

AZERBAIJAN 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Azerbaijani constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Majlis (National Assembly). The presidency is the main branch of government, dominating the judiciary and legislature. In February 2020 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 that prevented genuine competition in the 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. There were credible reports that members of security forces committed some abuses.

A cease-fire in November 2020 halted 44 days of intensive fighting involving Azerbaijan, Armenia, and Armenia-supported separatists. Sporadic incidents of violence along the undelimited international border between the two countries and some other areas during the year resulted in casualties and detentions. There were credible reports that Azerbaijani and ethnic Armenian forces engaged in unlawful killings, torture, and other cruel, inhuman, or degrading treatment during, and in some cases after, the November 2020 fighting. Complaints submitted by Azerbaijan and Armenia to the European Court of Human Rights accusing each other of committing atrocities during the fighting in fall 2020 and summer 2016 awaited the court's ruling. The government acknowledged holding 41 Armenian detainees, but there were allegations, disputed by the Azerbaijani government, that

at least 25 Armenian servicemen disappeared after being taken into Azerbaijani custody. Armenian detainees were not permitted to select their own legal representation during public trials. 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).

Significant human rights issues included credible reports of: unlawful or arbitrary killing; torture and cruel, inhuman, or degrading treatment by members of the security forces; harsh and sometimes life-threatening prison conditions; arbitrary detention; political prisoners; politically motivated reprisal against individuals outside the country; pervasive problems with the independence of the judiciary; arbitrary interference with privacy; serious abuses in conflict, including enforced disappearances, torture, and other physical abuse; serious restrictions on free expression and the media, including violence against journalists, the criminalization of libel and slander, and harassment and incarceration of journalists on questionable charges; serious restrictions on internet freedom, including blocking of websites; a de facto ban on the rights of peaceful assembly and substantial interference with freedom of association; restrictions on freedom of movement; severe restrictions on political participation; systemic government corruption; police brutality against individuals based on sexual orientation; significant restrictions on worker's freedom of association; and existence of the worst forms of child labor.

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

Section 1. Respect for the Integrity of the Person

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. Credible reports emerged during the year regarding unlawful killings during the fall 2020 intensive fighting between Azerbaijan and ethnic

Armenian forces (see section 1.g. and the *Country Reports on Human Rights Practices* for Armenia).

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

Reports of arbitrary or unlawful killings in police custody continued. For example, on August 2, 31-year-old Tural Ismayilov died in the Siyazan police department on the day of his arrest. According to official information disseminated by law enforcement agencies, his “health suddenly deteriorated in the police station” and he was taken to a hospital, where he died. Ismayilov’s family, however, alleged police tortured him to death.

b. Disappearance

There was one report of a temporary disappearance by or on behalf of government authorities. On October 22, Azerbaijan Popular Front Party activist Mutallim Orujov, who was deported from Germany and returned to Azerbaijan on June 1, reportedly was summoned by the State Security Service and disappeared for five days. His lawyer did not learn until October 27 that Orujov had been arrested on October 24.

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, more than 5,000 Azerbaijanis and Armenians remained unaccounted for since the 1990s as a result of the conflict. The State Committee on the Captive and Missing reported that, as of December 2020, there were 3,896 Azerbaijanis registered as missing as a result of the fighting in the Nagorno-Karabakh conflict in the 1990s. Of these, 719 were civilians. The Ministry of Defense reported that as of October 21, there were six Azerbaijani service members missing as a result of the fall 2020 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 abuses continued. Most mistreatment took place while detainees were in police custody, where authorities reportedly used abusive methods to coerce confessions. Authorities reportedly denied detainees timely access to family, independent lawyers, or independent medical care. There were credible reports that Azerbaijani forces abused soldiers and civilians held in custody in connection with the conflict in late 2020 (see section 1.g. and the *Country Reports on Human Rights Practices* for Armenia).

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 the CPT 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 impunity remained systemic and endemic. The CPT visited the country in December 2020 and discussed its findings from that visit at the CPT plenary meeting on June 28 to July 2. At year's end the CPT's report from the December 2020 visit had not yet been published.

There were several credible reports of torture during the year. For example, the lawyer of Agil Humbatov, a member of the opposition Azerbaijan Popular Front Party widely considered a political prisoner (see section 1.e.), stated that Humbatov's initial testimony was coerced under torture after his arrest on August 11. In addition, Humbatov informed his lawyer that he had been threatened with rape at the Khazar district police department.

Reports continued of torture at the Ministry of Internal Affairs' Main Department for Combating Organized Crime. Persons reportedly tortured included a civil society activist (see section 4), Muslim Unity Movement member Razi Humbatov, and opposition activist Tofiq Yagublu. Pictures of Yagublu were widely available on the internet with his eyes swollen shut, apparently from beatings while he was in police detention in December following a small unsanctioned rally in Baku (see section 2.b., Freedom of Peaceful Assembly, and section 3).

On November 1, Khanlar Veliyev, the deputy military prosecutor general, acknowledged that more than 100 persons connected with the 2017 Terter case had

been subjected to different forms of physical abuse, including torture, that resulted in the deaths of eight suspects, four of whom were posthumously acquitted. The government prosecuted 17 officials for abuse: nine were sentenced to three and one-half years in prison, six were sentenced to six months, and one received a 10-year prison sentence. Investigators who falsified evidence also were sentenced to prison. In the Terter case, authorities detained a group of approximately 100 servicemen and civilians in 2017, allegedly for spying for Armenia. As of year's end, 27 remained in prison and were considered political prisoners, some serving sentences of up to 20 years.

On July 21, the European Court of Human Rights (ECHR) issued a decision that found that from 2009 to 2011, authorities tortured and unlawfully deprived Armenian Artur Badalyan of his liberty. The court ordered the state to pay Badalyan 30,000 euros (\$34,500) in damages.

There were numerous credible reports of cruel, inhuman, or degrading treatment in custody. For example, human rights defenders reported that on August 12, imprisoned Muslim Unity Movement deputy Abbas Huseynov was beaten by several prison guards in Prison No. 8.

Authorities reportedly maintained an implicit ban on independent forensic examinations of detainees who claimed abuse. Authorities reportedly also delayed detainees' access to an attorney. Opposition figures and other activists stated that these practices made it easier for officers to mistreat detainees with impunity. In one example, on April 5, opposition Musavat party member Nizamali Suleymanov and his nephew, Akif Suleymanov, were sentenced to 20 days of administrative arrest for allegedly using drugs. After serving their sentences, they were forced to undergo medical treatment at a drug treatment center for six months. They were released on October 27.

Prison and Detention Center Conditions

According to prison monitoring conducted by a reputable organization prior to the onset of COVID-19, prison conditions 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.

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 nongovernmental (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. While the government continued to construct new prison facilities, some Soviet-era facilities were still in operation and failed 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 any 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. One prison monitor noted food delivery and visits resumed after a pause due to the pandemic; the monitor reported overall progress had been made with regards to treatment of inmates and their complaints.

Administration: While most prisoners reported they could submit complaints to judicial authorities and the Ombudsperson'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 Ombudsperson'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.

