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Country Report on Human Rights Practices 2019 - Azerbaijan

Executive Summary

The Azerbaijani constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Mejlis (National Assembly). The presidency is the predominant branch of government, exceeding the judiciary and legislature. The election observation mission of the Organization for Security and Cooperation in Europe (OSCE) concluded that the April 2018 presidential election took place within a restrictive political environment and under a legal framework that curtailed fundamental rights and freedoms, which are prerequisites for genuine democratic elections. National Assembly elections in 2015 could not be fully assessed due to the absence of an OSCE election observation mission, but independent observers alleged numerous irregularities throughout the country.

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 issues. 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.

Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven surrounding Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group. Violence along the Line of Contact remained low throughout the year.

Significant human rights issues included: unlawful or arbitrary killing; torture; arbitrary detention; harsh and sometimes life-threatening prison conditions; political prisoners; arbitrary interference with privacy; pervasive problems with the independence of the judiciary; heavy restrictions on free expression, the press, and the internet, including violence against journalists, the criminalization of libel, harassment and incarceration of journalists on questionable charges, and blocking of websites; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of movement; refoulement of refugees to a country where they would face a threat to their life or freedom; severe restrictions on political participation; systemic

government corruption; police detention and torture of lesbian, gay, bisexual, transgender, and intersex individuals; and the worst forms of child labor, which the government made minimal efforts to eliminate.

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

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

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

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

Reports of arbitrary or unlawful killings in police custody continued. For example, on May 11, Galib Mammadov died in the Sheki police station after police summoned him for questioning. Mammadov's family alleged police beat him to death and covered up their crime by asserting it was a suicide.

In July and August 2018, the government announced that security services had killed five individuals who allegedly resisted police during their arrest. Authorities claimed the individuals were involved in the July 3, 2018, attempted murder of Ganja mayor Elmar Valiyev and the subsequent July 10, 2018, killing of two police officers. Human rights defenders alleged the five individuals had not resisted arrest and that police and state security services planned the killings in advance to support their narrative of a conspiracy behind the events. Authorities did not conduct an investigation to address the allegations of unlawful killings. There were no such reports during the year.

Following the September 2018 death of Elmir Akhundov after he was summoned for questioning at the Gazakh police station, the district prosecutor's office launched a criminal case and charged officer Ilham Suleymanov with abuse of authority. The Gazakh regional court convicted Suleymanov of this charge on May 13, gave him a suspended sentence of two years and 10 months, and deprived him of the right to hold national and local government positions. Akhundov's family alleged his death was caused by physical abuse by police; the government denied any abuse occurred.

Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven surrounding Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by France, Russia, and the United States. Violence along the Line of Contact continued at lower levels, compared with previous years. Recurrent shooting caused deaths, primarily among the military. Following the outbreak of violence in 2016, the sides to the conflict submitted complaints to the European Court of Human Rights (ECHR) accusing each other of committing atrocities during that time. The cases remained pending with the ECHR.

As of December 4, local experts had reported 46 deaths in the security and defense sectors. The number of noncombatant deaths was 37.

b. Disappearance

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

The State Committee on the Captive and Missing reported that there were 3,889 citizens registered as missing as a result of the Nagorno-Karabakh conflict at the end of the year. Of these, 719 were civilians. The International Committee of the Red Cross (ICRC) processed cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. According to the ICRC, approximately 4,500 Azerbaijanis and Armenians remained unaccounted for as a result of the conflict.

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

While the constitution and criminal code prohibit such practices and provide for penalties for conviction of up to 10 years' imprisonment, credible allegations of torture and other abuse continued. Most mistreatment took place while detainees were in police custody, where authorities reportedly used abusive methods to coerce confessions.

In July 2018 the Council of Europe's Committee for the Prevention of Torture (CPT) published reports on six visits it conducted to the country between 2004 and 2017. In the reports the CPT stated that torture and other forms of physical mistreatment by police and other law enforcement agencies, corruption in the entire law enforcement system, and impunity remained systemic and endemic. During its 2017 visit, the CPT delegation reported receiving numerous credible allegations of severe physical abuse that it stated could be considered torture, such as truncheon blows to the soles of the feet and infliction of electric shocks. In contrast with previous visits, during the 2017 visit, the CPT delegation also reported receiving allegations of what it termed "severe ill-treatment/torture" by the State Customs Committee, State Border Service, and armed forces.

According to the nongovernmental Working Group on a Unified List of Political Prisoners in Azerbaijan, during their January and February trial hearings, five supporters of the opposition Popular Front Party–Saleh Rustamov, Agil Maharamov, Babek Hasanov, Ruslan Nasirli, and Valeh Rustamli–testified that police with the Main Organized Crimes Department of the Ministry of Internal Affairs tortured them. Maharamov and Hasanov alleged their torture included the use of electric shocks. The working group considered the allegations credible because detainees were held incommunicado for several days, friends and relatives were not allowed to visit them for an extended period, and they remained at the Main Directorate to Combat Organized Crime instead of being moved to a pretrial detention center, as required by law.

The cochairman of the Committee for the Protection of the Rights of Believers in Prisons, Eldaniz Guliyev, reportedly stated on May 10 that religious political prisoners were “beaten with rubber truncheons, tortured with electric current, beaten on the heels, and hung on a height…One prisoner was beaten and hung by his legs just because he had asked a warden for medicine.”

According to human right defenders, in court hearings throughout the year, the individuals arrested after the July 2018 attack on then Ganja mayor Elmar Valiyev and subsequent killing of two police officers testified that police and other officials tortured them to coerce false confessions during their questioning. The alleged torture included beating the soles of their feet with batons; subjecting them to electric shocks, in some cases of their genitals; and burning parts of their bodies with lighters. According to family members and court observers, many of the individuals reported Orkhan Babayev of the Prosecutor General’s Office directed the abuse.

Journalist Mehman Huseynov reported he was detained and beaten by police on December 27, approximately six hours after publicly holding a sign supporting a detained rapper in downtown Baku. According to Huseynov, he was thrust into an unmarked car with five plainclothes police officers who beat him while driving for 20 minutes outside Baku to the remote Lokbatan area. Once there, the officers pulled his shirt over his head and continued to beat his torso and legs for another 10 minutes while threatening other acts, such as raping him with a police truncheon. After being abandoned in Lokbatan by the police officers, Huseynov made his way to a medical clinic that documented his injuries. The Ministry of Internal Affairs released a statement on December 28 acknowledging Huseynov had been driven out of the city but rejecting that police abused him.

There were also reports of mistreatment in prison. In February, Muslim Unity Movement leaders Taleh Bagirzade and Abbas Huseynov conducted hunger strikes of 16 days and 14 days, respectively, to protest their alleged mistreatment at the hands of Penitentiary Service officials in Gobustan Prison. According to media reports, Bagirzade reported that prison officials forced him to share quarters with inmates who had tried to set other prisoners on fire and who had exceptionally poor personal hygiene.

