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2008 Country Reports on Human Rights Practices - Azerbaijan

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Azerbaijan is a republic with a population of approximately 8.2 million and a presidential form of government. Legislative authority is vested in the Milli Majlis (National Assembly). In practice the president dominated the executive, legislative, and judicial branches of government. Ilham Aliyev, the son of former president Heydar Aliyev, was reelected president for a second term in October in a process that did not fully meet international standards for a democratic election. Election shortcomings included serious restrictions on political participation and the media, pressure and restrictions on observers, and flawed vote counting and tabulation processes. Although there were more than 50 political parties, the ruling Yeni Azerbaijan Party continued to dominate the political system. Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of the country and seven surrounding Azerbaijani territories. The government did not exercise any control over developments in those territories. Civilian authorities generally maintained effective control of the security forces. Members of the security forces at national and local levels committed numerous human rights abuses.

The government's human rights record remained poor and worsened in some areas. The public's right to peacefully change the government was restricted in the October presidential election. Torture and beating of persons in police and military custody resulted in three deaths, and law enforcement officials acted with impunity. Prison conditions were generally harsh and life threatening. Arbitrary arrest and detention, particularly of individuals considered by the government to be political opponents, and lengthy pretrial detention continued. The government continued to imprison persons for politically motivated reasons. Pervasive corruption, including in the judiciary and law enforcement, continued. Restrictions on freedom of assembly continued, particularly in terms of political organizing, peaceful protests, and religious activity. Restrictions and pressure on the media and restrictions on political participation worsened. The government imposed restrictions on the activities of some unregistered Muslim and Christian groups. Cases of violence against women were also reported. Trafficking in persons for sexual exploitation and forced labor remained a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any arbitrary or unlawful killings; however, human rights monitors reported that three prisoners died in police or military custody

due to alleged abuse and mistreatment.

On January 6, Rashad Haziyeu was found hanged in the restroom of the Kurdamir police station after being arrested for narcotics possession. Witnesses stated that the police had earlier threatened to hang him unless he confessed to his alleged crime.

On August 31, Mahammad Rahimov was found dead outside of a police station in Goranboy district after being held in connection with a domestic violence allegation. There was credible evidence that he died because authorities had beaten him in custody.

On October 21, Zaur Mammadov was found hanged in the restroom of a police station in Lankaran district after being arrested for narcotics possession. Mammadov's mother had been asked for a bribe in exchange for his release; two hours after she refused the bribe, Mammadov was found dead.

The government reported 59 deaths of military conscripts in 2007, which it attributed to a variety of diseases and injuries, but did not provide a figure for 2008.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. During the year shootings along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. The Ministry of Foreign Affairs did not provide civilian casualty figures along the line of contact for the year.

According to the national agency for mine actions, landmines killed six persons and injured 14 others in 2007. Two of the dead and three of the injured were civilians. A domestic nongovernmental organization (NGO), the Azerbaijan Campaign to Ban Landmines, reported that landmines killed 10 persons and injured 18 others during the year. Five of the dead and eight of the injured were civilians. Figures for 2008 were not available at year's end.

b. Disappearance

During the year there were no reports of politically motivated disappearances. However, there were reports of disappearances in connection with the conflict in Nagorno-Karabakh.

The International Committee of the Red Cross (ICRC) continued to actively process 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, during the year the number of persons confirmed missing increased from 4,416 to 4,478. The ICRC reported that it opened investigations into 95 new missing persons cases during the year. The ICRC signed a framework agreement with the government on the collection of ante mortem data during the year, and collection was ongoing in the Baku area at year's end. The information, which was gathered from families on both sides of the line of contact as well as in Armenia, was meant to assist state commissions in the identification of human remains. During the year ante mortem data had been collected on 777 persons.

The ICRC continued to pay special attention to prisoners of war and civilian internees (POW/CI) and conducted visits throughout the year to ensure their protection under international humanitarian law. ICRC often provided clothing, toiletries, and other assistance during these visits. The ICRC regularly facilitated the exchange of Red Cross messages between POWs/CIs and their families to reestablish contact and, on several occasions, paid transportation costs for families of missing persons to the ICRC office in Baku. Upon the request of and with full cooperation by the government, the ICRC facilitated the transfer of two persons and the repatriation of three persons between Armenia and Azerbaijan during the year.

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

The constitution and criminal code prohibit such practices and provide for penalties of up to 10 years' imprisonment; however, there were credible reports that security forces beat detainees to extract confessions and military personnel physically abused subordinates. A domestic human rights monitor reported that the number of persons tortured in custody by security forces increased from 63 in 2007 to 80 during the year. Impunity remained a problem.

On October 18, prison guards severely beat Azadliq newspaper correspondent Sakit Zahidov at correctional facility No. 14. Penitentiary officials alleged that Zahidov initiated an incident by refusing a haircut and that the incident was therefore his fault.

On October 20, two sergeants from the Internal Affairs Ministry troops, Vuqar Agayev and Eldaniz Rahimov, were arrested for beating subordinates. The commander and deputy commander of the unit were dismissed, and an investigation into the incident was ongoing at year's end.

According to the Ministry of Internal Affairs, authorities punished 207 officers for human rights abuses and criminally prosecuted six police officers for these violations in 2007. The government did not provide statistics at year's end.

During the year the government did not punish Internal Affairs Ministry officials for police abuse, misconduct, or excessive use of force at a peaceful opposition demonstration in 2005, nor was any action expected. Viliyat Eyvazov, one of the senior officers allegedly involved in police abuse and misconduct in the aftermath of the 2003 presidential election, continued to serve as deputy minister of internal affairs following his 2005 promotion.

At year's end the government had yet to fully implement the 2007 verdict of the European Court of Human Rights (ECHR) regarding the case of Sardar Jalaloglu, who was abused in police custody in 2003. While the Supreme Court overturned Jalaloglu's conviction and he received the 10,000 euros (approximately \$14,000) awarded by the ECHR in compensation, the persons who mistreated Jalaloglu had not been brought to justice as required in the judgment.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening despite continuing prison infrastructure improvements.

Overcrowding, inadequate nutrition, and poor medical care combined to make the spread of infectious diseases a serious problem. Despite recent improvements to prison infrastructure, prisons, which were generally Soviet-era facilities, did not meet international standards. In maximum-security facilities, authorities limited physical exercise for prisoners as well as visits by attorneys and family members. Some pretrial detainees were reportedly held in "separation cells," which were often located in basements to conceal evidence of physical abuse. Food and sleep reportedly were denied in these cells to elicit confessions.

Since the October 2007 appointment of Kazim Abdullayev as the chief of Qobustan jail, prisoners and human rights groups reported numerous human violations. According to these sources, prison officials made death threats to prisoners, stripped them of their clothes, soaked them with cold water, malnourished them, denied them contact with friends and family, denied them medical treatment, handcuffed them in punishment cells for weeks at a time, and routinely beat them. Hamid Suleymanov, investigation department chief of the Penitentiary Services, stated that he found no proof of these violations. Prisoners responded to his assertion with hunger strikes; 15 inmates did so in January. They viewed hunger strikes as their only option to raise awareness of the situation in Qobustan.

The Justice Ministry reported that in April a new, multi-sector prison opened in the Nakhchivan Autonomous Republic. At year's end, new detention facilities were under construction in Lankaran, Shakhi and the Zabrat district of Baku – the latter a women's and juvenile facility – and cost estimates had been completed for new facilities in Ganja and Umbaki. The government selected plots of land for a planned facility in Kurdamir. The government renovated 15 prisons and one jail during the year.

Harsh prison conditions resulted in numerous deaths; the Justice Ministry reported that 130 persons died in detention during the year, a 6.6 percent increase from the number of deaths in detention in 2007. According to the ministry, 126 persons in detention died from natural causes, 107 of which occurred at medical facilities, and four persons committed suicide. The Ministry of Internal Affairs did not provide data at year's end but reported two deaths in its facilities in 2007, both suicides. Authorities dismissed four officers and disciplined seven others for negligence in connection with these deaths.

On January 23, Arif Aslanov, former department head at the State Technical Inventory and Property Rights Registration Department, died in custody from kidney failure while being transported to a hospital for dialysis. A human rights activist held the prosecutor's office responsible for Aslanov's death since the office had refused to release him for regular medical treatment.

Tuberculosis (TB) remained the primary cause of death in prisons; the Ministry of Justice reported that it treated 799 prisoners and detainees for TB. The ICRC positively assessed the government's pilot program, established in April 2007, which treated 54 prisoners for multidrug-resistant TB (MDR-TB) and placed 745 in category II therapy during the year. According to the ICRC, the prison hospitals' MDR-TB wards were state of the art, well ventilated, and had indirect ultraviolet lights. The ICRC reported that the government's active and passive efforts were effective in screening inmates for TB. The ICRC reported that 52 inmates died from the disease during the year.

The government reported that the other major causes of death among prisoners and detainees were: myocardial infarction, cardiovascular collapse, cirrhosis of the liver, acute circulatory diseases, and various cancers.