Independent Monitoring: The government permitted some prison visits by

international and local organizations, including the ICRC and the CPT.

Authorities generally permitted the ICRC access to detainees held in connection with the Nagorno-Karabakh conflict. The ICRC conducted regular visits throughout the year to promote protection of prisoners, including respect for 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 Penitentiary Service.

Improvements: The Ministry of Justice reported that authorities permitted the use of GPS-enabled electronic monitoring bracelets for more than 2,500 citizens during the year, allowing them to avoid incarceration.

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.

There were reports that the government continued to hold detainees captured after the fall 2020 intensive fighting in the Nagorno-Karabakh conflict and following the November 2020 cease-fire. There were reports that some detainees from the period prior to the November 2020 cease-fire had been summarily executed (see section 1.g.). Of the 41 Armenians in Azerbaijani detention at year's end, two Armenians detained during the 2020 fighting were charged with committing crimes during the fighting in the 1990s.

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, and being given immediate access to counsel. In all cases deemed to be politically motivated, due process was not respected, and accused individuals

were frequently detained under a variety of spurious criminal charges.

According to the law, detainees must appear before a judge within 48 hours of arrest. The judge may issue a warrant either placing the detainee in pretrial detention or under house arrest or release the detainee. Authorities at times 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 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 an attorney from the time of detention, but there were reports that authorities frequently denied detainees prompt access to a defense attorney of their choice in both politically motivated and routine cases.

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 (bar association), however, undertook some initiatives to expand legal representation outside the capital. For example, on November 27, the collegium opened a Regional Advocate Bureau in Sheki and organized pro bono legal services in various regions throughout the year.

The law provides detained individuals 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.

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 those individuals. Police periodically detained opposition and other activists on administrative charges, such as insubordination to police, 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, on December 2, the government detained four activists from the opposition Azerbaijan Popular Front Party and one independent activist following their participation in a peaceful assembly to demand release of Popular Front political prisoner Saleh Rustamli. The activists were charged with violation of the infection control, health, sanitation and quarantine regime of the administrative offenses code and sentenced to detention ranging from 15 to 30 days.

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 authorities 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 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. The judiciary remained largely corrupt and inefficient, and lacked independence. Many verdicts were legally

unsupportable and largely unrelated to the evidence presented during a trial, with outcomes frequently appearing predetermined. For example, in October opposition Azerbaijan Popular Front Party member Niyameddin Ahmedov was sentenced to 13 years in prison on a questionable “terrorist financing” charge. Human rights groups concluded the prosecution lacked credible evidence proving his guilt and the trial was politically motivated. Courts often failed to investigate allegations of torture and inhuman treatment of detainees in police custody.

There also were reports that the government prosecuted Armenian civilians and servicemembers that it took into custody both during the fall 2020 hostilities and following the November 2020 cease-fire in trials that lacked due process (see section 1.g.).

The Ministry of Justice controlled the Judicial Legal Council, which appoints the committee that administers the judicial selection process and examinations 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 Justice Ministry, particularly in politically sensitive cases. There were also credible allegations that judges routinely accepted bribes.

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. For example, during the June trials of alleged participants accused of crimes during the July 2020 proarmy rally, judges reportedly did not objectively review the cases. Observers viewed the evidence in the trials as questionable and noted that witnesses gave contradictory testimonies. Members of opposition parties and civil society activists were consistently denied counsel of their choice for days, since government-appointed lawyers represented them, but not in their interest.

The law provides that only members of the Collegium of Advocates (bar association) may 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 2020 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 2019 the collegium suspended the license and initiated disbarment proceedings against respected human rights lawyer Shahla Humbatova for reasons widely considered to be politically motivated. On March 5, the Baku Administrative Court disbarred Humbatova. On May 5, the board of the collegium reinstated

Humbatova's membership as well as that of human rights lawyer Irada Javadova, who had not been able to practice since the collegium suspended her license in 2018. The majority of the country's human rights defense lawyers were based in Baku, which made it difficult for persons living outside 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 1,844 to 2,132 persons, as of December 31. Human rights defenders asserted the vast majority of new members were hesitant to work on human rights-related cases due to fear they would be sanctioned by the collegium. In contrast to previous years, several candidates who had previously been active in civil society were finally admitted to the collegium during the year.

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 that 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 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.

During the year extensive work throughout the country was done to provide verbatim transcripts of all judicial proceedings, as required by a 2019 presidential decree. As of year's end, more than 80 percent of courts had transitioned to an electronic court system that furnished audio and video recordings of proceedings.

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

NGOs estimated there were up to 122 political prisoners and detainees at year's end. Political prisoners and detainees included journalists and bloggers (see section 2.a.), opposition political activists (see section 3), religious activists and individuals incarcerated in connection with the Ganja case (see the Department of State's *International Religious Freedom Report*), and individuals imprisoned in connection with the Terter case (see section 1.c.).

Examples of individuals widely considered to be political prisoners included Azerbaijan Popular Front Party activist Niyamaddin Ahmedov, who was sentenced to 13 years in prison on October 8, and Popular Front Party activist and government critic Agil Humbatov, who was sentenced to 10 years in prison on November 15.

On November 19, the Plenum of the Supreme Court acquitted Rashadat Akhundov, Rashad Hasanov, Zaur Gurbanli, and Uzeyir Mammadli, four members of NIDA, an Azerbaijani prodemocracy movement, of charges widely considered to be politically motivated. The four had been sentenced to lengthy prison terms after conviction in 2014 but were freed under presidential pardons in 2015 and 2016. The November 19 ruling represented official acknowledgement of their innocence; the court awarded the four a total of 188,000 manat (\$110,000) in damages, to be shared among them.

In 2018 the ECHR ruled that the arrest of Akhundov, Hasanov, Gurbanli, and Mammadli was to silence and punish them for their active involvement in NIDA. The four cases were part of a group of six judgments involving a total of eight human rights defenders, civil society activists, and opposition politicians whom the ECHR found to have been subjected to criminal proceedings intended to silence and punish them, in misuse of the criminal law. The Council of Europe's Committee of Ministers urged Azerbaijani authorities to ensure without further delay the acquittal of all eight applicants and the full restoration of their civil and political rights. The Supreme Court previously acquitted two of the eight activists – opposition Republican Alternative (REAL) party chairperson Ilgar Mammadov and human rights defender Rasul Jafarov – in 2020. In addition to the eight, two other activists – Anar Mammadli and Intigam Aliyev – who also were considered

to be former political prisoners and whose acquittal was ordered by the ECHR, were awaiting court decisions at year's end.

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.

According to a November 2020 statement by nine NGOs regarding the nonimplementation of ECHR judgments against Azerbaijan in politically motivated prosecution cases, when victims of politically motivated prosecutions were released, their criminal records remained. Restrictions imposed on persons with a criminal record included a ban on carrying out professional activities (such as leading an NGO or representing clients in legal proceedings); being unable to access bank accounts; ineligibility to stand for public election; and a ban on travelling outside the country.