Authorities reportedly maintained an implicit ban on independent forensic examinations of detainees who claimed abuse and delayed their access to an attorney –practices that opposition figures and other activists stated made it easier for officers to mistreat detainees with impunity. In July individuals detained after the July 2018 unrest in Ganja complained during various court hearings that forensic examinations that would have revealed police abuse if conducted shortly after their detention were delayed a full year after their arrests.

Prison and Detention Center Conditions

According to a reputable prison-monitoring organization, 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 but held women in separate prison facilities after sentencing. Local nongovernmental organization (NGO) observers reported female prisoners typically lived in better conditions, were monitored more frequently, and had greater access to training and other activities, but they noted women's prisons suffered from many of the same problems as prisons for men. The Ministry of Justice reported that during the year, four children younger than age three lived in adult prison facilities with their incarcerated mothers. The law allows convicted juvenile offenders to be held in juvenile institutions until they are 20 years old.

While the government continued to construct new prison facilities, some operating Soviet-era facilities did not 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 holding them in isolation cells. Local and international monitors reported markedly poorer conditions at the maximum-security Gobustan Prison.

Prisoners claimed they endured lengthy confinement periods without opportunity for physical exercise. They also reported instances of cramped, overcrowded conditions; inadequate ventilation; poor sanitary facilities; inedible food; and insufficient access to medical care. In one example Aydin Gurbanov died in pretrial detention from cancer on July 10. According to his family members, police arrested Gurbanov on trumped-up charges after the July 2018 unrest in Ganja, and he died after prison officials denied him adequate medical care.

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

Administration: While most prisoners reported they could submit complaints to judicial authorities and the Ombudsman's Office without censorship, prison authorities regularly read prisoners' correspondence, monitored meetings between lawyers and clients, and restricted some lawyers from bringing documents in and out of detention facilities.

Some human rights lawyers were at times prevented from entering prisons to speak with their clients by requirements to obtain additional permission and screening from prison officials. For example, lawyer Nemat Kerimli reported prison officials searched him before and after his September 20 visit with his client, Afgan Mukhtarli, and read his case notes following their meeting (see section 1.e., Political Prisoners and Detainees). Mukhtarli went on a three-day hunger strike to protest his lawyer's treatment; Kerimli was also prevented from meeting with his client in August after Mukhtarli's wife called attention to other restrictions, including his inability to communicate with his lawyer.

While the Ombudsman's Office reported conducting systematic visits and investigations into complaints, activists said the office regularly dismissed prisoner complaints in politically sensitive cases. For example, activists claimed the office failed to investigate the allegations of abuse made by N!DA (exclamation point in Azerbaijani) youth movement activist Bayram Mammadov, who stated he was beaten by police and circulated a graphic depiction of the location of his injuries after he was rearrested on March 30, shortly after his release under a March 16 pardon.

Authorities limited visits by attorneys and family members, especially to prisoners widely considered to be incarcerated for political reasons. For example, family members of individuals detained after the July 2018 unrest in Ganja stated that authorities illegally prohibited communication with their relatives for approximately eight months.

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 prisoners of war and civilian internees held in connection with the Nagorno-Karabakh conflict as well as to detainees held in facilities under the authority of the Ministries of Justice and Internal Affairs and the State Security Services. The ICRC conducted regular visits throughout the year to provide for protection of prisoners under international humanitarian law and regularly facilitated the exchange of messages between them 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 the use of humane alternative punishments had reduced the country's prison population, and that approximately 2,000 Azerbaijanis avoided incarceration during the year with the use of GPS-enabled electronic bracelets.

d. Arbitrary Arrest or Detention

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

NGOs reported the Ministry of Internal Affairs and State Security Service detained individuals who exercised their rights to fundamental freedoms.

Arrest Procedures and Treatment of Detainees

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

According to the law, detainees must appear before a judge within 48 hours of arrest, and the judge may issue a warrant placing the detainee in pretrial detention, placing the detainee under house arrest, or releasing the detainee. In practice, however, 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.

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

The law provides for access to a lawyer from the time of detention, but there were reports that authorities frequently denied lawyers access to clients in both politically motivated and routine cases. Human rights defenders stated that many of the 77 individuals detained after the July 2018 attempted assassination of the mayor of Ganja and subsequent killing of two police officers were denied access to effective legal representation and were forced to rely on state-appointed lawyers who did not adequately defend their clients due to fear of government reprisal.

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

Prisoners’ family members reported that authorities occasionally restricted visits, especially to persons in pretrial detention, and withheld information about detainees. Days sometimes passed before families could obtain information about detained relatives. Authorities reportedly used family members as leverage to put pressure on individuals to turn themselves in to police or to stop them from reporting police abuse. Family members of individuals detained after the July 2018 unrest in Ganja stated that authorities illegally prohibited communication with their relatives for approximately eight months to limit the dissemination of information and to hide traces of torture.

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 groups such as Amnesty International and Human Rights Watch criticized the government for arresting individuals exercising their fundamental rights and noted that authorities frequently fabricated charges against them.

Police regularly detained opposition and other activists on the charges of "resisting police" or "petty hooliganism," subsequently taking them to local courts where judges sentenced them to periods of administrative detention ranging from 10 to 30 days. Human rights defenders asserted these arrests were one method authorities used to intimidate activists and dissuade others from engaging in activism. For example, at least five members of the opposition Popular Front Party were arrested and sentenced to administrative detention in the week preceding an attempted unsanctioned public rally on October 19. Activists stated the arrests were meant to deter participation. On August 22, the Institute for Democratic Initiatives reported that at least 78 administrative detentions in 2018 were politically motivated.

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

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law 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 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 did not function independently of the executive branch. The judiciary remained largely corrupt and inefficient. Many verdicts were legally unsupportable and largely unrelated to the evidence presented during the trial. Outcomes frequently appeared predetermined. Courts often failed to investigate allegations of torture and inhuman treatment of detainees in police custody.

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

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

On April 3, the president signed a decree on limited reforms in the justice sector. The decree called for an increase in the salary of judges, an increase in the number of judicial positions (from 600 to 800), audio recordings of all court proceedings, and establishment of specialized commercial courts for entrepreneurship disputes. The decree also ordered increased funding for pro bono legal aid. Some measures called for in the decree, such as the establishment of commercial courts and a raise in judicial salaries, were implemented, while others remained pending at year’s end.

Trial Procedures

The law requires public trials except in cases involving state, commercial, or professional secrets or confidential, personal, or family matters. The law mandates the presumption of innocence in criminal cases. It also mandates the right of defendants to be informed promptly of charges; to a fair, timely, and public trial; to be present at the trial; to communicate with an attorney of their 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.

