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2023 Country Report on Human Rights Practices: Azerbaijan

EXECUTIVE SUMMARY

On September 19-20, Azerbaijan conducted a military operation to gain full control over Nagorno-Karabakh. Since December 2022, Azerbaijan had closed the Lachin Corridor to most civilian and commercial traffic, allowing only intermittent humanitarian access until Azerbaijan reopened it on September 24 for one-way traffic out of Nagorno-Karabakh. Between September 24 and October 1, more than 100,000 Nagorno-Karabakh residents – virtually all of the region’s ethnic Armenians – fled to Armenia. During the year, authorities arrested an unprecedented number of nonconforming Shia Muslims who practiced outside of government-approved institutions for having alleged links to Iran, with some civil society observers estimating thousands of arrests and many credible allegations of forced confessions. While these arrests were characterized as targeting Iranian spy networks, the vast majority of known charges involved drug-related crimes.

Significant human rights issues included credible reports of: unlawful or arbitrary killing; torture and cruel, inhuman, or degrading treatment or punishment by members of the security forces; harsh and sometimes life-threatening prison conditions; arbitrary detention; serious problems with the independence of the judiciary; political prisoners and detainees; transnational repression against individuals outside the country; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious abuses in a conflict, including deliberate deprivation of items required by the civilian population and denial of humanitarian access; serious restrictions on freedom of expression and media freedom, including violence against journalists, unjustified arrests or prosecutions of journalists, and enforcement of criminal defamation laws to limit expression; serious restrictions on internet freedom; a de facto ban on the right of peaceful assembly and substantial interference with the freedom of association; restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on domestic and international human rights organizations; extensive gender-based violence, including domestic or intimate partner violence; crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; significant and systematic restrictions on workers’ freedom of association; and existence of the worst forms of child labor.

The government did not take credible steps to punish the majority of officials who were reported to have committed human rights abuses. There was no reported progress on government investigations of alleged abuses committed by Azerbaijani armed forces or individuals during the 2020 and 2022 hostilities.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were reports the government or its agents committed arbitrary or unlawful killings during the year.

There were credible reports detention officials restrained and physically beat prisoner Subhan Aghayev, who, on February 28, died in Salyan District's Prison No. 5. His family released photographs of his corpse, which appeared to have restraint marks around his ankles and open wounds on his head. Authorities told the family he died of acute heart failure. Prosecutors investigated his death in response to the family's allegations. Following the investigation, a court fined the assistant prison chief 2,000 manat (\$1,180), but no criminal charges were filed as of November.

B. DISAPPEARANCE

According to the International Committee of the Red Cross (ICRC), 4,876 Azerbaijanis and Armenians remained unaccounted for since the 1990s due to the conflict. At year's end, the State Committee on the Captive and Missing reported there were 3,890 Azerbaijani citizens registered as missing as a result of the fighting in the Nagorno-Karabakh conflict in the 1990s, as well as six Azerbaijani service members missing from the 2020 fighting.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

While the constitution and criminal code prohibited such practices and provided for penalties for conviction of up to 10 years' imprisonment, multiple credible allegations of torture and other abuses continued. Most mistreatment took place while detainees were in police custody, where authorities reportedly used abusive methods to coerce confessions. Authorities reportedly denied detainees timely access to family, independent lawyers, or independent medical care. During the year, the government took no action in response to the Council of Europe's Committee for the Prevention of Torture (CPT) reports on six visits the CPT conducted to the country between 2004 and 2017. In the reports, the CPT stated torture and other forms of physical mistreatment by police and other law enforcement agencies, corruption in the entire law enforcement system, and impunity remained systemic and endemic.

There were numerous credible reports of torture during the year. Such reports continued at the Ministry of Internal Affairs' Main Department for Combating Organized Crime, known colloquially as Bandotdel, as well as at district police stations.

For example, in May, Samir Babayev, a Muslim Unity Movement (MUM) member, claimed police abused him in December 2022. While being transported to the police station, Kazimov said, police on either side of him in the car continuously punched him. When he arrived at Sabunchu's 14th police station, an officer who stated he was from Bandotdel told Kazimov he had to confess to either gun or drug possession charges. When he refused, officers hit his head repeatedly against a wall and kicked him continuously. He stated police eventually placed drugs in his clothing and charged him with large-scale drug possession and transportation. Following the abuse, he was taken to an arraignment hearing where Kazimov alleged the judge ignored his allegations of abuse, despite the fact he reported he was still bleeding from his injuries.

There also were reports such abuse included threats of rape. Examples included journalist Elmaddin Shamilzade, who reported police physically beat him and threatened him with rape on June 23, and MUM member Aghali Yahyayev, who told a judge on September 6, Bandotdel officers handcuffed him to a chair, punched him in the head and shoulders, hit his feet and legs with sticks, and threatened to rape him with a baseball bat until he signed a false confession for drug charges. Yahyayev showed bruises allegedly resulting from the beatings to the judge, his lawyer, and family members.

The Prosecutor General's Office continued prosecutions of several mid- and high-level officials alleged to be involved in the so-called Tartar case, involving events in May and June 2017 when Azerbaijani military authorities detained hundreds of soldiers and civilians allegedly for spying for Armenia. The government acknowledged in 2022 that 452 individuals had been subjected to different forms of physical abuse, including torture, that resulted in the deaths of eight suspects, four of whom were posthumously acquitted of treason or espionage. Civil society observers claimed more than 1,000 soldiers and family members were systematically tortured by military officials and an estimated 11 individuals died as a result. In 2022, authorities released 19 individuals previously convicted of espionage and believed to have been victims of torture. Of those convicted of spying, seven remained in prison and were considered political prisoners by domestic human rights activists; some were serving sentences of up to 20 years. In March, a civil court acquitted three of the abuse victims in the case after they were imprisoned for five years and granted them combined compensation of 360,400 manat (\$212,000).

There were numerous credible reports of cruel, inhuman, or degrading treatment in custody. For example, lawyers and family members reported many of the Shia religious believers and activists with alleged links to Iran detained during the first six months of the year were held incommunicado, faced severe physical abuse, and were forced to sign confessions.

Human rights advocates reported guards sometimes punished prisoners with beatings or by placing them in solitary confinement. On May 16, an audio recording of imprisoned MUM member Abbas Huseynov surfaced on social media in which he complained the leadership of Penitentiary Facility No. 1 singled him out for severe beatings. He said that on five separate occasions, prison leadership handcuffed him, tied him to a bed, and punched him repeatedly in the face. His family later confirmed the audio recording's authenticity.

Impunity for such acts was a significant problem in the security forces.

Prison and Detention Center Conditions

According to prison monitoring conducted by a reputable organization prior to the onset of COVID-19, prison conditions were sometimes harsh and potentially life threatening due to overcrowding; inadequate nutrition; deficient heating, ventilation, and sanitation; and poor medical care. Detainees complained of inhuman conditions in the crowded basement detention facilities of local courts where they were held while awaiting trial.

Abusive Physical Conditions: Prisoners reported instances of cramped, overcrowded conditions, inedible food, poor sanitary facilities, inadequate ventilation, and insufficient access to medical care. They also stated they endured lengthy confinement periods without any opportunity for physical exercise. While the government continued to construct prison facilities, some Soviet-era facilities were still in operation and failed to meet international standards. Gobustan Prison, Prison No. 3, Prison No. 14, and the penitentiary tuberculosis treatment center reportedly had the worst conditions.

Administration: While most prisoners reported they could submit complaints to judicial authorities and the Office of the Ombudsperson for Human Rights without censorship, prison authorities regularly read prisoners' correspondence, monitored meetings between lawyers and clients, and restricted some lawyers from taking documents into and out of detention facilities. The Ombudsperson's Office reported it conducted systematic visits and investigations into complaints, but activists claimed the office regularly dismissed prisoner complaints in politically sensitive cases.

Independent Monitoring: The government permitted some prison visits by the ICRC. On September 4, however, Galib Bayramov asserted to media that authorities denied the ICRC access to his brother, Gubad Ibadoghlu, three times, despite his serious and deteriorating medical condition.

Authorities generally permitted the ICRC access to detainees held in connection with the Armenia-Azerbaijan conflict. The ICRC conducted regular visits throughout the year to promote protection of prisoners, including respect for international humanitarian law, and regularly facilitated the exchange of messages between prisoners and their families to help them re-establish and maintain contact.