In 2006, a reconstituted, joint government-human rights community prison-monitoring group resumed functioning. During the year the group developed anonymous feedback forms for prison visits, facilitated the training of prison employees, and advocated for improvements in prison conditions. The Ministries of Internal Affairs and Justice cooperated with many of these efforts, but the group highlighted additional problems that remained, including inadequate medical facilities and staff at prisons, insufficient food and recreational activities for inmates, and incomplete access to detention centers for monitoring group members.

Human rights monitors reported that officials continued to deny family members the right to visit persons who had been detained in connection with an alleged 2005 coup plot and had been subsequently convicted of corruption.

The government permitted some prison visits by international and local humanitarian and human rights groups, including the ICRC, the Organization for Security and Cooperation in Europe (OSCE), and the Azerbaijan Committee against Torture. The ICRC had unobstructed access to the POWs/CIs who were held in connection with the conflict over Nagorno-Karabakh.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, the government generally did not observe these prohibitions in practice, and impunity remained a problem.

Role of the Police and Security Apparatus

The Ministries of Internal Affairs and National Security are responsible for internal security and report directly to the president. The Ministry of Internal Affairs oversees local police forces and maintains internal civil defense troops. The Ministry of National Security has a separate internal security force.

Law enforcement corruption was a problem. Police often levied spurious, informal fines for traffic and other minor violations and extracted protection money from local residents. In recent years traffic police officers received substantial pay raises to counter corruption; nevertheless, the low wages of other law enforcement officials continued to contribute to police corruption. High inflation also put pressure on wages. In 2007, the ministry reported that it punished 43 police officers for corruption; it did not provide comparable data for 2008. The Ministry of Justice reported that none of the employees of the penitentiary service were accused of crimes related to corruption during the year.

While security forces were generally able to act with impunity, the government reported in 2007 that it took action against 207 police officers for human rights violations. The government reported that it criminally prosecuted six officers, dismissed 55 officers from the Ministry of Internal Affairs police forces, removed 21 officers from their positions, and administratively disciplined two others. The government did not update this data during the year.

On October 14, several police officers from a unit to combat drug trafficking in Baku were arrested on distribution charges. One kilogram of heroin was seized during the search of their offices.

Arrest and Detention

The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights and reason for arrest and accorded due process; however, the government did not respect these provisions in practice. Arbitrary arrest, often on spurious charges of resisting the police, remained a problem throughout the year.

The law allows police to detain and question individuals for 24 hours without a warrant; in practice police detained individuals for several days, sometimes weeks, without a warrant. In other instances judges issued ex post facto warrants.

Judges, acting at the instruction of the prosecutor general's office or of other executive branch officials, sentenced detainees to jail within hours of their arrest without providing them access to lawyers.

The law provides for access to a lawyer from the time of detention; in practice access to lawyers was poor, particularly outside of Baku. Although provided for by law, indigent detainees did not have access to lawyers. Authorities often restricted family member visits and withheld information about detainees; days frequently passed before families could obtain any information about detained relatives. There was no formal, functioning bail system; however, individuals were sometimes permitted to vouch for detainees, enabling their conditional release during pretrial investigation. Politically sensitive suspects were at times held incommunicado for several hours or sometimes days while in police custody.

On January 31, police attacked and then detained 14 members of the independent Dalga youth movement near the Puppet Theater in downtown Baku as they hosted a rally to commemorate the birthday of Mammad Amin Rasulzade, the founder of the independent Azerbaijan Democratic Republic (1918-20). While they were detained at police station No. 9 in Sabail district, authorities threatened to have them expelled from their universities for "antisocial" activities. Authorities released them after several hours, and no expulsions were reported.

On May 28, young persons from the Democratic Party of Azerbaijan (DPA) and the Biz Coalition distributed information related to the 90th anniversary of the Azerbaijani Democratic Republic and the government's failure to erect a monument to the country's founders. Following the event, officers from Baku's Sabail district police department arrested Jamil Hajiyeve, instructor of the DPA steering committee, and Vusal Aliyev, deputy chairman of the youth wing of the DPA. They were released after four hours of detention and questioning at police station No. 9.

On June 15, 30 plainclothes police officers raided a café where patrons were celebrating the birthday of deceased revolutionary Che Guevara. Police detained and later released 20 attendees.

On July 4, police detained members of the Dalga youth movement while they tried to stage a demonstration outside of the OSCE office in Baku. Seven of the group's members were released within a few hours, while three were transferred to a court facility and then released with an oral warning.

Lengthy pretrial detention of up to 18 months was a serious problem. The prosecutor general routinely extended the permitted, initial three-month pretrial detention period in successive increments of several months until the government completed an investigation.

Amnesty

On March 18, President Aliyev pardoned 59 prisoners, including alleged political prisoners Asif Huseynov, Etibar Allahverdiyev, Nariman Ismayilov, Rasim Taghiyev, and Gadir Musayev.

On August 26, President Aliyev pardoned 96 prisoners, including alleged political prisoners Rasim Akberov, Aleksandr Umnyashkin, Ismayil Mammedov, Bayram Quliyev, Qabil Quliyev, and Mobil Yolchuyev.

Despite indications that they would be released, several prominent journalists remained in prison at year's end.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, in practice judges did not function independently of the executive branch. The judiciary remained corrupt and inefficient.

The executive branch continued to exert a strong influence over the judiciary. The ostensibly independent Judicial Legal Council, which administers the examination for candidates for judges, was largely controlled by the Ministry of Justice. The selection process included lengthy coursework, written and oral examinations, and a final interview. International observers believed that the oral component of the examinations allowed for corruption in the selection process. The examination process resulted in the selection of 102 lower court judges, whom the president swore in on August 7. Supreme Court, Appellate Court, and Constitutional Court judges are nominated by the president and must be approved by the Milli Majlis.

In an effort to address corruption and improper conduct, the Judicial Legal Council developed and established a new code of conduct in 2006-07. In addition the Ministry of Justice depersonalized case assignments during this period so that the president was no longer responsible for assigning judges to particular cases. However, credible reports indicated that judges and prosecutors still took instruction from the presidential administration and the Justice Ministry, particularly in cases of interest to international observers. While judges' salaries steadily increased for several years prior to 2008, there continued to be credible allegations that judges routinely accepted bribes. During the year the Ministry of Justice reported that disciplinary proceedings were initiated against

22 judges; the president reprimanded 10 judges, reassigned three, and dismissed one.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District courts try the majority of cases. The Court of Grave Crimes acts as the court of first instance in cases in which the accused committed a crime deliberately and in which the punishment would be a prison sentence of more than seven years. Cases are heard by a three-judge panel. The Military Court of Grave Crimes functions similarly for serious crimes committed by members of the military. The Supreme Court may not act as the court of first instance. Either one judge or a three-judge panel presides over first-hearing trials at the district court or the Court of Grave Crimes, while a panel of three or more judges hears cases at the Court of Appeals. At the Supreme Court, cases are initially heard by a panel of three judges. Their ruling can be further appealed to the Plenum, which is the highest level of the court and consists of a panel of nine judges. All citizens have the right to appeal constitutional matters to the Constitutional Court.

After the country joined the Council of Europe in 2001, citizens gained the right to appeal court decisions on human rights cases to the ECHR within six months of the first Supreme Court ruling on a case. As in previous years, citizens exercised this right frequently during the year.

On July 10, the ECHR delivered judgments on two cases brought against the government. The court ruled in favor of Vagif Hajibeyli, a politician who had been held from 2000-05 under house arrest while awaiting trial, as the detention violated his right to a fair and timely trial and freedom of movement. It also ruled in favor of Leyli Rahmonova, who was denied access to an apartment that had been awarded to her during a previous judicial proceeding, as this violated her right to private property and to a fair trial. At year's end, neither of these verdicts had been fully implemented by the government.

Since 2005 the Judicial Legal Council has coordinated efforts with international organizations to train judges on compliance with election law.

Trial Procedures

The law provides for public trials except in cases involving state, commercial, or professional secrets or matters involving confidential, personal, or family matters. According to an OSCE report, released in April, on the organization's 2006-07 trial monitoring project in the country, the Court of Grave Crimes and the Court of Grave Military Offenses were the most restrictive of the right to a public hearing of the courts observed by monitors.

While the law provides for the presumption of innocence in criminal cases, the right to review evidence, the right of defendants to confront witnesses and present evidence at trial, the right to a court-approved attorney for indigent defendants, and the right of appeal for defendants and prosecutors, these provisions were generally not respected in practice.

Jury trials were not used. Foreign and domestic observers usually were allowed to attend trials; however, the Court of Grave Crimes and Court of Grave Military Offenses severely limited access to the OSCE trial monitors during 2006-07.

According to the OSCE trial monitoring project report, many of the trials observed "fell short of OSCE and other international standards in regard to important rights and safeguards, specifically, the right to effective legal representation, the right to an impartial and independent tribunal, the right to a fair hearing, the right to assistance by an interpreter, and the right to a reasoned judgment."

Although the constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' privileges and rights outweighed those of the defense. Judges 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.

