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Azerbaijan

Country Reports on Human Rights Practices - 2001

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Azerbaijan is a republic with a presidential form of government. The Government is dominated by incumbent President Heydar Aliyev—reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels—and by the ruling New Azerbaijan Party that he leads. The Constitution established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and an independent judiciary. Parliamentary elections in November 2000 and in January were marked by numerous and serious flaws, particularly in the vote counting process. Parliamentary byelections held in November in Tovuz and Adjabedi to fill vacant parliament seats also were marred by election fraud and ballot box-stuffing. Opposition members make up only a small minority of parliament's members. The judiciary has failed to remedy election irregularities, and as a result some domestic groups regard the Parliament as illegitimate. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

The Ministries of Internal Affairs and National Security are responsible for internal security and report directly to the President. Members of the security forces committed numerous human rights abuses during the year.

The country has a total population of approximately 8 million. The Government continues to affirm its commitment to development of a market economy, but widespread corruption and patronage reduce competition, and the absence of essential reforms has limited economic development outside the oil and gas sector, which accounts for over 90 percent of the country's export revenues. Approximately 98 percent of the country's farmland is privatized, but commercial agriculture remains weak, and subsistence farming dominates the rural economy. Foreign aid is an important source of national income. Per capita gross domestic product (GDP) is approximately \$600 per year. Official statistics indicated that private sector output contributes a majority to the country's annual GDP. Much of the labor force is employed in the state sector where wages are low. The overall economic situation of the average citizen remains tenuous; although a growing moneyed class has emerged in Baku, over 60 percent of the population live in poverty, according to World Bank statistics. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record remained poor. The Government continued to restrict citizens' ability to change their government peacefully. Some prison inmates and detainees died in part due to mistreatment by the authorities. Police tortured and beat persons in custody and used excessive force to extract confessions. Arbitrary arrest and detention was a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a few cases. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Lengthy pretrial detention was a problem. The judiciary is subject to outside influence. The Government continued to hold a number of political prisoners. Some local nongovernmental organizations (NGO's) reported that the Government held approximately 200-300 political prisoners, although others claimed the number was much higher. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government. The Government infringed on citizens' privacy rights.

The Government continued to restrict freedom of speech and of the press, and the press faced increased harassment during the year. Government officials repeatedly sued journalists for defamation, arrested them, and shut down their newspapers. As a result, journalists practiced self-censorship. The Government largely controlled radio and television, the primary source of information for most of the population. During December the Government took significant steps towards improving the media, including the announcement that five private television stations would be granted long sought-after operating licenses by the frequencies committee. The Government restricted freedom of assembly and forcibly dispersed some demonstrations. The Government continued to restrict freedom of association and refused to register some political parties. Opposition political parties have been evicted from their offices, and security officials harassed their members, especially in outlying areas. There were restrictions and abuses of religious freedom, and harassment of some "non-traditional" religious groups by lower-level and local government officials continued. The Government criticized and harassed certain domestic human rights activists, and non-transparent registration procedures resulted in numerous delays and denials of the registration of human rights and many other groups. Violence and discrimination against women and discrimination against certain religious and ethnic minorities was a problem. The Government limited some worker rights. Trafficking in persons was a problem.

A cease-fire in effect since 1994 continued to contain the conflict with Armenia over Nagorno-Karabakh; however, minor outbreaks of fighting occurred and resulted in the deaths of civilians as well as combatants. The taking of prisoners, including civilians still occurred. Armenian forces continued to occupy an estimated 16

percent of Azerbaijan's territory (including Nagorno-Karabakh); this fact continued to dominate Azerbaijan's national politics, weaken state institutions, and undermine democratic and economic development. The Government of Azerbaijan does not exercise any control over developments in the territories occupied by Armenian forces, and little information exists on the human rights situation there. Some reports indicated that the Armenian Apostolic Church enjoys at least quasi-official status in these territories and that the practice of some other religious faiths is discouraged. In addition to the 800,000 Azerbaijani refugees and internally-displaced persons (IDP'S) who cannot return to their homes in Armenia and the occupied territories, approximately 300,000 Armenians also left Azerbaijan and were unable to return. There were some press reports that Armenians were being settled into occupied Azerbaijani territories; however, these reports could not be confirmed.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

During the year, there were no reports of political killings by the Government or its agents; however, some prison inmates and detainees died in part as a result of prison conditions and mistreatment by law enforcement personnel. Those suspected in these cases were not prosecuted (see Section 1.c.).

On January 19, Aydin Hasanov died after his release following a 5-day detention and interrogation for suspected drug possession in the western city of Ganja. Although Hasanov's relatives suspect that police mistreatment played a role in his death, a Ministry of Internal Affairs investigation revealed no foul play. On May 13, 28 year-old Ilgar Javadov, who was detained by police for not having proper identification, died under suspicious circumstances at a Baku police station. Police claimed that he fell from a 4-story window while trying to escape detention; however, family members allege that he was beaten to death. Following a short investigation, the Government cleared officers of any wrongdoing.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to both civilians and soldiers. There were three casualties (one military and two civilians), which were caused by landmines laid near the line of contact. Landmines were laid by the Governments of Azerbaijan and Armenia and the Karabakh Armenian authorities.

A number of deaths occurred among army conscripts during the year. Hazing of the victims is suspected. For example, in August a total of 20 army conscripts died, 13 of these deaths were confirmed to be suicides. Defense Minister Safar Abiyev stated that all of the deaths would be investigated fully; however, the results had not been made public at year's end.

On September 26, the Baku city prosecutor's office opened a criminal case against Suleyman Agayev, former chief of the 17th police office of Narimanov District, Baku, in connection with the 1994 killing of Djamal Aliyev, leader of the Industrial Union; however, no action had been taken by year's end.

In May unknown assailants shot and killed a senior Chechen military commander outside his Baku apartment.

