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AZERBAIJAN

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Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters, many from his home region of Nakhchivan, continue to dominate the Government and the multiparty 125-member Parliament chosen in the flawed 1995 elections. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and a judiciary with limited independence. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

After years of interethnic conflict between Armenians and Azerbaijanis, Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government) continue to occupy 20 percent of Azerbaijan's territory. A cease-fire was concluded in 1994, and the peace process continues. The Presidents of Azerbaijan and Armenia held a series of direct meetings in the second half of the year to discuss a compromise resolution. However, exchanges of fire occurred frequently along the Azerbaijan-Armenian border and along the line of contact with Nagorno-Karabakh, causing casualties. Military operations continued to affect the civilian population. There are 800,000 Azerbaijani refugees and internally displaced persons (IDP's) who cannot return to their homes. In the part of Azerbaijan that Armenians control, a heavily militarized ruling structure prevents ethnic Azerbaijanis from returning to their homes. In the part of Azerbaijan that the Government controls, government efforts to hinder the opposition continue to impede the transition to democracy.

Police, the Ministry of Internal Affairs, and the Ministry of National Security are responsible for internal security. Members of the police committed numerous human rights abuses.

Azerbaijan continued its economic transition from central planning to a free market. Reforms continued on paper, but stagnated in practice. Economic growth has been spurred by substantial foreign investment in the hydrocarbon sector, but it is offset by a highly organized system of corruption and patronage. While government statistics pointed to continued economic growth during the year, the real economy was hit hard by a large-scale drop off in foreign business activity, due largely to low oil prices early in the year, endemic corruption, and a deteriorating business climate. The country has rich petroleum reserves and significant agricultural potential. Oil and oil products are the largest export, followed by cotton and tobacco. Other key industries are chemicals and oil field machinery. The Government signed several new oil production sharing agreements with foreign oil companies in 1999. Agriculture employs 33 percent of the labor force and makes up 20 percent of the gross domestic product (GDP). The leading crops are wheat, fruit and vegetables, cotton, tobacco, and grapes. Privatization of industry continues through auction sales of small- and medium-sized state-owned enterprises. Large enterprises remain almost exclusively under government control and operate at a fraction of their capacity. Accumulation of large wage arrears is common. Private retail enterprises, cotton gins, and grain mills are proliferating. About 90 percent of the nation's farmland is now in private hands, but new small farmers have poor access to credit and markets, and commercial agriculture remains weak. Per capita GDP is approximately \$500 per year. Much of the labor force is employed in the state sector where wages are

low. The overall economic situation of the average citizen remains tenuous, although in urban areas a growing moneyed class with trade and oil-related interests has emerged. According to official statistics, the economy now is only 60 percent of the size of the economy in 1991. According to the World Bank, 60 percent of the citizens live in poverty. Economic opportunity for the average citizen still depends largely on connections to the Government. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record was poor, and serious problems remained; however, there was significant improvement in one area. The Government continues to restrict citizens' ability to change their government peacefully. Police beat persons in custody, arbitrarily arrested and detained persons, and conducted searches and seizures without warrants. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. Prison conditions remained harsh, and some prisoners died as a result of these conditions. The judiciary is corrupt, inefficient, and subject to executive influence. Corruption continued to pervade most government organs, and it is widely believed that most persons in appointed government positions and in state employment purchase their positions. The Government holds an estimated 50 political prisoners, down from 75 in 1998. A number of prisoners were released upon expiration of their sentences, and others were granted amnesty. The Government infringed on citizens' privacy rights. The Government continued to impose some limits on freedom of speech and of the press. Although the Government abolished censorship in August 1998, government officials throughout the year sought to intimidate independent and opposition newspapers by repeatedly suing them for defamation. As a result, journalists practiced self-censorship. Nevertheless, scores of opposition and independent newspapers continued to publish and discuss a wide range of sensitive domestic and foreign policy issues. However, journalists were subject to violence on occasion by unknown assailants who sought to stop media criticism of the Government. Lengthy pretrial detention is still a problem. The Government continued to deny broadcast licenses to all truly independent organizations applying to open television and radio stations. The Government also tightly controlled official radio and television, the primary source of information for most of the population. In July and August, authorities forced all but two of the regional television stations that were broadcasting without licenses to close.

The Government restricted freedom of assembly and association. Police suppressed or refused to allow any large-scale peaceful public demonstrations, while allowing smaller ones (of less than 50 participants) to occur. Opposition political parties, unable to mount large-scale public activities, focused on holding smaller-scale meetings and seminars throughout the country. In many cases, opposition attempts to hold meetings in the regions outside the capital initially were refused by local authorities and were allowed only after intervention by the central Government. The Government tolerated the existence of many opposition political parties, although it continued to refuse to register some. After maintaining a pattern of low-level harassment against activity by religious minorities throughout most of the year, the lower levels of Government escalated this activity by cracking down on the legally registered Russian Baptist Church in September. However, the Government took steps to improve its record on religious liberty in the wake of President Aliyev's public commitment to do so in November. The Government also acted to redress earlier harassment, including arrests, deportation orders, and a failure to register religious groups, by lower-level government and security officials. Local authorities restricted freedom of movement in some instances.

The Government held the country's first-ever municipal elections on December 12; however, the electoral process was marred by a nearly universal pattern of interference by local officials, which allowed them to control the selection of the election committees that supervised the election. The Government was critical of certain domestic human rights activists, although it was open to limited dialog with domestic and international human rights organizations. Societal discrimination and violence against women and discrimination against certain ethnic minorities are problems.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict continued. They

resulted in injuries and deaths among combatants and occasionally civilians, and the taking of prisoners, including civilians. Insurgent Armenian forces in Nagorno-Karabakh and the occupied territories continued to prevent the return of IDP's to their homes. This restriction resulted in significant human suffering for hundreds of thousands of persons.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other clearly extrajudicial killings.

There were several reports of deaths of prisoners resulting from other than natural causes while in official custody (see Section 1.c.).

There were at least two reports of deaths of prisoners, due at least in part to prison conditions while in official custody, and several prisoners were killed during a reported uprising at a prison in January (see Section 1.c.). At year's end, the Government had not released its long-awaited report on the prison uprising.

There have been no further confirmed developments in the cases of the death of Firuz Gurbanov in August 1997, after which a police official was arrested, or in the death of Samir Zulfugarov in Baku in August 1997 where a police official reportedly was under investigation in connection with the death.

