

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	106
Land:	Aserbajdsjan
Kilde:	U. S. Department of State
Titel:	2010 Country Report on Human Rights Practises – Azerbaijan
Udgivet:	8. april 2011
Optaget på baggrundsmaterialet:	11. august 2011

Title	2010 Country Reports on Human Rights Practices - Azerbaijan
Publisher	United States Department of State
Country	Azerbaijan
Publication Date	8 April 2011
Cite as	United States Department of State, <i>2010 Country Reports on Human Rights Practices - Azerbaijan</i> , 8 April 2011, available at: http://www.unhcr.org/refworld/docid/4da56de9c.html [accessed 22 June 2011]

2010 Country Reports on Human Rights Practices - Azerbaijan

Bureau of Democracy, Human Rights, and Labor
April 8, 2011

Azerbaijan is a republic with a population of approximately nine million and a presidential form of government. Legislative authority is vested in the Milli Majlis (National Assembly). In practice the president dominated the executive, legislative, and judicial branches of government. November 7 parliamentary elections did not meet a number of key standards of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections. According to the final report of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), election shortcomings included a deficient candidate registration process, limits on freedom of assembly and expression, a restrictive political environment, unbalanced media coverage of candidates, and problems in vote counting and tabulation. President Ilham Aliyev, the son of former president Heydar Aliyev, was elected to a second term in 2008 in a flawed election; constitutionally mandated presidential term limits were removed in a March 2009 referendum, which was also seriously flawed. Although there were more than 50 political parties, the ruling Yeni Azerbaijan Party, chaired by President Aliyev, dominated the political system. Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of the country and seven surrounding Azerbaijani territories. The government did not exercise any control over developments in those territories. Security forces reported to civilian authorities.

Restrictions on freedom of expression, assembly, and association impaired political party activities and significantly limited citizens' right to change their government through peaceful elections. There were reports that torture and beating of persons in police and military custody resulted in at least seven deaths, and law enforcement officials acted with impunity. Prison conditions were generally harsh and in some cases life threatening. Arbitrary arrest and detention, particularly of individuals considered by the government to be political opponents, and lengthy pretrial detention continued. The government continued to imprison persons for political reasons, although authorities released some of these individuals during the year. Pervasive corruption, including in the judiciary and law enforcement, continued. Restrictions and pressure on the media and restrictions on political participation worsened. The government continued to restrict religious freedom in some cases. Cases of violence against women were also reported. Trafficking in persons remained a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any arbitrary or unlawful killings during the year; however, human rights monitors reported that at least seven persons died in police or military custody.

On March 25, Jeyhun Zarbaliyev died while in the custody of the Nasimi District Police Department #19. Police detained him on March 23. Authorities alleged that Zarbaliyev committed suicide. The Ministry of Internal Affairs indicated that it launched an internal investigation, and as a result three employees were dismissed from the service at the internal affairs agencies, and six employees were found liable by a disciplinary committee. The ministry also reported that the Nasimi District prosecutor's criminal investigation revealed misconduct by police.

On April 14, Vugar Azizov, age 43, died while in Salyan District Police custody. He had been detained on drug use charges. The official cause of death was reported as drug addiction and arterial hemorrhaging.

On July 14, Urkhan Mammadov, age 21, died in a military unit located in the District of Shaki. The government reported the victim suffered from respiratory distress, coronary failure, and a brain tumor. Mammadov's family sued the government, alleging that there were minor bruises on Mammadov's body. At year's end, the case was pending in the Ganja City Court of Appeals.

On September 28, police in the Ujar District Police Department reportedly beat Nadir Abdullayev to death for rudely answering an officer's question. Abdullayev's relatives alleged that the victim's extensive injuries proved he had been tortured.

On September 31, Namir Pirmammadov died at Military Unit #157 in Goranboy District, reportedly after suffering beatings to his head and face.

On November 17, Rauf Huseynov died at the Shirvan City Road Police Department. Officials reported Huseynov had a heart attack while in detention. Huseynov was the chief of the Zardab District Military Conscription Office. No signs of physical torture were reported.

On December 11, police in Jalilabad allegedly beat Gazanfar Seydanov; he died of his injuries at the hospital on the same day.

There were no new developments in the cases of Vagif Suleymanov, Togrul Mammadzade, Rustam Aliyev, or Aga Turabov, all of whom died in police or Justice Ministry custody in 2009.

There were no new developments in the cases of Rashad Haziyeve, Mahammad Rahimov, or Zaur Mammadov, all of whom were found dead in or outside of police stations in 2008.

Abuse in the military was widespread (see section 1.c.) and at times resulted in death.

The government reported six deaths of military conscripts during 2009, which it attributed to incidents along the line of contact.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. During the year shootings along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. The Ministry of Foreign Affairs reported two civilian casualties along the line of contact during 2009. Figures for 2010 were unavailable.

According to the national agency for mine actions, landmines killed one soldier and injured four (two soldiers and two civilians). According to the Azerbaijan National Agency for Mine Action, 64,448 units of explosive ordnance were destroyed.

b. Disappearance

During the year there were no reports of politically motivated disappearances. However, the government reported that 4,049 Azerbaijani citizens were registered as missing persons at the State Committee as the result of the Nagorno-Karabakh conflict.

The International Committee of the Red Cross (ICRC) continued to process cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. According to the ICRC, during the year the number of persons confirmed missing from both sides of the conflict increased from 4,558 to 4,571. As a result of a framework agreement signed with the government in 2008, the ICRC collected ante mortem data from 3,189 families since the beginning of the collection in 2008. The information, gathered from families on both sides of the line of contact as well as in Armenia, was meant to assist state commissions in the identification of human remains. In December the ICRC signed a license agreement with the government to hand over an ante mortem/post mortem database which will allow for the matching of the information collected from the families of missing persons (ante mortem data) with the information collected by forensic experts during future exhumations (post mortem data).

The ICRC continued to pay special attention to prisoners of war and civilian internees (POWs/CIs) and conducted visits throughout the year to ensure their protection under international humanitarian law. The ICRC regularly facilitated the exchange of Red Cross messages between POWs/CIs and their families to help them reestablish and maintain contact. The government reported that the ICRC facilitated the repatriation of one prisoner of war and one civilian internee, as well as the return/transfer of the remains of four Azerbaijanis (two military and two civilian) to Azerbaijan during the year, and in exchange, the remains of two individuals were returned to Armenia.

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

The constitution and criminal code prohibit such practices and provide for penalties of up to 10 years' imprisonment; however, there were credible reports that security forces beat detainees to extract confessions and that military personnel physically abused subordinates. During the year domestic human rights monitors reported that 169 persons were tortured in custody by security forces. There were reports that at least seven of these individuals subsequently died. Impunity remained a problem. According to a 2009 report submitted to the UN Committee against Torture by the Human Rights Center of Azerbaijan and the International Federation of Human Rights, authorities also implemented a de facto ban on independent forensic examinations of detainees who claimed mistreatment and delayed access to an attorney.

The military Prosecutor's Office arrested and summoned to the court five members of the military regarding crimes committed on January 28, including taking bribes; insulting; causing injuries or torture of a military man; and abuse of authority, excess, or negligence. The court hearing continued at year's end.

On June 12, three cadets of the High Military Navy School beat fellow cadet Royal Musayev. Musayev was hospitalized. Ombudswoman for Human Rights Elmira Suleymanova appealed to both the deputy prosecutor general and the military prosecutor to investigate and bring the perpetrators to justice. Neither had initiated an investigation by year's end.

On August 6, human rights monitors in Nakhchivan reported that authorities wrongfully placed Jannet Baghirova in a state mental clinic after Baghirova reportedly violated a ban on street vending. Authorities released Baghirova the same day after receiving numerous complaints.

During the year a local nongovernmental organization (NGO) reported numerous police beatings of persons based on sexual orientation (see section 6).

During the year there was no accountability for the 2008 beating of Mirza Zahidov.

According to the Ministry of Internal Affairs, authorities punished 276 employees for human rights abuses and dismissed 20 from their positions during the year.

Prison and Detention Center Conditions

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

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

Local and international monitors continued to report poor conditions at maximum security Qobustan Prison. Authorities began construction of a new facility during the year. In a November 2009 report, the European Committee for the Prevention of Torture (CPT) stated that during a 2008 visit to Qobustan Prison, a prison officer attempted to threaten a prisoner for speaking to the CPT delegation, and it was apparent that authorities had warned certain other prisoners not to complain to the delegation. Nevertheless, the delegation received several credible reports from prisoners of intentional physical abuse and excessive use of force by prison officers.

The Ministry of Internal Affairs reported that during the year, it renovated the following detention facilities: the Counter Trafficking Department and the Police Departments of Khazar, Sabail, Nasimi districts of Baku and Gusar, Goygol, and Lerik districts. The ministry also reported that an additional 20 detention facilities were renovated.

During the year harsh prison conditions resulted in numerous deaths; the Ministry of Justice reported that 106 persons died in detention during the year, a decrease of 19 percent from 2009. The Ministry attributed most deaths to a variety of diseases but reported a substantial decrease in deaths due to tuberculosis, although more inmates died of tuberculosis than from any other disease. The Ministry of Internal Affairs reported one death in its facilities, due to suicide. Authorities dismissed one officer and disciplined two others for negligence in connection with these deaths.