D. ARBITRARY ARREST OR DETENTION

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

Arrest Procedures and Treatment of Detainees

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

According to the law, detainees were required to appear before a judge within 48 hours of arrest. The judge could issue a warrant either placing the detainee in pretrial detention or under house arrest or release the detainee. Authorities at times detained individuals for longer than 48 hours without warrants. The initial 48-hour arrest period could be extended to 96 hours under extenuating circumstances. During pretrial detention or house arrest, the Prosecutor General's Office was required to complete its investigation. Pretrial detention was limited to three months but could be extended by a judge up to 18 months, depending on the alleged crime and the needs of the investigation. There were reports of detainees not being informed promptly of the charges against them.

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

While the law provided for access to an attorney from the time of detention, there were numerous reports authorities frequently denied detainees prompt access to a defense attorney of their choice in both politically motivated and routine cases.

Access to counsel was poor, particularly outside of Baku. Although entitled to legal counsel by law, indigent detainees often did not have such access.

The law provided detained individuals the right to contact relatives and have a confidential meeting with their lawyers immediately following detention. Prisoners' family members reported authorities occasionally restricted visits, especially to persons in pretrial detention, and withheld information regarding detainees. Days sometimes passed before families could obtain information regarding detained relatives.

Arbitrary Arrest: Authorities often made arrests based on spurious charges, such as resisting police, illegal possession of drugs or weapons, tax evasion, illegal entrepreneurship, defamation, abuse of authority, or inciting public disorder. Local organizations and international nongovernmental organizations (NGOs) such as Amnesty International and Human Rights Watch criticized the government for arresting individuals exercising their fundamental rights and noted authorities frequently fabricated charges against those individuals.

Police periodically detained opposition and other activists on administrative charges, such as insubordination to police, and subsequently took them to local courts where judges convicted and sentenced them to periods of administrative detention ranging from 10 to 30 days. Those convicted of criminal offenses were sentenced to lengthier periods of incarceration. Human rights defenders

asserted these arrests were one method authorities used to intimidate activists and dissuade others from engaging in activism.

Observers estimated thousands of nonconforming Shia Muslims who practiced outside of government-approved institutions, with alleged links to Iran, were detained in the first 10 months of the year, with progovernment media alleging the mass arrests were related to Iranian espionage. Of those charges publicly known, the vast majority instead involved drug possession or distribution. The scale of these mass arrests was unprecedented.

On July 24, economist and opposition politician Gubad Ibadoghlu was arrested on counterfeit currency charges universally considered to be spurious and motivated by his criticism of corruption in the country. In August, Ibadoglu faced additional charges for allegedly possessing banned religious books found in a search of his apartment. Lawyers noted the apartment search failed to list any of the books in a police inventory of the search. Prior to his arrest, Ibadoglu publicly criticized systemic corruption in the country and had recently announced an education fund for citizens he hoped would be funded by seized assets of corrupt officials.

E. DENIAL OF FAIR PUBLIC TRIAL

Although the constitution provided for an independent judiciary, judges were not functionally independent of the executive branch. The judiciary remained largely corrupt and inefficient and lacked independence. Many verdicts were legally unsupportable and largely unrelated to the evidence presented during a trial, with outcomes frequently appearing predetermined.

For example, on May 21, a Baku court sentenced Alizamin Salayev, a district official with the opposition Popular Front Party, to four years' imprisonment for conviction of "hooliganism with a weapon." Courtroom observers reported the proceedings were rife with evidentiary irregularities, including the failure of independent eyewitnesses to appear for testimony, the admission of expert opinions on the alleged weapon without the proper chain of custody established, the refusal to allow a subpoena of the alleged victim's telephone records, and the denial of a request for security camera footage.

Credible reports indicated judges and prosecutors took instructions from the Presidential Administration and the Ministry of Justice, particularly in politically sensitive cases. There were also credible allegations judges routinely accepted bribes.

Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts frequently ended in conviction, since judges generally sought only a minimal level of proof and collaborated closely with prosecutors.

Trial Procedures

The constitution and law provided for the right to a fair and public trial, but the judiciary generally did not enforce this right. Criminal defendants were often denied the right to a presumption of innocence; a fair, timely, and public trial; to communicate with an attorney of their choice; to have adequate time and facilities to prepare a defense; to confront witnesses and present one's own witnesses and evidence; and not be compelled to testify or confess guilt.

Although the constitution prescribed equal status for prosecutors and defense attorneys, judges often favored prosecutors when assessing motions, oral statements, and evidence submitted by defense counsel, without regard to the merits of their respective arguments. Observers viewed the evidence in the trials as questionable and noted witnesses gave contradictory testimonies.

Following years of punitive measures by the government-dominated bar association and other authorities, the number of human rights lawyers willing and able to accept politically sensitive cases was small. Such measures included prosecution on charges widely considered as politically

motivated, and disciplinary proceedings resulting in censure, suspension, and in some cases, disbarment. For example, human rights lawyer Elchin Sadigov faced disbarment by the bar association for his antitorture advocacy. On July 6, the bar association's board voted to suspend him; however, on September 1, the board reversed its decision following widespread opposition to his suspension.

The law provided that only members of the bar association could represent citizens in any legal process, whether criminal, civil, or administrative. Representatives of the legal community criticized the law, asserting it restricted citizens' access to independent legal representation and empowered the bar association to prevent independent human rights lawyers from representing individuals in politically motivated cases.

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

Although the constitution prohibited the use of illegally obtained evidence, police and other authorities reportedly employed torture and other abuse to compel defendants to make confessions during the interrogation process. Human rights monitors also reported courts did not investigate allegations of abuse to coerce confessions, and there was no independent forensic investigator to substantiate assertions of abuse. Human rights advocates reported courts sometimes failed to provide interpreters, despite the constitutional right of an accused person to interpretation. Defendants were entitled to contract interpreters during hearings, with expenses covered by the state budget.

The country had a military court system with civilian judges. The military court retained original jurisdiction over any case related to war or military service.

Political Prisoners and Detainees

An NGO coalition estimated there were approximately 254 political prisoners and detainees as of December 1. Political prisoners and detainees included an academic and anti-corruption advocate, democracy and human rights activists, journalists and bloggers, opposition political figures, religious believers and activists, and individuals imprisoned in connection with the Tartar case.

Family members reported respected economist and anti-corruption advocate Gubad Ibadoghlu, widely considered to be a political detainee, was denied ICRC access multiple times despite his deteriorating medical situation. Prominent human rights and democracy activist Bakhityar Hajiyeu, widely considered to be a political detainee, was subjected to arbitrary or unlawful interference with privacy and correspondence, according to lawyers. During the year, authorities brought several additional charges against him, following his December 2022 charges of hooliganism and contempt of court.

Political prisoners and detainees faced varied restrictions. Former political prisoners stated prison officials limited access to reading materials and communication with their families. With the apparent exception of Gubad Ibadoghlu, authorities provided international humanitarian organizations access to political prisoners and detainees.

According to human rights defenders, the criminal records against those subjected to politically motivated prosecutions remained even after rulings of the European Court of Human Rights (ECHR) overturning their convictions.

Restrictions imposed on persons with a criminal record included a ban on carrying out professional activities (such as leading an NGO or representing clients in legal proceedings); being unable to access bank accounts; ineligibility to run for public election; and a ban on traveling outside the country.

Amnesty: On May 8, President Ilham Aliyev released 801 individuals as part of his annual pardon. According to human rights groups, 10 of the individuals pardoned were considered political prisoners, including human rights defender Elchin Mammad and chairman of the Citizen and Development Party Ali Aliyev.

F. TRANSNATIONAL REPRESSION

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: There were credible allegations the government used violence or threats of violence against individuals in other countries as politically motivated reprisal.

Human rights groups alleged the government used paid “trolls” on social media platforms to threaten exiled activists with physical violence, as well as to send threatening electronic messages.

Threats, Harassment, Surveillance, and Coercion: There were reports dissidents and journalists who lived outside the country suffered digital harassment and intimidation of family members who remained in the country.