Amnesty: On March 18, the president released 625 individuals as part of his pardon for the Nowruz New Year holiday. According to human rights defenders, 38 of the individuals pardoned were considered political prisoners. Reported political prisoners who were released included Azerbaijan Popular Front Party members such as journalist Elchin Ismayilli; political activists Babek Hasanov, Orkhan Bakhishli, and Mahammad Imanli; relative of political emigrant Turkel Azerturk Emin Sagiyevev; and members of the Muslim Unity Movement.

Politically Motivated Reprisal against Individuals Located Outside the Country

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: There were reports of suspicious deaths and violence against critics of the government who were outside the country. Examples included the death of government critic and former political prisoner Bayram Mammadov, whose body was found in Turkey on May 2.

Examples of violence included the attack on Mahammad Mirzali, a government critic and blogger, who reportedly was stabbed at least 16 times in a knife attack in France on March 14. The attackers reportedly attempted to cut out Mirzali's

tongue. According to the Committee to Protect Journalists, the attack followed several other incidents involving Mirzali and his family, including an anonymous blackmail attempt earlier in the year. Mirzali was also reportedly shot at by unknown assailants in October 2020.

Threats, Harassment, Surveillance, and Coercion: There were reports that dissidents and journalists who lived outside the country suffered digital harassment and intimidation of family members who remained in the country.

There were reports the government engaged in politically motivated surveillance outside the country, including of journalist Ganimat Zahid, who was residing in France, and journalist Jasur Sumerinli, who was residing in Germany.

Misuse of International Law-enforcement Tools: There were credible reports that authorities attempted to misuse international law enforcement tools for politically motivated purposes as reprisal against specific individuals located outside the country.

Efforts to Control Mobility: Family members and relatives of political prisoners reported travel bans because of their family member's political activity.

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 court rulings to the ECHR and brought claims of government violations of commitments under the European Convention on Human Rights. Out of 10 ECHR rulings on 16 politically motivated prosecutions, however, authorities had implemented only three as of year's end. In the three rulings, implementation was only partial, involving individual but not general measures called for by the ECHR. 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 politically motivated, the government withheld

compensation ordered by the ECHR.

Property Seizure and Restitution

There were reports that selected opposition figures and their families were singled out for discriminatory treatment. For example, the Central Branch of the State Social Protection Fund ruled on May 5 that former judge and opposition National Council Coordination Center member Vidadi Mirkamal was required to pay back 103,000 manat (\$60,600) from retirement funds that had been paid to him since 2008. Mirkamal was formerly the deputy chief justice of the Supreme Court. According to law, in addition to his pension, he was entitled to additional payments that were paid to all his former colleagues. The Baku Administrative Court repeatedly delayed its hearing to rule on the case during the year. Mirkamal considered the fund's decision was due to his activity in the political opposition.

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 who were active online, and some political and business figures, activists, and persons engaged in international communication. Human rights lawyers asserted 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 published 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. For example, in March, the day after activist Narmin

Shahmarzade was detained with 20 women attempting to stage a rally to raise awareness on domestic violence, doctored files from her smart phone appeared on a Telegram channel entitled, “Shahmarzade’s disclosures,” which included videos purporting to show her engaging in sexual acts. Authorities also allegedly hacked her Facebook profile, changing her profile name to “Shamtutan Narmin” (Slut Narmin). Activists believed government authorities were behind the campaign of intimidation.

There were reports the government punished family members for offenses allegedly committed by their relatives. For example, in March videos were disseminated purporting to show private citizen (and daughter of Jamil Hasanli, an opposition leader in exile) Gunel Hasanli engaged in sexual acts in her own bedroom in an effort to demean her. Hasanli released a statement explaining she had become a “target of such a large-scale (government) operation” when she started dating “Mahir,” a man whom she met online. Mahir was reportedly identified in the sex videos disseminated on Telegram channels that featured Hasanli. Hasanli said the relationship became serious, with Mahir giving her a gold ring and proposing to her. She claimed that Mahir drugged her one day to have one of the videos recorded. He later deleted all evidence of their relationship on her smart phone. Hasanli said she later suffered from severe allergic reactions and went to the hospital several times. She concluded, “The only purpose of abusing my desire to get married and own a nest in such a dirty and disgusting way is to discredit my father Jamil Hasanli, to overshadow his political activity, and this is what hurts me the most. I want to say that my father...had no information about my personal life.” A third sex video was disseminated on Telegram in April.

In contrast with 2020, during the year there were no public reports that 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.

g. Conflict-related Abuses

Killings: Credible reports continued of unlawful killings involving summary executions during the fall 2020 intensive fighting involving Azerbaijan, Armenia, and Armenia-supported separatists (also see the *Country Reports on Human Rights Practices* for Armenia).

The sides to the conflict submitted complaints to the ECHR accusing each other of committing atrocities. The cases remained pending with the court.

In a March 12 report, Human Rights Watch documented two cases in which detainees died in Azerbaijan captivity a few months earlier. The available evidence indicated that one of the detainees, 44-year-old Arsen Gharakhanyan, was most likely the victim of an unlawful execution. Seen alive in two online videos in January after being detained by Azerbaijani soldiers, Gharakhanyan did not appear in the videos to be wounded. After his body was found on January 18 near the village of Aygestan, Human Rights Watch reported that photographs of the location showed a grave that appeared to be fresh, while his body, which had gunshot entry wounds, did not show any obvious signs of decomposition. According to Human Rights Watch, Armenian forensics experts assessed that he had been shot on January 15, two days after the ECHR had asked the government to provide information on his whereabouts.

According to a joint report released in May by the NGOs the International Partnership for Human Rights (IPHR) and Truth Hounds, *When Embers Burst into Flames – International Humanitarian Law and Human Rights Law Violations during the 2020 Nagorno-Karabakh War*, members of Azerbaijan's armed forces unlawfully executed four captured Armenian combatants and three Armenian civilians. The report also stated that Azerbaijani forces were responsible for the enforced disappearance of at least one Armenian civilian and that another Armenian civilian died due to the conditions of his detention. According to the report, "All nine documented deaths violate the [International Humanitarian Law] prohibition on violence to life and person and constitute grave breaches of the Geneva Conventions. The cases further violate...Azerbaijan's Law concerning the Protection of Civilian Persons and the Rights of Prisoners of War and constitute criminal offences under...Azerbaijan's Criminal Code. In the absence of lawful justification, these deaths equally constitute gross violations of the right to life under Article 2 of the [European Convention on Human Rights]."

According to multiple Armenian sources, civilians attempting to remain in their homes in territory captured by Azerbaijan were taken into custody or killed, including elderly civilians who had no weapons. On August 10, the Washington, D.C.-based Armenian Legal Center for Justice and Human Rights in partnership

with Armenia's International and Comparative Law Center announced that it had filed cases with the ECHR regarding 19 Armenians killed in 10 separate incidents while in the custody of Azerbaijani forces or in prison in Azerbaijan.