There has been no action by the Government in the killing of opposition Azerbaijan Popular Front member of Parliament Shakhmerdan Jafarov in July 1995.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in injuries to civilians.

During the year, three persons were killed and five were wounded by land mines laid near the disputed area of Nagorno-Karabakh. These mines were laid by the Governments of Azerbaijan and Armenia, and the Karabakh Armenian authorities.

b. Disappearance

There were no reports of politically motivated disappearances.

The Government released by year's end all six Armenian prisoners of war, including civilians, that it had been holding. Nagorno-Karabakh authorities released two Azerbaijani prisoners and reportedly still hold three prisoners. The ICRC repeatedly asked the concerned parties for notification of any person captured in relation to the conflict, access to all places of detention connected with the conflict, and release of all such persons. The ICRC also urged the parties to provide information on the fate of persons reported as missing in action. The Government again presented to the ICRC a list of 856 persons allegedly held by the Armenians; the list was also presented in 1998.

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

Torture is illegal; however, there are credible reports that the police practice of beating prisoners during arrest, interrogation, and pretrial detention was widespread. The Government does not hold most members of the police accountable for their actions. Impunity continues to be a problem, and in most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. In an August report, Human Rights Watch noted that the most severe and routine physical abuse of detainees takes place just prior to and during the preliminary investigation, as police

and other investigators "isolate detainees from all contact with the outside world, and beat and coerce confessions from suspects and statements from witnesses."

Police forcibly dispersed an unsanctioned demonstration on May 8. The demonstrators, organized by a combination of opposition parties, were attempting to assemble near a Baku cemetery to march to the Karabakh front over a hundred miles away to protest Armenian occupation of Azerbaijani territory. The Government refused to issue a permit for the march and ordered police to break up the rally. Several protesters were detained briefly before being released without charges (see Section 2.b.).

Police harassed, detained, and arrested members of evangelical Christian and other groups, conducted illegal searches and seized their documents and property (see Section 2.c.). President Aliyev criticized these actions in November (see Section 2.c.).

Prison conditions are harsh. The quality of food, housing, and medical care is poor. Prisoners must rely on their families to procure food and medicine. There are widespread and credible reports that authorities deny or give inadequate medical treatment to prisoners with serious medical conditions. Authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and sleep in order to elicit confessions from them without actually leaving physical evidence of abuse. Men and women are housed in separate prison facilities.

On January 7, 14 persons, including 11 prisoners and three government personnel, were killed when the authorities suppressed an alleged attempted escape by some of the inmates of the Gobustan prison. Those inmates killed were in prison on various coup and assassination convictions. Independent media speculated that frustration over the Government's failure to include any "political" prisoners in the December 31, 1998 amnesty granted to 12,000 convicts (including some convicted of serious crimes) may have sparked the prison incident.

Human rights organizations were able to visit prisons on several occasions. However, the Government continued to deny the ICRC access to prisons except those where persons held in relation to the Nagorno-Karabakh conflict were detained. Various foreign embassies have petitioned the Government for permission to visit all prisons. In general the Government denies access to detainees held in security prisons that hold both high risk common criminals and high risk persons sentenced for crimes with a political connection, for example, persons sentenced in connection with coup attempts and military mutinies.

d. Arbitrary Arrest, Detention, or Exile

Authorities arbitrarily arrest and detain persons without legal warrants. Often authorities do not notify family members after arrests. Frequently, it is days before family members are able to obtain information as to whether authorities have arrested someone and where authorities are holding the detainee. Family members do not enjoy the right of visitation. Authorities generally deny bail to detained individuals and often do not inform detainees of the charges against them. There is no legal protection concerning the right of detainees to be charged or released within a certain period of time, or for accused persons to receive an expeditious trial. While the situation appears to be gradually improving, lengthy pretrial detention is still a problem. In July the Constitutional Court ruled that detainees could have access to a lawyer from the time of detention rather than only after they have been charged with a crime, but access to lawyers is often poor. In the past, police sometimes detained relatives of suspects being sought in an attempt to force the family to reveal a suspect's whereabouts (see Section 1.f.).

During the year, police detained members or supporters of opposition parties who were participating in small demonstrations or other political activity. All were released after brief detentions and without further charges.

The Government continued to harass parties critical of the Government by arbitrarily arresting party members, including close associates or relatives of opposition party leaders. During the summer, the Government arrested Etibar Guliyev, a nephew of Rasul Guliyev, co-chairman of the Azerbaijan Democratic Party. He was accused of smuggling on his return to Azerbaijan from abroad. Rza Guliyev, another nephew of Guliyev, was arrested in 1998, convicted of tax evasion after initially being charged with embezzlement, and is serving a sentence of 8 years in prison. Guliyev had been forced to resign as Chairman of the Parliament in 1996. He now is living abroad and is accused by the Government of large-scale embezzlement. The action taken against Guliyev's nephews appeared to be politically motivated. In June several members of the Popular Front Party were arrested and briefly detained following small demonstrations. This pattern of arrests and detentions recurred throughout the year.

Police detained protesters in Baku in May in an unsanctioned demonstration (see Section 2.b.). Police beat, harassed, detained, and arrested members of evangelical Christian and other groups, and seized their documents and property (see Section 2.c.).

In 1998 the Government arrested an aide to the chairman of the Popular Front Party, accusing him of illegal possession of a pistol and hand grenade, which independent observers believe were planted. It arrested two other associates of the Popular Front Party chairman at a demonstration in November 1998. All were convicted; one on a weapons charge and the other two of disturbing public order and resisting the police. The first was amnestied during the year, but the other two are still in prison. The Government convicted of embezzlement and jailed a deputy director of a state oil refinery previously run by Rasul Guliyev, a former chairman of the Parliament now living abroad whom the Government accuses of large-scale embezzlement.

In addition, the Government originally rejected the appeal for the release of journalist Fuad Qahramanli, who was being kept in prison for having written an unpublished article discussing opposition rally tactics. In July Qahramanli was granted amnesty (see Section 2.a.).

