

## DETAINEES' RIGHTS

In June the UN Committee against Torture (CAT) expressed concerns over conditions in some detention deportation centres and called on Austria to end the practice of detaining individuals with mental health issues in so-called security cells in such facilities.

## REFUGEES' AND MIGRANTS' RIGHTS

In June the UN CAT expressed concerns about the lack of any federal provision to ensure guardianship for all unaccompanied asylum-seeking children on their arrival in the country. A legislative proposal by the Ministry of Justice to address this was not forwarded to parliament for discussion.

Also in June the Constitutional Court upheld a decision to send a man back to Afghanistan, despite concerns that he faced a real risk of serious human rights violations.

In October the Court of Justice of the EU ruled that an Afghan woman's gender and nationality alone could suffice as proof of persecution, following Austria's denial of refugee status to two Afghan women.

There were no safe and dignified pathways like resettlement programmes for people seeking international protection.

## DISCRIMINATION

Austria failed to harmonize anti-discrimination legislation across national and regional levels. Disability, ethnicity and gender continued to be considered protected grounds only in access to goods and services.

Concerns persisted throughout the year about rates of antisemitic and anti-Muslim crimes.

In the run up to parliamentary elections in September, there was a notable increase in racist speech, including by public officials, particularly online targeting of asylum seekers and refugees.

## UNLAWFUL USE OF FORCE

In January, the new police oversight body became operational although concerns over its full independence persisted. Police were

still not required to wear identification badges, impeding accountability.

## RIGHT TO A HEALTHY ENVIRONMENT

Human-induced climate change increased extreme weather events, with floods, storms, and mountain snowfall in September. The government failed to introduce a binding climate protection act.

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1. *"As If You Were Going to the Enemy": Access to Social Assistance Benefits in Austria*, 28 June 1

2. *Austria: "It's my job" – Healthcare Professionals As Defenders of the Law on Abortion in Austria*, 26 June (German only) 1

# AZERBAIJAN

## Republic of Azerbaijan

**The year saw a sharp decline in respect for human rights, with the authorities continuing to impose an effective ban on independent oversight. Impunity prevailed for past violations in the conflict over the disputed Nagorno-Karabakh region. Independent NGOs and the media continued to face arbitrary restrictions. Human rights defenders and activists were arrested for their legitimate activities. Peaceful protests were suppressed. Torture and other ill-treatment remained widespread. LGBTI people were denied justice.**

## BACKGROUND

In November, Azerbaijan hosted COP29 amid allegations that senior officials from its conference team were using the opportunity to broker new fossil fuel deals. The Host Country Agreement was never made public, although a leaked version indicated a lack of genuine protection for human rights.

The authorities defied efforts to ensure oversight, refusing to cooperate with international intergovernmental bodies and civil society organizations, including those focused on human rights mechanisms. In January, the government threatened to

withdraw from the Council of Europe (CoE) and the European Convention on Human Rights, after the council's Parliamentary Assembly (PACE) suspended Azerbaijan's credentials due to insufficient cooperation and a worsening rights record. Authorities also restricted monitoring of February's snap presidential election, which was criticized by observers for lacking genuine competition and was won by the incumbent.

Peace negotiations with Armenia progressed after Azerbaijan agreed to drop its demand for a "Zangezur Corridor" to its Nakhichevan exclave through Armenia in August. However, its new demands for Armenia to amend its constitution to remove references to unity with Nagorno-Karabakh, as well as ongoing disputes over border delineation, further complicated efforts to reach a final settlement.

### **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

Impunity prevailed for violations in the conflict over the disputed Nagorno-Karabakh region. On 24 January, when suspending Azerbaijan's credentials, PACE reiterated its concern at Azerbaijan's failure to acknowledge the severe humanitarian and human rights impact of restricting access from Armenia to Nagorno-Karabakh through the Lachin Corridor. PACE also reiterated its condemnation of Azerbaijan's September 2023 military operation, which led to the displacement to Armenia of the entire ethnic Armenian population of Nagorno-Karabakh, amounting to more than 100,000 people. Their right to a safe and dignified return remained unrealized.

### **FREEDOM OF EXPRESSION AND ASSOCIATION**

Independent NGOs and the media continued to face arbitrary restrictions, including denial of registration and onerous reporting requirements.<sup>1</sup> The media sector remained under effective government control, resulting in widespread self-censorship. The presidential election and COP29 were preceded by new waves of arrests of independent journalists and other

government critics. In April, human rights defender Anar Mammadli, winner of the 2014 PACE human rights prize, was arrested and placed in pretrial detention on fabricated smuggling charges. His arrest came shortly after his Election Monitoring and Democracy Studies Center published an assessment on the conduct of the February presidential election and as he, together with other human rights defenders, announced a coalition on climate justice ahead of COP29.