Physical Abuse, Punishment, and Torture: In a March 12 report, Human Rights Watch documented several cases from September 2020 through early January 2021 in which Azerbaijani forces used violence to detain civilians and subjected them to torture and other cruel, inhuman, or degrading treatment or punishment. Among the cases cited by Human Rights Watch was that of Sasha Gharakhanyan, a 71-year-old ethnic Armenian civilian and the father of Arsen Gharakhanyan, both of whom were captured in October 2020 in Hadrut. In November 2020 a video began circulating on social media with Azerbaijani soldiers shown forcing Sasha to kiss the Azerbaijani flag and repeat "Karabakh is Azerbaijan." In December Azerbaijan returned him to Armenia as part of a group of 44 detainees. He spent the next 10 days in the hospital. Sasha Gharakhanyan's wrists and ankles were deeply scarred from having been tightly bound with wire, and he had scars on the back of his head, where he said a soldier had hit him several times with a rifle butt, as well as on his back from being poked with a metal rod. X-rays showed that one of his ribs was fractured and that he had a broken nose.

Human Rights Watch assessed that the willful killing and mistreatment of Armenians detained by Azerbaijani forces constituted "war crimes under international humanitarian law."

On March 19, Human Rights Watch reported that Azerbaijani forces abused Armenian "prisoners of war" captured during the 2020 intensive fighting in the Nagorno-Karabakh conflict, subjecting them to torture and other cruel, inhuman, or degrading treatment, including punishment when they were captured, during their transfer, or while in custody at various detention facilities. The facilities included three in Baku: the Military Police detention facility, the National Security Ministry Detention Facility, and pretrial Detention Facility #1 in Baku's Kurdakhani settlement. Human Rights Watch characterized the abuse as torture and "a war crime" and noted Azerbaijan's failure to account for the fate of missing Armenian soldiers last seen in Azerbaijani custody. Human Rights Watch reported it examined and verified more than 20 videos of Azerbaijani forces apparently mistreating Armenian servicemen in their custody. The verification process

included interviews with recently repatriated detainees and family members of servicemen who appeared in the videos but had not returned at the time of the report.

Human Rights Watch also reviewed medical documents and reported that repatriated detainees all described prolonged and repeated beatings. One described being prodded with a sharp metal rod, another said he was subjected to electric shocks, and a third person stated he was burned repeatedly with a cigarette lighter. The men reported they were given very little water and little to no food in the initial days of their detention.

Using satellite images, researchers from several organizations reported destruction of two Armenian cemeteries in the newly returned territories after the cessation of the 2020 hostilities. Caucasus Heritage Watch, a research initiative led by archaeologists at Cornell and Purdue Universities, published photographs from June 2020 and April 8, 2021, showing the complete demolition of the Boyuk Taglar (Mets Tagher) cemetery in Khojavend District. Other researchers further confirmed the destruction via Google Earth images from June 2020 and August 2021. Analysis of Google Earth images by open-source investigator Alexander McKeever supported this conclusion. Caucasus Heritage Watch also published satellite photographs from September 2020 and April 12 and June 18, 2021, that showed the complete destruction of the Sighnaq (Sghnakh) cemetery in the Khojaly region.

In late 2020 authorities arrested four soldiers for desecrating bodies and grave sites; during the year the government did not release updates regarding the status of their cases.

Multiple videos, eyewitness testimony, and other evidence strongly suggested that at least 25 Armenian servicemen disappeared after having been taken into custody by Azerbaijani forces during or after the fall 2020 fighting. For example, two videos showed Azerbaijani soldiers questioning Arsen Karapetyan and Norik Arakelyan while in detention. Separate applications were submitted to the ECHR on their behalf, asking the court to apply urgent measures to protect their right to life and right to be free from inhuman treatment. The court granted requests for an interim measure and invited Azerbaijan to specify if the individuals were known to

the authorities, whether they were under Azerbaijani control and, if so, how they were treated. In response, the Azerbaijan government stated it was unable to identify the men.

In another example, several repatriated Armenian servicemen reported having seen Alexander Yeghiazaryan in Baku. As of year's end, the government had not acknowledged holding Yeghiazaryan, Karapetyan, or Arakelyan. The government stated it returned some of the individuals deemed missing, disputed that videos depicting the detention of missing Armenians were taken in Azerbaijan, and said it was investigating other cases of missing persons.

Other Conflict-related Abuse: In their May report, *When Embers Burst into Flames – International Humanitarian Law and Human Rights Law Violations during the 2020 Nagorno-Karabakh War*, the NGOs IPHR and Truth Hounds reported that Azerbaijani armed forces “appear to have deliberately targeted Armenian hospitals, medical transport, and medical personnel in at least five documented incidents” during the fall 2020 fighting. According to the report, “On the face of it, the documented incidents constitute deliberate targeted attacks on hospitals and medical transport. The incidents require immediate and thorough investigation by relevant authorities. If the incidents are confirmed as deliberate attacks on protected objects, this would constitute a serious violation of [International Humanitarian Law]....”

Reportedly, some Armenian servicemen detained by Azerbaijan were not permitted detainee visits from nor allowed to communicate with their families until February, months after they were taken captive.

The government prosecuted detained Armenian civilians and servicemen in public trials that lacked elements of due process such as the right to choose one's own legal counsel. Azerbaijani authorities reportedly took dual Lebanese-Armenian citizen Viken Euljekian into custody in November along with another Lebanese-Armenian, Maral Najarian. Najarian was released after spending four months in an Azerbaijani jail. Authorities released a video of Euljekian confessing, under apparent duress, that he had fought as a mercenary for \$2,500. In a rapid trial in which he was not permitted a lawyer of his own choosing, Euljekian reportedly was convicted of participating in a military conflict as a mercenary, terrorism

committed by an organized group, and illegal crossing of a state border; he was sentenced to 20 years in prison.

Court proceedings in the case of civilians Gevorg Sujyan and Davit Davtyan similarly violated due process by failing to provide them with independent legal counsel of their own choosing; compelling both to testify against themselves or confess guilt; and not allowing them to call and examine their own witnesses. They were convicted of espionage and illegal border crossing and sentenced to 15 years in prison.

Azerbaijan reportedly tried 54 of the 62 Armenian servicemen it captured near Hadrut in December 2020. The group claimed that they had been issued weapons and “sent to protect the border” on November 27, following the November 9 cease-fire. The servicemen were charged individually with illegal border crossing, illegal possession of weapons, participating in an illegal group, and terrorism (for killing four Azerbaijani soldiers weeks after the cease-fire). The men were assigned public defenders; none were permitted to hire their own attorneys. Several stated that they had not seen the attorney representing them before meeting them in the courtroom during the trial and were not provided relevant documents. Some persons captured with this group were returned to Armenia without a conviction, a few were repatriated while their trials were underway, and some were repatriated after six months when they were released for time served. The sentences for the 38 men who remained in custody reportedly ranged from four to six years. Convicted servicemen repatriated to Armenia after “time served” were not provided with documentation related to their convictions.