Authorities prevented journalists from observing some hearings in the trials of those arrested after the July 2018 unrest in Ganja. Information regarding trial times and locations was generally available.

In some cases trials were unjustifiably delayed. For example, the trial of Musavat activist Azad Hasanov continued for months after evidence was submitted. Human rights defenders asserted that judges were waiting for instructions from the Presidential Administration before ruling.

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. Judges also reserved the right to remove defense lawyers in civil cases for “good cause.” In criminal proceedings judges may remove defense lawyers because of a conflict of interest or if a defendant requests a change of counsel.

Amendments to the law on legal representation came into force in February 2018. The law previously permitted nonbar lawyers to represent clients in civil and administrative proceedings. Under the amended law, however, only members of the Collegium of Advocates (bar association) are able to represent citizens in any legal process. Representatives of the legal community and NGOs criticized the amended law, asserting it had reduced citizens’ access to legal representation and further empowered the government-dominated bar association to prevent human rights lawyers from representing individuals in politically motivated cases by limiting the number who are bar members in good standing.

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. Such measures included disciplinary proceedings resulting in the censure, suspension, and sometimes disbarment of human rights lawyers. For example, the Collegium officially reprimanded lawyer Elchin Sadigov on February 22 and Nemat Kerimli on October 22. On November 27, the Collegium initiated disbarment proceedings against lawyer Shahla Humbatova for reasons widely considered politically motivated. During the year human rights lawyers Fakhraddin Mehdiyev, Asabali Mustafayev, Nemat Kerimli, and Agil Layij were able to resume practicing law after their periods of suspension concluded. Lawyers were subjected to harassment, intimidation, and other negative actions by police. For example, lawyer Orkhan Kangarli was beaten by officers in the Binagadi police station when he went there to see his client and was then kept in a holding cell for several hours. After investigating the case, the Ministry of Internal Affairs dismissed one officer and demoted another.

The majority of the country's human rights defense lawyers were based in Baku, which made it difficult for individuals living outside of Baku to receive timely and quality legal services.

During the year the Collegium held examinations for lawyer-candidates and increased its membership from 1,503 to 1,708. Human rights defenders asserted the new members were hesitant to work on human rights-related cases due to fear they would be sanctioned by the Collegium. Some activists and lawyer-candidates stated the examination process was biased and that examiners failed candidates who had previously been active in civil society on various pretexts.

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

Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts most often 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. Courts are entitled to contract interpreters during hearings, with expenses covered by the state budget.

There were no verbatim transcripts of judicial proceedings. Although some of the newer courts in Baku made audio recordings of some proceedings, courts generally did not record most court testimonies, oral arguments, and judicial decisions. Instead, the court recording officer generally decided the content of notes, which tended to be sparse. A provision in the April 3 presidential decree addressed the problem but had not been implemented by year's end.

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

Political Prisoners and Detainees

On March 2, authorities released blogger Mehman Huseynov at the conclusion of his prison sentence for allegedly defaming the police officers whom he accused of beating him. Authorities had opened a new criminal case against him in December 2018 for allegedly attacking a prison guard. Huseynov began a hunger strike to protest the new charges, and following a large public demonstration in his support, the Prosecutor General's Office dropped the case.

Following the March 16 release of 52 persons widely considered to be political prisoners, nongovernmental estimates of political prisoners and detainees at year's end ranged from 112 to 135. They included journalists and bloggers, political and social activists, religious activists, individuals arrested in connection with the Ganja case, and the relative of a journalist/activist in exile. The following individuals were among those widely considered to be political prisoners or detainees: Afgan Mukhtarli, Fuad Ahmedli, Orkhan Bakhishli, Saleh Rustamov, Agil Maharramov, Babek Hasanov, Pasha Umidov, Sardar Babayev, and Said Dadashbeyli (also see sections 1.c., 1.d., 1.f., 2.a., 3, and 4).

On February 27, the Baku Court of Grave Crimes sentenced Azerbaijan Popular Front Party supporter Saleh Rustamov to seven years and three months in prison on charges of money laundering and illegal entrepreneurship, and ordered the confiscation of property belonging to him and his family members. In the same case, the court sentenced Popular Front Party activists Agil Maharramli to four years and Babek Hasanov to three years in prison. Ruslan Nasirli and Vidadi Rustamli received conditional sentences of three years and were released. On May 8 and September 25, respectively, the Baku Court of Appeals and the Supreme Court upheld the verdicts of Rustamov, Hasanov, and Maharramli.

In another case, on May 1, the Surakhani District Court rejected the request of Fuad Ahmadli, a member of the Youth Committee of the Popular Front Party, for early release. On July 5, the Baku Court of Appeals upheld the verdict. In 2017 the Baku Grave Crimes Court sentenced Ahmadli to four years' imprisonment for alleged abuse of office, purportedly for illegally accessing private information at the mobile phone operator where he worked. The Baku Court of Appeals upheld the verdict that year, and the Supreme Court rejected his appeal in March 2018. Human rights defenders stated he was punished for participating in protest actions and for criticizing the government on social media, and that denial of his early release, for which he qualified under the law, was an additional punitive measure.

On March 28, the Supreme Court annulled the conditional sentence imposed by the Sheki Court of Appeals when it released the chairman of the opposition Republican Alternative Party, Ilgar Mammadov, in August 2018, removing his travel restrictions and allowing him to leave the country. The law prevents individuals convicted of grave crimes from participating in elections for a period of six years after fulfilling their sentences. The failure of the Supreme Court to fully acquit Mammadov as directed by

the ECHR resulted in a de facto ban from political office until August 2024. Six others considered to be former political prisoners whose acquittal was ordered by the ECHR were similarly barred from running for political office.

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

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were multiple reports of government abuse of international law enforcement tools, such as Interpol, in attempts to detain expatriate activists. For example, government authorities claimed human rights activist Avtandil Mammadov, who reportedly fled the country due to political persecution, was guilty of fraud and issued an Interpol Red Notice for his arrest. Mammadov’s lawyer alleged that all charges against Mammadov were political in nature.

Civil Judicial Procedures and Remedies

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

Citizens exercised the right to appeal local court rulings to the ECHR and brought claims of government violations of commitments under the European Convention on Human Rights. The government’s compliance with ECHR decisions was mixed; activists stated the government generally paid compensation but failed to release prisoners in response to ECHR decisions. In some cases considered to be politically motivated, the government withheld compensation ordered by the ECHR. For example, the government did not pay journalist and former political prisoner Khadija Ismayilova the 15,000 euros ($16,500) ordered by the court on January 10 for the state violating her freedom of expression and failing to investigate the invasion of her privacy.