Beginning in June, several police officers were killed or wounded in attacks by unknown assailants in the northwest part of the country. Suspects in some of those attacks were later apprehended by police, apparently in cooperation with Russian authorities. The motives of the attacks were unclear.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

The International Committee of the Red Cross (ICRC) repeatedly urged the Azerbaijan and Armenian Governments to provide information on the fate of those missing in action since the fighting over Nagorno-Karabakh began. Since the early 1990's, the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani citizens allegedly held by Armenia. The Government believes that the number to be closer to 5,000.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

The criminal code enacted in September 2000 bans acts of torture and provides for up to 10 years imprisonment for violators; however, there were credible reports that prison guards continued to torture inmates and that both prison guards and the police used excessive force to extract confessions. Police beat prisoners during arrest, interrogation, and pretrial detention. In November 2000, in the days following a violent demonstration in Sheki, police detained and reportedly tortured a 61-year old woman, Gulhar Pashayeva, in order to extract a confession that she had participated in the demonstration and to obtain the name of other participants. The policemen involved were not punished.

The Government does not hold most members of the police accountable for their actions. Impunity continued to be a problem and in most cases, the Government took no action to punish abusers. According to the Ministry of Interior, since 1991 approximately 740 police officers have received official reprimands for abuse of

power and 91 have been fired from their jobs.

The Government continued to harass opposition politicians and members of their families (see Sections 1.f. and 3). Government harassment of and attacks on journalists continued (see Section 2.a.). The Government forcibly disrupted some demonstrations and in some cases beat protesters (see Section 2.b.). Government harassment of certain religious groups continued (see Section 2.c.).

There were unconfirmed reports that official corruption facilitated trafficking in persons (see Section 6.f.).

Conditions in prisons, which are managed by the Ministry of Justice, remained harsh and life threatening. Deaths of inmates occurred, in part these harsh conditions and in some cases due to mistreatment by prison guards. Overcrowding and poor medical care combined to make the spread of infectious diseases, including tuberculosis (TB), serious problems. TB continued to be the main cause of death in prisons. In 2000 approximately 2,000 prisoners were treated for TB. Due to the absence of systematic screening of the prison population, patients often start treatment when they are already seriously ill and there is only a 55 percent cure rate. There were widespread and credible reports that the authorities have withheld medical treatment from selected inmates, especially political prisoners.

Prisoners must rely on their families to provide food and medicine, and bribes generally are required for families to gain access to imprisoned relatives. The authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and sleep in order to elicit confessions from them with no physical evidence of abuse. Men and women are housed in separate prison facilities. There are separate facilities for juveniles and adults, and pretrial detainees and convicts are held separately.

In March 2000, President Aliyev signed a human rights decree permitting the ICRC to begin prison visits, which allowed the ICRC access to all places and to all detainees both sentenced and unsentenced within its mandates. Since June 2000, the ICRC also has had access to all prisons. The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh.

Foreign observers regularly received permission to enter maximum security prisons for meetings with alleged political prisoners. However, some local domestic human rights officials complained that the authorities restricted their access to prisons during the year. For example, the Society to Defend Women's Rights (SDWR) was not able to visit prisons during the year. The Human Rights Center of Azerbaijan (HRCA) regained access to jails during the year, and it conducted several human rights seminars for law enforcement officers. The HRCA released a report on the prison system stating that the situation had improved slightly as a result of monitoring efforts and suggestions made by NGO's and international organizations.

d. Arbitrary Arrest, Detention or Exile

The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were common. The authorities arbitrarily arrest and detain persons without legal warrants. The Constitution states that persons detained, arrested or accused, of a crime should be advised immediately about their rights, reasons for arrest, and the institution of criminal proceedings against them; however, the authorities often do not inform detainees of the charges against them. The Constitution provides for access to a lawyer from the time of detention (a right upheld by the Constitutional Court in 1999); however, access to lawyers is poor, especially in the regions. The authorities often do not notify family members after arrests. Frequently it is days before family members are able to obtain information as to whether the authorities have arrested someone, and where the authorities are holding the detainee. Family members do not enjoy the right of visitation. Bail commonly is denied, and lengthy pretrial detention was a serious problem.

Members of opposition parties and their families were more likely to experience official harassment and arbitrary arrest and detention than other citizens. In November the authorities disrupted regional meetings of the Azerbaijan National Independence Party (ANIP) and Popular Front and detained their leaders. In November two nephews of exiled former parliament speaker and Azerbaijan Democratic Party (ADP) leader Rasul Guliyev were arrested and charged with alleged embezzlement and weapons possession. Several other Guliyev relatives and ADP figures also were harassed by police.

The authorities occasionally arbitrarily arrested and detained journalists (see Section 2.a.). For example, in June the authorities arrested and detained two editors from the opposition Ulus newspaper for allegedly beating a female journalist; they remained in detention until October, when both were released; however, charges remained pending. In August 2000, an opposition Yeni Musavat newspaper reporter investigating the hijacking of a plane from the Nakhchivan enclave that borders Turkey to Baku was arrested

by Nakhchivani police, who refused to provide information

about his whereabouts until his release 2 days later.

Police forcibly disrupted unsanctioned protests and briefly detained participants throughout the year (see Section 2.b.).

Chechens residing in the country reported that police arbitrarily detained them (see Section 2.d.).

During the year, a total of eight prisoners of war (POW'S)—seven Azerbaijanis (two military official and five civilians) and one Armenian (military official)—were released. At least four others (three Azerbaijani military officials and one Armenian military official) were repatriated during direct exchanges by both sides.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of a Fair and Public Trial

The Constitution provides for an independent judiciary; however, in practice, judges do not function independently of the executive branch, and the judiciary widely is believed to be corrupt and inefficient. Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

The Constitutional Court has exhibited some independence in the past few years. In 2000 the Court reregistered the opposition Azerbaijan Democratic Party after a long appeal process. The Court also declared unconstitutional the retroactive application of a clause in the election law that required parties to be registered 6 months in advance of the announcement of the elections. It voided the results in four districts (in addition to the several voided by the Central Election Commission) following flawed parliamentary elections in November 2000 (see Section 3).

Cases at the district court level are tried before a panel consisting of one judge and two lay assessors. The judge presides over and directs trials. The President appoints Supreme and Constitutional Court judges, who are then subject to confirmation by the Parliament. Lower level judges are appointed by the President without confirmation. In April 2000, the first qualifying exams for judges were administered as part of a judicial reform effort, but credible allegations that judgeships were bought and sold persist. Low salaries for judges and lawyers increase the incentives for bribe taking and undermine the rule of law.