There were reported cases of individuals who allegedly should have been released under the terms of the November 2020 cease-fire but who were instead incarcerated. In one such case, the authorities put on trial two individuals – Alyosha Khosrovyan and Ludwig Mkrtchyan – who were captured before the November 2020 cease-fire arrangement. The terms of the cease-fire arrangement publicly committed all parties to exchange prisoners of war, hostages, and other detained persons. Captured in October 2020, Khosrovyan and Mkrtchyan were convicted and sentenced on August 2 to 20 years in prison for alleged “war crimes” committed during fighting in the 1990s.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

While the law provides for freedom of expression, including for members of the press and other media and specifically prohibits press censorship, the government habitually violated these rights. The government limited freedom of expression and media independence. Journalists, editors, and independent bloggers faced intimidation and at times were beaten and imprisoned. In addition, there were suspicious acts of violence outside the country (see section 1.e., Politically Motivated Reprisal against Individuals Located Outside the Country). During the year authorities continued to pressure media outlets, journalists, bloggers, and activists in the country and in exile, including their relatives, to refrain from criticizing the government.

Freedom of Expression: Although the constitution provides for freedom of expression, the government continued to repress or attempt to intimidate persons it considered political opponents or critics. The incarceration of such persons raised concerns regarding authorities' abuse of the judicial system to punish dissent. As of December 10, human rights defenders considered five incarcerated journalists and bloggers to be political prisoners or detainees. A number of incarcerations were widely seen as connected to the exercise of freedom of expression.

Examples of attempts by authorities to intimidate individuals they considered to be government critics included repeated harassing text messages and images on the smart phones of selected activists, including Bakhtiyar Hajiyeu. In Hajiyeu's case, the messages included threats to his life. Activists targeted for such harassment considered government authorities responsible based on the software platforms utilized for harassment and the significant financial requirements to carry out such harassment. Another indicator that authorities were involved in this harassment was the visible reluctance of law enforcement bodies to investigate these cases. The constitution prohibits hate speech, defined as "propaganda provoking racial, national, religious, and social discord and animosity" as well as "hostility and other criteria." Propaganda, slander, and hate speech, however, were used against

opposition leaders, bloggers, independent journalists, and dissidents with impunity.

Freedom of Expression for Members of the 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 and semi-independent online media outlets expressed a wide variety of views on government policies, but authorities pressured them in various ways for doing so. The International Research and Exchanges Board (IREX) 2021 *Vibrant Information Barometer* noted that in 2020, media in the country stagnated or deteriorated due to COVID-19-related restrictions and the intensive fighting in the Nagorno-Karabakh conflict. According to the report, “During the 44 days of active fighting, internet speeds were regulated for security reasons, limiting access to news; media critical of the government were selectively blocked. Social media platforms remain the only space where freedom of expression can be observed; however, there is a high degree of self-censorship to avoid punishment on sensitive topics. Low media literacy, hate speech, and/or extreme nationalism clashing with the handful of progressive/liberal views still exist.” Journalists needed accreditation to work during the pandemic, but some independent news outlets said they had difficulty obtaining the necessary paperwork, according to the NGO Reporters Without Borders.

Authorities continued exerting pressure on major media rights organizations and independent media outlets outside the country, as well as on individuals in the country associated with those outlets. Foreign media outlets, including Voice of America and Radio Free Europe/Radio Liberty (RFE/RL), were banned in 2009 and remained prohibited from broadcasting on FM radio frequencies. The Russian service Sputnik, which was also originally prohibited from broadcasting, was later allowed to freely broadcast news. Censorship of press websites, restricted visas, and outright bans for those journalists critical of the country’s human rights record continued for foreign outlets and foreign journalists.

In late December the National Assembly rushed approval of a new media law, ignoring the input of civil society, independent journalists, and the international community. The law was awaiting President Aliyev’s signature at year’s end.

Violence and Harassment: During the year police occasionally used force and

other methods against journalists and bloggers to prevent their professional activities and limit press freedom. Local observers reported that journalists from independent media outlets were subjected to harassment and cyberattacks. The harassment mainly targeted journalists from Radio Liberty, *Azadliq* and other opposition and semi-independent newspapers, as well as Meydan TV, Obyektiv Television, and Mikroskop Media. For example, journalists Nargiz Absalamova and Ulviyya Ali reported that on August 6, police punched and insulted them and broke their equipment while the two were covering a peaceful protest. Civil society activists continued to call on the government to conduct effective investigations of the high-profile killings of journalists Rasim Aliyev in 2015, Rafiq Tagi in 2011, and Elmar Huseynov in 2005.

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

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. Foreign radio stations were generally banned from direct broadcast.

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. Libel and slander laws were routinely used to silence government critics, including accredited journalists and bloggers. For example, on March 2, the Sheki Court of Appeal sentenced bloggers Elchin Hasanzade and Ibrahim Salamov Turksoy to eight months in prison. In November 2020 both bloggers were found guilty of alleged "slander" and "insult" and sentenced to six months of correctional labor by the Mingachevir City Court. Human rights activists attributed the bloggers' arrests as retribution for having publicized alleged corruption by Mingachevir authorities.

National Security: On February 15, the Baku Court of Appeals upheld the November 2020 conviction of Polad Aslanov, the editor in chief of the *Xeberman.com* and *Press-az.com* news websites for alleged espionage on behalf of Iran. Aslanov was sentenced to 16 years in prison. Human rights 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.

Internet Freedom

International news websites and those linked with opposition groups were blocked for various lengths of time during the year. For example, the websites of the Voice of America, RFE/RL, the Organized Crime and Corruption Reporting Project (OCCRP), 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, although these outlets could release information without many restrictions on social media.

Activists asserted that authorities conducted cyberattacks and used other measures and proxies to disrupt internet television programs.

In April 2020 authorities cut the internet and telephone connections of Azerbaijan Popular Front Party chairperson Ali Kerimli and his spouse. At year's end their home telephone did not work but their cell phones worked, although with overnight disruptions. Kerimli and his spouse remained unable to access the internet until the end of year. In June 2020 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.

In November 2020 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. Sadigov went on a hunger strike while in prison to protest the conviction. On January 28, the Sumgayit Court of Appeal reduced Sadigov's sentence to six years. On July 2, the Supreme Court further reduced the term to four years. 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 journalistic activities.

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. In January 2020 Azerbaijan Internet Watch reported phishing attacks against several civil society figures and an online news platform. The attacks sought to disable antivirus software and to surreptitiously record keystrokes. 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.

On July 18, the OCCRP, an investigative reporting organization specializing in crime and corruption, reported that the government conducted digital surveillance on more than 1,000 telephone numbers in the country. The telephones were infected with sophisticated Pegasus software, which was developed by the Israeli cybersurveillance company NSO Group Technologies. The OCCRP published a list of some of the owners of the surveilled numbers, which included Azerbaijani journalists, activists, and lawyers both in the country and abroad working on human rights issues.