There were indications the government may have engaged in politically motivated surveillance outside the country. In May, a joint report from several NGOs noted the use of the commercial Pegasus spyware against Armenian officials and journalists between October 2020 and December 2022. The report asserted that evidence suggested the Azerbaijani government was behind the surveillance based, in part, on Azerbaijan’s alleged past usage of Pegasus.

Misuse of International Law Enforcement Tools: There were credible reports authorities attempted to misuse international law enforcement tools for politically motivated purposes as reprisal against specific individuals located outside the country.

Efforts to Control Mobility: Family members and relatives of political prisoners reported being subjected to travel bans because of their family member’s political activity.

G. PROPERTY SEIZURE AND RESTITUTION

Not applicable.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

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

While the constitution allowed for searches of residences only with a court order or in cases specifically provided for by law, authorities often conducted searches without warrants. It was widely reported the State Security Service and the Ministry of Internal Affairs monitored, controlled, and blocked telephone and internet communications and used spyware, recording devices, and location tracking, particularly for foreigners, civil society activists, prominent youth who were active online, political and business figures, activists, and persons engaged in international communication. Human rights lawyers asserted the postal service purposely lost or misplaced communications with the ECHR to inhibit proceedings against the government.

On March 3, content from the private electronic correspondence and social media accounts of incarcerated activist Bakhtiyar Hajiyev, arrested on charges of hooliganism and contempt of court in December 2022, were leaked, including intimate photographs and videos of several women. Some of the women whose photographs were leaked to social media were threatened and their

health and life were put at risk. It was widely believed the Ministry of Internal Affairs was the source of the leaked videos. Human rights defenders alleged the government used the women in the photographs as political weapons, violated their privacy, inflicted severe emotional distress for many, and threatened their safety.

There were reports the government punished family members for offenses allegedly committed by their relatives. For example, several family members of Gubad Ibadoglu were temporarily unable to leave the country during the year and believed this was due to his incarceration.

I. CONFLICT-RELATED ABUSES

Sporadic incidents of fighting in the decades-long conflict between Armenia and Azerbaijan continued, resulting in civilian casualties. Between December 2022 through September 19, Azerbaijan impeded access to the Lachin Corridor. This left the road inaccessible to most civilian and commercial traffic and inhibited access for deliveries of humanitarian supplies from Armenia. The Azerbaijan government stated it was prepared to supply goods to Nagorno-Karabakh via alternative routes; however, ethnic Armenians in Nagorno-Karabakh refused to accept products transported from Azerbaijan. The closure resulted in a shortage of essential supplies in Nagorno-Karabakh and exacerbated the humanitarian situation. On September 19-20, the Azerbaijan military conducted an operation to gain full control over Nagorno-Karabakh. Following Azerbaijan's opening of the Lachin Corridor on September 24 for one-way traffic out of Nagorno-Karabakh into Armenia, more than 100,000 Nagorno-Karabakh residents – virtually all of the region's ethnic Armenians – fled to Armenia by the end of the month. On October 5, Human Rights Watch reported its staff interviewed individuals who said they fled their homes "in fear and panic." Many also said the nine-month restrictions on Lachin Corridor traffic from Armenia and alleged atrocities committed by Azerbaijani forces during the 2020 and 2022 fighting, including extrajudicial killing and physical abuse of civilians, created "extensive fear and distrust." (Also see the *Country Report on Human Rights Practices* for Armenia.)

Complaints submitted by the governments of Armenia and Azerbaijan to the ECHR accusing each other of committing atrocities during the fighting in 2016 and 2020 awaited the court's ruling, as did the Armenian government's complaints regarding the September 2022 fighting.

Killings: On October 29, Armenia's Investigative Committee reported nine civilians died during Azerbaijan's September military operation.

In a September report, citing a video, the International Partnership for Human Rights (IPHR) asserted that during the September 2022 fighting, there was a "reasonable basis to believe" that "Azerbaijani Armed Forces committed extrajudicial killings of Armenian soldiers."

Azerbaijani officials did not provide updates to the investigations into videos from the 2022 fighting that depicted apparent summary executions of ethnic Armenian soldiers by Azerbaijani military, nor did they provide updates to investigations into videos of alleged atrocities from the 2020 fighting. According to Azerbaijani officials, as of October 26, since the end of the fall 2020 fighting, 65 individuals died and 269 were injured by land mines in Azerbaijani territories previously controlled by Armenian forces. Of the dead, 50 were civilians.

Work continued under the State Commission on Prisoners of War, Hostages, and Missing Persons to locate mass graves associated with previous rounds of fighting in the Nagorno-Karabakh region. As of December 21, officials reported having found the remains of at least 27 Azerbaijanis during the year in territories previously controlled by ethnic Armenian forces.

Physical Abuse, Punishment, and Torture: In its October 10 Preliminary Ad Hoc Report of Results of Fact-Finding Missions conducted from September 24 to September 30, the Human Rights Defender of the Republic of Armenia claimed there was evidence of 14 cases among casualties of the "attacks of the Azerbaijani forces" on September 19-20 that demonstrated "physical traces of violence and signs of alleged torture/mutilation." The report noted that such a determination would need to be made by a qualified forensic examination although the Human Rights Defender had not reported such an examination by year's end.

In IPHR's September report on the September 2022 fighting, the organization – relying on videos and photographs of soldiers' corpses – stated there was a "reasonable basis to conclude" that Armenian soldiers were subjected to cruel, inhuman, or degrading treatment and torture by Azerbaijani soldiers. Citing videos and photographs of the bodies of dead mutilated Armenian servicewomen, the IPHR highlighted "sexual and gendered characteristics" of such mutilation, and concluded there was a "reasonable basis to believe that Armenian servicewomen were subjected to [cruel, inhuman, or degrading treatment] and torture while in the custody of Azerbaijani armed forces."

Other Conflict-related Abuse: From December 2022 through April 23, government-supported protesters effectively closed the sole road connecting Nagorno-Karabakh with Armenia via the Lachin Corridor, leaving it inaccessible to most civilian and commercial traffic from Armenia. On April 23, Azerbaijani authorities established a border checkpoint on the road and continued to restrict most civilian and commercial traffic from Armenia. The closure resulted in shortages of delivery of food, fuel, medicine, and other essential humanitarian supplies to Nagorno-Karabakh residents and hindered their ability to leave the region. These restrictions reportedly resulted in some deaths. For example, on February 9, Amnesty International reported access to health care had become "the most pressing issue" in the region, due to a deficit of medicine and medical supplies and insufficient fuel for outpatient treatment. Citing a local cardiologist, Amnesty also reported "several preventable deaths" at his hospital, due to insufficient medical supplies resulting from the closure. Amnesty also stated that according to several health-care workers, the number of miscarriages had grown, due to lack of access to required medication and nutrients during the blockade. On August 7, a group of UN experts stated, "The blockade of the Lachin Corridor is a humanitarian emergency that has created severe shortages of essential food staples including sunflower oil, fish, chicken, dairy products, cereal, sugar and baby formula." The experts warned that the region was rapidly depleting its medical reserves and hospitals were struggling to provide care as the operation of ambulances had been hampered due to declining fuel supplies.

The government continued to prosecute detained ethnic Armenian civilians and Armenian soldiers in public trials that lacked elements of due process such as a right to legal representation during questioning, adherence to basic evidentiary standards, and lack of an independent judiciary.

There were reports Azerbaijani authorities had arrested at least eight senior ethnic Armenian Nagorno-Karabakh "officials" as of November 2 as well as ethnic Armenian residents accused of war crimes and terrorism. According to RFE/RL, as of October 11, most charges against the "officials" involved financing or organizing terrorism as well as acquisition and transfer of firearms.

The governments of Armenia and Azerbaijan agreed to a detainee release, which occurred on December 13. Two Azerbaijani detainees and 32 Armenian detainees were released. According to the Armenian government, Azerbaijan held 23 Armenian detainees at year's end.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

While the law provided for freedom of expression, including for members of the press and other media, and specifically prohibited press censorship, the government habitually violated these rights. The government limited freedom of expression and media independence. Journalists, editors, and independent bloggers faced intimidation and at times were beaten and imprisoned. In addition, there were suspicious acts of violence outside the country. The government continued to impose

restrictions on journalists under the media law, and authorities continued to pressure media outlets, journalists, bloggers, and activists in the country and in exile, including their relatives, to refrain from criticizing the government. Authorities reportedly arrested at least nine civil society activists who criticized the government's September military operation in Nagorno-Karabakh. Between November 20 and year's end, authorities arrested 11 journalists, and several government critics, including a human rights activist and a senior political opposition figure. There were credible reports of physical abuse in custody. The arrests and charges were widely attributed to their exercise of freedom of expression. In a December 21 statement, the European Union External Action spokesperson stated the arrests raised "serious concerns regarding the narrowing space for independent journalism and limitations to freedom of expression in Azerbaijan."