The Government organizes prosecutors into offices at the district, municipal, and republic level. They are ultimately responsible to the Minister of Justice, are appointed by the President, and are confirmed by Parliament.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights such as a suspect's right to legal counsel and to be informed immediately of his legal rights, and of the charges against him (see Section 1.d.). During trial, defendants may confront witnesses and present evidence. The court is required to appoint an attorney for indigent defendants. Defendants and prosecutors have the right of appeal, and foreign and domestic observers generally may attend trials. Although the Constitution prescribes equal status for prosecutors and defense attorneys, in practice, prosecutors' prerogatives outweigh those of the defense. A Law on Advocates and Advocate Activity, to reform the legal profession was signed by the President; however, it had not been implemented by year's end. The system, a holdover from the Soviet times, limits representation in criminal cases to members of state-controlled Collegium and therefore restricts the public's access to legal representation.

The Constitution bars the use of illegally obtained evidence; however, investigations often rely on obtaining confessions rather than obtaining evidence against suspects and no judge has dismissed a case based on a prisoner's claim of having been abused (see Section 1.c.). Judges frequently send cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases either may be dropped or closed, occasionally without informing either the court or the defendant.

In April the trial began of Jan Mirza-Mirzoyev, the former director of the Baku Naval Academy, who was arrested in November 2000 on charges that he ordered the murder of his predecessor in 1993. Mirzoyev had criticized corruption in the military. Trial observers, including press and diplomatic community representatives, found the evidence to be circumstantial. The prosecution's main witnesses were unable to confirm Mirzoyev's alleged sanction of the murder and one key government witness openly questioned the veracity of the evidence in court. The judge in the case repeatedly denied bail throughout Mirzoyev's 7-month pretrial detention. In November the court found Mirzoyev guilty and sentenced him to 8 years' imprisonment. At year's end, he was appealing the court's decision. Numerous local NGO'S and international organizations have called for Mirzoyev's release.

In November 2000, the authorities in Sheki arrested a large number of opposition figures and others suspected of participating in an unsanctioned and violent demonstration to protest falsified parliamentary elections and economic conditions. Domestic human rights groups reported that several suspects had solid alibis; however, all were tried and convicted, and representatives of opposition parties all received maximum sentences of 6 to 7 years' imprisonment.

The Government continued to hold a number of political prisoners. Some local NGO's reported that the Government held approximately 200-300 political prisoners, although others claimed the number was much higher. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government.

During the year, there were 2 presidential pardons and 1 amnesty, which resulted in the release of more than

3,000 prisoners and reduced the sentences of 52 others. Some of the individuals released were included on the lists of political prisoners developed by NGO's.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution prohibits such actions; however, the Government restricted privacy rights in practice. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in the prevention of a crime; however, it is believed widely that the Ministry of National Security and other security entities monitor telephones and Internet traffic, especially those of foreigners and prominent political and business figures. The Constitution allows searches of residences only with a court order or in cases provided by law; however, the authorities often conduct searches without warrants. Police continued to intimidate and harass family members of suspects, particularly those belonging to opposition parties (see Section 3).

Following the imposition in February of a midnight curfew for some bars and discotheques by the mayor of Baku, men and women walking or driving in the city after midnight reported being stopped by police and questioned regarding their activities. Some of those without identification papers were detained by police.

In 1999 the Supreme Court overturned a lower court decision in favor of group of Muslim women who sued for the right to wear headscarves in passport photos (see Section 2.c.)

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and it specifically outlaws press censorship; however, the Government restricts these rights in practice. There was lively public debate and criticism of government policies in a variety of areas; however, direct criticism of President Aliyev was rare. A large number of opposition and independent media outlets functioned during the year; however, the press faced increased pressure from the Government during the year, and various restrictive government policies caused a decline in freedom of the press. Harassment of journalists, closures of newspapers and libel suits (which would bankrupt immediately any independent or opposition newspaper if upheld), created an atmosphere in which editors and journalists exercised self-censorship.

Actions against the media culminated with a public attack on opposition newspapers by ruling New Azerbaijan Party officials during a party congress on November 21 and 22. In December in a televised meeting with opposition and independent media representatives, President Aliyev acknowledged government mistakes and promised to correct them. As a result some restrictions eased, including: The reduction and or abolishment of tariffs and import taxes on newsprint supplies, improved access to government printing houses, the retraction of libel suits by government officials, and the issuance of broadcasting licenses to regional independent stations.

Most newspapers are printed in government publishing houses. The Government's control over most publishing facilities and of trade in newsprint gave it leverage over the press. Early in the year, government authorities restricted imports of newsprint, which resulted in a doubling of newsprint prices; however, this restriction abated during the year. Private advertisers were intimidated and harassed into removing their advertisements from some independent and opposition newspapers, forcing many newspapers to subsist on newsstand sales alone and adding to the financial pressures on newspapers that do not benefit from government financial support. The finances of most independent and opposition papers were precarious and they had increasing problems meeting their wage and tax payment obligations. Rising costs and declining revenues forced one of the largest opposition Azeri language dailies, Azadlig, to cease publication from June to September. Following the President's December meeting with journalists, customs duties on newsprint and other tariffs were lifted and access to the government printing houses improved.

Government-run and independent kiosks distributed government, opposition, and independent publications throughout the year. A number of editors continued to report that government-run kiosks refused to carry their newspapers, or claimed to have sold all received copies while actually retaining many unsold copies in stock, leading some newspapers to depend on independent distributors. Gaya, the country's largest independent distributor, reported increased government harassment. The company's manager complained that some of its most profitable newsstands have been torn down arbitrarily in Baku and in regional cities, in an effort to run the company out of business. There was no improvement in Gaya's situation by the end of the year. The availability of independent and opposition newspapers in outlying areas of the country was sporadic or nonexistent.

During the year, there were frequent closures of newspapers for libel. According to the media law enacted in 2000, a newspaper may be shut down if it loses three libel suits within 1 year or if the court so orders. A court shut down two small newspapers, Millatin Sasi and Bakinsky Bulvar, for articles "insulting the honor and dignity" of high-ranking officials. Bakinsky Bulvar and Millatin Sasi remained closed at year's end. Another small paper, Etimad, also was closed for insulting a public religious figure. Several government officials dropped their libel cases against these newspapers following the president's December address; however, President Aliyev's brother, Jalal Aliyev, launched a libel suit against the opposition Yeni Musavat newspaper, which he claims insulted his dignity.