More than a dozen journalists remained in arbitrary detention following their arrest in 2023. Authorities also extended the pretrial detention of at least 11 journalists from Azerbaijan's few remaining independent news outlets, falsely accusing them of currency smuggling in connection with alleged funding from western donors.

On 6 March, police raided one of the last remaining independent news channels Toplum TV, its partner organization the Institute of Democratic Initiatives (IDI), and the Platform for the Third Republic, an opposition group. They detained journalists and activists including Toplum TV founder Alasgar Mammadli, journalist Mushfig Jabbar, Third Republic board members Akif Gurbanov and Ruslan Izzetli, and IDI activists Ramil Babayev and Ali Zeynalov, all on fabricated charges. Independent journalists Imran Aliyev and Farid Mehralizade, arrested on 18 April and 29 May respectively, also remained in detention on false charges of currency smuggling.

Between August and November, the prosecution brought new fabricated charges of illegal entrepreneurship, money laundering and tax evasion against journalists of the investigative outlet Abzas Media, who had been held in arbitrary detention since November 2023. Its director and his deputy Ulvi Hasanli and Mahammad Kekalov, editor-in-chief Sevinj Vagifgizi and journalists Nargiz Absalamova, Elnara Gasimova and Hafiz Babali faced between eight and 12 years' imprisonment if convicted.

In July and August, academics Igbal Abilov and Bahruz Samadov were arrested on fabricated charges of treason. They remained

in pretrial custody and were denied contact with their families.

### **FREEDOM OF PEACEFUL ASSEMBLY**

Freedom of assembly remained severely and unduly restricted and the authorities continued to imprison those taking part in peaceful protests.

In April, trade union activist Aykhan Israfilov was sentenced to three years' imprisonment on fabricated drug charges in retaliation for participating in peaceful protests by couriers in August 2023.

Two activists who supported environmental protests in the village of Söyüdlü, Gadabay district, in 2023 were also convicted on false drug-related charges (see below). Joshgun Musayev, who printed posters during the protest, was arrested in August and sentenced to three years' imprisonment. Former member of parliament Nazim Baydamirli, arrested in October shortly after he publicly supported the protests, was sentenced to eight years' imprisonment.

### **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment, and impunity for the perpetrators, remained widespread. On 3 July, in an exceptional move, the CoE's Committee for the Prevention of Torture publicly denounced Azerbaijan's ongoing refusal to cooperate and address long-standing concerns, including widespread physical ill-treatment and, on occasions, torture by the police. It called on the Azerbaijani authorities "to break this 'unholy alliance' between the continued resort to physical ill-treatment/torture by the police and the pervasive practice of threats, planting evidence, forced confessions and extortion".

On 24 July, Ulvi Hasanli (see above) published a letter alleging torture and other ill-treatment, including systematic beating of prisoners, in the detention centre where he was held.

Jailed government critics continued to be denied adequate medical care, resulting in significant worsening of their health. They included Anar Mammadli, Alasgar Mammadli, Ruslan Izzetli, Aziz Orujov, Fazil Gasimov and Famil Khalilov. On 22 April,

academic Gubad Ibadoglu, who had been held in pretrial detention for 274 days, was moved to house arrest as his health deteriorated. He remained under investigation on false charges and was banned from leaving Azerbaijan to receive medical care.

### **LGBTI PEOPLE'S RIGHTS**

On 19 April, the European Court of Human Rights struck out the case of *A. v. Azerbaijan* and 23 related applications, based on Azerbaijan's unilateral declaration, which acknowledged "the fact there was a violation of the applicants' rights" and made a commitment to pay them damages. The applicants alleged, among other things, that as LGBTI persons they had been subjected to discrimination, arbitrary arrests, mistreatment and forced medical examinations. The court's decision, which activists criticized for denying justice, left the allegations unaddressed because the authorities failed to conduct effective investigations and bring those responsible to justice. In 2019, the applicants had indicated to the court that "they were not satisfied with the terms of the [Azerbaijani government's] unilateral declaration" on which the decision was based.

### **RIGHT TO A HEALTHY ENVIRONMENT**

On 5 August, the government authorized the resumption of operations at a gold mine in Söyüdlü, including expanding an existing pond containing toxic waste. The operations had been suspended for a year following environmental protests in 2023 over concerns of improper storage of toxic waste during mining operations. Locals and environmental activists alleged that the waste was causing serious health problems and polluting surrounding agricultural land. The protests were brutally suppressed by the authorities.

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1. Azerbaijan: *Update: The Human Rights Situation in Azerbaijan Ahead of COP29*, 1 November †