Freedom House's annual *Freedom on the Net* report for the period from June 2020 through May 2021 again rated the country's internet status as "not free." The report concluded the state of internet freedom deteriorated during the period covered. Despite some restrictions, the internet remained the primary method for citizens to access independent and semi-independent media. For example, while Meydan, *Azadliq*, and other media outlets were blocked, social media users were

able to access most of their reports via social media including Facebook, mirror websites, and YouTube, where videos and articles were shared mostly 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, creating conditions that amounted to a de facto ban on assembly. Authorities at times responded to peaceful protests and assemblies by using force against or detaining protesters.

On March 8, for example, a group of women's rights activists tried to hold a peaceful protest in downtown Baku on International Women's Day, chanting slogans in support of gender equality and against domestic violence. Police used force against some participants and removed them from the area. At least one of the protest leaders was later the victim of cyberbullying using private photographs hacked from her smart phone (see section 1.f.).

On August 4, a group of activists organized a peaceful protest in front of the Khazar district police department against police inaction after the killing of Sevinj Maharamova by her husband. Police officers used force to detain the activists and verbally and physically abused protesters and journalists who were covering the event.

On December 1, activists sought to rally for the release of Saleh Rustamov, an Azerbaijan Popular Front Party member widely considered a political prisoner (see sections 1.e. and 3). Police reportedly detained more than 40 persons. Video

evidence showed several instances of police using excessive force. One elderly woman was seized while giving an interview and taken away so quickly she was thrown to the ground; four police officers each grabbed a limb and carried her off. Several participants alleged physical abuse and torture by police, with former political prisoner and opposition figure Tofiq Yagublu posting photographs indicating he had been severely beaten while in custody.

In June the trials of 36 alleged participants in a July 2020 proarmy rally ended with three separate verdicts. Participants' sentences ranged from two and one-half years to more than four years of suspended sentences. In November and December 2020, all 36 individuals were released to house arrest. The defendants included 16 members of the opposition Azerbaijan Popular Front Party, three members of the Muslim Unity Movement, and one member of the Azerbaijan Welfare and Prosperity Movement who were arrested after the July 2020 rally at the National Assembly building supporting the army in its skirmishes on the Armenian border. The demonstrators reportedly caused minor damage to the National Assembly building before being removed. Some protesters allegedly clashed with police and damaged police cars. Human rights defenders reported that authorities used the events to justify the arrest of political activists, including those who did not attend the rally.

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. As a result, no authorized public rallies were held. 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 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 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 2020, 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 for "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 <https://www.state.gov/international-religious-freedom-reports/>.

d. Freedom of Movement and the Right to Leave the Country

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.

Foreign Travel: Authorities continued to prevent a number of opposition figures, activists, and journalists from traveling outside the country. For example, Azerbaijan Popular Front Party chairperson Ali Kerimli had been prohibited from traveling since 2006. 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 Office of the UN High Commissioner for Refugees (UNHCR) reported 653,921 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 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 in conditions for refugees, including access to public education and the legal right to work, 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: Since 2019 all asylum seekers have had access to asylum procedures. Additionally, since 2020 all refugees under UNHCR's mandate also have had legal access to the labor market and were covered by the national health services (including free Covid vaccination) on par with Azerbaijani nationals. All of these persons of concern, however, still lack a formal legal status.

Temporary Protection: The government did not provide temporary protection to asylum seekers during the year. Due to the COVID-19 pandemic, however, authorities did not return rejected asylum seekers to their countries of origin and extended their stay in the country.

g. Stateless Persons

According to UNHCR statistics, there were 3,585 persons, per Azerbaijan's 2009 census, in the country under UNHCR's statelessness mandate. According to UNHCR, there were 88 persons registered as at risk of statelessness during the year. Of these 88 persons, 10 were able to receive Azerbaijani citizenship or restore their documents. By the end of November, 78 individuals were awaiting legal proceedings. The vast majority of stateless persons were ethnic Azerbaijanis from Georgia or Iran. NGOs stated there were many other undocumented stateless persons, with 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. The State Migration Service received 737 applications from foreigners and stateless persons (762 including children) requesting Azerbaijani citizenship. Citizenship was granted to 577 foreigners and stateless persons (596 including children).

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 education, but not employment.

According to the national legislation, stateless persons have access to all rights and services available to the citizens and foreigners in the country except certain rights that are limited to citizens only. However, according to UNHCR, these rights and services were accessible to only those documented with Azerbaijani government statelessness identity cards (IDs) or UNHCR protection documents. Those who lacked any ID documents also lacked access to basic rights, especially because of the expansion of the country's electronic governance system. As one example, in order to access a health facility, a stateless person must have an ID document with PIN code to be able to get vaccinated or benefit from the mandatory health insurance.

The constitution allows citizenship to be removed "as provided by law." There were two cases in which citizenship was removed during the year when the individuals obtained citizenship of other countries.

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 2019 the president dissolved the National Assembly in response to an appeal to do so by the National Assembly; the president announced early elections for the body to be held in February 2020.

Some opposition parties boycotted the election, citing the restrictive environment, while other opposition parties and groups took part. According to the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions

and Human Rights (ODIHR) election observation mission, the restrictive legislation and political environment prevented genuine competition in the February 2020 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 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 citing 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 was officially reported by the Central Election Commission.

Political Parties and Political Participation: The ruling New Azerbaijan Party continued to dominate the political system. Domestic observers reported members of the ruling party received advantages, such as priority for public positions. During the year a Presidential Administration official continued direct communication with some of the country’s 58 registered 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). According to domestic NGOs, eight opposition party members were considered to be political detainees or prisoners, including Azerbaijan Popular Front Party-members Agil Maharramov, Saleh Rustamli, Pasha Umudov, Alizamin Salayev, Niyamaddin Ahmedov, and Agil Humbatov.

In the continuation of a particularly high-profile, politically motivated case, on July 15, the Baku Court of Appeals sentenced Tofig Yagublu, a member of the Coordination Center of National Council of Democratic Forces and the Musavat Party, to a suspended sentence of two years and six months. Yagublu had been arrested for alleged “hooliganism” in connection with a car accident in March 2020. Human rights defenders considered the arrest a staged provocation against Yagublu. In September 2020 the Nizami District Court convicted Yagublu and sentenced him to four years and three months in prison. Later that month the Baku Court of Appeals released Yagublu to house arrest after he went on a 17-day hunger strike. Yagublu participated in a peaceful protest on December 1, 2021, and was detained; Yagublu distributed photographs following his release from detention that indicated he was severely beaten in custody (see section 2.b.,

Freedom of Peaceful Assembly). When officials released him, they reportedly deposited him in the desert outside of Baku.

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 met in teahouses and other remote locations. Opposition parties also faced formal and informal financing obstacles. For example, authorities limited financial resources of opposition parties 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 their ability to obtain registration that was required for legal status. For example, two nonpartisan election-monitoring organizations (the Election Monitoring and Democracy Studies Center and the Institute for Democratic Initiatives) remained unregistered. The center reported that independent election observers were subjected to physical and psychological pressure during the February 2020 National Assembly elections.

Participation of Women and Members of Minority Groups: No law limits the participation of women and members of minority groups in the political process, and they did participate. First Lady Mehriban Aliyeva 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. A total of 17.6 percent of members of the National Assembly, including the speaker of the National Assembly, were women.