The Government controlled radio and television, the main source of information for much of the population. The Government periodically used state television to conduct campaigns of denunciation and harassment

against political parties and leaders critical of the Government. Various talk shows, such as Nezer Nugtasi and Nebz- which are broadcast by privately run, independent television channels—broadcast views of both government and opposition officials. Independent radio is oriented largely to entertainment, but one independent station broadcasts programs on political topics. Radio Free Europe/Radio Liberty and the Voice of America broadcast without restriction and there are no restrictions on reception of foreign stations via satellite.

Television and radio stations require a license to operate, and the Government used this requirement to prevent several independent stations from broadcasting. Immediately following accession to the Council of Europe in January, the Government forced the closure of several regional television stations because they lacked broadcasting licenses, which licensing authorities have denied without explanation over a period of several years. In December as a result of international pressure, the Government granted licenses to five of the stations following the President's meeting with journalists.

During the year, the authorities launched questionable tax inspections of independent television, newspapers, and a main printing house for nongovernment print media. In 2000 the government temporarily shut down the independent ABA television station over tax issues and took the station to court. Although the station reopened by the end of 2000, it closed permanently in July 2001 following accusations of continued tax irregularities and government confiscation of the station's equipment. ABA was the country's CNN distributor and held rebroadcasting rights for a number of Russian channels as well. The owner of the television station left the country and has claimed that the television station was being victimized because "it was independent." Independent newspapers also have reported harassment by tax authorities. In September the owner of the Baku Printing Press, which prints a number of nongovernment papers, was sentenced to 18 months imprisonment for tax evasion.

In September numerous journalists were arrested for articles written regarding government officials. The journalists later were released. On December 12, three journalists were arrested and later released following an unsanctioned protest in front of ruling New Azerbaijan Party headquarters. Violence against journalists also took place during the year. The Committee to Protect Journalists (RUH) reported over 150 incidents of physical attacks against journalists. In two separate attacks in January, unknown assailants beat Azadlig reporter Haji Zamin and the editor-in-chief of Etimad, newspaper, Etibar Mansuroglu. Both had authored articles criticizing government officials for the difficult economic and social conditions existing in the country. Minister of Interior Ramil Usubov pledged that his ministry would initiate investigations into attacks against journalists. In March police officers in northwest Azerbaijan who attacked a cameraman from independent ANS television received reprimands, but in most other cases, perpetrators of violence against journalists were not brought to justice.

All Internet providers in Azerbaijan are required to have formal links with the Ministry of Communications. There are a number of Internet service providers and vendors sell accounts. Internet access costs less than \$1 (4,600 manats) per hour. Usage is growing, particularly in Baku, which has a number of small Internet cafes. Internet usage is less common in other parts of the country, but there are increasing numbers of Internet cafes in some other cities. Many observers believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition intellectuals and leaders (see Section 1.f.).

Academic freedom was respected. Several professors with tenure are active in opposition parties.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right on occasion. By law Citizens are permitted to assemble, associate with others, and organize demonstrations, processions, and pickets (demonstrations with less than 50 participants) "provided that they notify respective governmental bodies in advance." A permit is required to stage a demonstration or picket and normally may be acquired from local government authorities (such as the mayor's office in Baku or the local executive authority in the regions) in advance of the event. However, while both sanctioned and unsanctioned protests took place throughout the year, the Government denied permission for some assemblies and in some cases forcibly disrupted protests. The authorities frequently prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. The Government did allow some opposition parties to organize pickets and to stage larger rallies far from the city center. The authorities cited security considerations repeatedly to ban any larger demonstrations in the center of town throughout the year.

During the year, the opposition Azerbaijan Democratic Party (ADP) repeatedly was denied permission to demonstrate in the center of Baku, and the authorities dispersed several other unsanctioned protests. For example, on April 21, 200 to 300 supporters of the ADP party attempted to march across downtown Baku without a permit to protest the Government's treatment of ADP party leader Rasul Guliyev and political prisoners (see Section 1.e.). Approximately 150 police in riot gear blocked the road and stopped the protesters with a minimal use of force. Over 30 protestors were arrested; however, all were released by the end of the day. The ADP later reported that 15 members were tried and sentenced to 10 to 14 days in prison for public disorder and resisting arrest. The Government did allow the party to have numerous rallies outside of the city center. On December 12, a group of 50 to 70 journalists and supporters of opposition Yeni Musavat, Hurriyet, and Azadlig newspapers participated in an unsanctioned picket in front of the New Azerbaijan Party (YAP) headquarters (see Section 2.a.).

In January and February, a group of Nagorno-Karabakh war veterans protesting in front of the Ministry of Justice against poor social and economic conditions launched a hunger strike for several weeks in the early part of the year. Police forcibly broke up the group and detained several of the strikers. All were later released. On September 28, the Court of Appeals ordered the release of two of the protesters who had been sentenced for participation in protests demanding social services.

Authorities harassed opposition party members when they tried to meet with supporters outside Baku. For example, in August local law enforcement authorities prevented Musavat Party Deputy Chairman Rauf Arifoglu and Bahil Husseynly from holding the party's regional congress in the northern Khachmaz and Gusar regions. In August local authorities in Gusar harassed members of the unregistered opposition Justice Party, including party chairman Ilyas Ismaylov, when they attempted to meet with supporters. In November the authorities disrupted regional meetings of the Azerbaijan National Independence Party and Popular Front and detained their leaders. In November local authorities blocked several opposition party training sessions in regional capitals by an international NGO.

In November 2000, the police forcibly dispersed unsanctioned demonstrations to protest falsified parliamentary elections results and poor social conditions in the cities of Sheki, Agstafa, and Jalilabad, and alleged demonstrators were arrested and jailed.