Freedom of Expression: Although the constitution provided for freedom of expression, the government repressed or attempted to intimidate persons it considered political opponents or critics. The incarceration of such persons raised concerns regarding authorities' abuse of the judicial system to punish dissent. Human rights groups considered dozens of arrests or convictions during the year to be connected to the exercise of freedom of expression.

Violence and Harassment: Police occasionally used force and other methods against journalists and bloggers to prevent their professional activities and limit press freedom. Throughout the year, government-owned and progovernment outlets dominated broadcast and print media. A limited number of independent and semi-independent media outlets operating solely online – and often inaccessible for internet users in the country due to government blocking – expressed a wider variety of views on government policies, but authorities pressured, harassed, or detained representatives of many of them in various ways for doing so. Local observers reported journalists from independent media outlets were subjected to harassment and cyberattacks. Civil society activists continued to call on the government to conduct effective investigations of the high-profile killings of journalists Rasim Aliyev in 2015, Rafiq Tagi in 2011, and Elmar Huseynov in 2005.

The government continued to routinely arrest independent journalists, especially those critical of government officials or investigating corruption. In June, journalist Elnur Mammadov was sentenced to one month of detention for disclosing prohibited information. Mammadov was arrested with a former military colonel who had provided Mammadov with a video interview in which he alleged corruption, nepotism, and other mismanagement in the Ministry of Defense.

On June 22, following an environmental protest in the remote village of Soyudlu that began on June 20, police detained Abzas Media reporter Nargiz Absalamova, VOA reporter Nigar Mubariz, and independent reporter Elsever Muradzade. After police denied them entry to the village, the three journalists entered Soyudlu by an alternate route in an attempt to interview residents regarding their concerns regarding a nearby goldmine and police abuse of residents demonstrating against the mine. The journalists were detained by plainclothes officers, who also took their cell phones. According to an international media account, when Mubariz demanded her cell phone back, one of the men in plain clothes covered her mouth with his hand, and a police officer twisted Absalamova's arm and pushed her against a wall. Police then drove the journalists to a nearby town, where they returned their cell phones and released them.

On June 22, officers of the State Service for Mobilization and Conscription reportedly summoned journalist Elmaddin Shamilzade after he published a video showing police patrolling in Soyudlu the previous day. Baku City Yasamal District Police detained Shamilzade and demanded he delete the video. When he refused, three officers allegedly punched him, struck him with a baton, kicked him in the stomach, and threatened to rape him. Shamilzade said he lost consciousness and that when he regained awareness, he apparently had been forced to delete the video from Facebook. Police then took him to the Baku City Police Department, where an officer threatened to jail him if he spoke publicly regarding the attack. Shamilzade had bruising and scrapes on his neck, face, and body.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Most media outlets practiced self-censorship and avoided topics considered politically sensitive due to fear of government retaliation. The National Radio and Television Council continued to require that local, privately owned television and radio stations not

rebroadcast complete news programs of foreign origin. Foreign radio stations were generally banned from direct broadcast.

Banned since 2009, most foreign media outlets remained prohibited from broadcasting on FM radio frequencies. RFE/RL, whose website had been blocked since 2017, continued to face two criminal charges for alleged tax violations from 2014 and criminal defamation from 2017. In contrast, the Russian service Sputnik, also originally prohibited from broadcasting in 2009, was later allowed to freely broadcast news.

Authorities continued exerting pressure on major media rights organizations and independent media outlets outside the country, as well as on individuals in the country associated with those outlets. Blocking of press websites, restricted visas, and outright bans for journalists critical of the country's human rights record continued for foreign outlets and foreign journalists.

The government, including the Media Development Agency (MDA), continued to impose controls on media, particularly through the implementation of the media law that went into effect in February 2022. In order to register, journalists were required to have higher education, a work contract with a registered outlet, and no criminal record. Outlets were required to have an Azerbaijani founder, submit a complete list of employees, and maintain activity of at least 20 daily articles. According to the MDA, 200 media outlets and 180 journalists had applied to the Media Registry between October 2022 and a March deadline. Of these applications, 160 media outlets were registered, while the remaining 40 were denied registration. On January 12, the MDA executive director stated the agency planned to take to court any media outlets that failed to register with the agency. The director also stated the journalists who refused to register would not be treated as journalists. As of year's end, it was unclear if any judicial action had been taken against unregistered outlets or journalists, but some independent outlets stated they had been denied access to government information based on their nonregistry.

Most local media outlets relied on the patronage of individuals close to the government or the MDA for income. Those not benefiting from such support experienced financial difficulties, such as problems paying wages, taxes, and periodic court fines.

Libel/Slander Laws: Libel and slander were criminal offenses. The law provided for substantial fines and up to three years' imprisonment for persons convicted of libel or slander. Conviction of insulting the president was punishable by up to two years' corrective labor or up to three years' imprisonment. Libel and slander laws were routinely used to silence government critics, including accredited journalists and bloggers.

National Security: The government cited laws designed to protect national security and combat terrorism to arrest and punish critics of the government and deter criticism of government policies and officials. For example, after the September 19-20 military operation in Nagorno-Karabakh, authorities arrested nine critics of the operation as of November 2.

Internet Freedom

International news websites and independent websites critical of the government were blocked during the year; many had been blocked for several years. For example, the website of RFE/RL and Voice of America; the Organized Crime and Corruption Reporting Project (OCCRP); domestic media outlets including *Azadliq*, *Toplum*, *Bastainfo*, *Criminal*, *Top Xeber*, *Fia*, *Monitortv*, *Xural*, *Az24saat*, *Anaxa ber*, *Gununesi*, and *Arqument.az*; and the Germany-based media outlet Meydan TV remained blocked by authorities. The government blocked the social media application TikTok from September 19 until October 31.

Activists asserted authorities conducted cyberattacks and used other measures and proxies to disrupt internet television programs.

The government required internet service providers to be licensed and to have formal agreements with the Ministry of Transport, Communications, and High Technologies. The law imposed criminal penalties for conviction of libel and slander on the internet, which had a further chilling effect on open and free use of the medium.

The government monitored internet communications of civil society activists. For example, activists reported being harassed by police and forced to delete critical Facebook posts under threat of physical abuse. Activists were frequently questioned, detained, and sentenced to administrative detention for posting criticism of government actions and commenting on human rights abuses online. For example, in March more than a dozen members of youth political movement Democracy 18 (D18) and their acquaintances were called to the same police station for questioning after they had “liked” a Facebook post disparaging a member of parliament. Police officers presented them with the Facebook post and warned at least some of them that similar behavior in the future would result in long-term detention. They were all reportedly released the same day.

International organizations and domestic observers asserted the government continued to use bots or trolls to manipulate social media discourse. Those accounts believed to be coordinated by the government pressured internet platforms and tech companies to restrict content and often harassed and intimidated online users critical of government policy. Freedom House’s annual *Freedom on the Net* survey for the period from June 2022 through May categorized the country’s internet status as “not free.” The survey concluded the state of internet freedom remained restricted during the period covered. The survey highlighted problems including that the government continued to block numerous independent and opposition websites, forced activists to remove content, rejected the applications of several independent media outlets to join the media registry during implementation of the 2022 media law, and prosecuted activists for online criticism of the government.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The constitution provided for the freedoms of peaceful assembly and association, but the government restricted these rights.

Freedom of Peaceful Assembly

The government consistently and severely restricted freedom of peaceful assembly, creating conditions that amounted to a de facto ban on assembly. Authorities responded to peaceful protests and assemblies by using force against or detaining protesters.