Property Restitution

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

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

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

In a January 15 article, "In Azerbaijan, big brother is watching you everywhere: offline, online, on mobile devices and social media apps," journalist Arzu Geybulla reported on the government's deployment of various information control systems that facilitate its interference with the right to privacy.

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, particularly those of foreigners, prominent youth active online, some political and business figures, and persons engaged in international communication. During the year human rights lawyers asserted that the postal service purposefully lost or misplaced their communications with the ECHR to derail proceedings against the government.

In October security services leaked several recorded conversations between opposition politicians and foreign diplomats related to the human rights situation in the country. Transcripts of the conversations were published in progovernment online media, broadcast on progovernment television, and misrepresented as evidence of inappropriate foreign interference.

Police continued to intimidate, harass, and sometimes arrest family members of suspected criminals, independent journalists, and political opposition members and leaders, as well as employees and leaders of certain NGOs. Other relatives, however, including Elnur Seyidov, the brother in law of opposition Popular Front Party chairman Ali Kerimli, were released.

On April 14, a man attacked Sanay Gahramanli, a legal minor and the daughter of opposition figures Fuad Gahramanli and Zumrud Yagmur, in the street while decrying the family's political activities. He was later arrested and sentenced to 15 days of administrative detention.

There were reports authorities fired individuals from their jobs or had individuals fired in retaliation for the political or civic activities of family members inside or outside the country. On June 20, a total of 47 members of the Germany-based expatriate organization Choose Democratic Azerbaijan reported pressure on their family members in Azerbaijan, including police summons and warnings, threats, and dismissal from employment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: The constitution provides for freedom of expression, but the government continued to repress persons it considered political opponents or critics. The incarceration of such persons raised concerns about authorities' abuse of the judicial system to punish dissent. Human rights defenders considered six journalists and bloggers to be political prisoners or detainees as of year's end, including Afgan Mukhtarli (see section 1.e. and the *Country Reports on Human Rights* for Georgia).

A number of other incarcerations were widely viewed as related to the exercise of freedom of expression. For example, on June 12, the State Security Service arrested the editor in chief of the *Xeberman.com* and *Press-az.com* websites, Polad Aslanov, on charges of treason. 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. Aslanov remained in the pretrial detention facility of the State Security Service at year's end.

Other such examples included opposition Popular Front Party youth activist Orkhan Bakhishli. Bakhishli was arrested in May 2018 four days after giving a speech holding President Aliyev responsible for journalist Elmar Huseynov's 2005 killing. He was sentenced to six years in prison in September 2018 for alleged blackmail and extortion. On June 3, the Supreme Court reduced his sentence to three years.

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

In addition to imprisonment, the government attempted to impede criticism through other measures, including placing activists in administrative detention for social media posts critical of the government. For example, on June 25, opposition Popular Front Party member Eldaniz Agayev was sentenced to 30 days of administrative detention after criticizing the government in social media. Authorities also attempted to impede criticism by opening disciplinary proceedings against lawyers to intimidate them from speaking with the media, as the Council of Europe's commissioner for human rights, Dunja Mijatovic, noted on July 12.

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

Journalists reported that, following their coverage of the October 19 police operation, they were summoned to police precincts. Not all journalists responded to the summons, but those who did noted they were intimidated and made to justify their coverage before being released.

Authorities continued exerting pressure on leading media rights organizations and independent media outlets outside the country as well as individuals associated with them in the country.

Foreign media outlets, including Voice of America, Radio Free Europe/Radio Liberty (RFE/RL), and the BBC, remained prohibited from broadcasting on FM radio frequencies, although the Russian service Sputnik was allowed to broadcast news on a local radio network.

Violence and Harassment: Sometimes police used force against journalists and prevented their professional activities. According to the Index on Censorship project, at least three journalists sustained minor injuries from police during an attempted unsanctioned opposition rally in downtown Baku on October 19, and one journalist, Nurlan Gahramanli, was beaten by officers in a police car after being detained.

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

Activists claimed that impunity for assaults against journalists remained a problem. Authorities did not effectively investigate the majority of attacks on journalists, and such cases often went unsolved. Civil society activists continued to call on the government to effectively investigate the high-profile killings of journalists in 2015 (Rasim Aliyev), 2011 (Rafiq Tagi), and 2005 (Elmar Huseynov).

Lawsuits believed to be politically motivated were used to intimidate journalists and media outlets. On February 25, the Baku Court of Grave Crimes conditionally sentenced the editor in chief of *Bastainfo.com*, Mustafa Hajibeyli, to five and one-half years in prison with two years' probation on charges of calls against the state, abuse of power, and forgery after republishing articles covering the July 2018 unrest in the city of Ganja. On March 18, *Criminal.az* editor Anar Mammadov received the same sentence. Both journalists asserted the charges against them were false and meant to intimidate them and others from independent journalistic activity.

Most locally based media outlets relied on the patronage of individuals close to the government or the State Media Fund for financing. Those not benefitting from this type of financing 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 required that local, privately owned television and radio stations not rebroadcast complete news programs of foreign origin.

Libel/Slander Laws: Libel and slander are criminal offenses and cover written and verbal statements. The law provides for large fines and up to three years' imprisonment for persons convicted of libel or slander. The law imposes a fine for libel of 1,000 to 1,500 manat ($590 to $880); the fine for slander is 1,000 to 2,000 manat ($590 to $1,180). Insulting the president is punishable by up to two years' corrective labor or up to three years' imprisonment.

Internet Freedom

The authorities continued to block independent media websites that offered views that differed from government narratives and to incarcerate persons who expressed critical views online. Human rights defenders reported that individuals were regularly summoned to police stations across the country and forced to delete social media posts that were critical of the government and threatened with various punishments if they did not comply.

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

Activists asserted authorities conducted cyberattacks and used other measures and proxies to disrupt internet television programs. For example, on April 21, progovernment REAL TV threatened to release intimate photographs of expatriate journalist Sevinj Osmangizi unless she stopped her online television program. Osmangizi also stated that the government intercepted her digital communications with other Azerbaijani expatriates. Activists and journalists also suspected the government was behind the hacking of social media accounts. On January 20, the Facebook page of Ali Kerimli, chairman of the opposition Popular Front Party, was hacked and all posts since 2017 were deleted. In November hackers took control of National Council member Gultekin Hajibeyli's Facebook account for the second time since June 2018, blocking more than 30,000 of her followers. Following both hacks, Hajibeyli lost 130,000 of her 200,000 followers.

On June 12, the Baku Court of Grave Crimes charged the editor of the *realliq.info* website, Ikram Rahimov, with extortion of money and sentenced him to five years and six months in prison. Rahimov stated the case was punishment for his public criticism of then presidential assistant Ali Hasanov.