The Constitution provides for freedom of association; however, in practice the Government continued to restrict this right. A number of provisions enable the Government to regulate the activities of political parties, religious groups, businesses and NGO'S, including a requirement that all organizations be registered in order to function normally. Registration is necessary for an organization to rent property, open a bank account and generally act as a legal entity. Vague, cumbersome and nontransparent registration regulations resulted in long delays and inaction on some registration requests that in effect limited citizens' right to association.

There were 38 registered political parties; some of these are affiliated with or support the President's party. At least 20 registered parties are considered opposition parties. During the year, opposition political parties faced harassment from the authorities and were evicted from their headquarters (see Section 3). In February 2000, the Government registered the ADP. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly. Members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters initiative group." Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties can run in municipal elections only as independents, or as nominees of a registered party or another voter initiatives group.

c. Freedom of Religion

The Constitution provides that persons of all faiths may choose and practice their religion without restrictions; however, there were some abuses and restrictions. The Law on Religion expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there are exceptions, including cases where the activity of a religious group "threatens public order and stability."

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Lack of registration makes it more difficult, but not impossible, for a religious group to function. The process is burdensome and there are frequent, lengthy delays in obtaining registration for religious and nonreligious groups. Religious groups are permitted to appeal registration denials to the courts. In August all religious groups were asked to reregister with the State Commission on Work with Religious Structures (SCWRS), and the Justice Ministry's responsibilities for registering religious groups were terminated.

There are thousands of mosques, churches, temples, religious communities, and other smaller clerical organizations throughout the country. By year's end, several religious groups continued to report that they had not been registered; however, this did not prevent them from functioning. These included Azerbaijani Presbyterian, Living Stones, New Life, and Baptist congregations from the towns of Aliabad, Sumgait, and Neftchala. In late 2000, two congregations, the nondenominational Baku Christian Fellowship and a branch of the Evangelical Lutheran Church, were denied registration by the Religious Affairs Department and the Ministry of Justice. In both cases, the reasons for denial appeared to have had no basis in the law and contradicted the President's 1999 commitment to religious freedom.

There have been isolated instances of harassment of religious groups by local officials. Early in the year, local police repeatedly called in for questioning members of the evangelical Greater Grace church in Ismayli concerning the allegedly forced conversion of church members. In April local police detained and later released two members for allegedly disobeying police orders. In April local police in Ganja banned a Baptist church from holding services; the head of the SCWRS overrode this ban and the church resumed services in December. In April local city authorities demolished a Baku mosque on grounds that it allegedly was constructed on a strategic site in the city. In May police interrupted Greater Grace services at a private apartment in Sumgait and took religious literature. In December the head of the SCWRS filed a lawsuit to shut down the "Love" Baptist church in Baku for "anti-Islamic" comments contained in one of its pastor's sermons. The Government continued to resist the resumption of worship at Baku's Ashkenadze synagogue, a Lutheran church, and a Baptist church seized during the Soviet period.

In November 1999, President Aliyev declared publicly the country's commitment to religious freedom. Since that time there has not been a repeat of sustained and violent attacks, which occurred at that time against unregistered religious groups.

Some officials at times discriminated against members of minority religions. In many instances, abuses by officials reflected the popular prejudice against conversion to Christianity and other nontraditional religions

(see Section 5). For example, in 2000 local authorities in the Zagatala region in Northwestern Azerbaijan denied a birth certificate for a newborn boy for several months allegedly because his parents were members of a local Baptist Church and gave their son a non-Azeri name. During the year, a police officer reportedly was fired from his job after he was seen by policemen attending a Baptist Church service in Baku.

Religious proselytizing by foreigners is against the law. In July the head of the new SCWRS intervened to allow the import of evangelical Christian literature by a Baku bookstore, which had been blocked by the Department of Religious Affairs. There is official concern regarding "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity. The Government banned several Islamic humanitarian organizations because of credible reports regarding connections to terrorist activities. The Government also deported foreign Muslim clerics it suspected of engaging in political activities.

In 1999 the Supreme Court overturned a lower court decision in favor of a group of Muslim women who sued for the right to wear headscarves in passport photographs; at year's end, the women continued to fight to wear their headscarves.

Ethnic Azerbaijanis have fled areas of Azerbaijan controlled by ethnic Armenians, and mosques in this area that have not been destroyed do not function. According to press reports the Armenian Apostolic Church enjoys special status and courses in religion are mandatory in Nagorno-Karabakh.

d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation

The Constitution provides for these rights; however, at times, the Government limited the freedom of movement. A passport is required for travel abroad, and the internal residence regime from the Soviet system ("propiska") still is imposed on displaced persons, who are required to register their location with the authorities and may reside only in approved locations. Residents of border areas in both Azerbaijan and Iran travel across the border without visas. Members of opposition parties were harassed and denied the right to travel within the country for political purposes (see Section 3). Draft-age men must obtain documents from military officials before they can leave for international travel, and some restrictions are placed on military personnel with access to national security information.

The number of refugees and IDP's from the Nagorno-Karabakh conflict is approximately 800,000; 200,000 of these are refugees and over 600,000 are IDP's. Armenians have settled in parts of Nagorno-Karabakh. Approximately 10,000-30,000 Armenians (almost exclusively persons of mixed descent or mixed marriages) remain in Azerbaijan (in addition to Armenians residing in Nagorno-Karabakh). While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes have harassed citizens of Armenian ethnicity who sought to obtain passports. The Armenian Government has not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied Nagorno-Karabakh to return to their homes.

The Government depends on international assistance to care for refugees and IDP's. The Government provided a minimal allowance to IDP's in the form of a bread allowance of \$4 (18,000 manats) per month per family as well as an additional \$2 (9,000 manats) per month for each child. Many IDP's complained of 10 percent "processing fees" by local officials, further reducing their already meager resources. In August President Aliyev decreed that he would allocate \$18 million from the country's oil fund to improve the social and economic conditions of refugees. He later raised that amount to \$37 million, of which \$190,000 per year are to be allocated for providing basic food and provisions for IDP's. International assistance to the refugee and IDP population continued to decline. Most of the IDP's continued to live in camps and other temporary shelters, at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians on all sides.

A law that provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1962 Protocol was passed; however, no mechanism for its implementation had been created by year's end. The Government cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Such organizations report full and unrestricted access to the refugee population. The issue of the provision of first asylum did not arise during the year, and there are no procedures for granting first asylum. A 2000 presidential decree laid the groundwork for creation of a refugee status determination procedure, but this had not occurred by year's end.

