluded that voters were not provided with a meaningful choice due to a lack of real political competition and discussion. Although many candidates utilized

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social media to reach out to voters, use of social media generally did not compensate for the absence of campaign coverage in traditional media. ODIHR observed several instances of pressure on voters, candidates, and candidates' representatives. International and local observers reported significant procedural violations during the counting and tabulation of votes, including ballot-box stuffing and carousel voting. ODIHR concluded the flaws "raised concerns whether the results were established honestly." Domestic nonpartisan election observers concluded the election results did not reflect the will of the people.

Similarly, in 2018 the president issued a decree advancing the presidential election from October 2018 to April 2018. Opposition parties boycotted the election, blaming a noncompetitive environment and insufficient time to prepare. According to the ODIHR mission that observed the election, the presidential election took place in a restrictive political environment and under a legal framework that curtailed fundamental rights and freedoms that are prerequisites for genuine democratic elections. The mission concluded that, in the absence of pluralism, including in media, the election lacked genuine competition. International and local observers reported widespread disregard for mandatory procedures, lack of transparency, and numerous serious irregularities, such as ballot-box stuffing and carousel voting, on election day.

Following a 2016 referendum, constitutional amendments extended the presidential term from five to seven years and permitted the president to call early elections if twice in one year legislators passed no-confidence measures in the government or rejected presidential nominees to key government posts. The amendments also authorized the president to appoint one or more vice presidents, designating the senior vice president as first in the line of presidential succession. In 2017 the president appointed his wife, Mehriban Aliyeva, as first vice president. While observers from the Council of Europe's Parliamentary Assembly reported the 2016 referendum was well executed, independent election observers identified numerous instances of ballot-box stuffing, carousel voting--a method of vote rigging usually involving voters casting ballots multiple times--and other irregularities, many of which were captured on video. Observers reported significantly lower turnout than

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was officially reported by the Central Election Commission.

**Political Parties and Political Participation:** The number of registered political parties increased from 55 to 63 during the year due to the registration of eight political parties, including the REAL party, the first such registrations since 2011. The ruling New Azerbaijan Party, however, continued to dominate the political system. Domestic observers reported membership in the ruling party conferred advantages, such as preference for public positions. Following the February 9 National Assembly elections, the body included only one representative of the country's main opposition parties. The National Assembly had not included any opposition representatives since 2010.

During the year a Presidential Administration official established direct communication with some of the country's 63 political parties and groups. The official held meetings with political figures, including representatives of selected opposition parties, throughout the year. Despite the dialogue, however, restrictions on political participation continued.

Opposition members were generally more likely than other citizens to experience official harassment and arbitrary arrest and detention. Members of opposition political parties continued to be arrested and sentenced to administrative detention after making social media posts critical of the government or participating in peaceful rallies (see section 2.b., Freedom of Peaceful Assembly). From mid-March to mid-May, 16 members of the opposition Popular Front Party were arrested and sentenced to administrative detention mainly for violating the quarantine regime and resisting police charges. Human rights defenders estimated the country's courts sentenced Popular Front Party activists to periods of administrative detention approximately 40 times during the year.

According to domestic NGOs, eight opposition party members were considered to be political detainees or prisoners, including Popular Front Party members Babek Hasanov, Agil Maharramov, Orkhan Bakhishli, Saleh Rustamli, Pasha Umudov, Elchin Ismayilli, Alizamin Salayev, and Niyamaddin Ahmadov.

Prior to its registration on August 31, the REAL party was unable to rent space to hold a founding congress. In light of this difficulty, the Presidential

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Administration official responsible for liaising with political parties suggested that the party hold its congress online, which REAL did in August. Opposition parties continued to have difficulty renting office space, reportedly because property owners feared official retaliation. Regional opposition party members often had to conceal the purpose of their gatherings and held them in teahouses and other remote locations. Opposition parties also faced formal and informal financing obstacles. For example, authorities continued to limit their financial resources by punishing those who provided material support, firing members of opposition parties, and employing economic pressure on their family members.

Restrictions on local civil society organizations limited their ability to monitor elections. Such restrictions included legal provisions severely constraining NGO activities and the inability of NGOs to obtain registration, which was required for legal status. For example, two nonpartisan election-monitoring organizations (the Election Monitoring and Democracy Studies Center (EMDS) and the Institute for Democratic Initiatives) remained unregistered. The EMDS Center also reported that independent election observers were subjected to physical and psychological pressure during the February 9 National Assembly elections.