The government required internet service providers to be licensed and to have formal agreements with the Ministry of Transportation, Communications, and High Technologies. The law imposes criminal penalties for conviction of libel and insult on the internet.

There were strong indicators 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.

The Freedom House annual *Freedom on the Net* report covering the period from June 2018 through May showed a further reduction in internet freedom in the country. As a result, Freedom House downgraded the country's status from "partly free" to "not free." The report stated that the government blocked access to additional news websites and intensified cyberattacks against activists and journalists; and prosecuted online journalists and ordinary social media users, while noting the release of some who had been incarcerated in connection with their online activities.

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 severely restricted freedom of peaceful assembly. Authorities at times responded to peaceful protests and assemblies by using force and detaining protesters. 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 fines of 500 to 1,000 manat ($295 to $590) and punishment of 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. Local authorities required all rallies to be preapproved and held at designated locations. Most political parties and NGOs criticized the requirements as unacceptable and characterized them as unconstitutional.

Activists stated that police routinely arrested individuals who peacefully sought to exercise their fundamental freedoms on false charges of resisting police that consistently resulted in up to 30 days of administrative detention. For example, following an approved opposition-planned rally in support of the release of blogger Mehman Huseynov and other political prisoners on January 19, authorities detained and sentenced 31 individuals to periods of administrative detention ranging from 10 to 30 days for participating in the planning and execution of the event. Activists asserted the authorities illegally identified thousands of rally participants through facial recognition software and private cell phone data that police then used to threaten them not to associate with the political opposition.

Following the January 19 rally, authorities denied all opposition applications for public demonstrations until September 26, when the Baku mayor's office authorized a rally in Lokbatan, a site located on the outskirts of the city and unreachable by mass transit. The Baku mayor's office then allowed the opposition to conduct a "picket" in front of its building on October 8 to protest the unsuitability of the Lokbatan site. Police dispersed the picket when more people than expected showed up to observe.

Opposition leaders called for an unsanctioned October 19 demonstration in the Baku city center after their application was again approved only for the remote Lokbatan site. In response authorities launched a massive police operation to prevent the demonstration, during which the internet was turned off in much of Baku and a large segment of the city center was closed to vehicular and pedestrian traffic. Media outlets showed numerous examples of police detaining individuals who were not engaged in protest activity as well as examples of police punching, kicking, and committing other abuses on individuals who were already subdued. Opposition Popular Front Party chairman Ali Kerimli was violently taken into custody. He later reported he was placed in a bus where he was severely beaten by police who were seeking to record a video of him apologizing for political activities, and subsequently choked and beaten unconscious while in police custody. Opposition National Council of Democratic Forces board member Tofig Yagoblu was also taken into custody and sentenced to administrative detention. His family members reported that, after being taken to a Baku police station, he was similarly brutally beaten by police officers who also sought to record him repudiating the opposition. He reportedly suffered a broken rib during his beating. In a November 7 appeal, 21 civil society representatives called on the UN Committee against Torture and the CPT to investigate these and other cases of what they described as politically motivated torture. At least 100 individuals were detained during the October 19 operation, approximately 40 of whom were sentenced to administrative detention.

Opposition leaders again applied for permission to hold a rally on November 2 and again received permission only for the Lokbatan site. After initially calling for members to again attempt to gather in the city center, they canceled the unauthorized rally after credible threats of a higher level of police violence. Earlier that week the progovernment media outlet *haqqin.az* published an article stating the police would show less restraint than on October 19, and the nationalist "self-sacrificer" group, headed by Fuad Muradov and reputed to have close links to security services, called opposition leaders and threatened the life of Ali Kerimli should the demonstration occur.

Police summoned more than 100 members of the opposition Musavat Party around the country to police stations and warned them not to participate in a planned unsanctioned picket scheduled for November 12 in front of the Baku Executive Authority. On November 12, police prevented the picket from taking place, including by deploying large numbers of officers blocking roads and detaining dozens of party members who attempted to assemble. The government released those who had tried to gather after several hours, with the exception of one organizer who was sentenced to 15 days of administrative detention.

The government also disrupted events organized by opposition groups. For example, on June 28, police interrupted a fundraising event organized to pay fines for opposition activists at the Baku office of the Musavat Party. Police took Popular Front Party chairman Ali Kerimli into custody from the event and took him to the Binagadi Police Station, where he was warned and then released.

Police also restricted freedom of assembly for events not associated with the opposition. For example, on March 8 and October 20, Baku police roughly dispersed women who had gathered to protest violence against women.

On September 10, Baku municipal authorities announced the closure of Mehsul Stadium, the only location in recent years the government had approved for public demonstrations by the political opposition, for renovation and repurposing as a fitness park. Opposition activists and others stated the project was a pretext for further restrictions on freedom of assembly.

Freedom of Association

The constitution provides for freedom of association, but the law places some restrictions on this right, and amendments enacted during 2014 severely constrained NGO activities. Citing these amended 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 the ability to provide grants to unregistered local groups or individual heads of such organizations.

In 2017 the Cabinet of Ministers issued regulations for establishing a "single window" mechanism to streamline the grant registration process. Under the procedures, grant registration processes for multiple agencies are merged. The procedures were not fully implemented, however, further reducing the number of operating NGOs.

In 2016 the Ministry of Justice adopted rules on monitoring NGO activities that authorize it to conduct inspections of NGOs with few provisions protecting their rights and provide the potential of harsh 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. As a result, the bank accounts of the American Bar Association, IREX, and Democracy and Human Rights Resource Center remained frozen and the organizations were unable to operate.

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 they support "the Azerbaijani people's national and cultural values" and commit not to 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, one foreign NGO had been able to register under these rules.

NGO representatives stated the Ministry of Justice did not act on applications they submitted, particularly those from individuals or organizations working on issues 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/religiousfreedomreport/ (https://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

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

Foreign Travel: While authorities lifted the travel bans of several opposition figures, lawyers, and journalists during the year, travel bans on others remained. Those whose travel bans were lifted included opposition Republican Alternative (REAL) Party chairman Ilgar Mammadov, former REAL Party Assembly head Azer Gasimli, 11 freelance journalists who worked with Meydan TV, and human rights lawyers Asabali Mustafayev and Emin Aslan.

Authorities continued, however, to prevent a number of other opposition figures, activists, and journalists from traveling outside the country. Examples included Popular Front Party chairman Ali Kerimli (banned from traveling since 2006), investigative journalist and activist Khadija Ismayilova, journalist Shahvalad Chobanoglu, and lawyer Intigam Aliyev.

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

e. Internally Displaced Persons

The government reported 651,458 registered internally displaced persons (IDPs). 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 stated the government did not adequately promote the integration of IDPs into society.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Refoulement: There were no reports of refoulement, unlike in 2018, when the press reported that Turkish citizens were transferred without due process from Azerbaijan to Turkey, where they were detained by Turkish authorities who alleged they were followers of Turkish cleric Fethullah Gulen.