In 1997 an aide to opposition leader Isa Gambar and a relative of Gambar, initially detained for political reasons, were charged with failure to notify the Government of a crime, convicted, and sentenced to 3 years in prison (see Section 1.e.). Both were released in July.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for a judiciary with limited independence; however, in practice judges do not function independently of the executive branch. The judicial system is subject to the influence of executive authorities. The President appoints Supreme and Constitutional Court judges, subject to confirmation by Parliament. The President directly appoints lower level judges with no requirement for confirmation. The Constitutional Court, formed in 1998, overruled several minor administrative and legislative acts as unconstitutional in its first full year of activity, but the short-term effect was limited. The judiciary also is widely believed to be corrupt and inefficient.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

The Government organizes prosecutors into offices at the district, municipal, and republic level. They are ultimately responsible to the Minister of Justice, are appointed by the President, and are confirmed by Parliament. The Constitution prescribes equal status for prosecutors and defense attorneys before the courts. In practice, however, prosecutors'

prerogatives greatly outweigh those of defense attorneys and often those of the judges themselves. Investigations often rely on obtaining confessions rather than obtaining evidence against suspects. No judge has dismissed a case based on a prisoner's claim of having been beaten.

Cases at the district court level are tried before a panel consisting of one judge and two lay assessors. The judge presides over and directs trials. Judges frequently send cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases may be either dropped or closed, occasionally without informing either the court or the defendant.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights, including an exclusionary rule barring the use of illegally obtained evidence and for a suspect's right to legal counsel, to be informed immediately of his legal rights, and of the charges against him. However, the Government has not made significant efforts to enforce these rights throughout the criminal justice system. Defendants may confront witnesses and present evidence. The court appoints an attorney for indigent defendants. Defendants and prosecutors have the right of appeal. The Government generally has observed the constitutional provision for public trial. Foreign and domestic observers generally are able to attend trials.

Opposition political parties and NGO's credibly estimate that the Government held about 50 political prisoners at year's end. The reduction from 75 prisoners in 1998 apparently reflected a combination of releases of some prisoners in a general amnesty and completion of jail sentences for others.

The Government continues to assert that it holds no political prisoners.

On February 17, a Baku district court found 14 participants in a November 8, 1998, opposition demonstration guilty of disturbing public order and resisting police. Four of the defendants are from the Popular Front Party, six are from the National Democratic Party, and six others are unaffiliated. The demonstrators were participating in a legally sanctioned rally that reportedly transpired without incident until a dozen assailants separate from the rally disrupted the event.

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

The Government infringed on these rights. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in prevention of a crime. The Constitution allows searches of residences only with a court order or in cases provided by law. However, citizens widely believe that the Ministry of National Security monitors telephones and Internet traffic, especially those of foreigners and prominent political and business figures. Police often conducted searches without a warrant, and investigations sometimes resulted in confining the individuals to their city of residence or a brief jail sentence for questioning. There were credible allegations that police continued to intimidate and harass family members of suspects.

There were credible reports that individuals linked to opposition parties were fired from their jobs (see Section 2.b.). The Government continued to harass some opposition party leaders by arresting their relatives (see Section 1.f.). Police harassed and detained members of evangelical Christian and other groups, carried out arbitrary searches, and seized their documents and property (see Section 2.c.).

In June a court ruled in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photos. In September the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end

(see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government in some cases did not respect these rights in practice. The Government did not take any measures to reinstitute press censorship, which was abolished in 1998; however, actions taken by several prominent government officials, including an ongoing series of libel suits, many of which ended with the levying of excessively high fines (which, if ever collected, would immediately bankrupt any independent or opposition newspaper), created an atmosphere in which journalists exercise self-censorship. Most of the excessive fines have been appealed; however, in those cases in which there have been rulings, the appeals were denied. Prominent opposition politicians criticized the Government without reprisal; however, in one case, former president Elchibey was charged with slander in 1998 after he accused the President of having helped organize a terrorist organization, the Kurdistan Workers' Party (PKK), during the Soviet era. The charges were dropped in January.

While the press debated a wide variety of sensitive topics throughout the year, other factors restricted the public's ability to be informed about and discuss political issues. Most newspapers are printed in the Government's publishing house. The Government's near monopoly of publishing facilities and its control over the price of newsprint gives it leverage over the press, a critical matter given the precarious finances of most opposition newspapers. Some editors complain about having their print runs limited by the state printing press, and many cite the threat of increases in paper and printing prices as a constraint on the free press.

The spate of lawsuits by prominent government officials against opposition or independent media outlets also had a negative effect on freedom of the press in practice. Courts invariably ruled in favor of the government plaintiffs, while ruling against opposition plaintiffs pursuing similar charges against progovernment media outlets in all but two cases. It appears that the extremely high financial penalties levied by the courts were designed to repress criticism rather than to foster responsible journalism. However, none of the fines had been collected by year's end, and no media outlets were closed for that reason. Nevertheless, the media outlets in question credibly claimed publicly and privately that the threat of the charges forced them to exercise self-censorship.

Journalists were subject to violence. Several incidents were reported in June and July in which masked assailants kidnaped, beat, and threatened journalists. Two of the three cases of harassment of journalists involved journalists from Hurriyet, a newspaper associated with Rasul Guliyev. Although the number of violent incidents against journalists decreased during the year, despite promises of rapid action, police have yet to determine the identity of any of the assailants. While the Government denies any relationship with the assailants, the incidents involved opposition journalists who were warned to stop criticizing government officials or policies.

Rovshan Ismailov of Ganun (Law) magazine was beaten on April 13 in the Izami district of Baku. He said that he was shopping when several plainclothes police officers approached him, and he identified himself as a journalist. Following a verbal confrontation, Ismailov said that the officers beat him. At year's end no action had been taken against the officers.

In June unknown assailants kidnaped opposition journalist Kamil Tagisoy, whom unknown assailants kidnaped, beat, and warned to stop writing about President Aliyev's health. On June 30, three persons claiming to be employees of the National Security Ministry intercepted a car in which two journalists from the opposition newspaper Yeni Musavat were traveling and abducted the newspaper's deputy editor, Shirzad Mamedli.

Mamedli was released 1 hour later after having been beaten severely.

Approximately 30 journalists and members of NGO's held an unsanctioned protest on July 6 in front of the Prosecutor-General's office in Baku to protest such harassment and violence against independent journalists. The previous day the Baku mayor's office had refused permission to stage the protest.

In May the Government rejected an appeal for the release of journalist Fuad Qahramanli of CAG newspaper (published by the Democracy Development Foundation), who was being kept in prison for having written an article that was never published. In June 1998, police from the Department Against Organized Crime declared the article, entitled "The Opposition Rally Tactics," to be dangerous and subversive. On July 11, the Government granted amnesty to Qahramanli (see Section 1.d.).