**Participation of Women and Members of Minority Groups:** No law limits the participation of women and members of minorities in the political process, and they did participate. The first lady also held the appointed position of first vice president. The head of the State Committee for Family, Women, and Children Affairs (SCFWCA), a cabinet-level position, was a woman, and 17.6 percent of members of the National Assembly, including the speaker of the Assembly, were women.

Female activists often faced additional pressure and harassment. For example, local officials launched a gender-based harassment and intimidation campaign against Vafa Nagi, a member of the Kholgaragashli municipal council of the Neftchala District, after she publicly raised governance concerns regarding water access and the illegal sale of lands. On June 16, the local municipal council chair reportedly ordered authorities to hang photographs of Nagi dressed in her swimsuit with the caption “Lady Gaga” throughout the conservative village to shame her

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and her family members.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. While the government made some progress in combating low-level corruption in the provision of government services, there were continued reports of corruption by government officials, including those at the highest levels.

Transparency International and other observers described corruption as widespread. There were reports of corruption in the executive, legislative, and judicial branches of government. For example, in six reports on visits made to the country between 2004 and 2017, the CPT noted that corruption in the country's entire law enforcement system remained "systemic and endemic." In a report on its most recent visit to the country in 2017, for example, the CPT cited the practice of law enforcement officials demanding payments in exchange for dropping or reducing charges or for releasing individuals from unrecorded custody. These problems persisted throughout the year. Media outlets reported the arrests for accepting bribes of the mayors of Neftchala on February 20, Bilasuvar on April 29, Imishli on May 5, and Jalilabad on December 7.

Similar to previous years, authorities continued to punish individuals for exposing government corruption. For example, authorities continued punitive measures against investigative journalist Khadija Ismayilova, including freezing of her bank accounts since 2017, banning her travel since 2016, and failing to implement three ECHR rulings in her favor (see section 1.e.). In March 2019 the Baku Court of Appeals rejected Ismayilova's appeal of the 2018 decision of the Baku Economic Court holding her accountable for 45,143 manat (\$26,600) of RFE/RL's alleged tax debt, despite RFE/RL's tax-exempt status as a nonprofit entity. In August 2019 the Supreme Court upheld the verdict. Ismayilova's reporting on elite corruption was widely considered the reason for the targeting, which also included her



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imprisonment from 2014 to 2016.

**Corruption:** The Anticorruption Department of the Prosecutor General's Office stated that it completed investigation of 180 criminal cases against 281 officials and sent them to the courts during the year. While no senior officials were prosecuted, several high-ranking officials were arrested and charged. Several such cases remained under investigation at year's end, including charges of corruption against the minister of culture and other high-ranking ministry officials, multiple ambassadors, several department heads at the Ministry of Foreign Affairs, and several heads and deputy heads of regional executive committees (governors). Although those accused were charged with corruption, the arrests were not accompanied by systemic reforms, such as requiring all officials to comply with the asset declaration law or ending punitive measures against persons who exposed corruption. As a result observers considered the arrests to have political or economic motives that were unrelated to combating corruption.

The Organized Crime and Corruption Reporting Project (OCCRP) published an article in April on the SerbAz company, which brought more than 700 workers from the Balkan region to Baku to build or renovate some its most prominent buildings between 2006 and 2009. The OCCRP revealed that SerbAz's most powerful backer in the country was Minister of Youth and Sports Azad Rahimov. According to the OCCRP, there was strong evidence that the minister awarded contracts to his wife's company, using public money to benefit his own family. SerbAz appeared to be a subsidiary of a major luxury importer, ItalDizain, a company owned jointly by Rahimov's wife, Zulfiya Rahimova, and a man who appeared to be Rahimov's associate. The Ministry of Youth and Sports signed contracts with SerbAz for the renovation of the Heydar Aliyev Sports and Concert Complex, the restoration of the "Palace of Happiness" marriage registration center, and the reconstruction of the Kur Olympic Training and Sports Center. While engaged in construction, workers were kept in inhuman conditions, were deprived of their passports, and reported physical abuse; several workers died.

There was widespread belief that a bribe could obtain a waiver of the military service obligation, which is universal for men between ages 18 and 35. Citizens also reported military personnel could buy assignments to easier military duties for

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a smaller bribe.