For example, on June 20, residents of the remote village of Soyudlu attempted to gather in opposition to the expansion of a nearby mining operation that they blamed for recurring and serious health problems. Police in riot gear attempted to forcibly disperse the group. The demonstrating residents reportedly threw rocks and other objects at the officers. A video that circulated on social media showed police spraying elderly women directly in the face with what appeared to be pepper spray as the women were walking away. A separate video appeared to depict a police officer striking an elderly woman with a truncheon while she was lying on the ground. The next day, police reportedly blocked access to the village for nonresidents and warned residents not to communicate with press. One resident said residents were told all digital communications were being monitored by police and any communication with press would result in the arrest of the resident’s adult children. According to human rights NGOs, authorities arrested at least 11 persons for their involvement in the Soyudlu events; eight of them were charged with violating rules on organizing and holding demonstrations, and a criminal case was opened against three persons on drug charges. Former parliamentarian Nazim Baydamirli was later arrested for alleged extortion and blamed in progovernment media for organizing the demonstration. Several journalists and activists faced harassment, questioning, and detention for attempting to cover the demonstration and consequent lockdown for sharing information or opinions on the government response.

On July 24, the Council of Europe's commissioner for human rights published a letter sent to Minister of Internal Affairs Vilayat Eyvazov in which she stated the reported use of disproportionate force and special riot control equipment against protesters raised serious human rights concerns.

The law permitted administrative detention for up to three months for misdemeanors and up to one month for resisting police, commonly applied to peaceful demonstrators. Punishment for those who failed to follow a court order (including failure to pay a fine) could include substantial fines and up to one month of administrative detention.

Authorities at times employed a combination of measures, including administrative detention.

While the constitution stipulated groups could peacefully assemble after notifying the relevant government body in advance, the government continued to interpret this provision as a requirement for prior permission rather than merely prior notification. As a result, no authorized public rallies were held. Opposition political parties and NGOs criticized the requirements as unacceptable and unconstitutional.

Freedom of Association

The constitution provided for freedom of association, but the law restricted this right and severely constrained NGO activities. Citing these laws, authorities continued to conduct criminal investigations into, and otherwise harass, selected independent organizations. Consequently, few independent NGOs remained able to operate. A number of legal provisions restricted the activities of political parties, religious groups, businesses, and NGOs, including requiring NGOs to register with the Ministry of Justice. Although the law required the government to act on NGO registration applications within 30 days of receipt, vague, onerous, and nontransparent registration procedures resulted in long delays that limited citizens' right to associate.

In September, youth political movement D18 announced it would disband following enactment of the political party law, including its registration requirements for entities engaging in "political party activity." D18, which had not attempted to register as a political party, was heavily involved in human and labor rights matters during the previous two years, and its members faced considerable government harassment and arrests. In August, D18 members Afiaddin Mammadov, Aykhan Israfilov, and Elvin Mustafayev were arrested following their participation in protests organized by delivery couriers.

Laws affecting grants and donations imposed a de jure prohibition on NGOs receiving cash donations, making it nearly impossible for organizations to receive anonymous donations or solicit public contributions. Most NGOs operating in the country lacked funding; the government limited access to foreign donors, and local financial sources were limited.

The administrative code and laws on NGOs, grants, and registration of legal entities imposed additional restrictions on NGO activities and the operation of unregistered, independent, and foreign organizations. The law also placed some restrictions on donors. For example, foreign donors were required to obtain preapproval before signing grant agreements with recipients. The law made unregistered and foreign NGOs vulnerable to involuntary dissolution, intimidated and dissuaded potential activists and donors from joining and supporting civil society organizations, and restricted NGOs' ability to provide grants to unregistered local groups or individual heads of such organizations.

Government regulations provided for a "single window" mechanism for registering grants. Under the procedures, grant registration processes involving multiple agencies were merged. The procedures were not fully implemented, however, further reducing the number of operating NGOs.

The Ministry of Justice was permitted by law to monitor NGO activities and conduct inspections of NGOs. The law offered few provisions protecting NGO rights and authorized substantial fines on

NGOs that did not cooperate.

The far-reaching investigation opened by the Prosecutor General's Office in 2014 into the activities of numerous domestic and international NGOs and local leadership remained open during the year. The Prosecutor General's Office dropped criminal cases against the American Bar Association and the NGO International Research & Exchanges Board (IREX) and ordered their bank accounts unfrozen in 2020. In July 2022, the Court of Appeals ruled in favor of IREX's appeal to the Ministry of Economy's State Tax Service to lift criminal tax charges levied against the NGO. Although the ministry subsequently lifted the charges, IREX continued not to have access to the organization's bank account and other necessary administrative items. At year's end, problems also remained for other groups.

The government continued to implement rules pursuant to a law that required foreign NGOs wishing to operate in the country to sign an agreement and register with the Ministry of Justice. Foreign NGOs wishing to register a branch in the country were required to demonstrate their support for "the Azerbaijani people's national and cultural values" and not be involved in religious and political propaganda. The decree did not specify a time limit for the registration procedure and effectively allowed for unlimited discretion of the government to decide whether to register a foreign NGO.

NGO representatives stated the Ministry of Justice did not act on their applications, particularly those from individuals or organizations working on matters related to democratic development. Activists asserted the development of civil society had been stunted by years of impeded registration and that the country would otherwise have more numerous and more engaged independent NGOs.

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

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

Between December 2022 through September 19, Azerbaijan suspended access to the Lachin Corridor. This left the road inaccessible to most civilian and commercial traffic and, at times, inhibited access for deliveries of humanitarian supplies to Nagorno-Karabakh from Armenia. The government stated it was prepared to supply goods to Nagorno-Karabakh via alternate routes; however, ethnic Armenians in Nagorno-Karabakh refused to accept products transported from Azerbaijan. This closure resulted in a shortage of essential supplies in Nagorno-Karabakh and hindered the ability of Nagorno-Karabakh residents to leave Azerbaijan. These restrictions also reportedly resulted in some deaths. On February 22 and July 6, the International Court of Justice issued orders that the government of Azerbaijan "take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions."

Foreign Travel: Authorities continued to prevent a number of opposition figures, activists, and journalists from traveling outside the country. For example, Popular Front Party Chairman Ali Kerimli had been prohibited from traveling since 2006. The law required men of draft age to register with military authorities before traveling abroad. Authorities placed some travel restrictions on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad

until the terms of their sentences had been met. All land border crossings remained closed to private travel due to restrictions initially imposed during the COVID-19 pandemic.

E. PROTECTION OF REFUGEES

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

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had an established system for providing protection to some refugees through the Refugee Status Determination Department at the State Migration Service, which was responsible for refugee matters. Although UNHCR noted some improvements in conditions for refugees, including access to public education and the legal right to work, the country's refugee-status determination system did not meet international standards. International NGOs continued to report the service remained inefficient and did not operate transparently.

Temporary Protection: The government did not provide temporary protection to asylum seekers during the year. Due to the COVID-19 pandemic, however, authorities did not return rejected asylum seekers to their countries of origin and extended their stay in the country.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS (IDPS)

UNHCR reported 658,793 registered IDPs in the country as of December 2022. The vast majority fled their homes between 1988 and 1994 because of the Nagorno-Karabakh conflict.

IDPs had access to education and health care, but their unemployment rate was higher than the national average. Some international observers continued to state the government did not adequately promote the integration of IDPs into society. As of October 30, the government had resettled a total of 3,188 IDPs in the newly returned territories following the end of hostilities in 2020.

For further information regarding IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org/>.

G. STATELESS PERSONS

Most stateless persons were ethnic Azerbaijanis from Georgia or Iran. NGOs stated there were many other undocumented stateless persons, with estimates ranging from hundreds to tens of thousands.

While the law provided for the right to apply for stateless status, some persons could not obtain the documentation required for the application and, therefore, remained formally unrecognized. The law on citizenship made it difficult for foreigners and stateless persons to obtain citizenship.

Stateless persons generally enjoyed freedom of internal movement. Stateless persons were not, however, issued travel documents or readmitted once they left the country. According to national legislation, stateless persons had access to most of the rights and services available to citizens and foreigners in the country, except certain rights, such as employment, that were limited to citizens only. According to UNHCR, however, these rights and services were accessible to only those documented with Azerbaijani government statelessness identity cards or UNHCR protection documents. Those who lacked any identity documents also lacked access to basic rights, especially

because of the expansion of the country's electronic governance system. For example, a stateless person had to have an identity document with a personal identification number to access a health facility to get vaccinated or benefit from the mandatory health insurance.