There has been no further action taken on the following cases: The beating of a journalist in February 1998; the attack on 34 journalists by police when they were reporting on an opposition rally in Baku in September 1998; and the attack on 4 journalists when they were protesting peacefully the defamation trial of Yeni Musavat in November 1998.

Despite government pressure and such attacks, the independent and opposition press played an active, influential role in politics. Articles critical of government policy and high government figures, including the President, and discussion of sensitive areas of domestic and foreign policy, appeared routinely in the opposition and independent print and broadcast media. The independent press does not always meet internationally accepted journalistic standards.

A large number of newspapers continued to publish. One reliable source put the number of registered newspapers at 600, and the number actually publishing at least once a month at nearly 100. These included independent newspapers and newspapers with links to major and minor opposition parties. Government-run kiosks and 27 independent news distributors distributed opposition and independent newspapers. A number of editors continued to complain that the government-run kiosks refuse to carry their newspapers or claim to have sold all received copies while, in fact, retaining many unsold copies in stock.

The Government tightly controlled official radio and television, the source of information for much of the population because the cost of newspapers makes them unaffordable for most persons. Television and radio stations require a license to operate, and the Government used this requirement to prevent several independent stations from broadcasting. Since 1993 no truly independent broadcaster has received a frequency from the State Commission on Radio and Television Frequencies and the Ministry of Communications. There are a limited number of private television stations, whose broadcasts can be received only in Baku or in local areas outside the capital. Only one of the private stations is not directly under the control of a government official, and it is believed widely that this station also has compromised its independence. Independent radio, preferred by the overwhelming majority of listeners, largely is oriented to entertainment, but one independent station airs political topics, although news is only a small portion of its program. Opposition parties had virtually no access to the official electronic media. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Three independent television stations operate in Baku. Six independent television stations operating outside of Baku, which had been rebroadcasting without frequency licenses, were closed in July and August. In July and August, authorities--in one case armed with guns--forced all but two of the regional television stations that were broadcasting without licenses to close.

During the fall, authorities shut down the independent, foreign-owned television station SARA on the grounds that the law prohibits foreign ownership of domestic television stations. Observers noted that for 5 years Sara aired without problems as a mainly

entertainment channel, until it started airing political programs in the summer; the Government closed down the station after it gave a prominent platform on a program to opposition leaders discussing the Nagorno-Karabakh dispute. On December 24, the Economic Court upheld a Lower Court ruling against SARA's owners.

At year's end, there were four independent television stations operating outside of Baku, one each in the cities of Ganja, Mingechevir, Quba, and Sumqayit. Four other independent stations in Quba, Tovuz, Zagatala, and Belakan, remain closed. Three Russian and three Turkish television stations and radio programs are rebroadcast locally through Azerbaijani facilities and are seen and heard in most parts of the country. Radio Free Europe/Radio Liberty and the Voice of America broadcast without restriction. There are no restrictions on reception of foreign stations via satellite. The Government granted new broadcast licenses to a few foreign radio stations, plus several regional television stations directly under the control of the local executive commission. The Government has delayed action for more than a year on the applications to broadcast of more than 10 independent broadcasters.

The Government allowed limited Internet access. There are 2 Internet service providers, although more than 12 vendors sell accounts. Both providers have formal links with the Ministry of Communications. Connecting costs, which average \$3 per hour (down from \$10 per hour in 1998), are still beyond the budgets of most citizens; few citizens have accounts of their own. Many persons believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition-oriented intellectuals and leaders (see Section 1.f.). Appointments to government-controlled academic positions are heavily dependent on political connections. Nevertheless, several professors with tenure are active in opposition parties. There were no complaints of violation of academic freedom or of censorship of books or academic journals.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right when it decides that it is in its interest to do so. Authorities frequently prevented political parties critical of the Government from conducting many indoor meetings as well as outdoor gatherings. The Government allowed some political party gatherings, such as the Popular Front's 10th anniversary meeting in July. Authorities also permitted opposition parties to organize so-called "pickets," demonstrations with less than 50 participants. Authorities cited questionable security considerations repeatedly to ban any larger demonstrations throughout the year.

The Government detained persons at unauthorized rallies and meetings, but released them without charges after brief detention. Police briefly detained demonstrators at the May 8 rally before releasing them without charges. Police forcibly dispersed an unsanctioned demonstration on May 8. The demonstrators, organized by a combination of opposition parties, were attempting to assemble near a Baku cemetery to march to the Karabakh front over a hundred miles away to protest Armenian occupation of Azerbaijani territory. The Government refused to issue a permit for the march and ordered police to break up the rally. Several protesters were detained briefly before being released without charges (see Section 1.c.). In July journalists and members of NGO's held an unsanctioned protest in Baku to protest harassment and violence against independent journalists (see Section 2.a.).

Heads of local governments in several different sections of the country repeatedly refused the requests of opposition members of Parliament, such as Popular Front First Deputy chairman Ali Kerimov, to hold organized meetings with constituents and interested citizens. On several occasions, central government authorities intervened to overrule the local authorities and allow Kerimov and other opposition members of Parliament to hold the meetings.

Four participants in a November 1998 opposition rally were arrested and sentenced to jail terms of up to 3 years; however, none of the persons who attacked these peaceful

demonstrators has been arrested, despite the fact that the faces of the attackers apparently were recorded on film. At year's end, no action had been taken against the attackers.

The Constitution provides for freedom of association, although in practice the Government continued to restrict this freedom when it was in its interest to do so. The Government requires political parties to register. There are over 30 registered political parties. Some of these are affiliated with or support the President's party. At least 10 registered parties are considered opposition parties. The Government continued to refuse to register the Azerbaijan Democratic Party; the Supreme Court is to hold a hearing early in 2000 on the Democratic Party's suit against the Government. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly, and members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters initiative group." Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties running in municipal elections had to run as independents, or be nominated by a registered party or another voter initiatives group.

Credible reports of harassment, including beatings, of political figures continued. There were credible reports that individuals linked to opposition parties (and their relatives) were fired from their jobs. Members of Parliament who switched to opposition parties were, in some cases, subjected to criticism in the government media and to anti-member rallies promoted by local authorities in the home districts of those members. The Government has not yet returned the Popular Front's headquarters nor many of its regional offices, which were seized in 1993.

Explicitly ethnically or religiously based parties have not been registered.