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 all refugee matters. Although UNHCR noted some improvements, the country's refugee-status determination system did not meet international standards. International NGOs continued to report the service remained inefficient and did not operate transparently.

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

Access to Basic Services: The estimated 1,120 refugees (a number that included state-recognized refugees and those recognized as such only by UNHCR) in the country lacked access to social services. Many IDP and refugee children also enrolled at ordinary schools in numerous regions throughout the country.

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

g. Stateless Persons

According to UNHCR statistics, there were 3,585 persons in the country under UNHCR's statelessness mandate at year's end. According to the State Migration Service, 291 foreigners and stateless persons were granted citizenship during the year. The vast majority of stateless persons were ethnic Azerbaijanis from Georgia or Iran. NGOs stated there were many other undocumented stateless persons, with 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.

For the most part, stateless persons enjoyed freedom of movement within the country. Stateless persons were not, however, issued travel documents or readmitted to Azerbaijan if they left the country. The law permits stateless persons access to basic rights, such as access to health care and employment. Nevertheless, their lack of legal status at times hindered their access to these rights.

The constitution allows citizenship to be removed "as provided by law." During the year the government stripped 95 persons of citizenship. In October 2018 the Council of Europe commissioner for human rights published a statement noting the government's 2015 deprivation of journalist Emin Huseynov's citizenship should be viewed "as part of a broader pattern of intimidation of human rights defenders in Azerbaijan."

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 interfering in 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 February 2018 the president issued a decree advancing the presidential election from October to April 2018. Opposition parties boycotted the election, blaming a noncompetitive environment and insufficient time to prepare. According to the OSCE Office for Democratic Institutions and Human Rights (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 ODIHR concluded that, in the absence of pluralism, including in the 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.

The OSCE/ODIHR canceled its observation of the 2015 National Assembly elections when the government refused to accept its recommended number of election observers. Without ODIHR participation, it was impossible to assess properly the fairness of the elections. Independent local and international monitors who observed the election alleged a wide range of irregularities throughout the country, including blocking observers from entering polling stations, ballot stuffing, carousel voting, and voting by unregistered individuals; opposition monitors also alleged such irregularities. The country's main opposition parties boycotted the election.

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 stuffing, carousel voting, and other irregularities, many of which were captured on video. They also observed significantly lower turnout than was officially reported by the Central Election Commission.

Political Parties and Political Participation: While there were 55 registered political parties, the ruling New Azerbaijan Party dominated the political system. Domestic observers reported membership in the ruling party conferred advantages, such as preference for public positions. The National Assembly has not included representatives of the country's main opposition parties since 2010.

The government signaled no change in its unofficial policy of preventing opposition groups from registering as political parties. In April 2018 the Republican Alternative Movement held an online party congress and subsequently announced its transformation into a political party. The group acknowledged the online congress would not meet government requirements for registration, but stated it had no choice after the Baku City Executive Authority denied the group's repeated requests for space to hold a party congress and reportedly ordered private venues to refuse to rent space to the group.

Opposition members were 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). Human rights defenders estimated that the country's courts sentenced activists of the Popular Front Party to periods of administrative detention 100 times during the year.

According to domestic NGOs, at least seven opposition party members were considered to be political detainees or prisoners, including Popular Front Party members Fuad Ahmadli, Mirfeyzulla Seyidov, Babek Hasanov, Agil Mahrramov, Orkhan Bakhishli, Saleh Rustamli, and Pasha Umudov.

Opposition parties continued to have difficulty renting office space, reportedly because property owners feared official retaliation. Regional opposition party members often had to conceal the purpose of their gatherings and held them in teahouses and other remote locations. Opposition parties also faced formal and informal financing obstacles. For example, authorities continued to limit their financial resources by punishing those who provided material support, firing members of opposition parties, and employing economic pressure on their family members.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. The first lady also held the appointed position of first vice president. The head of the State Committee for Family, Women, and Children Affairs, a cabinet-level position, was a woman, and 16.8 percent of members of the National Assembly were women.

Women in opposition political parties often faced additional pressure and harassment. For example, National Council of Democratic Forces board member Gultekin Hajibeyli stated authorities instigated a trumped-up civil suit against her and posted her contact information on websites known to facilitate prostitution after an attempted October 19 demonstration in an effort to shame her and her family members.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. While the government made some progress in combatting low-level corruption in the provision of government services, there were continued reports of corruption by government officials, including those at the highest levels. Media reported the arrest of the mayor of Agstafa on December 19 for accepting bribes.

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.

Authorities continued to punish individuals for exposing government corruption. On March 19, the Baku Court of Appeals rejected investigative journalist Khadija Ismayilova's appeal of the December 2018 decision of the Baku Economic Court to hold her accountable for 45,143 manat ($26,600) of RFE/RL's alleged tax debt, despite RFE/RL's tax-exempt status as a nonprofit entity. On August 7, the Supreme Court upheld the verdict. Ismayilova's reporting on elite corruption was widely considered the reason for the targeting, which also included her imprisonment from 2014 to 2016, subsequent travel ban, and the freezing of her bank accounts since 2017.

Corruption: In April 2018 the Council of Europe issued a report of its Independent Investigation Body on allegations of corruption within the Council's Parliamentary Assembly (PACE). The findings indicated strong suspicion that certain current and former members of PACE had engaged in illicit activities, such as the giving and receiving of bribes, to inappropriately influence processes related to Azerbaijan in the Council of Europe and PACE. PACE censured 13 of its members for accepting gifts and bribes from the government, stripped their voting rights, and removed them from current and future leadership positions on PACE committees.

The Organized Crime and Corruption Reporting Project (OCCRP) published an article on October 15 reporting on a 19-day vacation to the Greek island of Mykonos taken by a group of Azerbaijani young men whose parents were senior officials of the State Oil Company. The group reportedly spent $2.2 million on private helicopters, luxury villas, and extravagant parties. Previous OCCRP publications asserted that the children of government officials used dozens of offshore companies to obscure their investments in luxury properties, businesses, and high-end hotels in Europe and the Middle East. During the year authorities initiated some criminal cases related to bribery and other forms of government corruption, but few senior officials were prosecuted. The Anticorruption Department of the Prosecutor General's Office stated that during the year it opened 25 criminal cases concerning corruption, but no senior officials were prosecuted.

There was widespread belief that a bribe could obtain a waiver of the military service obligation, which is universal for men between the ages of 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 State Agency for Public Service and Social Innovations service centers, which functioned as one-stop locations for government services, such as obtaining birth certificates and marriage licenses, from nine ministries.