Female activists often faced additional pressure and harassment. There were confirmed incidents involving invasion of their privacy. For example, on March 9, activist Narmin Shahmarzade's Facebook profile was hacked (see section 1.f.). Her private messages, including some of which were faked or altered, and photographs were shared on social media and the Telegram messenger app.

Family members of opposition politicians also were subject to harassment. On

March 28 and April 3, intimate videos of Gunel Hasanli, daughter of opposition party leader Jamil Hasanli, were shared on a Telegram messenger app. Human rights defenders considered it an act of retaliation against Jamil Hasanli because of his political activities (see section 1.f. for details).

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 reported that on April 26, the head of the Shamkir Executive Committee Alimpasha Mammadov was detained on corruption-related charges.

Similar to previous years, authorities continued to punish individuals for exposing government corruption. For example, during the year police detained two civil society activists who were then turned over to the Main Department to Combat Organized Crime of the Ministry of Internal Affairs. The two activists were preparing a media story about government corruption. Main Department to Combat Organized Crime officials reportedly tortured one of these individuals.

Corruption: The Anticorruption Department of the Prosecutor General's Office stated that it investigated 600 criminal cases against 405 officials and sent 274 criminal cases 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. Many observers considered the arrests to have political or economic motives that were unrelated to combating corruption.

On June 29, the OCCRP published an article regarding Izzatkhanim Javadova and Suleyman Javadov, who had family ties to the ruling elite and who allegedly received \$19.6 million from questionable sources. According to the United Kingdom's (UK) National Crime Agency, the family used a network of 20 companies based mostly in offshore locations to transfer the funds into their UK accounts. UK investigators identified six of the companies as being part of the "Azerbaijani Laundromat," which allowed the country's ruling elite to embezzle funds, avoid taxes, launder money, pay bribes to European parliamentarians, purchase properties, and fund luxurious lifestyles. On July 7, the OCCRP published information that the Javadovs had agreed to hand over \$5.5 million to UK authorities and settle an inquiry into the origin of their financial wealth.

On October 7, the OCCRP published an investigation revealing the wife, daughter, and son-in-law of former speaker of the Milli Majlis (parliament) Oktay Asadov (2005-20) acquired luxurious properties in London, Dubai, and Moscow. In total, the Asadovs reportedly acquired assets valued at almost \$10 million.

There were credible reports that paying bribes 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 a smaller bribe.

The government continued efforts to reduce low-level corruption and improve government services by expanding the capabilities and number of service centers of the State Agency for Public Service and Social Innovations, which functioned as

one-stop locations for government services, such as obtaining birth certificates and marriage licenses, from nine ministries.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

While the government provided access to certain areas of the Nagorno-Karabakh conflict zone under Azerbaijani control, 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, in May human rights defender and former political prisoner Rufat Safarov was threatened with death. Police summoned the person who threatened Safarov, but no further action was reported. In February 2020 Safarov reported he himself had been detained and threatened by police with tougher measures if he did not stop criticizing authorities.

As of December 31, human rights defender Oktay Gulaliyev remained in a coma after having been struck by a car in 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 purposely withheld timely medical treatment after the accident. The sons and the activists also noted that authorities had warned Gulaliyev 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. On January 25, the Nasimi District Court sentenced the driver who hit Gulaliyev to two years and three months in prison. Gulaliyev's family did not protest the sentence but called for an investigation of the doctors responsible for alleged delays in providing medical treatment after the accident.

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. Some human rights defenders were unable to carry out their professional responsibilities due to various government obstacles, such as the frozen bank accounts of Intigam Aliyev and Asabali Mustafayev. In March 2020 human rights defender and journalist Elchin Mammad was detained based on allegations of theft and illegal possession of a weapon. In October 2020 he was convicted and sentenced to four years in prison. On February 19, the Sumgayit Court of Appeal rejected Mammad's appeals, and on July 7, the Supreme Court also rejected his appeals. Human rights defenders viewed the verdicts 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.

Government officials and state-dominated media outlets engaged in rhetorical attacks on human rights activists and political opposition leaders (see section 3, Freedom to Participate in the Political Process), 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 and criticized what authorities termed interference in the country's internal affairs. 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 National Assembly 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 government bodies, but they were similarly accused of ignoring violations in politically sensitive cases.

Section 6. Discrimination and Societal Abuses

Women

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

In October a minor and her family went public regarding an alleged August 2020 rape after the Yasamal Prosecutor's Office dismissed the case due to a purported lack of evidence. The family claimed the case was not taken seriously, as shown by a year of official inaction and mishandling of the investigation; the family attributed the mishandling to their activism and opposition party membership. The resulting media attention caused the Prosecutor General's Office to reopen the case and place the accused offender in pretrial detention.

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 the 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 matter and did not effectively intervene to protect survivors, including in cases where husbands abused or killed their wives. On September 30, police sergeant Ismail Mammadov used his service weapon to kill his wife, Khanym Mammadova, in a Baku police station after she came to the station to report his frequent beatings.

The SCFWCA addressed the problem of domestic violence by conducting public awareness campaigns and working to improve the socioeconomic situation of domestic violence survivors. In November 2020 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 survivors of trafficking and domestic violence. In December 2020 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.

On August 8, the Prosecutor General's Office issued a statement that in the first six months of the year, 33 women were victims of premeditated murders by family members; the office urged the public to report instances of domestic violence to authorities. The statement followed the forced dispersal by police of activists rallying to call attention to the problem of domestic violence (see section 2.b., Freedom of Peaceful Assembly.)

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

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was not available through the national health care system but could be purchased from private outlets. The cost of contraceptives for persons with limited income, a lack of education, and a lack of counseling limited the usage of contraceptives. Patriarchal norms based on cultural, historical, and socioeconomic factors in some cases limited women's reproductive rights. For example, it was expected that women would become pregnant without any delay upon marriage.

The government referred survivors of sexual violence to free medical care including sexual and reproductive services. Emergency contraception was not available as part of the clinical management of rape.

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.

Systemic Racial or Ethnic Violence and Discrimination

The constitution guarantees the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs, or affiliation with political parties, trade union organizations, or other public associations. Restrictions of rights and freedoms on the grounds of race, ethnicity, religion, language, sex, origin, beliefs, or political or social affiliation are prohibited.

Following the border closure 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.

Following the November 2020 cease-fire, in January Azerbaijan released a commemorative postal stamp series to commemorate COVID first responders and the “heroes of the Nagorno-Karabakh war” that juxtaposed Azerbaijani military personnel alongside first responders. In one stamp, a man in overalls typically worn by persons responsible for the disinfection of streets was portrayed disinfecting a part of the map of Azerbaijan corresponding to the Nagorno-Karabakh region. The series of images in the stamps appeared to dehumanize Armenians by insinuating they were a disease.