The government continued efforts to reduce low-level corruption and improve government services by expanding the capabilities and number of State Agency for Public Service and Social Innovations service centers, which functioned as one-stop locations for government services, such as obtaining birth certificates and marriage licenses, from nine ministries.

**Financial Disclosure:** The law requires officials to submit reports on their financial situation and requires all candidates to submit financial statements. The process of submitting reports was complex and nontransparent, with several agencies and bodies designated as recipients, including the Anticorruption Commission, National Assembly, Ministry of Justice, and Central Election Commission, although their monitoring roles were not well understood. The public did not have access to the reports. The law permits administrative sanctions for noncompliance, but there were no reports that such sanctions were imposed.

The law prohibits the public release of the names and capital investments of business owners. Critics continued to state the purpose of the law was to curb investigative journalism into government officials' business interests.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

While the government provided access to certain areas of the Nagorno-Karabakh conflict zone, it restricted access to other areas, limiting reporting from local and international journalists, as well as international human rights organizations, such as Amnesty International and Human Rights Watch.

Leading human rights NGOs faced a hostile environment for investigating and publishing their findings on human rights cases. For example, on August 3, former political prisoner and human rights defender Rufat Safarov was summoned to the Prosecutor General's Office and warned he would face arrest after he publicized reports concerning detentions and alleged torture of political opposition activists Fuad Gahramanli and Seymur Ahmedov after the July 14-15 proarmy rally in Baku

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(see section 1.c., Political Prisoners and Detainees).

As of December 31, human rights defender Oktay Gulaliyev remained in a coma after having been struck by a car in October 2019 while crossing a Baku intersection, causing head trauma that resulted in a cerebral hemorrhage and coma. Doctors did not perform surgery on him until the following day. Some activists and Gulaliyev's sons stated the collision was an attack on Gulaliyev for his announced 2019 campaign against torture and his advocacy for those accused of wrongdoing by the government in connection with the 2018 unrest in Ganja, and that doctors had purposefully withheld timely medical treatment after the accident. They also noted that Gulaliyev had been warned by authorities not to report on repression and torture. Other activists stated there was no evidence the collision was intentional and that Gulaliyev received standard care from a deeply flawed health-care system. The government-controlled Heydar Aliyev Foundation covered the costs of Gulaliyev's transfer and treatment in a private hospital in Turkey. During the year Gulaliyev's family reported delays in the government's investigation of the case. Gulaliyev's lawyer complained that law enforcement bodies did not provide him with the findings of the investigation. On October 30, the Nasimi District Court initiated a hearing on the case. At his family's request, on November 7, Gulaliyev was transported to his home in Baku where he continued to receive medical treatment.

The government continued to impose severe restrictions on the operations of domestic and international human rights groups. Application of restrictive laws to constrain NGO activities and other pressure continued at the same high level as recent years. Activists also reported that authorities refused to register their organizations or grants and continued investigations into their organizations' activities. As a result some human rights defenders were unable to carry out their professional responsibilities due to various government obstacles, such as the travel ban on Intigam Aliyev and the frozen bank accounts of Intigam Aliyev and Asabali Mustafayev. On March 30, human rights defender and journalist Elchin Mammad was detained based on allegations of theft and illegal possession of a weapon. On October 14, he was convicted and sentenced to four years in prison.

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Human rights defenders viewed this verdict as politically motivated.

While the government communicated with some international human rights NGOs and responded to their inquiries, on numerous occasions it criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued to deny registration or placed burdensome administrative restrictions on human rights NGOs on arbitrary grounds. On December 17, however, the ministry registered the Baku Human Rights Club, an organization cofounded by prominent human rights defenders Rasul Jafarov and Javad Javadov.

Government officials and state-dominated media outlets engaged in rhetorical attacks on human rights activists and political opposition leaders (see section 3), accusing them of attempting to destabilize the country and working on behalf of foreign interests.

**The United Nations or Other International Bodies:** The government objected to statements from international bodies, criticizing what authorities termed interference in the country's internal affairs. In response to the adoption of a resolution on political prisoners by the Parliamentary Assembly of the Council of Europe on January 30, member of parliament Nagif Hamzayev commented that the country was treated unfairly and discriminated against. Although government officials and members of the National Assembly had previously criticized the OSCE/ODIHR assessment of the 2018 presidential election, government officials referred to the ODIHR assessment of the 2020 parliamentary elections as "balanced."