The Government generally allowed private associations to function freely. The Ministry of Justice requires private organizations to register but does not grant this registration freely and expeditiously. It denied or unduly delayed registration for numerous private voluntary organizations, including two private human rights organizations. Nevertheless, unregistered associations functioned openly. c. Freedom of Religion

The Constitution allows persons of all faiths to practice their religion without restrictions, and the Government respects this provision in practice for Shi'a and Sunni Muslims, Russian Orthodox Christians, and Jews; however, other religious groups, which lack a long history in the country, are subjected routinely to low level harassment. The Government frequently used clauses in the Law on Religious Freedom to restrict religious activity by foreigners and nontraditional religious groups. There is no state religion, and the right to choose or change one's religious affiliation is provided for.

The Law on Religious Freedom contains provisions that allow the Government to restrict effectively religious activity by foreigners and even Azerbaijani members of nontraditional religious groups. These restrictions consist of burdensome registration requirements, limitations on freedom to proselytize, and interference with dissemination of printed materials. Most of the groups affected note that these restrictions have been applied sporadically, and most groups operate freely. Where these restrictions are applied, they are used to harass minority religions rather than eliminate them. In addition a law on foreigners and stateless persons contains language that prohibits religious "propaganda" by foreigners. This provision was reinforced by a presidential decree in 1997, and the Government uses these and other legal provisions to restrict religious activity by foreign, and to a lesser degree Azerbaijani, members of nontraditional religious groups. There is no state religion.

In early November President Aliyev announced to the National Security Council, and later in a nationwide television broadcast, that the Government henceforth would abide by OSCE standards of religious liberty. Apparently in conformity with his directives,

government officials subsequently took steps to rectify some past violations of these standards, including the registration of a number of religious organizations that previously had been denied registration.

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government in order to function legally. This is in principle done by obtaining approval from the Department of Religious Affairs and then applying for formal registration with the Ministry of Justice. The Government states that so far it has registered approximately 190 Muslim organizations and 50 "other" groups. In practice, however, the process suffers from a lack of transparency, particularly within the Department of Religious Affairs. This office, an independent entity subordinated directly to the Council of Ministers, has been a bottleneck in the registration process. A wide variety of religious groups have been subjected to interminable delays, and a number of them remain unregistered; however, in response to the President's November calls for adherence to international standards of religious liberty, the Government took several steps to rectify previous problems.

Registration enables a religious organization to maintain a bank account, legally rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Unregistered groups often continue to operate, but participants are subject to arrest, fines, and--in the cases of foreigners--deportation. Human Rights Watch alleged in February 1998 that officials responsible for registration have taken bribes in order to facilitate registration. Religious groups are permitted to appeal registration denials to the courts, but the only group to do so to date--the Pentecostal "Word of Life" Church--lost its case in May 1998. The Catholic Church was registered in April after an 18-month delay. Following the President's November statements, the Government, specifically the Department of Religious Affairs and the Ministry of Justice, took action on several applications by religious groups for registration that had been languishing, in some cases for years. The Cathedral of Praise and the Nehemiah were registered in December, but at year's end Jehovah's Witnesses were not registered. Prompted by the November statements, some other religious groups that had been operating under continual low-level harassment because the Religious Affairs Department earlier had denied them registration were seeking registration at year's end.

The Religious Affairs Department repeatedly sought to interfere in the internal affairs of at least two religious groups, refusing to permit a Catholic Church to select its own priest and refusing to recognize the Evangelical Lutheran Church's right to select its own leadership. In December, the President's office overruled the Religious Affairs Department and officially recognized the right of both groups to make their internal organizational decisions freely and without interference.

Six Jehovah's Witnesses were fired for their religious affiliation in September in Garadag, and, along with two others, were given administrative fines by the local government. In November, following President Aliyev's public comments, the six were reinstated in their jobs with full back pay. The eight members now are pursuing an appeal of their administrative fines through the court system. A member of the Jehovah's Witnesses in Khachmaz was detained by police in August; he reportedly was beaten, and his religious material was confiscated. In December the prosecutor's office opened an investigation into the police actions.

In September police interrupted a service at the legally registered Evangelical Baptist church and detained approximately 70 worshippers. Authorities sentenced two Azerbaijani church officials to 15 days in jail on charges of resisting police. Other religious groups reported police harassment in August and September. Some religious groups reported that the harassment ceased after President Aliyev's public comments in November.

The Law on Religion subordinates all Islamic religious organizations to the Azerbaijan-based Spiritual Directorate of Caucasus Muslims. In June a court decided in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport

photography. The judges ruled in favor of the women, who said that there was nothing in the law that prevented them from wearing Islamic headscarves in official photographs. In September the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end (see Section 1.f.).

The Law on Religion also permits the production and dissemination of religious literature only with the approval of the Department of Religious Affairs and with the agreement of local government authorities. The Government now interprets this provision to mean that only religious groups can engage in such activity and argues that booksellers and other entrepreneurs are forbidden to engage in that activity. For example, the Department of Religious Affairs in October 1998 held up a shipment of books imported by a private individual not associated with a local congregation for sale at a legally registered bookstore in Baku after it determined that some of the books had religious content. The books were held until June when the Deputy Prime Minister's office overruled the Religious Affairs Department and ordered the books released to the bookseller. In one case, officials delayed the importation of a shipment of religious literature by a private individual not associated with a local congregation; on June 10 the shipment was released by customs.

The Department of Religious Affairs sought throughout the first half of the year to prevent a local bookstore from importing books with religious content. The Department based its restriction on a clause in the Law on Religious Freedom that states that religious groups may produce, import, and disseminate religious literature. The Department of Religious Affairs argued that this clause means that only religious groups may engage in such activities. The Council of Ministers overruled the Department in June, ordering the books released to the bookseller.

Some government bias against foreign missionary groups persisted. Foreign Christian and other groups complained credibly of official harassment. Members of unregistered groups are subject to arrest and fines, and foreigners can be deported. Foreign Christian and other groups were subject to harassment and detention under a provision in the Law on Religious Freedom banning "religious propaganda" by foreigners. The Department for Religious Affairs also used the provision of the law on foreigners and stateless persons that prohibits religious "propaganda" (i.e., proselytizing) by foreigners, to harass foreign missionaries and religious figures. In September nine foreigners were arrested and sentenced to deportation under this provision. In November the Supreme Court overturned these sentences, ruling that they violated constitutional provisions for religious freedom. In January and June, articles appeared throughout the press crudely depicting Christian missionary groups as a threat to the nation. In August several evangelical Christian and other religious groups reported a wave of police harassment, including detention, arbitrary search and seizure of documents and other private property, and warnings to desist from religious activity. In September the police interrupted a service at the legally registered Baptist Church and began questioning worshippers. Without giving a reason for their action, uniformed and plainclothes police officers refused to release persons until obtaining their names and addresses. Police criticized ethnic Azeri Christians for dropping their Muslim affiliation. Approximately 70 Azeris and foreigners were detained for several days of questioning. Two Azeri pastors were sentenced to 15 days in jail for allegedly resisting the police, a charge contested by all available witnesses.