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

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

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

Leading human rights NGOs faced a hostile environment for investigating and publishing their findings on human rights cases. For example, the Ministry of Internal Affairs and the Prosecutor's Office separately summoned human rights defender and former political prisoner Ogtay Gulaliyev on May 6 and May 13. Gulaliyev reportedly informed independent media outlet *Turan* that the ministry expressed concerns about his Facebook posts on repression and torture, including the July 2018 Ganja case (see section 1.c.). According to a May 13 *Turan* report, the Prosecutor General's Office issued a statement that evening accusing Gulaliyev of intentionally spreading untrue information that undermined political stability and cast a shadow on law enforcement measures. According to the statement, officials had warned Gulaliyev that if he continued to do so, more serious measures within the law would be taken against him, including criminal prosecution.

On October 29, Gulaliyev was struck by a car while crossing a Baku intersection on foot, causing head trauma that resulted in a cerebral hemorrhage and coma. Doctors did not perform surgery on him until October 30. Some activists and Gulaliyev's sons stated the collision was an attack on Gulaliyev for his recently announced campaign against torture and his advocacy for those accused of wrongdoing by the government in connection with the July 2018 unrest in Ganja, and that doctors had purposefully withheld timely medical treatment after the accident. Other activists said there was no

evidence the collision was intentional and that Gulaliyev received the standard care from a deeply flawed health-care system. The government-controlled Heydar Aliyev Foundation covered the costs of Gulaliyev's transfer and treatment in a private hospital in Turkey, where he remained in a coma at year's end.

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 high level of recent years. Activists also reported that authorities refused to register their organizations or grants and continued investigations into their organizations' activities. As a result, some human rights defenders were unable to carry out their professional responsibilities due to various government obstacles, such as the travel ban on Intigam Aliyev and the frozen bank accounts of Intigam Aliyev and Asabali Mustafayev.

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), accusing them of attempting to destabilize the country and working on behalf of foreign interests.

The United Nations or Other International Bodies: The government objected to statements from international bodies criticizing what authorities called interference in the country's internal affairs. For example, government officials and members of the National Assembly criticized the OSCE/ODIHR assessment of the 2018 presidential election, stating it had been written in advance of the election to smear the country (see section 3).

Government Human Rights Bodies: Citizens may appeal violations committed by the state or by individuals to the ombudsman for human rights for Azerbaijan or the ombudsman for human rights of the Nakhichevan Autonomous Republic. The ombudsman 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 Ombudsman's Office as lacking independence and effectiveness in cases considered politically motivated.

Human rights offices in the National Assembly and the 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, Societal Abuses, and Trafficking in Persons

Women

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

The law establishes a framework for the investigation of domestic violence complaints, defines a process to issue restraining orders, and calls for the establishment of a shelter and rehabilitation center for survivors. Some critics of 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 issue and did not effectively intervene to protect victims, occasionally resulting in the murder of women by their husbands. For example, media outlets reported that on July 27, Shahriyar Aslanov killed his wife in the city of Imishli. While Aslanov was arrested, activists asserted that police intervention after earlier episodes of domestic violence would have prevented the killing. On March 8, Baku police did not allow a rally against domestic violence (see section 2.b., Freedom of Peaceful Assembly).

The State Committee for Family, Women, and Children Affairs (SCFWCA) tried to address the problem of domestic violence by conducting public awareness campaigns and working to improve the socioeconomic situation of domestic violence survivors. For example, on May 23, the SCFWCA and the UN Population Fund presented a joint report on the economic implications of violence against women in the country. The government also provided limited protection to women who were victims of assault. The government and an independent NGO each ran a shelter providing assistance and counseling to victims of trafficking and domestic violence.

Sexual Harassment: The government rarely enforced the prohibition of sexual harassment or pursued legal action against individuals accused of sexual harassment. In one case the State Border Service relieved Lieutenant Farid Azizli of his assignment and placed him under investigation following his accusation against a State Border Service colonel of sexual harassment. Azizli reiterated his claim publicly, stating in a YouTube post that he stood behind his claims even after the Border Service had found no wrongdoing in an internal probe.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although women nominally enjoy the same legal rights as men, societal and employment-based discrimination was 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 first 11 months of the year was 114 boys for 100 girls, according to the State Statistics Committee. 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 the problem.

Children

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

Education: While education was compulsory, free, and universal until the age of 17, large families in impoverished rural areas sometimes placed a higher priority on the education of boys and kept girls in the home to work. Social workers stated that some poor families forced their children to work or beg rather than attend school.

Child Abuse: While there are penalties for sexual violence against children and child labor, the law does assign punishment for domestic and other violence specifically against children. To address the problem of child abuse, the SCFWCA organized multiple events. For example, it held meetings with public servants on combatting gender discrimination and child abuse in Baku, Goranboy, Ujar, and Barda.

Activists reported the Ministry of Education did not effectively address the growing problem of bullying and cyberbullying in schools. On April 3, 14-year-old Elina Hajiyeva committed suicide after being bullied by both students and teachers. According to the media, school administrators initially attempted to cover up the incident, including by not immediately calling an ambulance. The Prosecutor General's Office opened a criminal case and put the school principal under house arrest. On October 24, the Sabayil District Court sentenced the principal to two years and two weeks in prison and ordered her to pay 18,500 manat ($10,900) compensation to the mother of Elina Hajiyeva.

Early and Forced Marriage: According to UNICEF's 2019 *State of the World's Children* report, *11 percent* of *girls* in the country were *married before they were 18*. The 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 the age of 18. The Caucasus Muslim Board defines 18 as the minimum age for marriage as dictated by Islam. In July and August, media outlets reported on the suicide of a 17-year-old girl in Zagatala after her family forced her to marry an older man.

In April the SCFWCA organized awareness-raising events on prevention of early marriages in Sumgayit, Masalli, and Absheron.

The law establishes fines of 3,000 to 4,000 manat ($1,770 to $2,360) or imprisonment for up to four years for conviction of the crime of forced marriage with an underage child. Girls who married under the terms of religious marriage contracts were of particular concern, since these were not subject to government oversight and do not entitle the wife to recognition of her status in case of divorce.

Sexual Exploitation of Children: Recruitment of minors for prostitution (involving a minor in immoral acts) is punishable by up to eight years in prison. The law prohibits pornography; its production, distribution, or advertisement is punishable by three years' imprisonment. Statutory rape is punishable by up to three years' imprisonment. The minimum age for consensual sex is 16.

Law enforcement agencies prosecuted cases of sexual violence against children. For example, on July 26, the Ministry of Internal Affairs and Prosecutor General's Office announced the arrest of Elsavar Malikov in Baku for sexual acts against minors.

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. Some civil society representatives reported that boys and girls at times engaged in prostitution and street begging.