The constitution allowed citizenship to be removed "as provided by law."

Section 3.

Freedom to Participate in the Political Process

Although the constitution provided citizens the ability to choose their government through free and fair elections held by secret ballot and based on universal and equal suffrage, the government continued to restrict this ability by obstructing the electoral process. While the law provided for an independent legislative branch, the National Assembly did not exercise initiative independent of the executive branch.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: National elections were widely reported to not be fair and free of abuses and irregularities according to credible international observers. On December 7, the government announced an early presidential election on February 7, 2024. On December 14, prominent opposition politician Tofiq Yagublu was arrested. On December 15, the opposition Musavat Party announced it would not field a candidate for election, citing the restrictive political environment, inability to hold demonstrations or campaign events, arrests of independent journalists, and the arrest of its party member Yagublu. On December 16, the opposition Popular Front Party made a similar announcement and asked its supporters to boycott the election.

In 2019, the president dissolved the National Assembly in response to an appeal to do so by the National Assembly; the president announced early elections for the body to be held in February 2020.

Some opposition parties boycotted the 2020 elections, citing the restrictive environment, while other opposition parties and groups took part. According to the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (ODIHR) election observation mission, the restrictive legislation and political environment prevented genuine competition in the elections. ODIHR concluded voters were not provided with a meaningful choice due to a lack of real political competition and discussion. Although many candidates utilized social media to reach out to voters, use of social media generally did not compensate for the absence of campaign coverage in traditional media. ODIHR observed several instances of pressure on voters, candidates, and candidates' representatives. International and local observers reported significant procedural violations during the counting and tabulation of votes, including ballot-box stuffing and carousel voting. ODIHR concluded the flaws "raised concerns whether the results were established honestly." Domestic nonpartisan election observers concluded the election results did not reflect the will of the citizens.

Similarly, in 2018, the president issued a decree advancing the presidential election from October to April. Opposition parties boycotted the election, blaming a noncompetitive environment and citing insufficient time to prepare. According to the ODIHR mission that observed the election, the presidential election took place in a restrictive political environment and under a legal framework that curtailed fundamental rights and freedoms that are prerequisites for genuine democratic elections. The mission concluded that, in the absence of pluralism, including in media, the election lacked genuine competition. International and local observers reported widespread disregard for mandatory procedures, lack of transparency, and numerous serious irregularities, such as ballot-box stuffing and carousel voting, on election day.

Political Parties and Political Participation: The ruling New Azerbaijan Party dominated the political system.

On January 11, the president signed a law further restricting political party registration and activities. While independent parties were often unable to register under the previous legislation, independent observers criticized the new law for its heightened requirements and restrictions. Conditions included a minimum of 5,000 party members for registration and resubmission of notarized membership lists every six months. On February 20, the ODIHR and the Council of Europe's Venice Commission issued an opinion that criticized the law for having "a deterrent effect on pluralism." In addition to highlighting concerns with the membership minimums, the opinion found problems with the law's excessive regulation of intraparty structures, excessive control by the Ministry of Justice over party activities, a ban on party activities for unregistered groups, and the ability to suspend or dissolve parties for nonserious legal violations.

During the first eight months of the year, 30 of 59 existing parties announced they would dissolve themselves rather than attempt to reregister under the new law's requirements. All of these parties were considered government-aligned or -controlled. Following the July deadline for submission of membership lists, all opposition parties were refused registration for failing to meet a number of requirements, including inaccurate telephone numbers or birthdates, and membership in two parties simultaneously. Following a second round of submissions of membership lists, in September, 29 parties, including previously registered opposition parties, received approval for registration.

In August, the government announced new fines for failing to update party membership lists in a timely manner, engaging in party activities as an unregistered group, and failing to notify the government of any agreements with foreign parties or organizations.

Opposition members were generally more likely than other citizens to experience official harassment and arbitrary arrest and detention. Members of opposition political parties continued to be arrested, convicted, and sentenced to administrative detention after making social media posts critical of the government or participating in peaceful rallies. For example, between September 18 and October 13, three members of the opposition Democracy and Prosperity Party reportedly were sentenced to 30 days of administrative arrest.

According to domestic NGOs, as of December 1, eight opposition party members were political detainees or prisoners, including Azerbaijan Democracy and Prosperity Party chairman Gubad İbadoglu and Azerbaijan Popular Front Party members Niyamaddin Ahmedov, Agil Humbatov, Shahin Hajiyeve, Alizamin Salayev, Elkhan Aliyev, and Elnur Hasanov.

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

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials consistently engaged in corrupt practices with impunity. While the government made some progress in combating low-level corruption in the provision of government services, there were continued reports of systemic corruption by government officials, including those at the highest levels.

Transparency International and other observers described corruption as widespread. There were reports of corruption in the executive, legislative, and judicial branches of government. On January 3, the CPT announced it provided the government with its preliminary observations on its latest visit to the country carried out in December 2022. The aim of the visit was to assess the implementation of the CPT's recommendations presented to the government from their 2020 visit. As of November 2, the CPT had not released reports detailing its 2020 and 2022 visits. In six reports on earlier visits made to the country between 2004 and 2017, the CPT noted corruption in the country's entire law enforcement system remained "systemic and endemic." Similar to previous years, authorities continued to punish individuals for exposing government corruption. For example, international NGOs asserted economist Gubad Ibadoghlu's arrest was motivated by his work exposing corruption in the government. Civil society groups asserted the prosecution of prominent human rights lawyer Elchin Sadigov and journalists Avaz Zeynalli and Elnur Shukurov was to punish them for raising corruption at the highest levels of the government in 2022.

Corruption: Several cases remained under investigation, including charges of corruption against the former minister of culture and other high-ranking ministry officials, multiple ambassadors, several department heads at the Ministries of Foreign Affairs and Defense, and several heads and deputy heads of regional executive committees (governors). Although those accused were charged with corruption, the arrests were not accompanied by systemic reforms, such as requiring all officials to comply with the asset declaration law or ending punitive measures against persons who exposed corruption. Many observers considered the arrests to have political or economic motives that were unrelated to combating corruption.

In January, the OCCRP reported the son, age 25, of the former head of state-owned energy company SOCAR acquired a property in London worth more than \$22 million.

Reports continued regarding the properties in Dubai and Georgia owned by two sons of former leader of the Nakhchivan Autonomous Province, Vasif Talibov. According to an OCCRP report in June, Talibov's sons, who held properties estimated to be worth \$63 million, transferred ownership of five properties in Georgia worth at least \$39 million after their father stepped down from his position in late 2022.

There were credible reports of individuals paying bribes to obtain a waiver of the military service obligation, universal for men between ages 18 and 35. Citizens also reported military personnel could buy assignments to easier military duties for a smaller bribe. The government continued efforts to reduce low-level corruption and improve government services by expanding the capabilities and number of service centers of the State Agency for Public Service and Social Innovations, which functioned as one-stop locations for government services, such as obtaining birth certificates and marriage licenses, from nine ministries.

In August, the Open Government Partnership, which Azerbaijan joined in 2011, rescinded its membership. The action followed a suspension in 2018 and the government's continued failure to address recommendations for improving the operating environment for civil society organizations to enable them to participate effectively in the partnership process.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

The government continued to impose severe restrictions on the operations of domestic and international human rights groups. Application of restrictive laws to constrain NGO activities and

other pressure continued at the same high level as recent years. Activists also reported authorities refused to register their organizations or grants and continued investigations into their organizations' activities.

While the government communicated with some international human rights NGOs and responded to their inquiries, on numerous occasions it criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued to deny registration or placed burdensome administrative restrictions on human rights NGOs on arbitrary grounds. The Election Monitoring and Democracy Studies Center and the Institute for Democratic Initiatives remained among a number of NGOs denied registration for years. In 2021, the ECHR found the country in violation of the European Convention on Human Rights for failing to register both organizations. On January 12, the ECHR awarded damages and legal costs to the three founders of the Election Monitoring and Democracy Studies Center for the government's failure to register the organization.

Government officials and government-aligned media outlets engaged in rhetorical attacks on human rights activists and political opposition leaders (see section 3, Freedom to Participate in the Political Process), accusing them of attempting to destabilize the country and working on behalf of foreign interests.