**Government Human Rights Bodies:** Citizens may appeal violations committed by the state or by individuals to the ombudsperson for human rights for Azerbaijan or the ombudsperson for human rights of the Nakhichevan Autonomous Republic. The ombudsperson may refuse to accept cases of abuse that are more than one year old, anonymous, or already being handled by the judiciary. Human rights NGOs criticized the Ombudsperson's Office as lacking independence and effectiveness in cases considered politically motivated.

Human rights offices in the National Assembly and Ministry of Justice also heard complaints, conducted investigations, and made recommendations to relevant

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government bodies, but they were similarly accused of ignoring violations in politically sensitive cases.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

**Rape and Domestic Violence:** Rape is illegal and conviction carries a maximum sentence of 15 years in prison. Spousal rape is also illegal, but observers stated police did not effectively investigate such claims.

The law establishes a framework for the investigation of domestic violence complaints, defines a process to issue restraining orders, and calls for the establishment of a shelter and rehabilitation center for survivors. Some critics of domestic violence law asserted that a lack of clear implementing guidelines reduced its effectiveness. Activists reported that police continued to view domestic violence as a family issue and did not effectively intervene to protect victims, including in cases where husbands ultimately killed their wives.

The SCFWCA tried to address the problem of domestic violence by conducting public awareness campaigns and working to improve the socioeconomic situation of domestic violence survivors. On November 27, the president approved the *National Action Plan to Combat Domestic Violence for 2020-23*. The government and an independent NGO each ran a shelter providing assistance and counseling to victims of trafficking and domestic violence. On December 1, the SCFWCA, together with the UN Population Fund, established an emergency hotline for gender-based violence. Callers could use the hotline to access free legal assistance, counseling support, and information concerning gender and domestic violence.

**Sexual Harassment:** The government rarely enforced the prohibition of sexual harassment or pursued legal action against individuals accused of sexual harassment.

**Reproductive Rights:** Couples and individuals have the right to decide the

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number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, and violence. Contraception was available, but limited supplies and lack of education and counseling limited usage. Patriarchal norms based on cultural, historical, and socioeconomic factors in some cases limited women's reproductive rights.

No legal, social, or cultural barriers or government policies adversely affected access to skilled health attendance during pregnancy and childbirth. In vitro fertilization procedures were available.

The government referred survivors of sexual violence to free medical care including sexual and reproductive services.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** Although women nominally enjoy the same legal rights as men, societal and employment-based discrimination remained a problem. According to the State Statistical Committee, there was discrimination against women in employment, including wide disparities in pay and higher rates of unemployment.

**Gender-biased Sex Selection:** The gender ratio of children born in the country during the year was 114 boys for 100 girls, according to the SCFWCA. Local experts reported gender-biased sex selection was widespread, predominantly in rural regions. The SCFWCA conducted seminars and public media campaigns to raise awareness of and address the problem.

### Children

**Birth Registration:** Children derive citizenship by birth within the country or from their parents. Registration at birth was routine for births in hospitals or clinics. Some children born at home were not registered.

**Education:** While education is compulsory, free, and universal until age 17, large families in impoverished rural areas sometimes placed a higher priority on the education of boys and kept girls in the home to work. Social workers stated that

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some poor families forced their children to work or beg rather than attend school.

**Child Abuse:** There is criminal liability for sexual violence against children. The law also stipulates punishment for child labor and other abuse against children. The SCFWCA organized multiple events prior to the onset of the COVID-19 pandemic to address the problem of child abuse.

**Child, Early, and Forced Marriage:** According to UNICEF's 2019 *State of the World's Children* report, 11 percent of girls in the country were married before they were 18. The problem of early marriage continued during the year. The law provides that a girl may marry at age 18 or at 17 with local authorities' permission. The law further states that a boy may marry at 18. The Caucasus Muslim Board defines 18 as the minimum age for marriage as dictated by Islam.

In July the SCFWCA organized two awareness-raising online events on prevention of early marriages.

The law establishes substantial fines or imprisonment for up to four years for conviction of the crime of forced marriage with an underage child. Girls who married under the terms of religious marriage contracts were of particular concern, since these were not subject to government oversight and do not entitle the wife to recognition of her status in case of divorce.