There are approximately 8,000 to 10,000 Chechens who fled from Russia, residing in Azerbaijan, 4,500 of whom are registered as refugees with the UNHCR. According to UNHCR personnel, during the year, many Chechens complained of arbitrary detention and police harassment because of their undocumented status in the country. No residence permits are issued to Chechens, Chechen children are not allowed to attend public schools, and medical services are provided only on a fee for service basis. Several Chechens were extradited to Russia for alleged criminal offenses, but their status as refugees was unclear.

At year's end, many suspected Afghans, some with falsified travel documents, were expelled at the border with Iran after the outbreak of hostilities in Afghanistan. Approximately 1,000 Afghans who fled their country have registered with UNHCR and have lived in Azerbaijan for the past several years.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution and the law allow citizens to change their government by peaceful means; however, the Government continued to restrict citizens' ability to change their government peacefully by interfering in local

and national elections. The country is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is minimal. The Parliament exercises little legislative initiative independent of the executive.

The 1998 presidential election was an improvement over the 1995 parliamentary elections, especially in regard to reduced multiple voting and the presence of domestic observers; however, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. Precinct vote totals were never reported. The observed irregularities and lack of transparency in vote counting led to serious doubts regarding the accuracy of the 76 percent vote total officially recorded for President Aliyev. International observers, including the OSCE Office of Democratic Institutions and Human Rights (ODIHR), concluded that the election did not meet international standards.

The November 2000 parliamentary elections showed some improvement over the 1998 presidential and 1999 municipal elections, according to OSCE/ODIHR; however, they did not meet international standards due to numerous serious irregularities. Several major opposition parties were disqualified from campaigning as a result of alleged falsifications in signature lists required for participation, only after international pressure were all major parties allowed to launch their campaigns. Individual candidates were harassed, and some were beaten up or detained. Potential candidates reported that individuals who signed their petitions were asked by police to remove their names. An election law passed prior to the November 2000 voting period incorporated most, but not all OSCE/ODIHR recommendations. Among the most serious flaws was a provision banning domestic election monitoring groups that received over 30 percent of their funding from foreign sources. This provision appeared to be targeted at "For the Sake of Civil Society," which was supported by the National Democratic Institute (NDI) and was the only NGO capable of mounting a nation-wide monitoring effort. Individual parties and some NGO's were able to post their own monitors at the polls, but intimidation, harassment, and even arrests of the observers took place. Frequently, international observers were denied access to polling stations and were expelled from election commission premises. International observers seriously doubted the accuracy of the election results because of ballot stuffing, premarked ballots and vote counting irregularities.

Following domestic and international objections, the Constitutional Court in 2000, voided the results in four districts (in addition to several voided by the Central Election Commission) and repeat elections took place on January 7. International observers reported that the administration of those elections was generally better than in November 2000, but violations still occurred.

The ruling New Azerbaijan Party occupies 76 out of 125 seats in the new parliament. Independent deputies that are primarily loyal to the Government occupy most of the remaining seats. Opposition parties outside the Parliament routinely are harassed by the authorities. In July the Ministry of Economic Development forced the opposition Azerbaijan National Independence Party to vacate its headquarters in Baku, and local authorities later forced the party out of seven regional offices. In August the opposition Musavat Party received notice to vacate its headquarters in Baku, which it had occupied since 1992. In September the unregistered Justice Party also was evicted from its regional offices in Sumgait, and the Civil Unity Party, which supports former President Ayaz Muttalibov, was evicted from its party headquarters in Baku.

By-elections held in November in Tovuz and Ajabedi to fill vacant parliament seats were also marred by election fraud and ballot box-stuffing. As a result of objections by local observers, the results in three polling stations in Tovuz were cancelled by the Central Election Commission.

The percentage of women in government or politics does not correspond to their percentage of the population. There are no legal restrictions on women's participation in politics; however, traditional social norms limit women's roles in politics, and they are underrepresented in elective offices. The practice of "family voting," where men cast the votes of their wives and other female members of their families, persisted. There are 13 women in Parliament and several women in senior government positions.

The percentage of minorities in government or politics does not correspond to their percentage of the population, although there are no restrictions on the participation of minorities in politics. Several Lezghins, Talysh, and Avars serve in the Parliament and Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups in general investigate and publish their findings on human rights abuses without restrictions. Some NGO's wholly independent of the Government are objective and effective conduits of information to local officials, the diplomatic community and such international institutions as the Council of Europe. The Government maintains ties to some of the human rights NGO'S and responds to inquiries. However, the Government occasionally criticizes some human rights NGO'S and activists and the Ministry of Justice routinely failed to act on or denied registration to NGO'S, including human rights NGO'S, although it has not tried to restrict their activities (see Section 2.b.). In May the Human Rights Resource Center in Khachmaz experienced increased hostility from local regional authorities and its director was called into local police headquarters for repeated questioning about the center's activities. The Government accused some human rights activists of working in the interests of foreign governments that fund them. In 2000 the Government alleged that some domestic activists provided inaccurate lists of political prisoners to visiting foreign government officials.

Human rights NGO'S are moderately effective. A serious impediment to their effectiveness is the inability of local human rights activists to work together. During the year, several human rights activists publicly accused

each other of working under the auspices of the Government and lack of independence. The Government at times used these disputes to its advantage in discrediting the operation of many human rights NGO's.

The local diplomatic community, the ICRC, and delegations from the Council of Europe enjoyed access to prisons and conducted meetings with inmates throughout the year (see Section 1.c.). Various human rights groups offer courses and sensitivity training to law enforcement officials with the help of foreign financing. In November the Institute for Peace and Democracy, together with the OSCE and a foreign embassy, held a course for Baku police officers on international standards of behavior during public demonstrations.

In December the Parliament passed legislation on the creation of an ombudsman position; however, the position had not been created by year's end. Both Parliament and the Ministry of Justice have human rights offices that hear complaints from citizens. During the year, the Ministry of Foreign Affairs also established a human rights office under the direction of a Deputy Foreign Minister and began regular meetings with the diplomatic community.