The law limits representation in criminal cases to members of a government-controlled collegium of lawyers (bar association). Since there were only 750 collegium members in a country of 8.2 million, access to licensed legal representation was restricted, particularly outside of Baku. The collegium did not hold a bar examination during the year, which exacerbated the shortage of legal representation. The collegium accepted applications through November for another round of examinations in 2009. According to international monitors, the written portion of the collegium's entrance examination was administered fairly but the oral portion was highly subjective and conducted with varying standards. The collegium reserved the right to remove lawyers from criminal cases and sometimes did so for reasons that observers believed were questionable. As a result, criminal defendants were not fairly or adequately represented, their rights were not protected, and there was a lack of due process of law. According to the OSCE's April report, the collegium's legal services were "well below the minimum professional standards expected of an independent defense bar."

The constitution prohibits the use of illegally obtained evidence; however, despite some defendants' claims that testimony was obtained through torture or abuse, no cases based on claims of abuse were dismissed, and there was no independent forensic investigator to determine the occurrence 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, as judges generally required only a minimal level of proof and collaborated closely with prosecutors. In the rare instances in which judges determined that the evidence presented was not sufficient to convict a defendant, they could return cases to the prosecutor for additional investigations, effectively giving the prosecutors subsequent chances for convictions.

Aside from the Court of Grave Crimes and the Military Court of Grave Crimes, courts often failed to provide translators. Each court is entitled to contract translators during hearings, and such expenses must be covered by the Ministry of Justice.

There were no verbatim transcripts of judicial proceedings; testimony, oral arguments, and judicial decisions were not recorded. Instead the court officer generally took notes that tended to be sparse and decided what if anything should be included in the notes.

The June-July trial of Sergey Strekhalin, who had been accused of the March 13 stabbing of journalist Agil Khalil, included a number of procedural irregularities. Khalil, who faced political pressure as a reporter, repeatedly denied that Strekhalin was the person that stabbed him. Numerous international observers, including from the OSCE and the European Union (EU), raised concerns about the trial proceedings, and the OSCE representative on the media assessed the trial as "fake." At several points in the trial, Strekhalin's attorney appeared uninterested in fully defending his client.

In April 2007, the Court of Grave Crimes convicted Ali Insanov, former minister of health, and 10 other defendants of public corruption and other charges. The court sentenced Insanov to 11 years in prison. According to the OSCE trial monitors, there was "an overwhelming appearance" that Insanov and his codefendants "did not have a fair trial and that the judges were not impartial."

In October 2007, the Court of Grave Crimes convicted Farhad Aliyev, former minister of economic development, his brother Rafiq, and 17 other defendants on a range of charges related to corruption. The Aliyev brothers received prison sentences of 10 and nine years, respectively. All of the defendants were originally arrested on coup plotting charges and subsequently charged with corruption in 2005. During the trial, court officials often barred international observers and the defendants' family members from the courtroom. Court officials' failure to use microphones in the courtroom also hindered monitoring. There were numerous violations of due process during the trial proceedings. The OSCE monitors noted procedural shortcomings and insufficient access to the proceedings in their reporting on this trial during the year. Aliyev's lawyers alleged that the government at times denied him access to his doctor and appropriate medical

treatment while he was incarcerated. Both Insanov and the Aliyev brothers remained incarcerated following the May 28 rejection of Farhad Aliyev's appeal to the Supreme Court. The Aliyev brothers' separate appeals to the ECHR were pending at year's end.

The country has a military court system with civilian judges. The military court retains original jurisdiction over any case in which crimes related to war or military service are adjudicated.

Political Prisoners and Detainees

Local NGOs maintained that the government continued to hold political prisoners, although estimates of the number varied. At year's end, NGO activists maintained that the government held between 27 and 57 political prisoners.

As was the case in 2007, the three political prisoners – Elchin Amiraslanov, Safa Poladov, and Arif Kazimov – who had been arrested in connection with the 2003 presidential election and listed in the Council of Europe's experts report, remained incarcerated.

Some considered the 2005 arrests of individuals on charges of plotting a coup and subsequent convictions on corruption to be politically motivated.

There were no reliable estimates of the number of political detainees. Most political detainees received sentences of between 10 and 15 days in jail, which were often described as "administrative detention" sentences.

The government generally permitted unrestricted access to alleged political prisoners by international humanitarian organizations such as the ICRC.

Civil Judicial Procedures and Remedies

The law does not provide for an independent and impartial jury in civil matters. District courts have jurisdiction over civil matters in their first hearing; appeals are addressed by the Court of Appeals and then by the Supreme Court. Citizens have the right to bring lawsuits seeking damages for, or cessation of, human rights violations. As with criminal trials, all citizens have the right to appeal to the ECHR within six months of the first Supreme Court ruling on their case.

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

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

The constitution allows for searches of residences only with a court order or in cases specifically provided by law; however, authorities often conducted searches without warrants. It was widely believed that the Ministries of National Security and Internal Affairs monitored telephone and Internet communications, particularly those of foreigners and prominent political and business figures.

Police continued to intimidate and harass family members of suspected criminals.

During the year domestic human rights monitors reported concerns about the lack of due process and respect for the rule of law in a number of cases related to property rights.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press and specifically prohibits press

censorship; however, the government often did not respect these rights in practice. During the year the government took actions that limited media independence. The media freedom environment continued to significantly deteriorate during the year.

Although opposition parties continued to publish newspapers, and human rights activists were mostly able to conduct their work without fear of reprisal, the government penalized persons who criticized government officials or practices in some cases.

On October 30, the parliament held a spontaneous session in which several members publicly chastised prominent Moscow-based writer and film director Rustam Ibragimbekov for statements he had made about the country's leadership in an interview with a Russian media outlet. Ibragimbekov had alleged that the country's elite attained their positions through connections or money. Some observers alleged that the parliamentary session constituted an infringement on freedom of speech. Authorities did not file charges against Ibragimbekov.

A number of journalists who criticized government officials in the course of their work were subjected to harassment, threats, and acts of physical violence that appeared to be connected to their criticism of the government or public officials. Reporters Without Borders (RWB) reported that independent and opposition journalists were under constant pressure because of their work.

According to prominent journalists, companies and institutions reduced their advertising in opposition media due to direct or indirect recommendations from government representatives. Azerbaijani journalists generally considered Gun Seher an independent newspaper. However, Gun Seher was forced to close in August due to financial problems. According to media experts, both subtle and direct pressure prompted companies to pull their advertising, leading to the newspaper's demise.

A number of opposition and independent media outlets operated during the year. The print media expressed a wide variety of views on government policies, although objective, professional reporting was rare. However, most broadcast media adhered to a pro-government line in their news coverage.

Most print outlets in the country are organs of the ruling party, opposition parties, or are thought to be connected to prominent government officials. There were seven national television stations and 10 regional outlets. There were 11 national radio broadcasters, as well as the BBC, Voice of America, and Radio Free Europe/Radio Liberty, all three of which were banned from FM radio by the government at year's end. There also were several national state-owned newspapers and numerous newspapers funded by city or district-level officials. Newspaper circulation rates, both government and opposition, were low, not surpassing 5,000 in most cases. Many newspapers were circulated only in the capital.

Some private television stations operated, but independent media monitoring found their programs to be biased in favor of the ruling party. ANS Television, the audience leader, was generally regarded as a source of relatively balanced news coverage prior to its temporary closure by the National Television and Radio Council (NTRC) in 2006. However, most media monitors believed ANS had taken a more cautious, self-censored approach to news coverage since then.

Electronic media were generally more susceptible to pressure due to their reliance on government-provided broadcast licenses. Such outlets were less critical of the government than opposition and independent print outlets.

On October 31, the NTRC announced that it was considering prohibiting broadcasts of Voice of America, Radio Liberty, and the BBC on national television and FM radio frequencies. The NTRC confirmed this decision on December 30. The NTRC also closed Russian-owned Europa Plus, which played mostly pop music. Without these international broadcasters on national television and FM radio frequencies, the public no longer had access to unbiased news on any widely accessible broadcast media.

There were no restrictions on systems to receive satellite broadcasts by foreign stations, but the NTRC continued to impose a general requirement that local, private television and radio stations not rebroadcast entire news programs of foreign origin.

Harassment, intimidation, and violence against individual journalists continued during the year; the government did not hold perpetrators accountable. A media monitoring NGO reported that during the year, there were 49 incidents involving verbal or physical assaults on journalists, compared to 41 cases in 2007. Law enforcement agencies began investigations into 11 of these cases, and only one case, that of Agil Khalil, was brought to trial.

Several journalists remained imprisoned during the year on criminal charges ostensibly unrelated to their work. International and local commentators believed that the government targeted the journalists due to their criticism of government figures and policies.

On January 21, authorities sentenced Mushviq Huseynov, correspondent for the opposition newspaper Bizim Yol, to six years in prison. In July 2007, police arrested Huseynov on charges of accepting a bribe from a Ministry of Labor and Social Protection employee. The exchange was captured on video and broadcast on national television. Huseynov's defense attorneys maintained that the incident was a set-up and declared Huseynov innocent. Some domestic observers considered Huseynov's arrest to be politically motivated, while others believed him to be guilty but to have been selectively targeted. Huseynov reportedly suffered from tuberculosis. Huseynov remained in prison at year's end.