**Sexual Exploitation of Children:** Conviction of recruitment of minors for prostitution (involving a minor in immoral acts) is punishable by up to eight years in prison. The law prohibits pornography, its production, its distribution, or its advertisement, for which conviction is punishable by three years' imprisonment. Conviction of statutory rape is punishable by up to three years' imprisonment. The minimum age for consensual sex is 16. Some civil society representatives reported that boys and girls at times engaged in prostitution and street begging.

**Displaced Children:** Significant government investment in IDP communities largely alleviated the problem of numerous internally displaced children living in substandard conditions and unable to attend school.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the

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Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The country's Jewish community was estimated to be between 20,000 and 30,000 individuals. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities, but the government did not enforce these provisions effectively. The law calls for improved access to education, employment, social protection and justice, and the right to participate in political life. Local experts noted that, although financial payments for persons with disabilities increased in 2019, in general the implementation of this law was not satisfactory, and persons with disabilities continued to experience problems.

A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. According to official statistics, there were approximately 62,951 children with disabilities in the country. A local NGO reported that 6,000 to 10,000 of them had access to segregated educational facilities, while the rest were educated at home or not at all. The Ministries of Education and Labor and Social Protection of the Population continued efforts to increase the inclusion of children with disabilities into mainstream classrooms, particularly at the primary education level.

Legislation mandates that access to public or other buildings be accessible to persons with disabilities. Some assistance existed for them, including in education; however, this mandate was not fully implemented. Information and communication technology and most buildings were not accessible to persons with



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disabilities. Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking.

### **Members of National/Racial/Ethnic Minority Groups**

Following the closure of borders between Azerbaijan and Armenia in 1991, inflammatory rhetoric and hate speech became increasingly prevalent, particularly as an entire generation grew up without interactions with the other side. Civil society activists stated that an entire generation had grown up listening to hate speech against Armenians. Individuals with Armenian-sounding names were often subjected to additional screening at border crossings and were occasionally denied entrance to the country. During the intensive fighting involving Azerbaijan, Armenia, and Armenia-supported separatists from September 27 to November 10, all sides reportedly committed atrocities (see sections 1.a. and 1.c.).

On May 26, the ECHR rendered a judgment in the case of Makuchyan and Minasyan v. Azerbaijan and Hungary, finding that Azerbaijan had violated Article 14 of the European Convention on Human Rights (prohibition of discrimination). In 2004 Azerbaijani soldier Ramil Safarov killed sleeping Armenian soldier Gurgen Markarian while both were attending NATO training in Budapest. Convicted by Hungarian authorities to life imprisonment in 2006, Safarov was pardoned and feted after his transfer to Azerbaijan in 2012. The court did not find the government of Azerbaijan responsible for Ramil Safarov's actions but criticized Azerbaijani authorities' failure to enforce the punishment of Safarov, effectively granting him impunity for a serious hate crime. Moreover, the court found Safarov's pardon and other measures in his favor had been ethnically motivated, citing statements by high-ranking officials expressing their support for his actions targeting Armenian soldiers.

Some groups, including Talysh in the south and Lezghi in the north, reported the government did not provide official textbooks in their local native languages.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

A local NGO reported incidents of police brutality against individuals based on

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sexual orientation and noted that authorities did not investigate or punish those responsible. There were also reports that men who acknowledged or were suspected of being lesbian, gay, bisexual, transgender, or intersex (LGBTI) during medical examinations for conscription were sometimes subjected to rectal examinations and often found unqualified for military service on the grounds that they were mentally ill. There were also reports of family-based violence against LGBTI individuals, including being kidnapped by family members and held against their will. Hate speech against LGBTI persons and hostile Facebook postings on personal online accounts also continued.

Antidiscrimination laws exist but do not specifically cover LGBTI individuals.

Activists reported that LGBTI individuals were regularly fired by employers if their sexual orientation or gender identity became known.

LGBTI individuals generally refused to file formal complaints of discrimination or mistreatment with law enforcement bodies due to fear of social stigma or retaliation. Activists reported police indifference to requests that they investigate crimes committed against LGBTI individuals.

Local NGOs reported that COVID-19-pandemic-related quarantine measures compounded the impact of the discrimination already faced by members of the LGBTI community. Since these individuals regularly faced discrimination in accessing employment, they were primarily employed informally and received payment on a day-to-day basis.