Because of anti-Armenian sentiment and the forced departure of most of the Armenian population, Armenian churches remained closed (see Section 5). The same situation prevails for Azerbaijani mosques in the portions of southwest Azerbaijan controlled by Armenian separatists (see section 5). The Jewish community has freedom to worship and conduct educational activities and, during the year, enjoyed the public support of the Government.

Places of worship seized by the former Soviet Government during the Communist era from the Baha'is, the Catholics, the Lutherans, and the Baptists have not yet been returned to those groups.

Some government officials share the strong popular prejudice against ethnic Azerbaijanis who have converted to Christianity and other religions (see Section 5). For example an ethnic Azerbaijani was subjected to administrative fines by local officials in Baku in July for possessing Christian literature, and another ethnic Azerbaijani reported that he was arrested, beaten, and imprisoned in August for changing his religious affiliation and becoming a member of Jehovah's Witnesses.

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

The Constitution provides for the right of citizens to choose freely their place of domicile and to travel abroad and return, and the Government generally respects these provisions; however, at times it limited the movement of members of opposition parties. In at least one case, the Government limited the movement of members of opposition parties. Residents of border areas in both Azerbaijan and Iran travel across the border in this restricted zone without visas. Foreigners and citizens require a visa to travel to the Autonomous Republic of Nakhchivan. Local officials harass and deny passports to some members of the Armenian minority who wish to emigrate.

In late 1998 and early this year, former president Abulfaz Elchibey was prevented from traveling outside Baku for approximately 2 months while under investigation and on trial for insulting the President; the charges were dropped in February.

The Government officially recognizes freedom of emigration. Jewish emigration to Israel and other countries is unrestricted by the Government. However, with the majority of those who wish to emigrate already having left, the number of Jewish emigrants is now small. The remaining Armenian population in Azerbaijan (other than Armenians residing in the Nagorno-Karabakh region of Azerbaijan) is approximately 10,000 to 20,000, almost exclusively persons of mixed descent or in mixed marriages. While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes harassed Azerbaijani citizens of Armenian origin who sought to emigrate or obtain passports.

There were no draft notifications that restricted movement during the year. Draft-age men must obtain documents from military officials before they can leave for international travel.

The number of refugees and internally displaced persons from the Nagorno-Karabakh conflict is approximately 800,000. Armenians have settled in parts of the occupied territories. However, Armenians have not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied territories to return to their homes. The Government provides almost no assistance to these persons, who rely on donations from foreign countries. Most of these internally displaced persons continue to live in camps and other temporary shelters, often at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians in Nagorno-Karabakh, Armenia, and the Azerbaijani exclave of Nakhchivan.

The Constitution provides for political asylum consistent with international norms. The Government is receptive to international assistance for refugees and IDP's. It cooperates with international organizations to provide aid for them. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

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

In theory the election law and Constitution allow citizens to change their government by peaceful means; however, the Government continues to restrict citizens' ability to change their Government peacefully by interfering in elections.

Azerbaijan is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is marginal. The Parliament exercises little legislative initiative independent of the executive. As a result of the flawed 1995 parliamentary elections, the New Azerbaijan Party led by President Aliyev, along with other parties and nominally independent deputies loyal to the President, occupy the overwhelming majority of seats in the 125-member Parliament. The ruling party held its first party congress in December. Parties considering themselves as belonging to the opposition hold 20 seats and formed a unified bloc in April, but their ability to influence legislation is less than marginal. Opposition parties continued to be active outside the Parliament, agitating for their views in their newspapers and through public statements. However, the Government continued to deny registration to the opposition Azerbaijani Democratic Party (see Section 2.b.).

Parliamentary by-elections were held on two occasions and were marked by claims of fraud, although the lack of independent observers made verification impossible.

The 1998 presidential election was an improvement over the previous elections, especially in regard to reduced multiple voting and the presence of domestic observers. However, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. The observed irregularities and lack of transparency in vote counting led to serious doubts about the accuracy of the 76 percent of the vote officially recorded for President Aliyev. In August newspapers quoted the chairman of the CEC as admitting that Aliyev's vote total had been overstated by 12 to 15 percent. International observers, including the OSCE/ODIHR, concluded that the election did not meet international standards.

Courts did not give serious consideration to the complaints filed by runner-up E'tibar Mammedov, who charged that the President did not receive the necessary two-thirds vote to avoid a run-off. The CEC did not publish vote totals of election districts within the time period required by the election law, and by the end of 1999, it still had not published vote totals for election precincts. The election law required that the full vote totals be published within 30 days of the election; that is, by November 11, 1998.

During and prior to the presidential election campaign, the Government took a number of steps to improve the election and overall political environment. In addition to amending the election law, the Government abolished press censorship, ended the criminal investigation of certain opposition figures, allowed the opposition to conduct some rallies, and gave registered opposition presidential candidates access to state broadcast media. On the other hand, the state media's reporting on the election was biased heavily in favor of the President. The CEC and local commissions were insufficiently representative and did not function impartially. The Government did not fully respect freedom of assembly.

The 1995 Constitution required that the country's first-ever municipal elections be held by November 1997. However, the elections were delayed repeatedly until they were finally held on December 12. The municipal election process was deeply flawed. The legislation governing the elections reflected some recommendations of international observers, but several serious problems were not remedied. The process of selecting territorial and precinct electoral commissions to oversee the municipal elections was marred by widespread irregularities with an overwhelming pattern of favoring the ruling party and supporters of local authorities. The process of registering candidates was marred similarly by widespread irregularities, that favored the authorities. The elections themselves were criticized heavily by observers, including the Council of Europe (COE), which noted numerous instances of ballot-stuffing, voter intimidation, and other violations.

Major opposition parties, with the exception of the unregistered Azerbaijan Democratic Party (see Section 2.b.) and the Azerbaijan National Independence Party (chaired by presidential election runner-up Mammedov), agreed to participate in the December municipal elections.