In October 2007, the Baku Court of Grave Crimes sentenced the already jailed editor in chief of Realny Azerbaijan and Gundelik Azerbaijan, Eynulla Fatullayev, to eight-and-a-half years in prison on charges of supporting terrorism, inciting ethnic hatred, and tax evasion. The charges were based on an article that Fatullayev wrote criticizing the government's policy towards Iran and listing specific locations in the country as potential targets for an Iranian attack. The sentence included Fatullayev's previous libel conviction for an article he allegedly wrote purporting that government forces may have played a role in the 1992 events in Khojali. Fatullayev remained in prison at year's end. International and domestic observers considered his imprisonment politically motivated.

On March 7, authorities sentenced Ganimat Zahid, editor in chief of Azadliq newspaper, to four years' imprisonment. In November 2007 police had arrested Zahid on charges of hooliganism and inflicting minor bodily harm. The charges were a result of a complaint filed by a private citizen, Vusal Hasanov, alleging that Zahid engaged in a physical altercation with him after Hasanov attempted to defend a woman who accused Zahid of insulting her. Zahid maintained that he was innocent and that the incident was a set-up. Zahid remained in jail at year's end. International and domestic observers considered his imprisonment to be politically motivated.

In 2006, the Baku Court of Grave Crimes convicted prominent political satirist Mirza Zahidov (also known as Mirza Sakit or Sakit Zahidov) of drug possession and sentenced him to three years in prison. The Court of Appeals and the Supreme Court upheld the sentence. International and domestic observers considered his imprisonment politically motivated. On October 18, Zahidov was beaten by prison officials for refusing to have his hair cut. The Ministry of Justice stated that the allegation would be investigated and that Zahidov was transferred to another facility. On December 29, a hearing was held on an appeal for Zahidov's early release, for which he was eligible under the law. The appeal was denied, and there were claims of misconduct during the hearing, but trial monitors were not allowed to attend. Zahidov remained in prison at year's end.

During the year at least six journalists reported physical attacks in connection with their professional activity.

A reporter from the opposition paper Azadliq, Agil Khalil, was the victim of numerous attacks during the year, apparently stemming from his journalistic investigations. Khalil

claimed he was also the victim of a smear campaign. On February 22, unidentified assailants physically assaulted Khalil during the course of his work. On March 13, Khalil was again attacked, this time stabbed and hospitalized. On May 7, Khalil was attacked by an unidentified person who attempted to push him on the rails in a metro station in Baku; later the same day, two unidentified persons attempted to kidnap him near the Azadlig offices. As of year's end, Khalil had left the country.

Eldaniz Elgun, a well-known television journalist, claimed that he was stabbed in March just after the Agil Khalil stabbing. According to Elgun, three persons assaulted him near a metro station and stabbed him near his heart. He received treatment at his home in order to keep the incident quiet and to avoid the retribution that he said Agil Khalil had experienced. He reported that this attack followed a series of threats and interrogations by the Ministry of National Security over several years.

Emin Huseynov, a reporter who was chair of the Institute for Reporters' Freedom and Safety (IRFS), was hospitalized after being beaten by police on June 14 while covering the police break-up of a public meeting. He later filed suit against the Ministry of Internal Affairs, charging that no legal action had been taken against his attackers. Huseynov lost 50 percent of his hearing as a result of his injuries.

Two journalists from Radio Liberty and one from the Institute for IRSF were attacked by local police and other local residents in Nakhchivan on August 27 while reporting on a story.

There were no developments during the year in the 2007 physical assaults on journalists Uzeyir Jafarov and Suheyra Gambarova or the 2006 assaults on Fikret Huseynli, Bahaddin Haziyevev, and Nijat Huseynov.

There were no developments reported in the 2005 killing of opposition journalist Elmar Huseynov. Media and human rights activists continued to advocate that the government should further investigate this case.

June amendments to the election code allowed candidates who ran in the presidential election to have free television and radio airtime. Opposition parties and human rights advocates, however, complained that the free airtime was moved from State Television to Public Television, which had lower viewership, and that the timing of the broadcasts made it difficult for working people to watch. The OSCE election observation mission, in its election statement, criticized unbalanced news coverage in the run-up to the election, which heavily covered the activities of government officials, benefiting the incumbent.

Although pro-opposition journalists openly criticized government officials, a combination of intimidation and a desire not to alienate potential advertisers led most independent journalists and editors to practice some degree of self-censorship.

Libel remained a criminal offense, although the number of libel prosecutions decreased significantly during the year. The law allows for large fines and up to three years' imprisonment for persons convicted of libel. In previous years the government used defamation suits and the threat of exorbitantly high fines for libel to intimidate and harass the media. Fine payments due from previous defamation suits threatened the financial viability of the print media and journalists, although a few days before the presidential election, the Azadlig and Yeni Musavat opposition newspapers learned that payment of their large fines would be suspended for an undetermined period of time. Government reliance on measures that hampered printing and distribution of independent newspapers and magazines remained largely unchanged.

Most newspapers and magazines were printed in government publishing houses or on private printing presses owned by individuals who had connections with government officials. The majority of independent and opposition newspapers remained in precarious financial situations; they continued to have problems paying wages, taxes, and periodic court fines. Most relied on political parties or influential sponsors for

financing, as the advertising-based business model was weak.

The government prohibited some state libraries from subscribing to opposition newspapers. The government also continued to prohibit state businesses from buying advertising in opposition newspapers and pressured private business to do the same. Political commentators said in October that this problem reduced the wages opposition and independent outlets could pay to their journalists, allowing progovernment outlets to poach quality staff. In addition, international media monitoring reports indicated that intimidation by officials of the Ministry of Taxes further limited the independence of the media.

Nakhchivan and Baku-based journalists reported that authorities in the exclave of Nakhchivan continued to block distribution of opposition newspapers.

Internet Freedom

The government generally did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agreements with the Ministry of Communications and Information Technologies. Penetration was low, particularly outside the capital city. There was no evidence to support the widely held belief that the government monitored Internet traffic of foreign businesses and opposition leaders. However, during the year authorities blocked public access in Azerbaijan to two Web sites of an independent NGO, the Election Monitoring Center, although the sites were accessible from abroad. In January 2007 there were credible reports that authorities blocked public Internet access to a Web site containing a petition regarding utility price increases, temporarily arresting the creator of the site, Bakhtiyar Hajiyev.

Domestic observers reported that, on several occasions during the year, the government temporarily blocked public Internet access to a Web site popular for lampooning the president. There were reportedly greater restrictions on the Internet in Nakhchivan, where residents claimed they were unable to view opposition Web sites. Access to the Internet was limited to urban centers due to lack of infrastructure.

Academic Freedom and Cultural Events

The government on occasion restricted academic freedom.

Some domestic observers raised concerns about the government's selection of participants for state-sponsored study abroad programs. The government maintained that its selection process was transparent and political affiliation was not a factor.

The opposition Musavat Party continued to report that, since 1993, 37 opposition members had been fired from positions as teachers in state educational institutions. During the presidential election campaign, students at several universities reported pressure from deans to avoid cooperation with an independent NGO monitoring the election. Some students reported being directed by the deans of their faculties to change voter registration from their home districts so that they would have to vote at the university. Others reported that universities required students to attend propresidential rallies, providing transportation and threatening students with expulsion if they did not attend. In another case, students were threatened with expulsion from their dormitory if they participated in election monitoring.

There were no reports of government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government severely restricted this right in practice. Although the constitution stipulates that groups may peacefully

assemble only with prior notification of relevant government bodies, the government continued to interpret this provision as a requirement for advance permission from the Baku mayor's office.

On June 26, new amendments to the law on freedom of assembly entered into force. A review of the amended law by international organizations noted that it met most international standards, and numerous international observers called on the government to implement it fully. However, in practice the government continued to require all sanctioned rallies to be held at designated locations far removed from the city center, a stipulation most political parties and NGOs found unacceptable. In contrast, the ruling Yeni Azerbaijan Party held a large rally in a central square on the evening of October 15 to celebrate the reelection of the president. Opposition parties had been denied permission to hold a rally in the same square. The five main opposition parties chose not to participate in the presidential election during the year, citing as one objection their inability to assemble freely. The government denied opposition and some other requests to hold political rallies on multiple occasions and broke up several unsanctioned pickets and demonstrations, often detaining participants for several hours.

On January 31, the Dalga youth movement attempted to hold a rally commemorating the founder of the 1918 Azerbaijani Republic. The rally was broken up by police, who detained 14 participants. On July 4, police also broke up a demonstration by the Dalga youth movement outside the OSCE office in Baku and detained three members for several hours.

On April 25, the opposition Musavat party applied to Baku municipal authorities to hold a rally in one of three locations in central Baku that appeared to be in compliance with the freedom of assembly law. The application was denied, and the party took the case to court. The Court of First Instance and the Baku Appellate Court decided in favor of the Baku authorities. The case was awaiting hearing at the Supreme Court at year's end.