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 (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/ (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. In May 2018 parliament adopted the "Law on the Rights of Persons with Disabilities," which calls for improved access to education, employment, social protection and justice, and the right to participate in political life.

A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. A local NGO reported there were approximately 60,000 children with disabilities in the country, of whom 6,000 to 10,000 had access to specialized educational facilities, while the rest were educated at home or not at all. The Ministries of Education and Labor and Social Protection of the Population continued efforts to increase the inclusion of children with disabilities into regular classrooms, particularly at the primary education level.

No laws mandate access to public or other buildings, information, or communications for persons with disabilities, and most buildings were not accessible. Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking.

During the year the government continued funding construction projects to make large sections of downtown Baku's sidewalks wheelchair accessible.

National/Racial/Ethnic Minorities

Individuals with Armenian-sounding names were often subjected to additional screening at border crossings and were occasionally denied entrance to the country. Civil society activists stated that an entire generation had grown up listening to hate speech against Armenians. Some groups, including Talysh in the south and Lezghi in the north, reported the government did not provide official textbooks in their local native languages.

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

Antidiscrimination laws exist but do not specifically cover lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

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

On April 1 and 2, police detained at least 14 transgender sex workers and forced them to undergo medical examinations. Authorities fined some and sentenced others to 10 or 15 days of administrative detention on charges of minor hooliganism. Following international outcry, the Baku Court of Appeals released those in detention on April 5.

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

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

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

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

The law prohibits discrimination against trade unions and labor activists and requires the reinstatement of workers fired for union activity. The law also prohibits retribution against strikers, such as dismissal or replacement. Striking workers who disrupt public transportation, however, could be sentenced to up to three years in prison.

The government did not effectively enforce laws related to freedom of association and collective bargaining. Administrative penalties were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals. There were some additional restrictions in practice, such as increased bureaucratic scrutiny of the right to form unions and conduct union activities.

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

Collective bargaining agreements were often treated as formalities and not enforced. Although the 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 between the government and multinational energy enterprises did not provide for employee participation in a trade union. While the law prohibits employers from impeding the collective bargaining process, employers engaged in activities that undercut the effectiveness of collective bargaining, such as subcontracting and using short-term employment agreements.

The state oil company's 50,000 workers were required to belong to the Union of Oil and Gas Industry Workers, and authorities automatically deducted union dues from paychecks. Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. 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 generally sufficient to deter violations. The government did not effectively enforce applicable laws. Resources and inspections were inadequate, due in part to a moratorium on all routine and unannounced labor inspections.

Broad provisions in the criminal code 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.

During the year there were anecdotal reports of workers subjected to conditions of forced labor in agriculture and the construction industry, forced begging by children, and forced domestic servitude. In 2018 the Ministry of Internal Affairs reported that 450 children were identified as being forced by their parents to beg in the streets. Although some children were removed from the exploitative situation, in general it was treated as a family issue rather than a criminal offense.

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

c. Prohibition of Child Labor and Minimum Age for Employment

In most cases the law permits children to work from the age of 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 age 16 may not work more than 24 hours per week; children 16 or 17 may not work more than 36 hours per week. The law prohibits employing children younger than 18 in difficult and hazardous conditions and identifies specific work and industries in which children are prohibited, including work with toxic substances and underground, at night, in mines, and in nightclubs, bars, casinos, or other businesses that serve alcohol.

The government did not effectively enforce laws prohibiting child labor and setting a minimum age for employment. The government maintained a moratorium on routine and unannounced inspections, which prevented effective enforcement of child labor laws. Resources and inspections were inadequate to enforce compliance, and penalties for violations were insufficient to deter violations. The Ministry of Labor and Social Protection of Population was only permitted to conduct inspections based on complaints. In 2018 the State Labor Inspection Service received five child-labor complaints in the catering industry but failed to take further action on them.

There were few complaints of abuses of child labor laws during the year, although there were anecdotal reports of child labor in agriculture, in restaurants and wedding halls, forced begging, and street work, such as in bazaars and markets, auto garages and car washes, and selling fruit and vegetables on roadsides throughout the country. In agriculture there were limited, anecdotal reports of children working in the production of fruits, vegetables, and cotton and, to a lesser extent, involved in producing tea and rice. There were also reports of children subjected to commercial sexual exploitation (see section 6, Children, and section 7.b.).

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 (https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings), and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at "http://www.dol.gov/ilab/reports/child-labor/findings/" www.dol.gov/ilab/reports/child-labor/findings/ https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods (https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation, but the government did not always enforce the law effectively. Penalties for discrimination in employment existed under various articles and laws but were patchwork in nature and did not effectively deter discrimination in all its forms. The law excludes women from certain occupations with inherently dangerous conditions, such as working underground in mines. Many of these positions were higher ranked and better paid than positions that women are permitted to occupy in the same industries.

Employers generally hesitated to hire persons with disabilities, and workplace access was limited. Discrimination in employment and occupation also occurred with respect to sexual orientation. LGBTI individuals reported employers found other reasons to dismiss them because they could not legally dismiss someone because of their sexual orientation. Women were underrepresented in high-level jobs, including top business positions. Traditional practices limited women's access to economic opportunities in rural areas. According to the State Statistics Committee, in 2018 the average monthly salary for women was 53.8 percent of the average monthly salary for men.

e. Acceptable Conditions of Work

The national minimum wage was increased on March 1 and again on September 1, and it was higher than the poverty level (minimum living standard), which was increased on January 1. Experts stated government employers complied with the minimum wage law but that it was commonly ignored in the informal economy. The law requires equal pay for equal work regardless of gender, age, or other classification, although women's pay lagged behind that of men.

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

The government did not effectively enforce the laws on acceptable conditions of work, and penalties were insufficient to deter violations.

In 2017 the government extended its moratorium on scheduled and unannounced labor inspections until 2021. Although inspectors were still permitted to inspect private-sector workplaces after receiving a complaint and government-owned workplaces, the Ministry of Labor and Social Security did not report any inspections during the year. The ministry reportedly maintained its full staff of inspectors.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective due to the moratorium. Although the law sets health and safety standards, employers widely ignored them. Violations of acceptable conditions of work in the construction and oil and gas sectors remained problematic.

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 the national labor code, noting they were unable to receive overtime payments or vacations.

According to official statistics, 63 workers died on the job during the year, including six in the oil and gas sector. Workers may not remove themselves from situations that endanger health or safety, as there is no legal protection of their employment if they did so. On July 16, the State Oil Company of Azerbaijan (SOCAR) reported the death of worker Seymur Valikhanov, stating the cause of death was trauma to the head from a fall in the bathroom. Media outlets reported that the real cause of death was a falling bucket of acid that hit Valikhanov in the head and throat, and that SOCAR had covered up the incident to avoid paying compensation to the family of the deceased.

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