In August 2009, Novruzali Mammadov, a prominent scholar of the ethnic minority Talysh group and former editor in chief of the Talysh Sedo newspaper, died in the Ministry of Justice medical treatment facility. The Ministry reported that he died of a stroke, but family members and local human rights defenders believed he had not received appropriate medical care. Mammadov's widow sued the Ministry of Justice and submitted Mammadov's case to the European Court of Human Rights (ECHR) during the year. Some local NGOs believed Mammadov's arrest was related to his ethnicity and cultural activities.

During the year there was no investigation into the 2008 death of Arif Aslanov while in Ministry of Justice custody.

The Ministry of Justice reported treating 497 prisoners for drug-resistant tuberculosis during the year. The government reported that the other major causes of death among prisoners and detainees were cancer, myocardial infarction, hepatic cirrhosis, and strokes.

A joint government-human rights community prison monitoring group was able to gain

access to prisons only with prior notification to the Penitentiary Service. During the year the group reportedly experienced difficulty in obtaining permission to access facilities, even with prior notification. In 2009 the group visited numerous detention facilities, advocated for better medical conditions in prisons, arranged for more telephones to be installed in prison facilities, donated books to prison facilities, and provided legal assistance to 47 prisoners.

Men and women were held together in pretrial detention facilities; however, all women were housed in a separate prison facility after being sentenced. Minors were also supposed to be held in a separate facility; however, international monitors noted some children were held with adults.

The government permitted some prison visits by international and local humanitarian and human rights groups, including the ICRC, the CPT, the OSCE, and the Azerbaijan Committee against Torture. As of July 2009, however, the Azerbaijan Committee against Torture was no longer permitted to visit Ministry of Justice facilities without prior notification. The Ministry of Internal Affairs-run pretrial detention centers still allowed the committee immediate access. The ICRC had unobstructed access to the POWs/CIs who were held in connection with the conflict over Nagorno-Karabakh as well as to detainees held in facilities under the authority of the Ministries of Justice, Internal Affairs, and National Security. The Penitentiary Service denied foreign embassies access to prisons outside of consular visits. The missions of some international organizations were still permitted to visit prisons for monitoring purposes.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

While security forces were generally able to act with impunity, the government asserted that it took action against 276 Ministry of Internal Affairs employees for 174 complaints of human rights violations during the year. The government did not report on its criminal prosecutions but stated that it dismissed 20 officers from the Ministry of Internal Affairs police forces, removed 18 officers from their positions, and administratively disciplined 238 others.

Arrest Procedures and Treatment While in Detention

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

The law allows police to detain and question individuals for 48 hours without a warrant; in practice police detained individuals for several days, sometimes weeks, without a warrant. In other instances judges issued ex post facto warrants.

Judges, acting at the instruction of the Prosecutor General's Office or of other executive branch officials, sentenced detainees to jail within hours of their arrest without providing them access to an attorney.

The law provides for access to a lawyer from the time of detention; in practice access to

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

During the year there were numerous instances of violations of arrest and detention procedures.

On November 12, the Sharur police department detained Sabit Aliyev until November 21 without charge. Sabit Aliyev served as an election monitor for his brother, Sakhavat Aliyev, a candidate in the November 7 parliamentary elections; 48 hours is the legal limit of detention without charge. Ahead of release, Sabit Aliyev was required to sign a statement forbidding him to leave the village (see section 3).

On November 19, Bakhtiyar Hajiyeve reported that he had been released after having been detained for over 24 hours without food or water. Hajiyeve, a candidate in the November 7 parliamentary elections, also told Radio Liberty that officials threatened him during his detention and did not allow his family to see him (see section 2.d.).

During the year there were a number of cases of police detaining members of opposition political parties in connection with their attempts to hold peaceful political demonstrations (see section 2.b).

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

Amnesty

On March 17, President Aliyev issued a pardon for 62 prisoners. Among those pardoned was the editor in chief of Azadlig newspaper, Ganimat Zahid (Zahidov), who had been convicted on charges many international and domestic observers characterized as spurious and politically motivated (see section 2.a.).

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, in practice, judges did not function independently of the executive branch. The judiciary remained corrupt and inefficient. Verdicts were largely unrelated to the evidence presented during the trial.

The executive branch continued to exert a strong influence over the judiciary. The Ministry of Justice controls the Judicial Legal Council, which administers the examination for judge candidates.

Credible reports indicated that judges and prosecutors took instruction from the presidential administration and the Justice Ministry, particularly in cases of interest to international observers. While judges' salaries steadily increased for several years prior to 2008, there continued to be credible allegations that judges routinely accepted bribes. During the year the ministry reported that the Judicial Council initiated disciplinary proceedings against 21 judges. The ministry reported that 11 of its employees were subjected to disciplinary actions; two of these cases were sent to the Prosecutor General's Office, resulting in one conviction.

In February 2009 the president issued a decree creating the 2009-13 State Program on Development of the Justice System. The program's objectives included improving

legislation and the quality of professional staff training.

On February 26, the Supreme Court dismissed the appeal by Intigam Aliyev, head of the Legal Education Society, regarding the lower court's decision that he insulted the "honor and dignity" of Judge Gazanfar Karimov in a book on disciplinary actions against judges. In June 2009 Aliyev appealed to the ECHR; the case was pending at year's end.

The constitution prohibits a person from being tried and/or sentenced twice for the same crime. On September 29, Sayyara Heydarova, who received a three-year conditional sentence in April 2009 for the same incident for which she was originally jailed in 2005, appealed her conviction to the ECHR, after exhausting national court remedies. The case was pending at year's end.

The Judicial Legal Council continued to coordinate efforts with international organizations to train judges.

On February 4, the Judicial Legal Council issued a decision to dismiss three judges working in Baku courts for negligence. One of the judges, Sudaba Mammadova, had sentenced Azadlig newspaper editor in chief Ganimat Zahid to four years' imprisonment in 2007 on charges that international monitors considered spurious (see section 2.a.).

Trial Procedures

The law provides for public trials except in cases involving state, commercial, or professional secrets or matters involving confidential, personal, or family matters. However, during the year international monitors noted numerous violations of this law in practice.

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

International monitors found numerous instances where judges did not inform the accused of their rights or the charges brought against them. Even in cases where the presumption of innocence was not explicitly breached, the practice of having the accused appear in handcuffs inside locked metal cages implicitly did so. In addition, judges often failed to read the verdict publicly, leaving the accused without knowledge of the reasoning behind the judgment.

Jury trials were not used. Foreign and domestic observers usually were allowed to attend trials. The use of small courtrooms with inadequate seating prevented public attendance at some hearings. Information regarding trial times and locations was generally available, although there were some exceptions, particularly in the Court of Grave Crimes.

Although the constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' privileges and rights outweighed those of the defense. Judges reserved the right to remove defense lawyers in civil cases for "good cause." In criminal proceedings, judges may remove defense lawyers because of a conflict of interest or if a defendant requests a change of counsel. In addition, judges often showed preference to prosecutors when assessing motions, oral statements, and evidence submitted by defense counsel.

The law limits representation in criminal cases to members of a government-controlled collegium of lawyers (bar association). Since there were only 768 collegium members, of which only an estimated 415 were practicing, access to licensed legal representation was restricted, particularly outside of Baku.

On August 9, the president signed a decree increasing the number of judges in the country to 600.

The constitution prohibits the use of illegally obtained evidence; however, despite some defendants' claims that testimony was obtained through torture or abuse, no cases based on claims of abuse were dismissed, and there was no independent forensic investigator to determine the occurrence of abuse. Judges often simply ignored claims of police mistreatment. Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts most often ended in conviction, as judges generally required only a minimal level of proof and collaborated closely with prosecutors. In the rare instances in which judges determined that the evidence presented was not sufficient to convict a defendant, they could return cases to the prosecutor for additional investigations, effectively giving the prosecutors subsequent chances for convictions.

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

There were no verbatim transcripts of judicial proceedings; testimony, oral arguments, and judicial decisions were not recorded. Instead the court officer generally took notes that tended to be sparse and decided what, if anything, should be included in the notes. For example, during Eynulla Fatullayev's Court of Appeals trial, which ran from August through the end of the year, Fatullayev argued that the protocol produced by the lower court did not reflect his own words (see section 2.a.).

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

Political Prisoners and Detainees

Local NGOs maintained that the government continued to hold political prisoners, although estimates of the number varied. During the year the government released between 11 and 14 individuals whose imprisonments were considered to have been politically motivated, including six journalists and two bloggers and youth activists (see section 2.a.). At year's end, NGO activists maintained that the government held between 20 and 46 political prisoners.

Elchin Amiraslanov, Safa Poladov, and Arif Kazimov, who had been listed in the 2005 Council of Europe experts report on political prisoners, remained incarcerated during the year.

Some estimates of the number of political prisoners included persons arrested in 2005 on charges of plotting a coup and subsequently convicted of corruption.

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

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

Regional Human Rights Court Decisions

Citizens have the right to appeal court decisions on human rights cases to the ECHR within six months of the first Supreme Court ruling on a case. Citizens continued to exercise this right frequently. At year's end there were approximately 100 cases involving the country awaiting action by the ECHR.

According to the ECHR Web site, during the year it issued 18 decisions in favor of Azerbaijani citizens. According to news agency APA, Azerbaijani citizens applied mostly for protection of property rights (nine cases), protection of freedoms and security rights (eight cases), and fair hearing (four cases).