On June 17, July 11, and August 1, police broke up small, unsanctioned pickets held by the Musavat party in central Baku, each time detaining several demonstrators for a few hours. The Baku Municipal authorities denied permission to hold these three events due to the proximity of the pickets to the municipal authority headquarters, which is prohibited under the law. In addition Baku municipal authorities prevented several other planned opposition rallies and protests by denying permit requests and insisting on venues the opposition considered unacceptable due to their distance from central Baku.

In August, authorities allowed young people to hold an unsanctioned rally in central Baku in support of Georgia during the conflict between Georgia and Russia.

The OSCE's final report on its observation of the presidential election stated that Baku officials interpreted the amended freedom of assembly law in a restrictive manner during the preelection period, denying requests by an opposition coalition to hold rallies in the center of the city.

On December 24, Baku police reportedly broke up a demonstration against a constitutional referendum planned for 2009 whose provisions included the elimination of presidential term limits. During the rally in front of the Constitutional Court, police reportedly arrested 10 people on site, of whom three were subsequently detained.

Freedom of Association

The law provides for freedom of association, although in practice the government's restriction of this right worsened during the year. A number of provisions allow the government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register either with the Justice Ministry or the State Committee on Work with Religious Associations (SCWRA). Although the law requires the government to act on registration applications within 30 days of receipt, vague, cumbersome, and nontransparent registration procedures continued to result in long delays that effectively limited citizens' right to associate.

The government continued to use a 2003 requirement for all existing NGOs to reregister with the Justice Ministry to delay or deny registration to some previously registered groups, often citing the failure of applicants to follow proper procedures. During the year the ministry registered 246 NGOs. The ministry did not provide information on the total number of NGO applications received or rejected during the year.

In February, the Ministry of Justice registered the Election Monitoring Center (EMC), an independent nonpartisan NGO, after it had rejected its application for several years. On May 14, however, a Baku court ordered the deregistration and dissolution of the organization, based on an appeal from the Ministry of Justice, ostensibly due to alleged technical flaws in the organization's registration application. The verdict was implemented immediately and the usual grace period was not implemented. The EMC maintained that the flaws did not constitute legal grounds for the entire organization to be deregistered and immediately dissolved. The EMC appealed the verdict and filed a separate case against the organization's immediate dissolution. Both cases were rejected by the Baku Appellate Court and, at year's end, were awaiting a hearing at the Supreme Court.

c. Freedom of Religion

The constitution and law provide for freedom of religion; however, burdensome registration requirements and selective harassment of religious groups marred application of the law. Although the law expressly prohibits the government from interfering in the religious activities of any individual or group, there are exceptions, including cases where the activity of a religious group threatens public order and stability. Most religious groups met without government interference; however, local authorities monitored religious services, and officials harassed and detained members of Islamic and "nontraditional" religious groups.

There appeared to be a distinction between how the government treated groups it perceived as "traditional" and "nontraditional." Traditional religious groups included Islamic communities registered with the government, Jewish groups, the Orthodox Church, and the Catholic Church. Groups perceived as nontraditional included unregistered Islamic groups, Jehovah's Witnesses, and several Protestant communities. In general the traditional groups reported no religious freedom problems, while nontraditional communities frequently complained they were the victims of selective harassment or that the government arbitrarily created obstacles to their registration.

A number of legal provisions enable the government to regulate religious groups, particularly a requirement that religious organizations, including individual congregations of a religious group, be registered. Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA. The SCWRA and its chairman have broad powers over registration and can both control the publication, import, and distribution of religious literature and suspend the activities of groups violating the law.

Registered Muslim organizations are subordinate to the CMB, a Soviet-era entity that appointed Muslim clerics to mosques, administered Islamic educational institutions, periodically monitored sermons, and organized annual hajj pilgrimages. Some local Muslim believers criticized the CMB's and the SCWRA's ability to register and regulate their communities.

During the year the SCWRA registered 102 new groups, 101 of which were Islamic and one of which was Jewish, and did not reject applications. There were 529 total registered religious communities in the country, of which 497 were Islamic and 32 were non-Islamic.

Several groups reported that the SCWRA sometimes failed to rule on registration applications in a timely manner, and some groups complained that the SCWRA or local officials made the application process difficult or impossible for nontraditional communities. Unregistered organizations were vulnerable to being declared illegal and

closed or subjected to selective harassment by authorities. The SCWRA continued to delay or deny registration to a few Protestant Christian groups.

A variety of unregistered religious groups continued to function, including Muslim groups, members of Jehovah's Witnesses, and some evangelical Christians. SCWRA estimated that there were 160 unregistered groups. However, some unregistered groups – particularly nontraditional religious organizations – were subject to periodic and selective police harassment in the form of disruption of religious services and intimidation. Local law enforcement officials occasionally monitored religious services and reportedly singled out some observant Christians and Muslims for searches on the grounds of security. Local observers claimed that local authorities routinely monitored certain mosques.

Some Muslim representatives criticized the government for adopting a heavy-handed stance in reaction to the August 17 bombing of the Abu Bakr mosque. After the bombing, authorities closed down the heavily attended mosque. On October 27, the Narimanov district court ruled that the mosque should be reopened, but it remained closed at year's end. Several trials had not brought the mosque any closer to being re-opened. Authorities also prevented the Abu Bakr congregation from praying outside on the steps of the closed mosque or outside of other Baku mosques. There was a spike in the number of reported detentions and forced beard-shavings in Baku after the bombing.

A number of practicing Muslims asserted that the government often failed to distinguish between practicing Muslims and extremists. They charged that the government often adopted a heavy-handed approach to practicing Muslims and, in the process, failed to grant them genuine religious freedom. This approach reportedly included forcibly shaving the beards and fingerprinting of Muslims, banning prayers outside mosques, and pressuring certain television stations not to run religious programming. A number of Muslims criticized the CMB for trying to monopolize all Islamic religious practices in the country.

In June, police disrupted two Jehovah's Witnesses services being conducted in private apartments in Baku suburbs. In both cases police detained several participants for several hours before releasing them without charges.

In June, police in Zagatala arrested Baptist pastor Hamid Shabanov for allegedly possessing an illegal weapon. Local Baptists claimed the authorities planted the weapon in Shabanov's residence. International and domestic court monitors reported procedural violations in Shabanov's trial, which was ongoing at year's end. In December the court ordered Shabanov to house arrest, as there was not enough evidence to continue holding him in a detention facility. The court refused to acquit him entirely, however.

The law expressly prohibits religious proselytizing by foreigners, and officials enforced this strictly. In August authorities deported a Russian citizen who was a Jehovah's Witness on grounds of illegal proselytizing. According to the law on religious freedom, citizens are free to share their faith; however, in practice proselytizing of "nontraditional" religions was often discouraged. The government was concerned about Islamic missionary groups (predominantly Iranian Shi'a and Salafi Sunni) operating in the country and continued to restrict their activities.

The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, authorities appeared to selectively restrict the import and distribution of religious materials. Obtaining permission to import religious literature remained burdensome and Islamic and Christian groups complained about the lengthy approval process. During the year there were multiple episodes in which police confiscated allegedly radical Islamic literature in several areas of the country. However, the SCWRA also facilitated the importation of some literature, and the process appeared to be improving, albeit in an arbitrary manner.

The law does not restrict the right of women to wear the Muslim headscarf in educational or state facilities. Women are not allowed to wear headscarves in photos for

passports and other official identity documents. In practice the government did not restrain university administrators or employers from selectively pressuring some women not to wear headscarves.

The government had not developed an alternative service option for fulfilling one's mandatory military service requirement at year's end. The lack of such an option remained a problem for several members of Jehovah's Witnesses, who conscientiously objected to serving in the military.

Societal Abuses and Discrimination

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There was popular prejudice against Muslims who converted to other faiths and hostility toward groups that proselytized, particularly evangelical Christian and other missionary groups.

The government actively tried to promote religious tolerance. The SCWRA convened leaders of various religious communities on several occasions. During the year the SCWRA organized several seminars, conferences, and regional meetings on religious freedom and tolerance.

There were no reports of anti-Semitic acts against the country's 15,000-member Jewish community.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, although at times the government limited freedom of movement, particularly for internally displaced persons (IDPs). The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. However, in 2007 responsibility for all refugee issues, including refugee status determination, was moved from the deputy prime minister to the newly created State Migration Service. International NGOs reported that this new department remained inefficient and did not operate as transparently as the previous one.

The law requires men of draft age to register with military officials before traveling abroad. Some travel restrictions were placed on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad. Officials regularly extracted bribes from individuals who applied for passports.

The law prohibits forced exile, and the government did not employ it.

While official government policy allows citizens of ethnic Armenian descent to travel, low-level officials reportedly often requested bribes or harassed ethnic Armenians who applied for passports. According to the International Organization for Migration (IOM), some Armenians of mixed descent reported to a local NGO that they had problems with officials in the passport and registration department when applying for identification cards. Applicants who applied with Azerbaijani surnames encountered no problems except for having to pay bribes.