During the year the ECHR continued a formal inquiry begun in February 2019 into police raids on the LGBTI community in 2017. The raids entailed arrests and detentions of more than 83 men presumed to be gay or bisexual as well as transgender women. Media outlets and human rights lawyers reported that police beat detainees and subjected them to electric shocks to obtain bribes and information regarding other gay men. Detainees were released after being sentenced to up to 30 days of administrative detention, fined up to 200 manat (\$118), or both. In 2018 some victims of the raids filed cases against the state in

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the ECHR.

### **HIV and AIDS Social Stigma**

Civil society representatives reported discriminatory attitudes towards persons with HIV and AIDS were prevalent throughout society. The government continued to fund an NGO that worked on health problems affecting the LGBTI community.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to form and join independent trade unions. Uniformed military and police and managerial staff are prohibited from joining unions. While the law provides workers the right to bargain collectively, unions could not effectively negotiate wage levels and working conditions because government-appointed boards ran major state-owned firms and set wages for government employees.

The law provides most private-sector workers the right to conduct legal strikes but prohibits civil servants from striking. Categories of workers prohibited from striking include high-ranking executive and legislative officials; law enforcement officers; court employees; fire fighters; and health, electric power, water supply, telephone, railroad, and air traffic control workers.

The law prohibits discrimination against trade unions and labor activists and requires the reinstatement of workers fired for union activity. The law also prohibits retribution against strikers, such as dismissal or replacement. Striking workers convicted of disrupting public transportation, however, may be sentenced to up to three years in prison. No strikes occurred during the year.

The government did not effectively enforce laws related to freedom of association and collective bargaining. Penalties for violations were not commensurate with those under other laws involving denial of civil rights. Administrative and judicial procedures were subject to lengthy delays and appeals. There were some additional restrictions, such as increased bureaucratic scrutiny of the right to form

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unions and conduct union activities.

Most unions were not independent, and the overwhelming majority remained tightly linked to the government, with the exception of some journalists' unions. The Azerbaijan Trade Unions Confederation (ATUC) was the only trade union confederation in the country. Although ATUC registered as an independent organization, it was closely aligned with the government. ATUC reported it represented 1.2 million members in 27 sectors. Both local and international NGOs claimed that workers in most industries were largely unaware of their rights and afraid of retribution if they exercised those rights or initiated complaints. This was especially true for workers in the public sector.

Collective bargaining agreements were often treated as formalities and not enforced. Although labor law applies to all workers and enterprises, the government may negotiate bilateral agreements that effectively exempt multinational enterprises from it. For example, production-sharing agreements in the oil and gas sector supersede domestic law and often do not include provisions for employee participation in a trade union. While the law prohibits employers from impeding the collective bargaining process, employers engaged in activities that undercut the effectiveness of collective bargaining, such as subcontracting and using short-term employment agreements.

The state oil company's 50,000 workers were required to belong to the Union of Oil and Gas Industry Workers, and authorities automatically deducted union dues from paychecks. Many of the state-owned enterprises that dominated the formal economy withheld union dues from worker pay but did not deposit the dues in union accounts. Employers officially withheld one-quarter of the dues collected for the oil workers' union for "administrative costs" associated with running the union. Unions and their members had no means of investigating how employers spent their dues.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, except in circumstances of war or in the execution of a court decision under the supervision of a government agency. Penalties for violations, including imprisonment, were

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commensurate with those for other analogous crimes. The government did not effectively enforce applicable law. Resources and inspections were inadequate, due in part to a moratorium on all routine and unannounced labor inspections. The government worked with the International Finance Corporation on a project to reform the state inspection system.

Broad provisions in the law provide for the imposition of compulsory labor as a punishment for expressing political views or views ideologically opposed to the established political, social, or economic system. In 2018 the International Labor Organization Committee of Experts noted its concern with a growing trend of using various provisions of the criminal code to prosecute journalists, bloggers, human rights defenders, and others who expressed critical opinions, under questionable charges that appeared politically motivated, resulting in long periods of corrective labor or imprisonment, both involving compulsory labor.

Foreign observers made several visits to various regions of the country to observe the 2019 cotton harvest, including the Sabirabad, Saatli, Imishli, Beylagan, Agjabadi, Barda, and other districts located between Baku and the city of Ganja. No cases of forced labor were observed during the harvest.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

In most cases the law permits children to work from age 15 with a written employment contract; children who are 14 may work in family businesses or, with parental consent, in daytime after-school jobs that pose no hazard to their health. Children younger than 16 may not work more than 24 hours per week; children 16 or 17 may not work more than 36 hours per week. The law prohibits employing children younger than 18 in difficult and hazardous conditions and identifies specific work and industries in which children are prohibited, including work with toxic substances and underground, at night, in mines, and in nightclubs, bars, casinos, or other businesses that serve alcohol.