On April 22, the ECHR ruled that the imprisonment of journalist Eynulla Fatullayev violated his right to freedom of expression and that the government therefore should immediately release him. As of year's end, the government had not complied with the ruling (see section 2.a.).

During the year the ECHR ruled in two separate cases that authorities had violated the rights of opposition candidates Nemat Aliyev and Flora Kerimova under the European Convention on Human Rights by declaring progovernment candidates the winners in the 2005 parliamentary elections in their respective districts.

On November 9, the ECHR ruled in favor of former Minister for Economic Development Farhad Aliyev, who had challenged the length of his pretrial detention. The court awarded him 16,000 euros (\$21,400) for nonmaterial damage and 25,000 euros (\$33,500) for legal expenses. At year's end, another case submitted by Aliyev regarding his corruption conviction remained pending; he was arrested in 2005 on coup plotting charges but convicted on corruption charges. On November 9, Eldar Salayev, who was detained in the Aliyev case, also won a judgment from the ECHR for excessively long detention.

There were seven cases during the year involving property rights: one case, Safarova v. Azerbaijan, involved a dispute regarding a police station located on Safarova's property. The remaining six property cases involved internally displaced persons squatting in the apartment of the legal owner.

Civil Judicial Procedures and Remedies

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

Property Restitution

NGOs reported that the laws governing eminent domain were sufficient. However, in practice these laws were not respected. Domestic monitors reported that the number of property rights complaints they received continued to rise, compared with previous years. NGOs further reported that the government did not rigorously enforce its own expropriation laws, especially outside of Baku. These NGOs reported that citizens did not trust the country's court system and were reluctant to pursue compensation claims. In 2009 the Baku Executive Authority announced its plan to redevelop a section of the downtown area running from Heydar Aliyev Palace towards Azerbaijan Drama Theater. Residents of two main streets (Fuzuli and Shamsi Badalbeyli) were notified that they had to vacate their homes, for which they would be compensated at AZN 1,500 (\$1,830) per 11 square feet. Human rights defenders reported that water, electricity, and gas were shut off in the buildings to force occupants to vacate. At year's end, residents remained dissatisfied, and tensions with local authorities continued. Most houses had, however, been demolished and fenced off from residents.

During the year six of the 18 cases on which the ECHR ruled involved property rights (see section 1.e).

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

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

The constitution allows for searches of residences only with a court order or in cases specifically provided by law; however, authorities often conducted searches without warrants. It was widely believed that the Ministry of National Security and the Ministry of Internal Affairs monitored telephone and Internet communications, particularly those of foreigners, prominent political and business figures, and persons engaged in international communication. In one such incident in 2009, the Ministry of National Security identified and questioned many of the 43 persons who voted via text message for the Armenian entry into the annual Eurovision song contest. After an investigation, the European Broadcasting Union, which ran the contest, decided not to sanction the country's public television channel but changed its rules so that, in the future, the television company that broadcasts the program will be responsible for the actions of the telephone companies with which it works.

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

Military service is universal for all men age 18 to 35. Waivers exist for physical reasons such as poor eyesight. There was a widespread belief that a waiver from military service could be purchased. Citizens also believed that assignments to easier military duties could be bought. The constitution provides alternative service for conscientious objectors; however, the law on military service provided no clear implementation mechanism. Some chose to go to jail rather than serve in the military.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press and specifically prohibits press censorship; however, the government often did not respect these rights in practice. During the year the government released six journalists and two bloggers, but limited media independence remained a problem.

In September the international NGO Article 19 reported that freedom of expression had "significantly deteriorated" in the country since 2005 for journalists, activists, and ordinary citizens. Article 19 found that self-censorship had become "pervasive" and that many civil society and political party activists felt that they were living in an environment increasingly hostile to freedom of expression. The international NGO International Crisis Group stated that "the absence of a free and constructive exchange of information and ideas breeds an atmosphere of distrust and resentment." Nevertheless, many opposition parties continued to publish newspapers, and human rights activists were mostly able to conduct their work without fear of reprisal.

On October 9, police raided the office of the proreform youth movement Dalga, evicting members from the premises. Dalga closed its offices on October 11. The raid reportedly took place in response to Dalga members' publicly wearing T-shirts depicting democratic reformer Mammad Emin Rasolzade, the president of the first Azerbaijan Democratic Republic in 1918-1920.

In 2009 the government amended the law on mass media to make it easier for the government to close a publication.

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

Most print outlets in the country were organs of the ruling party, opposition parties, or

were thought to be connected to prominent government officials. Newspaper circulation rates, both government and opposition, were low, not surpassing 5,000 in most cases. Many newspapers were circulated only in the capital. There were eight national television stations and 14 regional outlets. There were 11 national radio broadcasters. The government prohibited Voice of America, Radio Free Europe/Radio Liberty, and the BBC from broadcasting on national FM frequencies and national television. Without these international broadcasters, the public did not have access to unbiased news on any widely available broadcast media. There also were several national state-owned newspapers and numerous newspapers funded by city or district-level officials.

On July 22, National Press Day, President Aliyev allocated AZN 20,000 (\$24,390) to each of 32 newspapers. The group of 32 newspapers included those associated with the government and with the opposition.

On August 1, the publisher of Azadliq, one of two major opposition daily newspapers, barred Azadliq employees from printing activities for two days because of a reported AZN 16,000 (\$19,510) debt owed to the publisher. Press reports of the incident stated that the editor in chief, Qanimat Zahid, characterized this demand for payment as government pressure and taking back its previous financial aid.

Some private television stations operated, but independent media monitoring found their programs to be biased in favor of the ruling party. ANS Television, the audience leader, was generally regarded as a source of relatively balanced news coverage prior to its temporary closure by the National Television and Radio Council (NTRC) in 2006. However, most media monitors believed ANS had since adopted a more cautious, self-censored approach to news coverage, often broadcasting the same news and news angles as government-sponsored media. In an August ANS analytical program, journalist Mirshahin Agayev criticized imprisoned journalist Eynulla Fatullayev and disparaged civil society and opposition groups for advocating his release. Many observers believed the program was ordered by the government and demonstrated the decline in the broadcaster's independence.

The OSCE/ODIHR's media monitoring concluded that "all monitored television channels devoted a considerable portion of their coverage to state authorities and their activities. Progovernment candidates gained an advantage prior to the commencement of the official campaign period as their competitors received hardly any news coverage on the monitored television channels."

During the year the government released six journalists; however, two remained imprisoned or were jailed during the year on criminal convictions for libel and other charges supposedly unrelated to their work. International and local commentators believed that the government targeted the journalists due to their criticism of government figures and policies.

On March 17, the government released Ganimat Zahid, editor in chief of Azadliq newspaper after a presidential pardon. Zahid had been convicted of hooliganism and inflicting minor bodily harm in 2007. International and domestic observers considered his imprisonment to be politically motivated.

On July 6, the Qarabagh District Court sentenced Eynulla Fatullayev to two years and six months of imprisonment for heroin possession. At the time of the ruling, Fatullayev was serving an eight-year, six-month prison sentence on charges of supporting terrorism, inciting ethnic hatred, and tax evasion. International and domestic observers considered his imprisonment politically motivated. The OSCE representative on media freedom called the drug charge "highly improbable." Local human rights defenders believed the drug case was brought to keep Fatullayev imprisoned in anticipation of an ECHR ruling exonerating him on the previous charges. On April 22, the ECHR ordered Fatullayev's immediate release and awarded him compensation. The government appealed the decision to the Grand Chamber of the ECHR, which on October 4 refused to hear the case. On November 5, the Court of Appeals held a hearing remanding Fatullayev into detention pending his appeal hearing on the drug conviction. On November 11, the

Plenum of the Supreme Court formally absolved Fatullayev of the incitement and libel charges but increased his tax evasion sentence to two years, six months – essentially time served. Fatullayev remained in detention pending the appeal of his drug conviction at year's end.

On November 2, the Gubadly District Court sentenced Guzgu newspaper correspondent Kamran Bayaliyev (Kamran Sekhavet) to one year of corrective labor for hooliganism and inflicting intentional minor bodily injuries. The Institute for Reporters' Freedom and Safety (IRFS) considered this sentence to be retribution for articles Bayaliyev published in 2009 criticizing local authorities in Jeyranbatan for alleged corruption. At the end of the year, the case had moved to the Sumqayit Court of Appeals.

A number of journalists who criticized government officials in the course of their work were subjected to harassment, threats, and acts of physical violence that appeared to be connected to their criticism of the government or public officials. The government did not hold perpetrators accountable. According to Reporters without Borders, independent and opposition journalists were under constant pressure because of their work.

A media-monitoring NGO reported that during the year there were 106 incidents involving verbal or physical assaults on journalists, compared with 51 such cases in 2009.

For example, according to Human Rights Watch, on May 15, authorities arrested Seymur Haziiev, a reporter for Azadlig and Bizim Yol, for taking part in a rally calling for the lifting of restrictions on freedom of assembly in advance of the November parliamentary elections. Police took Haziiev, along with 30 others, to a police station and interrogated him without allowing him access to a lawyer. Haziiev was charged with resisting arrest and sentenced to seven days' imprisonment by a Baku court. Haziiev told Human Rights Watch that, on May 17, he was taken from his cell and escorted to a room where two men kicked and hit him periodically during a one-hour interrogation in which they asked Haziiev why he wrote articles critical of President Ilham Aliyev and the government. On May 22, Haziiev was released. After the incident, Haziiev filed a complaint against the police. At year's end the case was still pending.