There are no legal restrictions on women's participation in politics; however, traditional social norms restrict women's roles in politics. In past elections and also in the December municipal elections, in a practice known as family voting, men often cast the votes of their wives and other female members of their families. In the 1998 presidential election, this practice was seen less often. There are 11 female Members of Parliament and 2 women with ministerial rank. There are no restrictions on the participation of minorities in politics as individuals; however, explicitly ethnically or religiously based parties have not been registered. Members of indigenous ethnic minorities such as Talysh, Lezghis, and Kurds occupy some senior government positions.

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

Several human rights organizations monitor the human rights situation in the country. For the most part, the Government posed no objections to international human rights groups. Some of these groups investigate human rights abuses and disseminate their findings through the media. However, the Government has been critical of certain domestic human rights activists who have raised politically sensitive issues.

The Government has demonstrated a limited willingness to discuss human rights problems with international and domestic nongovernmental organizations (NGO's). The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh. However, the ICRC has requested and been denied access to prisoners not related to the Nagorno-Karabakh conflict being held in special security and other prisons.

Government officials occasionally criticize human rights activists. The chief prosecutor threatened the chairman of the Azerbaijan Human Rights Center, Eldar Zeynalov, with criminal prosecution if he continued to claim that Azerbaijan held political prisoners. Zeynalov's organization continues these claims about political prisoners, and he has faced no legal action. The Government registered the Azerbaijan Human Rights Center in November; its chairman Eldar Zeynalov now is routinely granted access to prisons and the Center operates normally.

The Ministry of Justice continued to deny registration to many local human rights NGO's, but the Government has not tried to halt their activities. Registration enables a human rights organization to maintain a bank account legally, rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a human rights group to function.

The ICRC conducted education programs on international humanitarian law for officials of the Ministries of Interior and Defense, and for university and secondary school students.

In August the Government created a Commission on Human Rights, funded by a \$400,000 U.N. Development Program grant, which is headed by Justice Minister Sudaba Hasanova. By year's end, the commission had not taken any significant actions.

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

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, religion, language, social status, or membership in political parties, trade

unions, or other public organizations. However, in the wake of the Nagorno-Karabakh conflict, there is widespread anti-Armenian sentiment in society. Preventing discrimination is not a major government priority.

Women

Discussion of violence against women is a taboo subject in Azerbaijan's patriarchal society, but it remains a problem. In rural areas, women have no real recourse against violence by their husbands, regardless of the law. Rape is severely punishable, but, especially in rural areas, only a small fraction of offenses against women are reported or prosecuted. Police statistics note that, compared with the first 6 months of 1998, rape and rape attempts increased by 50 percent in the first 6 months of the year. This increase appears to be due to both an increase in actual instances and an increase in the reporting of such cases, although the figures still reflect considerable underreporting, especially from conservative rural areas. There are no government sponsored or funded programs for victims of violence. There are no specific laws concerning spousal abuse or spousal rape.

Prostitution is a prominent problem, particularly in the capital city of Baku. Most women become prostitutes in order to support their family, and sometimes it even is encouraged by the family due to the large amount of money to be made. The Society for the Defense of Women's Rights (SDWR) held a mid-February conference to highlight concerns over the growing incidence of prostitution and sexually transmitted diseases. At the conference, it was reported that there are more than 30 illegal houses of prostitution in Baku alone, the majority of which are run by high-ranking officials in government and routinely used by members of the prosecutor's office and the police.

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

Women nominally enjoy the same legal rights as men, including the right to participate in all aspects of economic and social life. In general women have extensive opportunities for education and work. However, traditional social norms continue to restrict women's roles in the economy. Representation of women is sharply lower in higher levels of the work force. There are few women in executive positions in leading economic enterprises.

Eighteen women's NGO's are registered and deal with the problems of women. The Association for the Defense of Rights of Azerbaijani Women spends most of its time fighting uniquely post-Soviet problems. It has helped divorced women, widows, and wives whose husbands are in prison, all of whom have become socially and legally vulnerable since the fall of the Soviet Union. It assisted widows whose landlords privatized their apartments and then evicted them. It also worked with divorced women who feel that they have been treated unfairly by divorce courts. Two of the 18 women's NGO's deal with the problems of prostitution and women trafficking (see Section 6.f.).

Children

The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the Government's ability to carry out these commitments. Education is compulsory, free, and universal until the age of 17. The Constitution places children's rights on the same footing as those of adults. The Criminal Code prescribes severe penalties for crimes against children. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low. The Government has authorized subsidies for children in an attempt to shield families against economic hardship in the wake of price liberalization, but these subsidies do not come close to covering the shortfall in family budgets. There are a large number of refugee and displaced children living in substandard conditions in refugee camps and public buildings. Children sometimes beg on the streets of Baku and other towns.

There is no known societal pattern of abuse of children.

People with Disabilities

The Law on Support for the Disabled, enacted in 1993, prescribes priority for invalids and the disabled in obtaining housing, as well as discounts for public transport, and pension supplements. The Government does not have the means in its current financial crisis to fulfill its commitments. There are no special provisions in the law mandating accessibility to buildings for the disabled.

Religious Minorities

There is considerable popular concern about the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions. Opposition to proselytizing within the population thus far has been limited to verbal criticism and appears focused against two groups. The first consists of evangelical Christian and so-called "nontraditional" religious groups. There is some evidence of widespread prejudice against ethnic Azerbaijanis who have converted to Christianity. During the year, articles periodically appeared in progovernment and independent newspapers and electronic media crudely depicting Christian missionary groups as a threat to the identity of the nation. The perceived threat from such groups is primarily cultural rather than religious. Often these articles attempt to associate evangelists with the intelligence sources of Christian Russia and Armenia, portraying them as part of a plot to undermine or control Muslim Azerbaijan.

Occasionally, popular reaction goes beyond verbal criticism. In August a crowd of Muslims reportedly broke into a Baptist summer camp in Nardaran, threatening inhabitants and causing significant property damage. Police made no attempt to intervene and said that they found no evidence of the incident.

Several members of Jehovah's Witnesses reportedly were subjected to humiliation and degradation in early September when a factory manager assembled the plant's work force and berated the members of Jehovah's Witnesses for betraying their country by adopting a new religion. During the event, the father of one of the members of Jehovah's Witnesses publicly disowned her for adopting the new religion. In November, the factory reinstated the members with full back pay (see Section 2.c.).