In April the government opened a Military Trophies Park – also known as the

“War Trophies Park” – in Baku that included mannequins with exaggerated, stereotypical ethnic features. According to a media report, the sculptors of the mannequins stated, “We tried to have as realistic images as possible. We usually try to do something as beautiful as possible. This time it was the opposite. It was a time-consuming and difficult process. We created using eagle nose shapes, the absence of the back of the skull and other features....” The War Trophies Park also contained a canopy of captured Armenian helmets. In an April 27 letter to the country’s president, Dunja Mijatovic, the Council of Europe commissioner for human rights, called the images in the park “highly disturbing and humiliating,” noting that “this kind of display can only further intensify and strengthen long-standing hostile sentiments and hate speech, and multiply and promote manifestations of intolerance.” The mannequins and helmets were removed in October.

On December 7, the International Court of Justice (ICJ) issued binding provisional rulings in response to Armenia’s and Azerbaijan’s submissions of cases against each other for alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). In its ruling on Azerbaijan, the ICJ satisfied most of the interim measures requested by Armenia, including mandating that Azerbaijan must protect from violence and bodily harm Armenians detained during or following the fall 2020 fighting and ensure their security and equality before the law. The ICJ ruled that several requests by both countries, including Armenia’s call for the release of all detainees, were outside the scope of the CERD. The court also ruled that both countries “shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.” Both countries also were directed to prevent the incitement and promotion of racial hatred and discrimination against persons of national or ethnic origin from the other country. (For the ICJ ruling in response to Azerbaijan’s case against Armenia, see the *Country Reports on Human Rights Practices* for Armenia.)

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

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 at home to work. Social workers stated that 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 abuses of 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 2021 *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 the age of 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.

Throughout the year the SCFWCA organized various events for the 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 contracts were not subject to government oversight and did not entitle the wife to recognition of her status in case of divorce.

Sexual Exploitation of Children: Conviction of recruitment of minors for commercial sexual exploitation (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, and conviction is punishable by three years' imprisonment. The minimum age for consensual sex is 16. Conviction of

statutory rape is punishable by up to three years' imprisonment. Some civil society representatives reported that boys and girls at times were exploited for commercial sex.

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 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 in general the implementation of the law was not satisfactory, and persons with disabilities continued to experience problems.

On August 17, the National Assembly approved amendments that were scheduled to come into force on July 1, 2022. The amendments abolish the existing categories for persons with disabilities and introduce a new system of defining disability depending on the percentage of bodily functionality. Activists were

concerned that as result of these changes, some persons with disabilities would lose access to government assistance.

A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. In 2020 a local NGO reported that 6,000 to 10,000 children with disabilities had access to segregated educational facilities, while the rest were educated at home or not at all. According to official statistics, there were approximately 52,650 children with disabilities in the country. The Ministry of Education and the Ministry of Labor and Social Protection continued efforts to increase the inclusion of children with disabilities into mainstream classrooms, particularly at the primary education level.

The law mandates that public and other buildings be accessible to persons with disabilities. While some buildings, including educational institutions, were accessible, this mandate was not fully implemented. Information and communication technology and most buildings were not accessible to persons with disabilities. Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking.

HIV and AIDS Social Stigma

Civil society representatives reported that 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 lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community.

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

There were reports of increased violence and discrimination against LGBTQI+ individuals, especially transgender individuals. On June 9, a group of activists issued a statement that six LGBTQI+ community members were physically assaulted and injured by various individuals and groups over just 10 days between May 30 and June 9. Acts of violence continued and included the killing of a transgender woman in Garadagh District who was found bound, stabbed to death, and partially burned. An arrest was made in the killing. A local NGO noted that in

many cases, authorities did not investigate or punish those responsible for attacks on the LGBTQI+ community.

There were reports that men who acknowledged or were suspected of being LGBTQI+ 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 LGBTQI+ individuals, including being kidnapped by family members and held against their will. Hate speech against LGBTQI+ persons and hostile Facebook postings on personal online accounts also continued.

Antidiscrimination laws exist but do not specifically cover LGBTQI+ individuals. Activists reported that LGBTQI+ individuals were regularly fired by employers if their sexual orientation or gender identity became known.

LGBTQI+ 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 police investigate crimes committed against LGBTQI+ individuals.

Local NGOs reported that COVID-19-related quarantine measures compounded the impact of discrimination already faced by members of the LGBTQI+ 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 2019 into police raids on the LGBTQI+ community in 2017. The raids led to arrests and detentions of more than 83 men presumed to be gay or bisexual, as well as arrests and detentions of 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.

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, 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.

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 1.1 million members in 26 sectors. Increased bureaucratic scrutiny limited the right to form unions and conduct union activities. 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 were 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. For example, the State Oil Company of Azerbaijan Republic used one-year employment contracts that made employees vulnerable and less willing to advocate for their rights.

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 into 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 commensurate with those for 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.

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.

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

The law prohibits all of the worst forms of child labor. 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 who are 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 a minimum age for employment. The government maintained a moratorium on routine and unannounced inspections, which may have prevented effective enforcement of child labor laws. 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 responses did not include worksite inspections. Instead, the State Labor Inspection Service within the ministry investigated complaints by requesting information from the employer in question. Inspectors identified violations and imposed appropriate penalties based on the information they received.

In July 2020 the president approved the *National Action Plan for 2020-2024 on Combating Trafficking in Human Beings*. 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.

Authorities reported no instances of investigating child labor in formal sectors of the economy. There were reports of children engaging in child labor, including commercial sexual exploitation, forced begging, and agriculture. 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>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation, based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, age, and HIV or AIDS status, 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. Women were also not permitted to work at night in the same way as men.

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. LGBTQI+ 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 2020 the average monthly salary for women was 63 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

Wage and Hour Laws: The national minimum wage was higher than the poverty income level (minimum living standard). Experts stated government employers complied with the minimum wage law in the formal sector. 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 on excessive compulsory overtime. The law provides equal rights to foreign and domestic workers.

The Ministry of Labor and Social Protection is responsible for enforcing wage and hour laws. The number of inspectors was insufficient to enforce compliance, and inspectors did not have the authority to make unannounced inspections. Inspectors could initiate sanctions in limited circumstances. During the year the government extended its moratorium on scheduled and unannounced labor inspections through 2022. 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 identified 1,508 violations of labor law.

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

Occupational Safety and Health: Occupational safety and health standards are appropriate for the main industries, although employers were known to ignore them. Failure to provide acceptable conditions of work in the construction and oil and gas sectors remained a problem. A local NGO reported that oil workers were forced to work lengthy shifts at sea because of COVID-19 restrictions.

Inspection of working conditions by the Ministry of Labor and Social Protection's

labor inspectorate was weak and ineffective due to the moratorium. Workers cannot remove themselves from situations that endanger health or safety without jeopardy to their employment. 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.

The government did not effectively enforce occupational safety and health laws, largely due to the extended moratorium on worksite inspections. Penalties for violations were not commensurate with those for similar crimes. According to official statistics, 51 workers died on the job during the year, none from the oil and gas sector.

Informal Sector: According to most estimates, the informal sector accounted for 30 to 40 percent of the economy, especially in the service and construction sectors. Informal workers are covered by wage, hour, and OSH laws and inspections, although these laws were commonly ignored.