On July 28, Yeni Musavat reported that unidentified men attacked reporters Elmin Badalov and Anar Gerayli while they were taking photographs for an investigative story about luxury villas on the outskirts of Baku that allegedly belonged to Transportation Minister Ziya Mammadov. While they were taking pictures of the villa, three cars pulled up and six men got out, beat the two reporters, and threatened their lives. The unidentified men held the two journalists for three hours around the premises and then released them after deleting the photographs. Immediately after reporting the incident, Yeni Musavat lodged a complaint with the police. However, at year's end, the police had yet to summon either victim.

The editor in chief of Komanda newspaper, Rashad Ergun, claimed that, on August 22, soccer player Mahmud Gurbanov assaulted him in retaliation for an August 15 article he wrote that was critical of Gurbanov. Ergun sued Gurbanov, and the case was under investigation at year's end.

In January 2009 police assaulted Afgan Mukhtarli, a reporter for the opposition newspaper Yeni Musavat. According to Human Rights Watch, Mukhtarli alleged that the Yasamal District police chief ordered the attack. Mukhtarli had previously written articles criticizing the police chief.

In April 2009 Yasamal District police beat three employees of ANS Television as they were filming the controversial destruction of a mosque. The employees received minor injuries, and their equipment was destroyed. Police eventually compensated the channel for the equipment but did not return the video of the incident.

Police physically assaulted three journalists, Elchin Hasanov, Afgan Mukhtarli, and Natig Adilov, in front of Police Department No. 39 in Sabail District in May 2009. The

journalists were reporting on the detention of a group of youth who had protested against the celebration of "flower day" and the absence of any official mourning for the victims of the mass killing at the Azerbaijan State Oil Academy. On April 2, the Sabail District Court dismissed the journalists' complaint against the police. The journalists filed an appeal, which was heard on November 2 by the Court of Appeals. During the hearing, a video was shown with footage of police assaulting the journalists. Defense witness Rufet Alakberov testified that the police officers who assaulted the journalists were not employees of the Sabail District Police Office. After deliberation, the judge dismissed the lawsuit.

In September 2009, unknown assailants beat the editor in chief of Ayan newspaper, Javid Alasgaroglu, and threw him into a trash dump. Alasgaroglu sustained serious injuries and was hospitalized. The victim's family attributed the incident to Alasgaroglu's professional activity. The newspaper had published several critical articles about government officials.

Emin Huseynov, a reporter who was chair of the IRFS, was hospitalized after being beaten by police in 2008 while covering the breaking up of a public meeting by police. He later filed suit against the Ministry of Internal Affairs, charging that no legal action had been taken against his attackers.

There were no indications that authorities held any police officers accountable for physical assaults on journalists in recent years.

Serious concerns remained about impunity in the 2005 killing of Elmar Huseynov. Media and human rights activists continued to call on the government to investigate the case fully. Those highlighting the lack of accountability for the killing during the year included the OSCE's representative for freedom of the media, the International Crisis Group, and a group of nine international NGOs. Imprisoned journalist Eynulla Fatullayev issued an appeal in March asserting that a senior National Security Ministry official had organized Huseynov's murder, that the ministry had attempted to block his and others' independent investigation of the murder, and that the ministry had him arrested for having continued to investigate the killing. Within weeks of Fatullayev's statement, his father reported a death threat made against both of them if they did not "shut up once and for all." The Committee to Protect Journalists concluded that Fatullayev's imprisonment was in reprisal for his extensive coverage of Huseynov's unsolved murder.

In February the Milli Majlis amended two laws to implement several changes approved in the March 2009 constitutional referendum that limit media freedom. These included a prohibition on videotaping or photographing anyone without their permission. The authorities implemented this prohibition selectively. For example, on July 20, citing the law, Presidential Administration guards harassed a group of journalists who were photographing and filming a protest in Sabirabad by residents unhappy with the government response to flood damage in the region. The guards detained IRFS and Turan Information Agency employees Javid Gurbanov and Mehman Huseynov, Radio Liberty correspondent Abbas Atilay, and Bizim Yol newspaper correspondent Haji Zeynalov. The guards seized the journalists' videotape, erased images of administration buildings, and issued a warning that they were not authorized to film or photograph the administration's premises. In contrast, authorities took no action to apply the law when Lider Television broadcast a video of an opposition newspaper editor engaged in a sexually explicit act with a woman on October 25, weeks away from the November parliamentary elections. A nationwide television station, Lider was considered to be closely aligned with the government.

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

Suspect lawsuits were also used to intimidate journalists. For example, during the year there were 40 civil cases against media. Lawsuits were filed against the following media outlets and journalists: six cases were brought against opposition newspaper Yeni

Musavat, three against its deputy editor in chief Azar Ayxan, and one against its editor in chief Rauf Arifoglu. Three lawsuits were filed against Azadliq and its reporter Alovzat Osmanly. Two lawsuits were filed against Bizim Yol news and its correspondent Natig Jadaly. Four lawsuits were brought against Gundelik Baki newspaper and one against Hurriyet newspaper. Lawsuits were also filed against Olke newspaper, its editor in chief Rafael Bejanov, and its reporters Elmidar Bayramov, Nijat Daglar, Nasimi Sharafkhanly, and Zulfugar Huseynli. Six lawsuits were filed against Khural newspaper's editor in chief Avaz Zeynally and deputy editor in chief Malahat Zeynally. Lawsuits also were brought against Dunya Kriminaly newspaper, Trend Information Agency, Milletim newspaper's Faramaz Novruzoglu, P.S. Nota newspaper, editor in chief Saradar Alibayli, and Tribuna Information Agency.

These 40 civil lawsuits were filed by Ramiz Mehdiyev, the head of the Presidential Administration; the Text-book Evaluation Council of the Ministry of Education; Mahin Orujova, the director of Children Music School # 3; Elsevar Akhundov, a military unit commander; Ikhtiyar Shirin, a former prosecutor general; Rasim Musayev, the chief of the Ganja City Police Department; Jalal Aliyev, a member of parliament; Novruzali Aslanov, a member of parliament; the head of the Binagadi Municipality; imprisoned editor in chief of Ideal newspaper Nazim Guliyev; Dilshad Amirova, an owner of the Bina Shopping Center; Nina Ahmadovam, a citizen; and Singer Karim. Anar Mammadov, son of Minister of Transportation Ziya Mammadov, filed a lawsuit against Azadliq and Yeni Musavat newspapers demanding each be fined AZN 500,000 (\$609,760).

During the year a total of AZN 37,500 (\$45,730) in fines were levied against media organizations. The highest amounts were fines against the Tribuna Agency, an independent on-line agency known for criticizing low- to mid-level officials, for AZN 20,000 (\$24,390) and Khural newspaper, a weekly paper known for its pan-Turkish ideas, for AZN 10,000 (\$12,195).

The law allows for large fines and up to three years' imprisonment for persons convicted of libel. Administration officials stated publicly in April 2009 that this provision would be removed from the criminal code, and subsequently courts overturned the conviction of two journalists for libel. However, the government's statements notwithstanding, libel remains a criminal offense.

In previous years the government used defamation suits and the threat of exorbitantly high fines for libel to intimidate and harass the media. Fine payments due from previous defamation suits threatened the financial viability of the print media and journalists. Government reliance on measures that hampered the printing and distribution of independent newspapers and magazines remained largely unchanged.

Most newspapers and magazines were printed in government publishing houses or on private printing presses owned by individuals who had connections with government officials. The majority of independent and opposition newspapers remained in precarious financial situations; they continued to have problems paying wages, taxes, and periodic court fines. Most relied on political parties or influential sponsors for financing. According to prominent journalists, government representatives directly or indirectly dissuaded companies and institutions from placing advertising in opposition media. As a result, paid advertising was largely absent in opposition media.

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

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

In October, nine international NGOs reported that the environment for journalists in the regions was more restrictive than in Baku. They highlighted the situation in the exclave of Nakhchivan as especially dangerous. In 2009, Nakhchivan- and Baku-based journalists reported that authorities in Nakhchivan continued to block distribution of opposition newspapers.

Internet Freedom

The government generally did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agreements with the Ministry of Communications and Information Technologies. The Ministry of Communication and Information Technologies reported that 45 percent of the population used the Internet; broadband access reached 12 percent of the population, and there were 14 computers per 100 inhabitants.

There was no evidence to confirm the widely held belief that the government monitored Internet traffic of foreign businesses and opposition leaders. On October 8, users of the satirical www.eqreb.com Web site could access it only through proxy servers outside of the country, since it was blocked from direct access within the country. A local NGO monitoring the media situation in the country assessed the move as government censorship.

Domestic observers stated that during the year, the government did not block Web sites throughout the majority of the country. However, the same observers indicated that Web sites were blocked routinely in the exclave of Nakhchivan.

On November 18, authorities suspended the sentence of youth activist and blogger Adnan Hajizade and released him on parole. On November 19, a court ordered the release of youth activist and blogger Emin Milli under the same conditions. Police had arrested Hajizade and Milli in July 2009 when they complained to police about an attack on them by two men. Hajizadeh and Milli were sentenced to prison terms of 24 months and 30 months, respectively, in November 2009.