In November 2000, the head of the International Republican Institute who had working on democracy issues was murdered in Baku. Local officials continued to cooperate with international law enforcement officials in the ongoing investigation.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language or Social Status

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, religion, language, social status, or membership in political parties, trade unions or other public organizations; however, in the wake of the Nagorno-Karabakh conflict, there is widespread anti-Armenian sentiment in society. Some members of other ethnic groups also complained credibly about discrimination. Preventing this discrimination is not a government priority.

Women

Violence against women, including domestic violence, was a problem. In rural areas, women have no real recourse against assaults by their husbands or others; no laws exist regarding spousal abuse or spousal rape. There is a law against rape, which makes rape punishable by up to 15 years in prison; however, many incidents go unreported; such subjects are taboo in society. According to the Society for the Defense of Women's Rights (SDWR) and the Ministry of Internal Affairs, there were 41 rapes reported during the year. There are no government-sponsored or funded programs for victims of domestic violence. In November an NGO, the Institute for Peace and Democracy, opened a women's crisis center in Baku to assist women on a variety of issues, including physical abuse.

Prostitution is a serious problem, particularly in Baku. The legal age of consent is 16. According to the criminal code, prostitution is not a crime, but a personal matter, and prostitutes cannot be criminally charged. However, pimps and brothel-owners are liable to criminal laws. In February the mayor of Baku ordered all restaurants and discotheques, except those in foreign hotels, shut down at midnight (see Section 1.f.), a move that observers believed was aimed partly prostitution rings in the city. Pornography is prohibited.

Trafficking in women was a problem, and the country is a source of and transit point for trafficked women (see Section 6.f.).

Women nominally enjoy the same legal rights as men; however, societal discrimination is a problem, and traditional social norms continue to restrict women's roles in the economy. Representation of women is significantly lower in the higher levels of the work force, and there are few women in leading business positions. The labor law prohibits pregnant women from working at night and pregnant women with children under 18 months of age from working more than 36 hours per week. According to the labor law, women are also prohibited from working underground.

There are 24 registered NGO's that address issues pertaining to women. The SDWR is not registered, but is one of the most active women's NGO's in the country. The SDWR provides speech and communication training for women from all political parties.

Children

The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the Government's ability to carry out these commitments. Public education is compulsory, free, and universal until the age of 17. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low.

The criminal code prescribes severe penalties for crimes against children, and in general, the young are treated with respect regardless of gender. There is no known societal pattern of abuse of children. A large number of refugee and IDP children live in substandard conditions in refugee camps and public buildings. Poverty at times compels families to send their children to beg on the streets. Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities

The law prescribes priority for persons with disabilities in obtaining housing, as well as discounts for public transport and pension supplements. The Government does not have the means to fulfill these commitments. In January and February, following a demonstration and hunger strike by Nagorno-Karabakh war veterans and persons with disabilities (see Section 2.b.), the Government promised to increase the special subsidies provided to those groups, but had not done so by year's end. There are no special provisions in the law mandating accessibility to public or other buildings for the disabled; this was not a government priority.

Religious Minorities

There is considerable popular concern regarding the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions (primarily nontraditional Christian and Islamic faiths). Proselytizing by foreigners is against the law (see Section 2.c.) and there is widespread popular hostility towards groups that proselytize (largely evangelical Christians, but also Muslim missionary groups), and toward Muslims who convert to other faiths.

During the year, several newspapers and television broadcasts depicted these groups as a threat to the identity of the nation. An article published in a local daily in February criticized Western pressure on religious issues and the President's decision to register nontraditional evangelical faiths in late 1999. During a March 2000 opposition Civil Solidarity Party press conference, participants claimed that missionary activity undermined the country's morals and that certain missionaries operated in the political interests of foreign countries. Russian Orthodox Church officials publicly blamed nontraditional Christian faiths for promoting discord between Christians and Muslims in the country.

Some of these attacks extended to humanitarian organizations operating in the country that are linked to foreign religious organizations. In June the Adventist Development and Relief Agency (ADRA) became the subject of several negative press reports on independent television stations. These reports accused both the Adventist Church and ADRA of religious proselytism in the country. Local Muslim leaders and government officials were featured, warning such agencies that they should be closed. During the year, the press also accused the ICRC in Baku of supporting religious groups after the ICRC distributed a publication that some believed recognized the breakaway region of Nagorno-Karabakh as independent. The ICRC—a purely secular organization—immediately and publicly refuted the accusations regarding supporting religious groups.

Hostility also exists toward foreign (mostly Iranian and "Wahabbist") Muslim missionary activity, which partly is viewed as seeking to spread political Islam and thus a threat to stability and peace. In those portions of Azerbaijan controlled by ethnic Armenians, all ethnic Azerbaijanis have fled and those mosques that have not been destroyed are not functioning. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remain closed. As a consequence, the estimated 10,000 to 30,000 Armenians who remain in Azerbaijan are unable to attend their traditional places of worship.

National/Racial/Ethnic Minorities

Many indigenous ethnic groups live in the country. The Constitution provides for the right to maintain one's nationality and to speak, be educated, and carry out creative activity in one's mother tongue or any language as desired. However, some groups have complained that the authorities restrict their ability to teach or print materials in indigenous languages. Separatist activities undertaken by Farsi-speaking Talysh in the south and Caucasian Lezghins in the north in the early 1990's have engendered some suspicions in other citizens and fostered occasional discrimination. Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, also complained of discrimination. A senior government official is responsible for minority policy.

The approximately 10,000-30,000 citizens of Armenian descent complained of discrimination in employment, schooling, housing, and other areas. Most shield their identity or try to leave Azerbaijan. Some have changed their nationality, as reported in their passports. Ethnic Armenians have complained of discrimination in employment and harassment at schools and workplaces and of the refusal of local government authorities to pay pensions. Armenian widows have had permits to live in Baku revoked. Some persons of mixed Armenian-Azerbaijani descent continued to occupy government positions. Government officials whose parents reportedly are of or had mixed-Armenian and Azerbaijani marriages have been attacked publicly by colleagues in the press.