Retribution against Human Rights Defenders: Leading human rights NGOs faced a hostile environment for investigating and publishing their findings on human rights cases.

Some human rights defenders were unable to carry out their professional responsibilities due to various government obstacles, including harassment and detention by police, freezing of bank accounts, and arbitrary arrests. Civil society observers considered authorities' treatment of activist Bakhtiyar Hajiyev and digital leaks of his and his supporters' private photographs and conversations to be examples of such harassment. Examples of frozen bank accounts included those of two human rights lawyers who headed NGOs, Intigam Aliyev and Asabali Mustafayev. In Mustafayev's case, the ECHR reported in October 2021 Azerbaijan's freezing of bank accounts of Mustafayev's NGO the Democracy and Human Rights Resource Center had violated the organization's property rights and ordered the accounts unfrozen.

The United Nations or Other International Bodies: The government often objected to statements from international bodies and criticized what authorities termed interference in the country's internal affairs.

Government Human Rights Bodies: Citizens could appeal abuses committed by the state or by individuals to the ombudsperson for human rights. The ombudsperson could refuse to accept cases of abuse that were more than one year old, anonymous, or already being handled by the judiciary. Human rights NGOs criticized the Ombudsperson's Office as lacking independence and effectiveness in cases considered politically motivated and maintained the office failed to acknowledge credible allegations of torture or physical abuse by security forces. In its June 21 report on the country, the European Commission against Racism and Intolerance stated concerns remained regarding the institutional independence of the ombudsperson.

Human rights bodies in the National Assembly and Ministry of Justice also heard complaints, conducted investigations, and made recommendations to relevant government bodies, but they were similarly accused of ignoring abuses.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: Rape of a person, regardless of gender, was illegal, and conviction carried a maximum sentence of 15 years in prison. The government enforced the law in some cases but not others such as spousal rape, resulting in inadequate enforcement of the law.

On December 6, the UN resident coordinator reported one in three women or girls in the country experienced violence. The law established a framework for the investigation of domestic violence complaints, defined a process to issue restraining orders, and called for the establishment of a shelter and rehabilitation center for survivors. Some critics of the domestic violence law asserted a lack of clear implementing guidelines reduced its effectiveness. Activists reported police viewed domestic violence as a family matter and did not effectively intervene to protect survivors, including in cases where husbands abused or killed their wives.

Discrimination: Although the law nominally provided the same legal status and rights for women as for men, societal and employment-based discrimination remained a significant problem. Unlike men, women were not allowed to work legally at night and were unable to hold certain jobs or work in the same industries as men. Women were prohibited from holding approximately 200 occupations deemed hazardous and arduous and were unable to work equitably in the mining, construction, factories, agriculture, energy, water, and transportation industries. Women were underrepresented in high-level jobs, including top business positions. Traditional practices limited women's access to economic opportunities in rural areas. Women's ability to participate in the labor force was disproportionately burdened by child care as there was no mandate for paid paternal leave and periods of childcare-based absences were not accounted for in pension benefits.

While there were legal protections against sexual harassment in the workplace, it remained a civil offense rather than a criminal offense. The government rarely enforced these protections and rarely pursued legal action against individuals accused of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was not available through the national health-care system but could be purchased from private providers. The cost of contraceptives, a lack of education, and a lack of counseling limited the usage of contraceptives. Emergency contraception was available as part of method mix. Patriarchal norms based on cultural, historical, and socioeconomic factors in some cases impacted women's reproductive rights and limited women's use of contraceptives. For example, in many cases, it was expected women would become pregnant without delay upon marriage.

The government referred survivors of sexual violence to free medical care including sexual and reproductive services. Emergency contraception was not available as part of the clinical management of rape.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The constitution provided for the equality of rights and freedoms to everyone, irrespective of race or ethnicity. Restrictions of rights and freedoms on the grounds of race or ethnicity were prohibited.

Following the border closure between Azerbaijan and Armenia in 1991, inflammatory rhetoric and hate speech became increasingly prevalent, particularly as generations grew up without interactions with the other side. Civil society activists stated generations grew up listening to hate speech against Armenians. Individuals with Armenian-sounding names were subjected to additional screening at border crossings and were occasionally denied entrance to the country.

An International Court of Justice November 17 order provided that Azerbaijan must ensure individuals who left Nagorno-Karabakh after its September 19 military operation could voluntarily return in a safe, unimpeded, and expeditious manner; ensure those who wished to depart Nagorno-Karabakh could do so in a safe, unimpeded, and expeditious manner; and ensure those who wished to stay in Nagorno-Karabakh were free from the use of force or intimidation. The court's order also

stated that Azerbaijan must protect, preserve, and have due regard for these individuals' registration, identity, and private property documents. The order required Azerbaijan to submit a report to the court on steps taken to implement these measures within eight weeks. The court's order responded to Armenia's request for provisional measures in Armenia's pending case under the International Convention on the Elimination of All Forms of Racial Discrimination.

On June 21, the European Commission against Racism and Intolerance reported progress in a number of fields, while highlighting concerns in others. Such concerns included "the use of inflammatory rhetoric in public statements by politicians, including at the highest political level, and other public figures, as well as by the wide dissemination of hateful content, in traditional and social media."

CHILDREN

Child Abuse: The law prohibited sexual violence against children. The law also stipulated punishment for child labor and other abuses of children. The government generally enforced the law.

Child, Early, and Forced Marriage: The problem of early marriage continued. According to UNICEF's *The State of the World's Children 2021* report, 11 percent of girls in the country married before age 18. The law provided for a girl to marry at the age 18 or at 17 with local authorities' permission. The law further stated a boy could marry at 18. The Caucasus Muslim Board defined 18 as the minimum age for marriage as dictated by Islam.

The law established substantial fines or imprisonment for up to four years for the conviction of the crime of forced marriage with an underage child. Girls who married under the terms of religious marriage contracts were of particular concern, since these contracts were not subject to government oversight and did not entitle the wife to recognition of her status in case of divorce. The government enforced the law effectively.

Throughout the year, the State Committee for Family, Women, and Children Affairs organized events for the prevention of early marriages.

Sexual Exploitation of Children: Conviction of recruitment of children for commercial sexual exploitation (involving a child in immoral acts) was punishable by eight to 12 years in prison. It was illegal to engage in the sale or grooming of a child as well. The law prohibited pornography, its production, its distribution, or its advertisement, and conviction was punishable by three years' imprisonment. The minimum age for consensual sex was 16. Conviction of statutory rape was punishable by up to three years' imprisonment. Some civil society representatives reported boys and girls at times were exploited for commercial sex. Authorities enforced the laws against child pornography and sexual exploitation of children.

ANTISEMITISM

A 2020 Stanford University and Hebrew University of Jerusalem study estimated there were 7,200 to 20,000 Jews in the country, while Jewish community leaders estimated the number to be 15,000 to 20,000.

There were no known reports of antisemitic incidents.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: The government decriminalized same-sex conduct in 2000, but discrimination, including wrongful detention of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) activists, persisted. There were no laws criminalizing cross-dressing or other gender characteristic-related behaviors.

Violence and Harassment: There were reports of violence and harassment against LGBTQI+ individuals, especially transgender individuals. A local NGO noted that in many cases, authorities did not investigate or punish those responsible for attacks on LGBTQI+ persons.

On February 20, LGBTQI+ activist Ali Malikov and three others were arrested while attempting to demonstrate in support of jailed activist Bakhtiyar Hajiyeu. Malikov, who was a minor child at the time of arrest, later recounted that police officers mocked his appearance, used sexual slurs toward him, and one police officer grabbed his own genitals over his clothing while standing in front of Malikov. He was released shortly after detention without charges.

On May 23, police detained Malikov and LGBTQI+ activist Javid Nabiyeu during their protest of the arrest of transgender individuals in commercial sex. The two activists were held in police custody for 18 hours and said police humiliated them, including by using homophobic slurs. Nabiyeu said police officers struck his head and back, resulting in bruising. The individuals were forced to take drug tests. Both received administrative fines for petty hooliganism, and one was fined for drug possession.

There were reports of family-based violence against LGBTQI+ individuals, including being held against their will by family members. Hate speech against LGBTQI+ persons and hostile social media postings on personal accounts continued.