Academic Freedom and Cultural Events

The government on occasion restricted academic freedom.

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

Opposition party members continued to report difficulties in finding jobs teaching at schools and universities. Most known opposition party members teaching in state educational institutions had been fired in previous years.

On January 19, the State Oil Academy dismissed student Elmin Badalov, who also worked as a journalist for the Poligon information agency. At the end of 2009 Badalov had published an article regarding bribery cases and financial fraud at the academy. On April 5, Badalov filed a lawsuit challenging his dismissal and appealed to the Court of Appeals on May 5. As of the end of the year, the case was pending at the Supreme Court.

During the fall parliamentary election campaign, students reported pressure from the administration to avoid cooperation with independent election monitoring organizations as well as pressure to vote for the government's candidate. During the 2008 presidential election campaign, students at several universities reported pressure from deans to avoid cooperation with an independent NGO monitoring the election. Some students reported being directed by the deans of their faculties to change voter registration from their home districts so that they would have to vote at the university. Others reported that universities required students to attend pro-presidential rallies, providing transportation and threatening students with expulsion if they did not attend. In another

case students were threatened with expulsion from their dormitory if they participated in election monitoring.

There were no reports of government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government severely restricted this right in practice. Although the law stipulates that groups may peacefully assemble only with prior notification of relevant government bodies, the government continued to interpret this provision as a requirement for advance permission from local officials.

During the year the government continued to require all rallies to be preapproved and held at designated locations far removed from city centers, a stipulation that most political parties and NGOs found unacceptable. Authorities throughout the country routinely refused such requests.

The government denied opposition, NGO, religious freedom advocates, and others' requests to hold rallies on multiple occasions and broke up several unsanctioned pickets and demonstrations, often detaining participants for several hours. Many of these detentions were arbitrary (see section 1.d.)

For example, on May 15, the opposition Azadliq coalition held an unsanctioned rally in Baku. Police detained 10 participants from the opposition: five protesters for seven days and five for five days.

On June 5, the Azadliq coalition held another unsanctioned rally in Baku. After breaking it up, police briefly detained 19 participants.

On June 12, Musavat and the Popular Front Party (PFP) held an unsanctioned demonstration in Baku. Police detained 32 persons including activists Ramiz Khalilov (Musavat) and Abulfaz Gurbanly (PFP) for 10 days each. Police also issued official warnings to Arif Hajily and Tofiq Yagublu and fined Tural Abbasly and Ahad Mammadli each AZN 25 (\$30).

On June 19, the Azadliq coalition again held an unauthorized protest in Baku. Police detained 83 participants. The police later released 79, but four activists were detained for several days.

On July 3, opposition parties held a united unsanctioned demonstration in Baku. Police detained approximately 70 participants. Prior to the demonstration, police detained three opposition activists at their homes: Tural Abbasly, Yalchin Abbasly, and Ahad Mammadli. The court issued them official warnings and fined them each AZN 25 (\$30). Police also detained nine other opposition activists prior to the protest, including Fuad Gahramanly, Razi Nurullayev, Nuraddin Mammadli, and Abulfaz Gurbanly. Police took 10 or 11 protesters to Sabayil District Police Station #8 and released them that evening. Police drove the remaining protesters, nearly 60 individuals, 40 miles away from Baku to Gobustan and inexplicably abandoned them in an isolated area.

On July 31, opposition parties PFP, Classic Popular Front, and Musavat held an unsanctioned demonstration in Baku; police detained more than 100 protesters. Police issued warnings to 10 protesters; seven were detained for 10 days, one for eight days, and two for seven days. Police fined seven persons AZN 20-25 (\$25-30). Police bused 20 protesters 40 miles away from Baku to Gobustan and dropped the protesters there, leaving them to find their own ways back to the city.

On August 9, Turan News Agency reported that the Baku Mayor's Office refused to authorize a rally of unregistered NGOs. The NGOs requested permission to rally on a

square near the Ministry of Justice on August 4. The mayor's office refused on the grounds that the rally would disturb people resting in the square and demonstrating near state facilities is not allowed.

Prior to October 10, the PFP-Musavat Block applied to the Baku Mayor's Office for permission to hold a rally on October 10 in support of freedom of assembly. Reportedly, Chairman of the Central Election Commission Mazahir Panahov said that the assembly was in violation of the election code because it was outside the designated campaign period. The opposition block disagreed with this characterization of its intent but moved the assembly to October 17. The Baku Mayor's Office again withheld permission. In the run up to parliamentary elections, the PFP-Musavat Block did not hold any unauthorized rallies.

On December 9, Minister of Education Misir Mardanov announced that girls were not allowed to wear hijab (headscarf) at school. News organizations reported that during a December 10 rally attended by hundreds protesting this ban outside of the Ministry of Education, police arrested 12 demonstrators. On December 15, approximately 100 persons in the Masalli region reportedly participated in a rally opposing the hijab ban. Two persons reportedly were arrested. On December 16, in Nardaran village, several thousand protested the ban.

Yusif Alikramoglu, Hajikuli Hashimov, and Azer Sarjanov were arrested for breaking a window at a school in Baku to protest the ban on hijab at schools. On December 23 they were released. The accused said they had been arrested on a framed-up charge, reported the Centre for Protection of Religion.

Freedom of Association

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

In June 2009 the Milli Majlis amended the law on NGOs to add new restrictions on freedom of association. While officials removed the most troublesome provisions of the first draft of the amended law, the new amendments contained some restrictions, including requiring deputies of NGO branches to be Azerbaijani citizens and requiring foreign NGOs to sign an agreement with the government before opening an office. In December 2009 President Aliyev issued a decree making further changes to the law on NGOs. International and local NGOs were concerned by a new provision in this decree that requires NGOs to register all grants they receive with the Ministry of Justice.

Some NGOs estimated that approximately 1,000 such groups remained unregistered at year's end.

For example, the NGO Election Monitoring Center (EMC), which the ministry deregistered in 2008, attempted to register as a new organization, the Election Monitoring and Democracy Studies Center (EMDS) that December. The organization was denied registration on what observers believed to be unsubstantial grounds. In November 2009 the EMC appealed to the ECHR; the case remained pending at year's end. On February 2, EMDS appealed its registration application to the Supreme Court. On August 13, the Supreme Court returned the case to the Court of Appeals, where it remained at year's end.

Human Rights Watch reported that the Ministry of Justice denied registration to the Television and Alternative Media Development Center three times during the year.

c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's [2010 International Religious Freedom Report](#).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government limited freedom of movement at times, particularly for internally displaced persons (IDPs).

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The State Migration Service was responsible for all refugee matters, including refugee status determination. International NGOs continued to report that this department, created in 2007, remained inefficient and did not operate transparently.

Since 2006 the government has prevented the foreign travel of PFP chairman Ali Kerimli, by refusing to renew his passport, citing an outstanding civil complaint against him from 1994. The government had renewed Kerimli's passport on several occasions in the intervening years without objection. Kerimli filed an appeal on the decision, which was rejected at all levels of the court system. Kerimli submitted his case to the ECHR in January 2009 and was awaiting a judgment at year's end.

After the parliamentary elections, the government prevented former candidate and democracy activist Bakhtiyar Hajiyev from crossing the border into Georgia to pursue graduate studies, citing his obligation to complete mandatory military service. Observers believed that the authorities did so because of Hajiyev's activism, which included placing evidence of electoral fraud on YouTube.

The law requires men of draft age to register with military officials before traveling abroad. Those pursuing higher education may request a deferment to complete their studies. The law on military service does not stipulate deferments for undergraduate or graduate studies although military draft boards commonly granted such deferments upon presenting annual proof of enrollment. Some travel restrictions were placed on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad. Officials regularly extracted bribes from individuals who applied for passports.

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

Since his 2004 conviction for participating in postelection demonstrations in 2003, the government prevented the former imam of the Juma Mosque in Baku, Ilgar Ibrahimoglu, from traveling outside the country. At the close of the year, his status remained unchanged.

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

Internally Displaced Persons

As of year's end, the UNHCR reported that there were 592,860 registered IDPs in the country, representing 151,085 families. The vast majority fled their homes between

1988 and 1993 as a result of the Nagorno-Karabakh conflict.

IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called "propiska" system, a carryover from the Soviet era, was imposed mainly on persons who were forced from their homes after ethnic Armenian separatists took control of the Nagorno-Karabakh region and adjacent territories in the western part of Azerbaijan. The government asserted that registration was needed to keep track of IDPs to provide them with assistance. According to the Internal Displacement Monitoring Center, many IDPs who resided in Baku were unable to register their residence, gain access to formal employment, government assistance, health care, education, or pensions and had difficulty buying property.

The UNHCR reported that during the year, the government built three new IDP settlements (one rural and two urban) in Aghdam, Yevlakh, and Goranboy. During the last year 7,047 IDPs (1566 families) were relocated to these settlements. By the end of the year, the total number of new settlements was 67 for 20,000 families comprising 90,000 individuals.