Azadlig reporter Agil Khalil reported border guards prevented him from leaving the country on three occasions during the summer, claiming he was on trial and could not legally leave the country. Khalil publicly noted he was not a defendant but a victim in an open case and should therefore be allowed to leave. Authorities eventually permitted

Khalil to depart in July.

Since his 2004 conviction for participating in post-election demonstrations in 2003, the government prevented the imam of the Juma Mosque (shut down by the authorities since 2004), Ilgar Ibrahimoglu, from traveling outside the country, including to several meetings of the UN and the OSCE, where he was to be an official NGO participant.

Since 2006 the government has prevented the foreign travel of Popular Front Party (PFP) chairman Ali Kerimli by refusing to renew his passport, citing an outstanding civil complaint against him from 1994. The government had renewed Kerimli's passport on several occasions in the intervening years without objection. Kerimli filed an appeal on the decision, which was initially rejected at all levels of the court system. However, on February 15 the Supreme Court preserved one aspect of Kerimli's case but ruled that it must be refiled as a criminal complaint. Kerimli refiled the case, but did not prevail. Having exhausted his options under the country's legal system, Kerimli was preparing to take the case to the ECHR at year's end.

Internally Displaced Persons (IDPs)

At year's end there were 572,531 UNHCR-registered IDPs in the country. The vast majority fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict. The government reported a total of 686,586 IDPs.

IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called propiska system, a carryover from the Soviet era, was imposed mainly on persons who were forced from their homes after ethnic Armenian separatists took control of Nagorno-Karabakh and adjacent territories in the western part of Azerbaijan. The government asserted that registration was needed to keep track of IDPs to provide them with assistance.

The government reported that, during the year, 60 international and 40 domestic humanitarian organizations, and 15 nonbank credit unions implemented projects independent of the government related to refugees and IDPs, spending a total of approximately \$30 million. The government stated that it supplemented this spending with money from the national oil fund to improve living conditions for IDPs and refugees. During the year the government completed the construction of five new settlements for refugees and IDPs, in which 1,000 families lived.

In 2007, the State IDP and Refugee Committee's estimated expenditures were 150.1 million manat (approximately \$174.5 million). IDPs received monthly food subsidies of approximately nine manat (approximately \$10.50) from the government.

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to some refugees through the refugee status determination department. While the department progressed in many ways, improvement was offset by a series of court rulings on refugee status determinations that rejected all appeals of negative asylum decisions.

In practice, the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year, 2,657 persons were recognized by the UNHCR as refugees or asylum seekers. The government received 134 applications for refugee status, denied 100 applications, and granted refugee status to 11 persons. At year's end, 23 cases remained under consideration. The government did not provide any notable assistance to government- or UNHCR-recognized refugees or asylum seekers.

The UNHCR considered the government's forced return to Turkey in October 2007 of a

Turkish citizen of Kurdish ethnicity as contrary to the country's obligations under the 1951 UN convention and a clear violation of the principle of nonrefoulement. UNHCR also considered the March 2007 imprisonment of an Iranian citizen for illegal entry as a breach of Article 5 of the 1999 refugee law, which stipulates nonamenability of illegal entry for those seeking asylum.

More than 65 percent of the 2,657 refugees registered and recognized by the UNHCR in the country were Chechens from Russia. The government does not recognize Chechens as refugees as established under the 1951 convention and it did not accept asylum applications from Chechens. As a result, the UNHCR continued to carry out all protection and assistance functions for Chechens in the country.

Despite UNHCR recognition of many Chechens and Afghans as refugees, the laws on residence, registration, and the status of refugees and IDPs did not apply to Chechens and Afghans. They were required to register with police and were not entitled to residence permits. Chechens were permitted to enter the country visa-free under a bilateral passport system with Russia. However, most Chechens could not afford the associated costs to acquire passports. The UNHCR reported two Chechens were being held in pre-trial detention awaiting extradition to Russia at year's end. After reviewing the cases, the UNHCR dropped its objection to the extradition of one individual. Both cases were awaiting a decision from the ECHR at year's end.

According to the UNHCR, 138 Chechens sought and were granted protection during the year, a 46 percent decrease from the previous year. All refugee children registered with the UNHCR were allowed to attend public schools. However, because Chechens and Afghans do not have legal resident status in the country, they were not permitted access to public medical services. The UNHCR provided basic medical assistance through the support of foreign donors.

During the year, 157 Afghans arrived and registered with the UNHCR, a decrease from previous years. During the year Afghans complained of police visits to their homes, with the implied threat of deportation. There were no reports of forced return of Afghans.

The government has no legal mechanism to provide temporary protection to individuals who do not qualify as refugees under the 1951 convention and the 1967 protocol. However, the government accepted the UNHCR identification card issued to Chechens and Afghans.

Stateless Persons

Citizenship is derived by birth within the country or from one's parents. The law provides for the right to apply for stateless status. However, in practice, many persons could not obtain the documentation required for the application, and therefore remained formally unrecognized.

According to UNHCR statistics, there were 2,078 stateless persons in the country at the end of 2007. The vast majority of these persons were ethnic Azeris from Georgia or Iran. There were also an estimated 10,000 undocumented stateless persons in the country during the year, among them Meskhetian Turks, whose status was not formally recognized and who did not possess a stateless certificate.

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

The constitution and law provide citizens with the right to change their government peacefully. The government continued to restrict this right in practice by interfering in elections. The law also provides for an independent legislature; however, the Milli Majlis's independence was minimal, and it exercised little legislative initiative independent of the executive branch. On December 19, the Milli Majlis approved a proposal calling for a referendum on changing the constitution to remove presidential term limits, among other provisions.

Elections and Political Participation

The country held a presidential election on October 15. The final report of the OSCE election observation mission stated that the country had made considerable progress toward meeting its OSCE commitments and other international standards, especially regarding some technical aspects of election administration, but found that the election process did not meet all of these commitments. While the OSCE mission reported that the election was carried out in a peaceful manner, it also noted a lack of robust competition and the absence of vibrant political discourse facilitated by the media. The OSCE observation report concluded that the election "did not reflect some of the principles necessary for a meaningful and pluralistic democratic election."

In May the Milli Majlis adopted amendments to the election code that partially addressed concerns raised previously by the Council of Europe and the OSCE. These included provisions for inking of voters' fingers, transparency of voter lists, and prohibitions on government officials interfering in the election process. The transparency and efficiency of the Central Election Commission was also improved. However, the structure of election commissions at all levels – a longstanding problem – was not made more balanced, and concerns remained over the candidate registration process, rules on media coverage, and complaint and appeals procedures.

The preelection period was marred by continued restrictions on freedom of speech and freedom of assembly for the main opposition parties. The main opposition parties boycotted the election, citing these restrictions and problems with the election code, especially provisions limiting their ability to campaign effectively. The government's failure to improve respect for freedom of assembly, its continued control of the media and the lack of a clear distinction between the government and the ruling party in campaign activities prevented a competitive campaign and reduced the citizens' opportunity to make an informed choice in the election.

The government registered nearly 50,000 domestic and 1,250 international election observers. However, some domestic and international organizations reported problems with the registration process. In particular, the EMC reported that some citizens whom it trained had problems registering as observers in several constituencies. The EMC also reported that 86 EMC-trained observers withdrew from its observation mission following harassment in the days leading up to the election. These developments followed the loss of the EMC's registration as an NGO and the blocking of its Web sites.

According to the OSCE final election report, international observers rated voting procedures overall as "good" or "very good" in 94 percent of polling stations visited. Serious irregularities were witnessed, however, in finger-inking procedures. The counting process was assessed as more problematic, including some instances of manipulation. International observers rated 23 percent of the vote counts observed as "bad" or "very bad." Constituency election commissions annulled results in eight polling stations due to irregularities, but, in other polling stations where irregularities occurred, the results were not annulled. Observers considered 21 percent of the tabulation processes observed to be "bad" or "very bad," with some disorderly and nontransparent proceedings.

The government held national parliamentary elections in 2005. The OSCE's final election observation report concluded that the elections did not meet a number of the country's OSCE commitments and Council of Europe standards for democratic elections. The OSCE concluded that the May 2006 rerun elections in 10 of the country's 125 parliamentary constituencies showed some improvement over the 2005 elections. However, the OSCE noted continuing problems, including in the composition of election commissions, interference by local authorities in the electoral process, the voting, counting, and tabulation processes, and the election grievance process. There were numerous credible reports that local officials interfered with the campaign process to the benefit of progovernment candidates in the 2005 elections and the 2006 partial rerun elections. The government generally respected the legal provisions of the election code. Candidates were able to hold numerous town hall meetings with voters, although police

disrupted some gatherings.

One opposition member refused to take her seat in protest of fraud in these elections, and the government had not set a date for a by-election at year's end.