The government did not effectively enforce laws prohibiting child labor and setting

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a minimum age for employment. The government maintained a moratorium on routine and unannounced inspections, which may have prevented effective enforcement of child labor law. Resources and inspections were inadequate to enforce compliance, and penalties for violations were not commensurate with those for other analogous serious crimes. Although the Ministry of Labor and Social Protection could receive and respond to complaints, its response did not include worksite inspections. Instead, the State Labor Inspection Service within the Ministry of Labor and Social Protection investigated complaints by requesting information from the employer in question. Inspectors identified violations and imposed appropriate penalties based on the information they received.

On July 22, the president approved the *National Action Plan for 2020-2024 on Combating Trafficking in Human Beings in the Republic of Azerbaijan*. The plan tasked the relevant government bodies to continue efforts to: identify victims of human trafficking and forced labor, including children; carry out special work with children engaged in begging; develop general standards of communication with child victims or potential victims of human trafficking; conduct training on the identification and protection of child victims or potential victims of human trafficking; and conduct awareness-raising work with entrepreneurs and employers in order to prevent the exploitation of child labor.

There is no legal employment of children younger than age 15 in the country, and authorities reported no instances of investigated child labor in legal sectors of the economy. There were reports of children engaging in child labor, including commercial sexual exploitation, forced begging, and agriculture. During visits to observe the 2019 cotton harvest, foreign observers did not note any instances of child labor. Some nongovernmental observers, however, reported instances of rural children younger than 15 sometimes working on the family farm or accompanying parents working as day laborers to agricultural fields.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at

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<https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation, but the government did not always enforce the law effectively. Legal penalties for discrimination in employment existed under various articles and laws but were patchwork in nature and not commensurate with those under other laws related to civil rights. The law excludes women from 678 occupations in 38 industries that are framed as inherently dangerous jobs. Many of these positions were higher ranked and better paid than positions that women were permitted to occupy in the same industries.

Employers generally hesitated to hire persons with disabilities, and workplace access was limited. Discrimination in employment and occupation also occurred with respect to sexual orientation. LGBTI individuals reported employers found other reasons to dismiss them, because they could not legally dismiss someone because of their sexual orientation. Women were underrepresented in high-level jobs, including top business positions. Traditional practices limited women's access to economic opportunities in rural areas. According to the State Statistics Committee, in 2019 the average monthly salary for women was 58 percent of the average monthly salary for men. According to gender experts, gender-based harassment in the workplace was a problem.

### **e. Acceptable Conditions of Work**

The national minimum wage was higher than the poverty income level (minimum living standard). Experts stated government employers complied with the minimum wage law but that it was commonly ignored in the informal economy. The law requires equal pay for equal work regardless of gender, age, or other classification, although women's pay lagged behind that of men.

The law provides for a 40-hour workweek. Workers in hazardous occupations may not work more than 36 hours per week. Information was not available on whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There is no prohibition

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on excessive compulsory overtime. The law provides equal rights to foreign and domestic workers.

The government did not effectively enforce the laws on acceptable conditions of work, and penalties were not commensurate with those for similar crimes.

In 2017 the government extended its moratorium on scheduled and unannounced labor inspections through 2020. Although inspectors were permitted to request information from employers and relevant employees in order to investigate complaints, complaint response did not include worksite inspections. The Ministry of Labor and Social Protection reported that it investigated 8,512 complaints during the year.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective due to the moratorium. Although the law sets health and safety standards, employers are known to ignore them. Violations of acceptable conditions of work in the construction and oil and gas sectors remained problematic. A local NGO reported that oil workers were forced to work lengthy shifts at sea because of COVID-19 restrictions.

Local human rights groups, including the Oil Workers Rights Defense Organization, an NGO dedicated to protecting worker rights in the petroleum sector, maintained that employers, particularly foreign oil companies, did not always treat foreign and domestic workers equally. Domestic employees of foreign oil companies reportedly often received lower pay and worked without contracts or private health-care insurance. Some domestic employees of foreign oil companies reported violations of labor law, noting they were unable to receive overtime payments or vacations.

According to official statistics, 48 workers died on the job during the year, including three in the oil and gas sector.