The State IDP and Refugee Committee reported that on February 27, in Gabala 155 IDP families were re-housed in two newly constructed buildings. It reported that on November 10, in Yevlakh 612 IDP families were re-housed in a new building. It reported that on November 11, in Aghdam Region, a new settlement opened for 689 IDP families. Additionally, 70 IDP families in Baku were relocated to a five-story building in Absheron Region. The committee moved 40 IDP families, temporarily settled in Zaraghan village of Gabala Region, to a new apartment. In the area of Goranboy Region the construction of five-story buildings for 164 IDP families and a school building for 360 pupils were completed.

During the year 2,360 IDPs were provided with permanent jobs, and 4,458 individuals received seasonal jobs; 123 were eligible for unemployment assistance. The committee enrolled 363 individuals in vocational training, and 312 were involved in payable public activities. An additional 97 various community microprojects were completed by the Social Development Fund for IDPs.

The State IDP and Refugee Committee reported its 2010 budget was AZN 340 million (\$414.6 million), up from 307.8 million AZN in 2009 (\$375.4 million). IDPs received monthly food subsidies and heating fuel subsidies in the winter.

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to some refugees through the Refugee Status Determination Department. While the department progressed in many ways, improvement was offset by a series of court rulings on refugee status determinations that rejected all appeals of negative asylum decisions.

In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. As of December 31, the UNHCR had 1965 individuals registered with them: 1,891 refugees and 74 asylum seekers, a decrease of 9 percent from 2009. The State Migration Service reported that it had granted 69 individuals refugee status during the year. According to the UNHCR, most of these individuals were ethnic Azerbaijanis from Iran. The government did not provide any notable assistance to government- or UNHCR-recognized refugees or asylum seekers.

The two largest groups among the refugees are the Chechens and Afghans. The government did not recognize most refugees as refugees under the 1951 convention. As a result, the UNHCR continued to carry out all protection and assistance functions for populations of concern in the country.

Despite UNHCR recognition of Chechens and Afghans as populations of concern, the laws on residence, registration, and the status of refugees and IDPs do not apply to these populations. They are required to register with police and are not entitled to residence permits. Chechens are permitted to enter the country visa-free under a bilateral passport system with Russia.

According to the UNHCR, 82 Chechens sought and were granted temporary protection during 2009, a 40 percent decrease from the previous year. All refugee children registered with the UNHCR were allowed to attend public schools. However, because Chechens and Afghans did not have legal resident status in the country, they were not permitted access to public medical services. The UNHCR provided basic medical assistance with the support of foreign donors.

During 2009, 100 Afghans arrived and registered with the UNHCR, a decrease from previous years. Afghans complained of police visits to their homes, with the implied threat of deportation. There were no reports of forced return of Afghans. Afghan community leaders reported that the UNHCR denied protection to 50 persons during the year. In addition, they reported that UNHCR benefits were not enough to support their families, and that without legal status in the country it was impossible to find work.

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

Stateless Persons

Citizenship is derived by birth within the country or from one's parents. The law provides for the right to apply for stateless status. However, in practice many persons could not obtain the documentation required for the application and therefore remained formally unrecognized. The law on citizenship was amended in 2008 to make it harder for foreigners and stateless persons to obtain citizenship.

According to UNHCR statistics, the government reported there were 2,078 stateless persons in the country at the end of 2009. The vast majority of these persons were ethnic Azeris from Georgia or Iran. NGOs estimated there were many other undocumented stateless persons, with estimates ranging from hundreds to tens of thousands, among them Meskhetian Turks, whose status was not formally recognized and who did not possess stateless certificates.

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

The constitution and law provide citizens with the right to change their government peacefully; however, the government continued to restrict this right in practice by interfering in elections. The law also provides for an independent legislature; however, the Milli Majlis's independence was minimal, and it exercised little legislative initiative independent of the executive branch. Unlike previous elections since the country's independence, no opposition party members obtained seats in the flawed November 7 parliamentary elections.

Elections and Political Participation

On November 7, parliamentary elections held throughout the country included the participation of progovernment and opposition political parties. However, these elections did not meet a number of international standards for a democratic election. According to domestic and international observers, shortcomings included a deficient candidate registration process, constraints on freedom of assembly and expression, a restrictive political environment, imbalanced media coverage of candidates, and unequal treatment of candidates by authorities. The OSCE/ODIHR final report concluded that overall, the elections did not meet a number of key OSCE commitments for

democratic elections and important elements of domestic legislation.

In June the Milli Majlis amended the election code with little public debate. Some of the amendments partially addressed concerns raised by the Council of Europe and the OSCE. However, other provisions further shortened the overall election period and the election campaign phase and eliminated limited state funding for candidates. The structure of election commissions at all levels – a longstanding problem – was not made more balanced by the amendments, and concerns remained over the eligibility of candidates, complaints, appeals procedures, and the equality of the vote.

In the run-up to the November parliamentary elections, the government limited opposition parties' right to assemble by insisting that such demonstrations and candidate meetings with voters take place far from the center of Baku, often in places difficult to reach via public transportation (see section 2.b.).

Opposition parties and local NGOs reported widespread interference in the candidate registration process. Election officials registered nearly 100 percent of the ruling Yeni Azerbaijan Party candidates, but only 30-40 percent of opposition party candidates. Media monitors concluded that news coverage favoring the ruling Yeni Azerbaijan Party, combined with restrictive interpretations of public assembly laws, created an unlevel playing field for candidates during the official campaign period and exposed citizens to no meaningful political debate. The Central Election Commission (CEC) organized televised roundtables for all candidates, granting each candidate four minutes to present his or her platform and political views.

Authorities accredited a large number of international and domestic observers; however, officials individually registered monitors from EMDS, one of the country's largest domestic observer organizations, and reportedly refused to accredit 40 EMDS monitors without providing a just cause. Although international observers saw domestic monitors in over half of the polling stations visited, precinct election commissions hindered independent domestic and international monitoring. EMDS reported that its observers encountered pressure from local authorities on election day and afterwards, despite a November 6 appeal from the EMDS chairman to the CEC chairman.

International observers negatively rated 11 percent of voting procedures and 32 percent of vote counts in observed polling stations. They found the vote tabulation process insufficiently transparent and frequently inconsistent with procedures. The OSCE final election report also concluded that the CEC and courts generally did not respect due process in reviewing post-election complaints and appeals. The Constitutional Court confirmed the CEC's final election results while cases were still pending and before all legal deadlines for appeals had expired. According to the CEC, voter turnout was just under 50 percent, although most independent observers placed the figure at approximately 20 percent.

In the post-election period, there were reports of pressure on election observers, candidates, and family members.

On November 9, Hafiz Aliyev, brother of EMDS election monitor Jeyhun Aliyev, was fired from his job as a biology teacher. On November 10, Jeyhun Aliyev's father was fired from his job as a history teacher.

On November 8, the chairman of the 103rd election district, Khalig Khudaverdiyev, called EMDS election monitor Imamverdi Valiyev to demand an official letter withdrawing Valiyev's formal complaints of election violations.

One day before the November 7 parliamentary elections, Sakhavat Aliyev (candidate for opposition party Musavat) showed to OSCE long term observers a copy of an unsigned, but otherwise completed, protocol of election results for precinct #3 in his district (Sharur #2), which Radio Liberty's Web site later reported on. After it was reported, his family received four threatening telephone calls, and on November 14, the police detained Sakhavat's younger brother Sabit for seven days without charge. Sabit had

served as one of Sakhatat's election observers. On December 10, in the Nakhchivan village of Pusyan, police officers severely beat other Aliyev family members, including Sakhatat's brother, Chapay Aliyev, who sustained a head injury. Police also beat five other members of the family: two female cousins, his sister, and his brother-in-law. During the same incursion, police bulldozed the family shop. The local hospital refused treatment of one of the women who sought help. Ambulances refused to pick up victims. Taxi drivers refused to transport victims to the hospital. Local NGOs reported a police cordon around the village. On or about December 25, the police dissolved the cordon, but at year's end, Chapay Aliyev had still not received medical attention.

On November 22, Mammadgulu Aliyev went on a week-long hunger strike in protest of his and his son Hafiz's firing from their jobs as teachers in Nakhchivan. Mammadgulu Aliyev was the head of Musavat Party's local branch. Aliyev and his son observed the election and linked the loss of their jobs to their drawing attention to the electoral fraud they observed.

The IRFS reported on December 7 that Zulfugar Tagiyev had been fired from a job he had held for 20 years with the Sharur Region Electricity Network Office. IRFS reported that Tagiyev was told he had been fired because he and his family had voted for Sakhatat Aliyev. Tagiyev also alleged that he did not yet have his letter of dismissal, which prevented him from going to court. Tagiyev sought relief from the Nakhchivan Supreme Assembly (parliament) and the Sharur Region Police Department.

Also on December 7, IRFS reported that the head of the Sharur Region Communications Office had asked for the resignation of Zakir Asgarov, who was an independent election observer.

In December 2009 municipal elections were held throughout the country. Media monitors concluded that all television stations largely ignored the preelection period. Political parties were required to have candidates registered in at least one-half of all municipalities in order to qualify for free airtime during this period, a requirement that only the ruling Yeni Azerbaijan Party met and subsequently refused to use. Opposition parties and local NGOs reported interference in the candidate registration process. Official results showed a turnout of approximately 32 percent, which was low for the country and indicated the general apathy of voters to these elections. Although the CEC announced plans to rerun some races in response to postelection complaints, such elections had not been held by year's end.