In 2006, authorities held partial municipal elections around the country. The opposition Azadliq bloc, comprised of the PFP, Azerbaijan Democratic Party, and Azerbaijan Liberal Party, boycotted the municipal elections, asserting that the composition of local election commissions made the elections inherently unfair. Some of these municipal elections were reruns of 2004 municipal elections, which election authorities cancelled because of widespread fraud and irregularities.

The ruling Yeni Azerbaijan Party continued to dominate the political system. Domestic observers reported that membership in the ruling party conferred advantages such as being given preference for public positions. Opposition party members in the exclave of Nakhchivan reported instances of pressure by local officials to join the ruling party.

During the year, opposition parties played a less active role in politics than in previous years. Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. For example, a prominent opposition politician reported several instances in which local authorities prevented her from meeting with private citizens during regional trips. Regional branch opposition party members reported that local authorities often took actions to prevent routine party activities, such as pressuring restaurant owners not to allow opposition parties to use their facilities for meetings and events. Party members often had to conceal the purpose of their gatherings and hold them in remote locations. Opposition party members reported that police often dispersed small gatherings at tea houses and detained participants for questioning. Since 2006, opposition parties have had serious difficulties renting office space, with some parties operating out of their leaders' apartments reportedly because landlords were afraid to rent office space to them due to official pressure.

There were 14 women in the 125-seat parliament. Several women held senior government positions, including deputy speaker of parliament, several deputy ministers, and deputy chair of the Central Election Commission. There were no legal restrictions on the participation of women in politics, although traditional social norms limited women's political roles, and they were underrepresented in elective offices.

Ethnic minorities, such as the Lezghins, Talysh, and Avars, continued to serve in parliament and in government.

Government Corruption and Transparency

The law penalizes corruption by outlawing bribery; however, there was widespread public perception of corruption throughout all facets of society, including the civil service, government ministries, and the highest levels of government. The World Bank's worldwide governance indicators reflected that corruption was a severe problem. Criminal cases related to corruption were opened during the year, specifically on bribery charges; however, these cases had little or no impact on the prevalence of bribery and corruption in the country.

In July 2007, the government adopted its second national strategy for increasing transparency and combating corruption. The strategy established a framework for increasing the accountability of government, cooperating with civil society and systematically monitoring and reporting on the implementation of anticorruption measures. The law on financial disclosure requires officials to report annual income, sources of income, property owned, and financial liabilities. It also prohibits nepotism and limited gifts and direct or indirect financial benefits to public officials or third parties. These provisions had not been implemented at year's end.

The law provides for public access to government information by individuals and organizations; however, the government often did not provide access. Although government ministries have separate procedures on how to request information, they routinely denied requests, claiming not to possess the information. Individuals have the right to appeal the denials in court; however, the courts generally upheld the decisions of the ministries.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although the government maintained ties with some human rights NGOs and responded to their inquiries, on occasion the government criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued routinely to deny or fail to register some human rights NGOs.

The major local human rights NGOs were the Association for the Protection of Women's Rights, the Bureau of Human Rights and Respect for the Law, the Azerbaijan Foundation of Democracy Development and Human Rights Protection, Azerbaijani Committee against Torture (ACAT), the Institute for Peace and Democracy, the Helsinki Citizens' Assembly, IRFS, and the Human Rights Center of Azerbaijan. Most of the leading NGOs affiliated themselves with one of two independent, umbrella organizations, the Human Rights Federation and the Monitoring Group of Human Rights Organizations.

The government met with a variety of domestic NGO monitors. The Ministry of Justice participated in a joint political prisoner review committee with several representatives of the human rights community, which indirectly led to the release of a number of alleged political prisoners. The Ministry of Internal Affairs allowed one NGO, ACAT, to have immediate access to police and pretrial detention facilities; during the year the NGO continued to exercise this right without obstruction and reported on its findings.

Several NGOs reported that the government and police at times refused to protect them from so-called provocateurs who threatened, harassed, and attacked NGO activists and vandalized their property. During the year, Akifa Aliyeva of the Helsinki Citizens' Assembly reported repeated harassment by local authorities in connection with her work defending the rights of a Ukrainian prisoner in Ganja.

The registration process for NGOs remained cumbersome and included requirements to register grants from foreign entities. NGO grants from foreign entities are subject to a social security tax of 22 percent on employee salaries, although grants from a few countries with bilateral agreements with the government were subject to only a two percent tax. NGO activists reported that these provisions inhibited their organizations' activities.

On August 14, the NGO Council announced the first round of grants in a government program, giving over 1.15 million manat (approximately \$1.4 million) to 191 NGOs. While many of these NGOs were considered to be progovernment, some NGOs that were critical of the government also received grants.

The government generally permitted visits by UN representatives and other international organizations, such as the ICRC. International NGOs, such as RWB, generally operated without government hindrance.

Citizens may appeal violations committed by the state or by individuals to the ombudswoman for human rights. The ombudswoman may refuse to accept cases of abuse that are over a year old, anonymous complaints, and cases already being handled by the judiciary. Data were not available on the number of complaints received and resolved by the ombudswoman during the year.

The Office of the Ombudsman took the lead in implementing the government's 2006 human rights action plan. During 2007 the ombudswoman reported that she had established a working group, which included five subcommittees, to focus on the areas identified as priorities in the action plan. As of year's end implementation of the plan was uneven. During the year the ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats and domestic NGOs working on human rights, and submitted an annual report to the Milli Majlis. However, local human rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the government.

The Milli Majlis and the Ministry of Justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the human rights office within the Ministry of Foreign Affairs regularly met with the diplomatic community to discuss issues of concern. The Milli Majlis's human rights body did not operate fully independently of government influence.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights without respect to gender, race, language, disability, or social status, but the government did not always respect these provisions or effectively enforce them. Violence and discrimination against women, trafficking of persons, and discrimination against ethnic Armenians were problems.

Women

The government did not provide data on the number of rapes reported during the year. In 2007, 86 cases of rape were reported to authorities. Most rape victims reportedly knew their assailants but did not report incidents out of fear and shame. Rape is illegal and carries a maximum 15-year prison sentence. Violence against women, including domestic violence, continued to be a problem. In rural areas women had no effective recourse against assaults by their husbands or others. There are no laws on spousal abuse or specific laws on spousal rape.

There were no government-sponsored programs for victims of rape or domestic violence. In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance to women. The center also worked on a number of projects funded by international donors to combat gender-based violence and trafficking in persons in the Caucasus region. Representatives of the institute regularly appeared on popular television talk shows to discuss women's issues.

Prostitution is an administrative offense rather than a crime and is punishable by a fine of up to 88 manat (approximately \$102). Pimps and brothel owners may be sentenced to prison for up to six years. Prostitution was a serious problem, particularly in Baku.

The law does not directly prohibit sexual harassment.

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and lagging economic development in the country's regions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions.

Children

The law requires the government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children.

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 male children and kept girls to work in the home. Some poor families forced their children to beg rather than attend school.

According to the Ministry of Internal Affairs, five cases of rape and 20 cases of sexual abuse of children were reported in 2007. There were reports that children were trafficked for sexual exploitation and begging. During the year, five victims of sex trafficking were under the age of 18.

Child marriage was not considered a significant problem, although evidence suggested it was growing, primarily in rural central and southern regions among poor families.

A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases these children were unable to attend school.

Trafficking in Persons

The criminal code prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

The country was primarily a source and transit point for women, men, and children trafficked for sexual exploitation and forced labor. Central Asian, Russian, and local women and girls were trafficked from or through the country to the United Arab Emirates, Turkey, Iran, India, and Pakistan for exploitation in the sex industry. Men were trafficked to Russia for forced labor. Although there were no official reports of internal trafficking, domestic monitors reported a growing trend of internal trafficking of women for sexual exploitation, of men for forced labor in the construction industry, and of children for begging. During the year the government reported it identified 78 trafficking victims, two of which were cases of child trafficking. Traffickers generally targeted women.

Traffickers were either foreigners or ethnic Azerbaijanis who acted in loose concert with international networks. They approached victims directly and indirectly through friends and relatives, usually offering to arrange employment abroad. Traffickers also used deceptive newspaper advertisements offering false work abroad. Traffickers reportedly used forged documents to move victims. They also used fraudulent marriage proposals from men posing as Iranian businessmen to lure women into prostitution in neighboring Iran.

During the year, 61 persons were prosecuted to completion under the law against trafficking in persons. At year's end, 35 trials were ongoing. One person was convicted of document forgery in a trafficking-related case. Most trafficking-related crimes prosecuted during the year carried maximum penalties of between five and 12 years' imprisonment, except for rape and sexual violence, which both carried maximum 15-year prison sentences. There also are specific criminal penalties for enslaving, raping, and forcing children into prostitution.

The deputy minister of internal affairs, a known human rights violator, was the national coordinator for government antitrafficking activities. This constituted an obstacle to maintaining a victim-centered approach to the government's antitrafficking efforts, monitoring relevant government bodies' efforts, and dealing with the NGO community. Government bodies involved in antitrafficking included the Ministries of Internal Affairs, Foreign Affairs, Justice, National Security, and Health; the prosecutor general; the state border guard; State Customs Service; and the State Committee on Family, Women's and Children's Issues. The Ministry of Internal Affairs has a separate countertrafficking department. In February the government opened a national hot line for victims of trafficking. During the year the government did not receive any requests to assist with extradition or international investigations of trafficking cases.