The second target of societal hostility is Muslim groups, mostly from Iran, which seek to spread political Islam. Newspaper articles appear periodically depicting certain foreign-backed Muslim missionaries as a threat to stability and civil peace, and in some cases, as part of an Iranian strategy to destabilize and ultimately establish control over Azerbaijan.

Reflecting the intense popular hostility toward Armenians that prevails in the country and the forced departure of most of the Armenian population, all Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remain closed. As a consequence, ethnic Armenians who remain in Azerbaijan, estimated to number between 10,000 and 30,000, are deprived of an opportunity for public worship. A similar situation exists in the Armenian-controlled portions of Azerbaijan, from which the Armenians forced approximately 550,000 ethnic Azerbaijanis to flee their homes and where those mosques that have not been destroyed are not functioning.

Jews generally do not suffer from societal discrimination. However, according to the Union of Councils for Soviet Jews, two Baku synagogues were desecrated in the fall of 1998. According to press reports, evangelical Christians are not welcome in Nagorno-Karabakh, a part of the country not under government control.

National/Racial/Ethnic Minorities

The outbreak of hostilities, anti-Armenian riots, and economic collapse in the final years of the Soviet Union led to the expulsion of almost all Armenians and the departure of Russians and others. An estimated 10,000 to 20,000 Armenians still live in Azerbaijan, mostly women with ethnic Azerbaijani or Russian husbands. Most seek to shield their national identity. Some have changed their nationality, as reported in their passports, to Azerbaijani. With the nearly complete departure of the Armenian population, the number of problems reported by this ethnic minority has decreased. Armenians have complained of discrimination in employment and harassment at schools and workplaces and of refusal of local government authorities to pay pensions. The problem of local government authorities refusing to grant passports to Armenians has been reduced. Armenian widows have had permits to live in Baku revoked. However, some persons of mixed Armenian-Azerbaijani descent continue to occupy government positions.

Indigenous ethnic minorities such as the Talysh, Lezghis, Avars, and Georgians do not suffer discrimination. However, Meskhetian Turks displaced from Central Asia as well as Kurdish displaced persons from the Lachin region complain of discrimination.

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

Section 6 Worker Rights

a. The Right of Association

The overwhelming majority of labor unions still operate as they did under the Soviet system and remain tightly linked to the Government. The Constitution provides for freedom of association, including the right to form labor unions; however, one or another subbranch of the government-run Azerbaijani Labor Federation organizes most industrial and white-collar workers. Most major industries remain state-owned.

An independent union of oil workers that was displaced by a progovernment union in 1997 has not been revived. In 1997 the state oil company formed a progovernment union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former independent oil workers union without a vote of the union membership. It continues to operate without a vote of its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside of established trade union structures and promotes the interests of workers in the petroleum sector.

The Constitution provides for the right to strike, and there are no legal restrictions on strikes or provisions for retribution against strikers. There were a number of threatened strikes in the oil industry during the year over wage arrears, all of which were prevented through negotiations and compromises. Oil workers continue to demand restoration of wage arrears amounting to several months pay. They do so internally but not through public protest. There are no established mechanisms to avoid wildcat strikes.

Unions are free to form federations and to affiliate with international bodies; however, none has done so.

b. The Right to Organize and Bargain Collectively

A 1996 law provides for collective bargaining agreements to set wages in state enterprises. A labor inspectorate was established in 1997. However, these laws have not produced an effective system of collective bargaining between unions and enterprise management. Government-appointed boards and directors run the major enterprises and set wages. Unions effectively do not participate in determining wage levels. In a carryover

from the Soviet system, both management and workers are considered members of the professional unions.

There are no export processing zones. A 4-year effort supported by the United Nations Development Program to create an economic zone in Sumgait was abandoned early in the year; Parliament never considered legislation to create such a zone.

c. Prohibition of Forced or Compulsory Labor

The Constitution allows forced or compulsory labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person, and the Government has not invoked this clause; however, women are trafficked for the purpose of forced prostitution (see Section 6.f.). Two departments in the General Prosecutor's Office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) enforce the prohibition on forced or compulsory labor. There are no constitutional provisions or laws specifically prohibiting forced and bonded labor by children, but such practices are not known to occur. There were no reports during the year of compulsory cotton picking by children or adults.

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

The minimum employment age is 16 years. Primary school education is compulsory, free, and universal. Children are normally in school until the age of 17. The law allows children between the ages of 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. Children at the age of 15 may work if the workplace's labor union does not object. There is no explicit restriction on the kinds of labor that 15-year-old children may perform with union consent. The Labor and Social Security Ministry has primary enforcement responsibility for child labor laws. With high adult unemployment, there have been few, if any, complaints of abuses of child labor laws. The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The Government sets the nationwide administrative minimum wage by decree. It is \$3.00 (12,500 manat) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manat) per person. Since practically all persons who work earn more than the minimum wage, enforcing its low level is not a major issue in labor or political debate.

The disruption of economic links with the rest of the former Soviet Union continues to affect employment in many industries. Idle factory workers typically receive less than half of their former wage. Under these conditions, many workers rely on the safety net of the extended family. More workers and unemployed persons turn to second jobs and makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside shops. Until the collapse of the Russian economy in 1998, many Azerbaijanis (estimates range as high as 1 million) supported themselves on remittances from relatives working in Russia, primarily as street traders. This source of support was curtailed severely during the year, although reliable statistics as to the precise amounts involved are not available. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek is 40 hours. There is a 1-hour lunch break per day and shorter breaks in the morning and afternoon. The Government attempts to enforce this law in the private sector of registered private businesses, but does not enforce these rules in the informal sector where the majority of citizens make their living.

Health and safety standards exist, but usually they are ignored in the workplace. Workers cannot leave dangerous work conditions without fear of losing their jobs.

f. Trafficking in Persons

Azerbaijan is a source and a transit point for trafficked women. The women who are trafficked engage in labor, mainly associated with the sex industry, and forced prostitution. Women from Azerbaijan usually are sent to the United Arab Emirates (UAE) or Western Europe, mainly Germany, to participate as workers in the sex industry (for example, in strip clubs) and as prostitutes. Women from Iran, Russia, and sometimes Iraq, are transported through Baku to the UAE, Europe, and occasionally the United States for the same purposes. The problems of trafficking in women and sexual exploitation are addressed briefly in the Criminal Code, but are largely unknown and ignored. Two of the country's 18 women's NGO's deal with the problems of trafficking in women and prostitution, mainly by concentrating on educating women, particularly those in rural areas, about the dangers of such practices.

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