In March 2009 authorities held a national referendum on 41 proposed changes to 29 articles of the constitution. The changes included, among other items, the removal of term limits on the presidency and a provision that postpones elections in times of war. Little time was given to the Milli Majlis or the public to discuss the changes sought by the administration. Opposition groups reported widespread harassment, including arrests and detention, while collecting signatures for registration and during the campaign period. Voters lacked the information necessary to make an informed choice on the large number of referendum items.

Balloting procedures on referendum day were flawed and widely considered worse than the 2008 presidential election. Observers also noted significant shortcomings in the counting and tabulation process. Voter turnout was estimated by observers at 43 percent, rather than the official tally of more than 71 percent. This lower figure exceeded the 25 percent threshold needed under the law for referendum to be valid.

In the 2008 presidential election, the final report of the OSCE election observation mission stated that the election indicated that the country had made considerable progress toward meeting its OSCE commitments and other international standards, especially regarding some technical aspects of election administration, but found that the election process did not meet all of these commitments. The period prior to the 2008 election was marred by continued restrictions on freedom of speech and freedom of assembly for the main opposition parties. The main opposition parties boycotted the election, citing these restrictions and problems with the election code, especially

provisions limiting their ability to campaign effectively.

The ruling Yeni Azerbaijan Party continued to dominate the political system. Domestic observers reported that membership in the ruling party conferred advantages such as being given preference for public positions. Despite having formed political blocs in advance of the November parliamentary elections, none of the main opposition parties won seats to the Milli Majlis according to the official results.

Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. Regional branch opposition party members reported that local authorities often took actions to prevent routine party activities, such as pressuring restaurant owners not to allow opposition parties to use their facilities for meetings and events. Regional party members often had to conceal the purpose of their gatherings and hold them in remote locations. Opposition party members reported that police often dispersed small gatherings at tea houses and detained participants for questioning. For example, in a northern region, an opposition candidate reported that he was not informed regarding the time that the electoral commission would meet to consider his registration application. Therefore, the commission rejected his application, and he was not there to advocate on his own behalf. There were widespread complaints that an insufficient number of petition sheets were distributed to ensure a candidate made it through the registration process.

Since 2006 opposition parties have had difficulties renting office space; some parties operated out of their leaders' apartments reportedly because landlords were afraid to rent office space to them due to official pressure.

After the November 7 parliamentary elections, there were 19 women in the incoming parliament, up from 14 women in the previous parliament. Several women held senior government positions, including deputy speaker of the Milli Majlis. Hijran Huseynova was the chairwoman of the Committee for Family, Women, and Children Affairs, a ministerial level position. There were no legal restrictions on the participation of women in politics, although traditional social norms limited women's political roles, and they were underrepresented in governmental offices. No woman filled an ExCom (local authority) position.

Minorities such as the Talysh, Avars, Russians, and Jews serve in the Milli Majlis and in government.

Section 4 Official Corruption and Government Transparency

The law penalizes corruption by prohibiting bribery; however, there was widespread corruption with impunity throughout society, including in the civil service, government ministries, and the highest levels of government.

The World Bank's worldwide governance indicators reflected that corruption was a severe problem. Transparency International reported some improvement during the year due to the establishment of a financial intelligence unit and improved coordination and cooperation in combating corruption-related violations in the field of state and municipal property management. However, the International Crisis Group reported that there was an increased reliance on corruption by elites "to dominate virtually all aspects of public life."

Criminal cases related to petty corruption were opened during the year, specifically on bribery charges. However, these cases had little or no impact on the prevalence of bribery and petty and grand corruption in the country. In 2009 the Presidential Administration removed from office the appointed head of the Executive Committee of the Nizami District of Baku, Mehbalı Aliyev, reportedly due to corruption. No criminal charges had been filed against Aliyev as of the end of the year.

Law enforcement corruption was a problem. Police often levied spurious, informal fines

for traffic and other minor violations and extracted protection money from local residents. In previous years, traffic police officers received substantial pay raises to counter corruption; nevertheless, the low wages of other law enforcement officials continued to contribute to police corruption. During the year the ministry reported that it dismissed and brought criminal cases against six police officers: one on bribery charges and five officers on four counts of extortion. The Ministry of Justice reported that it called to account 220 justice officials and dismissed 26 employees from various Ministry of Justice facilities.

The Ministry of Internal Affairs reported that it received 174 complaints about its actions with accusations of violations of human rights and liberties, including: 51 cases of rude treatment, 38 cases of groundless detention, 46 instances of improperly issuing a police summons, 22 violations of drivers' rights, five cases of forced criminal accountability with no grounds, three violations of rights of foreigners or persons without citizenship, and nine miscellaneous offenses. According to the ministry, it disciplined 276 employees, demoted 18, fired 20, and applied other disciplinary measures to 238.

There were reports that police officials required additional money on top of court fines in order to return prisoners' clothing and release them.

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

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

Azerbaijan participated in the Extractive Industries Transparency Initiative (EITI) which requires it to adhere to 12 agreed EITI principles to manage natural resources for the benefit of all members of society by creating a cooperative relationship between government, companies, and civil society, and to disclose payments and revenues received from extractive industries.

In February 2009 Azerbaijan was the first participating country to be named fully compliant by the International EITI Board. The State Oil Fund of Azerbaijan (SOFAZ), which is responsible for implementing EITI principles, also increased access to information about oil and gas revenues. However, some observers complained that the fund was not designed, governed, or managed to ensure expenditures were geared towards poverty alleviation or the delivery of public services. Moreover, observers noted that the country's oil and gas revenues were not managed in full by SOFAZ or subject to EITI transparency practices. While all of the 26 oil and gas companies in the country participated in the EITI process, only a handful of companies agreed to disaggregate revenue reporting. In February the country created the multi-stakeholder group, a monitoring body made up of equal members from the government, private industry, and civil society. This group was created to ensure the active engagement of civil society and to facilitate public debate. Many of its recommendations were incorporated into the 2010 work plan.

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

A number of domestic and international human rights groups generally operated without

government restriction, investigating and publishing their findings on human rights cases. Although the government maintained ties with some human rights NGOs and responded to their inquiries, on occasion the government criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued routinely to deny registration to some human rights NGOs. NGOs continued to report throughout the year that NGOs whose names contained the following words were routinely rejected for registration: human rights, democracy, institute, and society. In addition, the reasons for rejection were arbitrary. For example, the Ministry of Justice accepted the charter for one NGO that the ministry liked but rejected the same charter, except for a different organizational name, for an NGO that the ministry did not like. Another NGO's registration was rejected for lack of a plural ending. A number of cases were making their way through the court system. The Ministry of Justice stated that it only denied those organizations whose documents did not comply with legislation.

On August 9, Turan News Agency reported that the Baku Mayor's Office refused to authorize a rally of unregistered NGOs. The NGOs requested permission to rally on a square near the Ministry of Justice. There were approximately 1,000 unregistered NGOs. During the year the Ministry of Justice registered 124 NGOs.

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

In 2009 some NGOs reported increased pressure against their activities. For example, the minister of internal affairs sued Leyla Yunus, leader of the Institute of Peace and Democracy, for an interview she gave to an online newspaper in which she criticized the police. The minister subsequently dropped the case. In addition, several election observers affiliated with EMDS were harassed by local authorities in connection with their observation activities (see sections 2.b. and 3).

Several NGOs reported that the government and police at times refused to protect them from so-called provocateurs who threatened, harassed, and attacked NGO activists and vandalized their property. During the year some local NGOs reported increased pressure on citizens who filed official complaints against local authorities. For example, in April human rights activist and chairman of the Defense of Democracy Public Union Vidadi Isgandarov published an article in the newspaper Azadlig concerning police bribery in the Goychay District. On May 3, the Goychay District former Chief of Police, Vugar Mammadyarov; the Chief of Administrative Prosecutions, Bakhtiyar Hashimov; and the head of the investigation office, Rufat Ibayev, filed a lawsuit against Isgandarov charging him with slander. The court case was pending at year's end.

In December 2009 a group of Nakhchivan State University leaders and students reportedly beat two representatives of the Nakhchivan Democracy and NGO Development Resource Center who were investigating corruption at the university. The group from the university also reportedly threatened a journalist with the IRFS who arrived at the scene of the assault. The NGO representatives called the police before the attack, as they feared an attack was imminent and needed protection. However, the police did not arrive until after the assailants had left the scene. Local authorities reportedly responded by denying that the events occurred and scheduling a tax inspection of the center for January 2010. The audit resulted in an AZN 332 (\$393) fine due to the belated submission of a statement. The NGO maintained that the Tax Authority was supposed to inform them first of the need to submit the statement before levying the fine. During the year the NGO also had a problem with maintaining an office space and was forced to vacate twice. At the end of the year, it had no office space.

In 2009 Akifa Aliyeva of the Helsinki Citizens' Assembly fled the country after reporting repeated harassment by local authorities in connection with her work defending the

rights of a Ukrainian prisoner in Ganja. She has remained abroad since.

The registration process for NGOs remained cumbersome and included requirements to register grants from foreign entities. NGO grants from foreign entities were subject to a social security tax of 22 percent on employee salaries, although grants from a few countries with bilateral agreements with the government were subject only to a 2 percent tax. NGO activists reported that these provisions inhibited their organizations' activities.