In the area of the country controlled by ethnic Armenian forces, the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes (see Section 2.d.). The regime that controls these areas effectively has banned them from all spheres of civil, political, and economic life.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association, including the right to form labor unions, but there are some limits on this right in practice. Branches of the government-run Azerbaijani Labor Federation seek to organize most industrial and white-collar workers; the Federation claims some 300,000 members. The semi-independent Azerbaijan Trade Union Confederation (ATUC) has 1.5 million members, of which approximately 800,000 are active. The overwhelming majority of labor unions still operate as they did under the Soviet

system and remain tightly linked to the Government. Most major industries are state-owned. Police, customs, and military personnel are prohibited from forming unions. Trade unions are prohibited by law from engaging in political activity, but individual members of trade unions have no such restrictions.

In 1997 the State Oil Company (SOCAR) formed a progovernment union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former Independent Oil Workers Union without a vote of the union membership. It continues to operate without a vote of its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside of established trade union structures and promotes the interests of workers in the petroleum sector.

According to International Confederation of Trade Unions' (ICFTU) Annual Survey of Violations of Trade Unions Rights during the year, "one of the most serious problems facing unions in the country is that union dues are rarely transferred to them. As a consequence the unions do not have the resources to carry out their activities effectively. The ATUC has listed approximately 40 enterprises in almost all sectors where dues have not been transferred.

The Constitution provides for the right to strike, and there are no legal restrictions on this right. The law prohibits retribution against strikers. During the year, there were several peaceful strikes to demand salary increases or payment of unpaid wages.

Unions are free to form federations and to affiliate with international bodies. In November 2000, the ATUC became a member of the ICFTU.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining agreements to set wages in state enterprises and a labor inspectorate was established; however, these laws have not produced an effective system of collective bargaining between unions and enterprise management. Government-appointed boards and directors run the major enterprises and set wages. Unions do not effectively participate in determining wage levels. In a carryover from Soviet times, both management and workers are considered members of professional unions.

There is antiunion discrimination by foreign companies operating in Baku; however, there were no reports of government antiunion discrimination. Labor disputes are handled by local courts. The ATUC sometimes helps plaintiffs with lawyers and legal advice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution allows forced or compulsory labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person; however, while the Government has not invoked the forced labor clause; women were trafficked for the purpose of prostitution (see Section 6.f.). Two departments in the General Prosecutor's office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) are responsible for enforcing the prohibition on forced or compulsory labor.

No constitutional provisions or laws specifically prohibit forced or bonded labor by children; however, trafficking of children was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. The law allows children ages 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. However, children at the age of 15 may work if the workplace's labor union does not object; there are no explicit restrictions on the kinds of labor that 15-year-old children may perform with union consent. The Ministry of Labor and Social Security has primary enforcement responsibility for child labor laws. With high adult unemployment, there have been few, if any, complaints of abuses of child labor laws. At year's end the Government had not ratified the International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

The law does not prohibit specifically forced and bonded labor; however, trafficking of children was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The Government has set by decree the nationwide administrative minimum wage at \$5.00 (27,000 manats) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manats) per person. Most workers earn more than the minimum wage. Idle factory workers earn a fraction of what they received a decade ago. Many rely on the safety net of the extended family. Many have second jobs or makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside stands. As many as 2 million people relied on remittances from

relatives working in Russia, but this support dropped after the 1999 Russian financial crisis. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek is 40 hours. There is a 1-hour lunch break per day and shorter breaks in the morning and afternoon. The Government attempts to enforce this law in the formal sector, but does not enforce it in the informal sector where the majority of persons work.

Health and safety standards exist, but are ignored widely. Workers cannot leave dangerous work conditions without fear of losing their jobs.

Foreign workers are protected under the law and enjoy the same rights as citizens.

f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons although traffickers may be prosecuted under other laws; trafficking in persons was a problem. The country primarily is a country of origin and a transit point for trafficked men, women, and children. There were unconfirmed reports that corruption by officials facilitated trafficking.

Azerbaijanis are trafficked into northern Europe, particularly to the Netherlands and Germany, where many unsuccessfully seek asylum. Traffickers usually sent women to the United Arab Emirates (UAE), Iran, Turkey, or Western Europe, mainly Germany, to work as prostitutes. Women from Iran, Russia, and sometimes Iraq are transported through the country to the UAE, Europe, and occasionally the U.S. for the same purposes. Traffickers generally target women; however, there also were cases in which men and children were victims of trafficking. Traffickers either may be foreigners or ethnic Azerbaijanis who act as middlemen for large trafficking syndicates headquartered abroad. Victims are approached directly and indirectly through friends and relatives. Traffickers also use newspaper advertisements offering false work abroad. According to an NGO, draft-age men seeking to escape military service in 2000 were invited by local traffickers to work in the hotel industry in Turkey, but ended up in male brothels. In cases where young children are involved, families either sell the children or are led to believe by traffickers that their child will travel abroad on a work and study program. Another NGO reported that families of young women had been approached by individuals claiming that visiting Iranian businessmen had seen their daughters and wished to marry them. Following parental permission for such marriages the women were transported to Iran to work as prostitutes.

There is no specific law prohibiting trafficking in persons; however, traffickers may be prosecuted under articles prohibiting forced prostitution and labor. Under the new criminal code, the act of forcing an individual into prostitution carries a 10 to 15 year jail term, which is a harsher sentence than in the previous code. During the year, four persons who international organizations consider to be traffickers were prosecuted under forgery laws in the criminal code. In 2000 police apprehended an individual accused of luring a young girl to the UAE for employment in the sex industry; however the case failed to go to trial.

There is no evidence of government complicity in the facilitation of the trafficking of persons; however, NGO's suspect that lower-level civil servants accept bribes from traffickers in exchange for turning a blind eye to their activities.

The Ministry of Internal Affairs, the Ministry of Labor and Social Protection, and the Border Guards are responsible for antitrafficking efforts. There are no government antitrafficking campaigns. There is no mechanism to return trafficked women to Azerbaijan and there are no government support services for female victims of trafficking. There were no reports of deportations of Azerbaijani nationals back to Azerbaijan for trafficking or prostitution.

The International Organization for Migration has conducted awareness campaigns and was undertaking a study of the trafficking problem in the country at year's end. Several NGO's deal with the problems of trafficking in women and prostitution.

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