There was no evidence of official complicity in trafficking, but corruption in some government agencies facilitated trafficking.

The law provides protections for trafficking victims by relieving them from civil, administrative, and criminal responsibility for offenses committed under coercion, intimidation, or other trafficking conditions. However, in practice, victims were subjected to verbal abuse and stigmatization by judges. Victims were often treated as criminals and penalized solely for unlawful acts they committed as a direct result of being trafficked. The law allows the use of pseudonyms to protect the identity of victims and provides for their assistance and shelter. The government did not systematically screen vulnerable population groups to identify trafficking victims.

There was no standardized mechanism to return trafficked women to their country. According to the IOM, some Azerbaijanis and foreign nationals who were either victims of trafficking or engaged in prostitution were deported to the country, primarily from Turkey. A few trafficking victims deported from Dubai received assistance from Azerbaijani NGOs. However, the government had no program to assist them.

The lack of a standardized victim referral network remained a problem. The government referred victims to a government-funded shelter, which provided victims with access to legal, medical, and psychological services. During the year 52 victims received assistance at the shelter. In August, the IOM started a project with the countertrafficking department of the Ministry of Internal Affairs to strengthen management capacity of the shelter and hot line services by training their staff and formulating operational guidelines. A poster publicizing the government's national hot line developed by the IOM's antitrafficking advisor was printed and distributed to various NGOs, international organizations and government agencies. The government, while fully funding the hotline, does not operate it directly and has not actively advertised it.

During the year, the government continued to implement its antitrafficking action plan.

Several NGOs, such as the Institute for Peace and Democracy's Women's Crisis Center and Clean World, and government bodies, such as the State Committee for Women's and Children's Issues, worked on antitrafficking activities. The Ministry of Internal Affairs claimed to have conducted 70 trafficking awareness programs in various parts of the country.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and access to health care, or the provision of other state services, but discrimination in employment was a problem. It was commonly believed that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There are no laws mandating access to public or other buildings for persons with disabilities, and most buildings were not accessible.

Care in facilities for the mentally ill and persons with disabilities varied; some provided adequate care while others lacked qualified caregivers, equipment, and supplies to maintain sanitary conditions and provide a proper diet.

The Ministries of Health and Labor and Social Welfare were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Some of the approximately 20,000 citizens of Armenian descent living in the country historically complained of discrimination in employment, schooling, housing, the provision of social services, and other areas. Citizens who were ethnically Armenian often concealed their ethnicity by legally changing the ethnic designation in their passports. There were no reports of discrimination against Armenians during the year.

Some groups reported sporadic incidents of discrimination, restrictions on the ability to teach in their native languages, and harassment by local authorities. These groups included Talysh in the south, Caucasian Lezghins in the north, displaced Meskhetian Turks, and displaced Kurds from the Lachin region controlled by Armenia-supported Nagorno-Karabakh separatists.

On June 24, the Baku Court of Grave Crimes sentenced Novruzali Mammadov to 10 years' imprisonment for high treason. Mammadov, editor in chief of the Talysh Sedo newspaper, had been detained since February 2007, during which time his lawyers alleged he was beaten by security forces. Some local NGOs alleged that his arrest was related to his ethnicity and cultural activities.

Other Societal Abuses and Discrimination

The government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against homosexuals.

According to the European Region of the International Lesbian and Gay Association's 2007 report, lesbians, gays, bisexuals, and transsexuals in the country were subjected to human rights abuses, discrimination, and social exclusion. The report characterized the community as "vulnerable and exposed to extortion by law enforcement officials," facing problems such as ridicule, forced bribes, abuse, and in some cases rape by law enforcement officials. The report noted that the community lived under a constant fear of being "outed" to family, friends, and colleagues.

There were no reports of societal violence or discriminations against persons with HIV/AIDS.

6. Worker Rights

a. The Right of Association

The law provides for freedom of association, including the right to form labor unions, but there were some restrictions on this right in practice. The overwhelming majority of labor unions remained tightly linked to the government, with the exception of the independent journalists' unions.

Uniformed military and police are prohibited from participating in unions, although civilians working in the Ministries of Internal Affairs and Defense were allowed to do so. The law also prohibits managerial staff from joining a union, but managers in government industries often had union dues automatically deducted from their paychecks.

The Azerbaijani Trade Union Confederation (ATUC) had approximately 1.6 million members, representing 28 labor federations in various industrial sectors. Although the ATUC was registered independently, some workers considered it closely aligned with the government.

The law allows trade unions to conduct their activities without government interference; in practice most unions were not independent. The law provides most workers with the right to strike. 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, and railway and air traffic control workers. Striking workers who disrupt public

transportation can be sentenced up to three years' imprisonment. The law prohibits retribution against strikers such as dismissal or replacement. However, a local NGO claimed workers in the oil industry were largely unaware of their rights and afraid of retribution if they issued complaints.

Labor legislation applied to all workers and enterprises in the country; however, the government may negotiate bilateral agreements with multinational enterprises that effectively exempt such enterprises from national labor laws. For example, production sharing agreements (PSAs) between the government and multinational energy enterprises signed in 1994 and subsequent years do not provide for employee participation in a trade union. Some labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under the PSA arrangements were not union members, although there were exceptions. No new labor unions have been formed at these companies since 2005.

Trade unions may legally engage in political activity, but in practice exercise an extremely limited political role.

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. As a result, unions did not have resources to carry out their activities effectively. Unions had no recourse to investigate the withheld funds.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 65,000 workers, whose union dues (2 percent of each worker's salary) were automatically deducted from their paychecks.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining agreements to set wages in state enterprises. In reality unions could not effectively negotiate such wage levels because government-appointed boards ran major state-owned firms and set wages for all government employees. Collective bargaining agreements were often treated as formalities and not commonly used.

There were no reports of government antiunion discrimination; labor disputes were primarily handled by local courts, which, while not exhibiting antiunion discrimination, were widely considered corrupt. There were reports of antiunion discrimination by foreign companies operating in Baku. Labor NGOs reported that multinational energy companies and their subcontractors often discouraged union membership by their employees. For many multinational companies, this behavior was enabled by the absence of union membership rights in the PSAs. Domestic observers reported some acts of discrimination against local workers in multinational companies, such as different wages paid to foreign and local workers for the same jobs, the lack of formal contracts for some local workers, and different standards of housing for foreign and local workers along Baku-Tbilisi-Ceyhan pipeline construction sites. There were reports of oil industry workers being asked to sign blank contracts to be filled in later.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution and law allow forced or compulsory labor under circumstances of war or in the execution of a court's decision under the supervision of a government agency. Some observers reported that there were infrequent occurrences of forced or compulsory labor, including trafficking in women, men, and children for sexual exploitation, forced labor, and begging. Men and boys were trafficked to Russia for forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health, and there were few complaints of abuses of child labor laws. However, there were reports that children were trafficked for commercial sexual exploitation and begging.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15; 14-year-old children may work in family businesses or, with parental consent, at after-school jobs during the day that pose no hazard to their health. Children under 16 may not work more than 24 hours per week; children between 16 and 18 may not work more than 36 hours per week. The law prohibits employing children under 18 in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. However, the unit responsible is considered ineffective.

e. Acceptable Conditions of Work

On January 1, the government raised the minimum monthly wage to 60 manat (approximately \$73) per month. The minimum wage was insufficient to provide a decent standard of living for a worker and family and was four manat (five dollars) below the official poverty level of 64 manat (\$78) set by the government. The Ministry of Taxes, the Ministry of Labor, and the State Social Protection Fund share responsibility for enforcing the minimum wage. However, in practice the minimum wage was not effectively enforced.

The law provides for a 40-hour work week; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods, which are determined by labor contracts and collective agreements. It was not known whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. However, most individuals worked in the informal economy, where the government did not enforce contracts or labor laws.

The law sets health and safety standards; however, government inspections of working conditions were weak and ineffective, and standards were widely ignored. The ATUC monitored compliance with labor and trade regulations, including safety and health conditions.

Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment. According to the Oil Workers Rights Defense Council, an NGO dedicated to protecting worker rights in the oil sector, two oil sector workers died in workplace accidents during the year. Both were employees of the state oil company. ATUC recorded a total of five deaths in the whole of the energy sector and 18 deaths in state-owned enterprises. The International Trade Union Confederation reported that the government's bilateral agreements with multinational corporations, the contents of which were confidential, contributed to labor rights violations. In November 2007 the Oil and Gas Workers' Union of Azerbaijan reached a new contract with the State Oil Company that included greater social protections and health and safety commitments. Workplace accidents were also a problem in other sectors of the economy.

The law provides equal rights to foreign and domestic workers, although local human rights groups, including the Oil Workers Rights Defense Council, maintained that disparities existed, particularly in foreign oil companies, where local workers were more likely to receive lower pay and work without contracts or health care.