The ECHR continued a formal inquiry begun in 2019 into police raids on the LGBTQI+ community in 2017. The raids led to arrests and detentions of more than 83 men presumed to be gay or bisexual, as well as arrests and detentions of transgender women. Media outlets and human rights lawyers reported police beat detainees and subjected them to electric shocks to obtain bribes and information regarding other gay men. Detainees were released after being sentenced to up to 30 days of administrative detention, fined up to 200 manat (\$118), or both.

Discrimination: Antidiscrimination laws existed but did not offer protection on the basis of sexual orientation, gender identity or expression, or sex characteristics. There was no enumerated protection for LGBTQI+ couples or families. There was no enumerated protection for sexual orientation or gender identity in the labor law, and discrimination in employment and occupation occurred. Activists reported LGBTQI+ individuals were regularly fired by employers if their sexual orientation or gender identity became known. LGBTQI+ individuals generally refused to file formal complaints of discrimination or mistreatment with law enforcement bodies due to fear of social stigma or retaliation. Activists reported police often refused to investigate crimes committed against LGBTQI+ individuals.

There were reports men who either acknowledged themselves or were perceived as LGBTQI+ during medical examinations for conscription were sometimes subjected to anal examinations and then disqualified for military service on the grounds of “mental illness.”

Availability of Legal Gender Recognition: The government did not permit individuals to change gender identity markers on legal and identifying documents to align them with their gender identity.

Involuntary or Coercive Medical or Psychological Practices: As a result of social and cultural animus against LGBTQI+ persons, many LGBTQI+ persons faced pressure from family and relatives to deny their LGBTQI+ identity, through violence, denial of resources and housing, or other coercive means. Despite the Ministry of Health’s acknowledgment that homosexuality was

not a disease, LGBTQI+ persons reported psychologists and psychiatrists continued to pathologize LGBTQI+ identity and attempted to change the sexual orientation and gender identity or expression of LGBTQI+ persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Organizations or individuals working directly or indirectly on LGBTQI+ matters reported being limited and hindered by authorities. The right of peaceful assembly of LGBTQI+ individuals, as with all citizens, was not respected.

PERSONS WITH DISABILITIES

The law prohibited discrimination against persons with physical, sensory, intellectual, or mental disabilities, but the government did not enforce these provisions effectively. The law called for improved access to education, employment, social protection and justice, and the right to participate in political life. Local experts noted that, in general, the implementation of the law was not satisfactory, and persons with disabilities continued to experience problems. Employers generally hesitated to hire persons with disabilities, and workplace access was limited.

A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. In 2020, a local NGO reported 6,000 to 10,000 children with disabilities had access to segregated educational facilities, while the rest were educated at home or not at all. The Ministry of Education and the Ministry of Labor and Social Protection continued efforts to increase the inclusion of children with disabilities into mainstream classrooms, particularly at the primary education level.

The law mandated public and other buildings be accessible to persons with disabilities. While some buildings, including educational institutions, were accessible, this mandate was not fully implemented. Information and communication technology and most buildings were not accessible to persons with disabilities. Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

Civil society representatives reported discriminatory attitudes towards persons with HIV and AIDS were prevalent throughout society. Some individuals with HIV or AIDS previously reported difficulties seeking medical treatment or admission to shelters.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law provided for the right to form and join independent trade unions and engage in collectively bargaining, provided an organization had at least seven employees. Uniformed military, police, and managerial staff were prohibited from joining unions. Virtually all unions were members of the government-affiliated Azerbaijan Trade Unions Confederation (ATUC). ATUC unions covered the majority of public-sector entities, and workers were required to contribute 1 to 2 percent of their salaries for union dues. Many workers reported ATUC unions did little to protect workers' interests or negotiate on their behalf, and that many workers were not aware of ATUC-negotiated collective

bargaining agreements or the content of those agreements. Few independent trade unions existed outside the ATUC, and those that did were unable to register with the government.

Collective bargaining agreements were often treated as formalities and were not enforced. Although labor law applied to all workers and enterprises, the government could negotiate bilateral agreements that effectively exempted multinational enterprises from worker protections. For example, production-sharing agreements in the oil and gas sector superseded domestic law and often did not include provisions for employee participation in a trade union. While the law prohibited employers from impeding the collective bargaining process, employers engaged in activities that undercut the effectiveness of collective bargaining, such as subcontracting and using short-term employment agreements. Reports were widespread of employers relying on one-year contracts, which left employees vulnerable and less willing to advocate for their rights. The law provided most private-sector workers the right to conduct legal strikes but prohibited civil servants from striking. Categories of workers prohibited from striking included high-ranking executive and legislative officials, law enforcement officers, court employees, fire fighters, and health, electric power, water supply, telephone, railroad, and air traffic control workers.

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

The government did not effectively enforce laws related to freedom of association, the right to strike, or collective bargaining. Penalties for violations were less than those under other laws involving denial of civil rights. Penalties were rarely applied against violators. Administrative and judicial procedures were subject to lengthy delays and appeals. Both local and international NGOs claimed workers in most industries were largely unaware of their rights and afraid of retribution if they exercised those rights or initiated complaints. This was especially true for workers in the public sector.

Labor activists and workers attempting to organize on behalf of independent contractors, in particular food delivery workers, reportedly faced government harassment and repeated arrests. In August, two employees of the Wolt delivery service platform and one labor organizer were arrested following their organization of a food delivery workers' strike to protest legislative changes deemed detrimental to delivery workers. Unrelated criminal charges were brought against the three individuals, according to press reports. In November 2022, following a handful of organized protests for delivery workers earlier in the year, two independent contractors working for Wolt were arrested and sentenced to 30 days of administrative detention. Both individuals were involved in union organizing and had links to a local political movement known for labor advocacy.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The law provided for minimum wage for all sectors. The national minimum wage was higher than the poverty income level (minimum living standard). Experts stated government employers complied with the minimum wage law in the formal sector.

The law provided for a 40-hour workweek. Workers in hazardous occupations could not work more than 36 hours per week. Information was not available on whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. Employer abuse of overtime laws was reportedly widespread, including accounts of employees paid for an eight-hour workday but forced to work as many as 15 hours.

Occupational Safety and Health: Occupational safety and health (OSH) standards were appropriate for the main industries, although employers were known to ignore them. The owner or employer of a business was responsible for complying with workplace safety and health standards. Failure to provide acceptable conditions of work in the construction and oil and gas sectors remained a problem. Workers could not remove themselves from situations that endangered health or safety without jeopardy to their employment. The government responded to complaints related to unsafe workplace conditions but did not proactively identify unsafe conditions.

Wage, Hour, and OSH Enforcement: The Ministry of Labor and Social Protection was responsible for enforcing minimum wage, overtime, and OSH laws. The number of inspectors was insufficient to enforce compliance, and inspectors did not have the authority to conduct onsite inspections, whether routine or unannounced. Inspectors could conduct desk reviews of labor law compliance in response to complaints, and initiate sanctions for violations detected through this process. The government, which began its moratorium on scheduled and unannounced labor inspections in 2015 to combat corruption and stimulate business, continued it through the year. Although inspectors were permitted to request information from employers and employees in order to investigate complaints, complaint response did not include worksite inspections. Inspectors did not maintain confidentiality during an investigation, leaving workers who filed complaints vulnerable to retaliation by their employer. The government did not effectively enforce the laws on acceptable conditions of work, including wage and hour laws, nor OSH laws, largely due to the extended moratorium on worksite inspections. Penalties were less than those for similar crimes. The government tended to enforce penalties when it became aware of violations; however, in the absence of onsite inspections, many violations might have gone unreported.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective due to the moratorium. Local human rights groups, including the Oil Workers Rights Defense Organization, an NGO dedicated to protecting worker rights in the petroleum sector, maintained employers, particularly foreign oil companies, did not always treat foreign and domestic workers equally. Domestic employees of foreign oil companies reportedly often received lower pay and worked without contracts or private health-care insurance. Some domestic employees of foreign oil companies reported violations of labor law, noting nonpayment for overtime work and vacations.

According to most estimates, the informal sector accounted for 30 to 40 percent of the economy, especially in the service and construction sectors. Informal workers were covered by wage, hour, and OSH laws and inspections, although these laws were commonly ignored.