During the year the Council of State Support to NGOs provided AZN 2.10 million (\$2.56 million) to 352 NGOs, an increase from the AZN 1.8 million (approximately \$2.2 million) distributed to 250 NGOs in 2009. While many of these NGOs were considered to be progovernment, some NGOs that were critical of the government also received grants. One NGO sued the council for revoking a grant awarded to the organization. The NGO stated the grant was revoked after the NGO submitted an official complaint about the council's grant review process, which the NGO alleged was corrupt. The Supreme Court dismissed the case on June 30.

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

Citizens may appeal violations committed by the state or by individuals to the Ombudswoman for Human Rights, Elmira Sulevmanova. The ombudswoman may refuse to accept cases of abuse that are more than a year old, anonymous complaints, and cases already being handled by the judiciary. The ombudswoman received 8,000 appeals in 2009, of which 83.7 percent were complaints about developments that occurred during the year; 51 percent of these complaints were accepted for investigation. Of those investigated, 44.7 percent were successfully resolved. The Milli Majlis elected Sulevmanova to a second term on March 5.

During 2009 the ombudswoman reported that the Human Rights National Action Plan working group, which included five subcommittees, continued to work on areas identified as priorities in the action plan. During the year the ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats and domestic NGOs working on human rights, and submitted an annual report to the Milli Majlis.

The Milli Majlis and the Ministry of Justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the Human Rights Office within the Ministry of Foreign Affairs regularly met with the diplomatic community to discuss issues of concern.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not always respect these prohibitions in practice or effectively enforce them.

Women

Rape is illegal and carries a maximum 15-year prison sentence. The government reported 35 rapes during 2009. The government reported 16 cases of rape or attempted rape brought against 15 persons and a further 48 cases of gender-based violence against 40 individuals.

Most rape victims reportedly knew their assailants but did not report incidents because of fear and shame.

There are no laws on spousal abuse or specific laws on spousal rape, although these

crimes could be prosecuted under other sections of the criminal code if a spouse complained. Violence against women, including domestic violence, continued to be a problem. In rural areas women had no effective recourse against assaults by their husbands or others.

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

The law prohibits sexual harassment; however, the government rarely enforced the prohibition. No organization was specifically dedicated to receiving these complaints.

Couples and individuals have the right to decide freely the number, spacing, and timing of their children. Information was accessible so families and individuals could make reproductive decisions free from discrimination, coercion, and violence. Contraception was widely available, but demographic surveys showed low levels of use. Skilled attendance during childbirth was accessible, as was prenatal care and essential obstetric and postpartum care. According to estimates compiled by international organizations, the maternal mortality rate was approximately 38 deaths per 100,000 live births in 2008. Women and men had equal access to the diagnosis and treatment for sexually transmitted infections, including HIV. However, patriarchal norms, based on cultural, historical, and socioeconomic factors, in some cases limited women's reproductive rights.

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and lagging economic development in the country's regions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions. A local NGO reported that women's salaries were on average 70 percent of men's salaries.

Children

Citizenship is derived by birth within the country or from one's parents.

The law requires the government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children. While education was compulsory, free, and universal until the age of 17, large families in impoverished rural areas sometimes placed a higher priority on the education of male children and kept girls to work in the home. Some poor families forced their children to work or beg rather than attend school. A Baku NGO working with street children reported that boys and girls begging and/or engaged in prostitution earned three times as much in a month as a teacher.

On December 29, news reports indicated that in the Khojasan District of Baku, parents were keeping their girls at home and not sending them to school in protest of the hijab ban announced by the Minister of Education earlier that month (see section 2.b.).

The Ministry of Internal Affairs did not provide any information on the number of cases of rape or sexual abuse of children reported during the year. There were reports that children were trafficked for sexual exploitation and begging. During the year three of the identified victims of sex trafficking were under the age of 18.

One international NGO and two local NGOs reported a growing problem with child marriage. The Social Union of Solidarity among Women (SUSW) stated that statistical data was unavailable from governmental agencies. SUSW reported that the problem had spread from the southern and northern regions to the entire country. Legislation is not

particularly clear; early marriages could be prosecuted on the basis of Articles 34 of the constitution and Articles 152 and 153 of the criminal code, but no cases have been prosecuted. SUSW found that rural-area girls were marrying in the eighth and ninth grades. Girls marrying in religious marriage contracts (kabin or kabin-nama) evaded governmental bodies and the laws cited above and were not entitled to recognition of status in case of divorce. The American Bar Association (ABA) reported that a 12-year-old inadvertently revealed to her classmates that "my husband is picking me up." The ABA also reported on trying to help a woman left without assets or property after being divorced from her husband at age 15. SUSW reported numerous cases of men moving to Russia for work, but leaving their underage wives in Azerbaijan.

Statutory rape is prohibited by law and defined as "the sexual relations or other actions of sexual nature, committed by a person who has reached 18, with a person who has not reached 16" and is punishable by up to three years' imprisonment. The law states that a girl can marry at the age of 17 and with the local authority's permission at the age of 16. The law further states that a boy can marry at the age of 18. In 2002 the Caucasus Muslim Board issued a fitva (fatwa) that stated 18 as the marriage age, but the fitva failed to have much effect on the religious marriages of kabin.

Child pornography is prohibited by law, and its production, distribution, or advertisement is punished by three to five years' imprisonment. If the pornography is created by the parents of the child or by teachers or other educators, the punishment increases to four to seven years' imprisonment.

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

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no credible reports of anti-Semitic acts against the country's Jewish community.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual [*Trafficking in Persons Report*](#).

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services, but the government did not enforce these provisions effectively. Discrimination in employment was a problem. It was commonly believed that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

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

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

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

National/Racial/Ethnic Minorities

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

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

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

Numerous incidents of police brutality against individuals based on sexual orientation occurred, according to a local NGO. Authorities did not investigate or punish those responsible for such acts, largely because victims were unwilling to file complaints due to fear of social stigma.

During the year, members of the lesbian, gay, bisexual, and transgender (LGBT) community continued to refuse to lodge formal complaints with law enforcement bodies out of fear of reprisal or retaliatory persecution. Also during the year, the LGBT community held almost monthly gatherings; these were routinely raided.

During 2009 police raided gay bars on four occasions and arrested almost 50 persons. Police reportedly held the individuals and threatened to expose their sexuality publicly unless they paid a bribe. The human rights Ombudsman's Office intervened to resolve the incidents.

There was one NGO that worked on LGBT issues in the country. This NGO worked to prevent the spread of HIV/AIDS and provided legal advice, psychological assistance, and outreach activities. The NGO reported no official harassment of its work. There were no attempts to organize gay pride marches during the year; however, there was a small gathering on May 17 to commemorate International Anti-Homophobia Day.

On August 11, police found the bodies of two transgendered individuals, Zamiq Gasimov and Yadigar Kuzmin, in Baku. The police arrested three perpetrators who admitted to killing the two on the basis of hatred toward sexual minorities. A local NGO reported that it was unable to obtain updates on the case, for which the investigation had been closed.

In December the Prosecutor General's office issued a statement regarding a murder investigation that could be interpreted as linking "nontraditional" sexual orientation to criminal behavior.

There was societal prejudice against LGBT persons. While being fired from a job for sexual orientation remained illegal, LGBT individuals reported that employers found other reasons to fire them. Discrimination in access to healthcare was also a problem.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law provides for freedom of association, including the right to form labor unions, but there were some restrictions on this right in practice. Uniformed military and police are prohibited from joining unions. The law also prohibits managerial staff from joining a union, but managers in government industries often had union dues automatically deducted from their paychecks.

The law allows trade unions to conduct their activities without government interference; however, in practice most unions were not independent. The overwhelming majority of labor unions remained tightly linked to the government, with the exception of some journalists' unions.

The Azerbaijani Trade Union Confederation (ATUC), the only trade union confederation in the country, represented approximately 37 percent of the workforce in the formal economy. Although the ATUC was registered as an independent organization, some workers considered it closely aligned with the government.

The law provides most workers with the right to strike. Categories of workers prohibited from striking include high-ranking executive and legislative officials; law enforcement officers; court employees; fire fighters; and health, electric power, water supply, telephone, railway, and air traffic control workers. Striking workers who disrupt public transportation could be sentenced to up to three years' in prison. The law prohibits retribution against strikers, such as dismissal or replacement. Both local and international NGOs claimed that workers in most industries were largely unaware of their rights and afraid of retribution if they initiated complaints. This was especially true for workers in the public sector.

Although the labor law applied to all workers and enterprises, the government could negotiate bilateral agreements that effectively exempted multinational enterprises from national labor laws. For example, production-sharing agreements (PSAs) between the government and multinational energy enterprises did not provide for employee participation in a trade union. Labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under PSAs were not union members, although there were exceptions. Workers employed by British Petroleum were unionized, but the situation was worse in other multinational corporations, especially companies run by Chinese subcontractors. The ATUC reported that in 2009 there was some progress in starting new unions and that multinational corporations in the country had begun to welcome these initiatives.

The law prohibits trade unions from carrying out political activities and from associating with political parties or receiving finances from political parties, but this provision was not uniformly enforced.

Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. A quarter of the dues collected for the oil workers' union were officially withheld by employers for "administrative costs" associated with running the union. However, the complete lack of transparency made it impossible to tell exactly how dues were spent. Unions and their members had no recourse to investigate withheld funds.

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

b. The Right to Organize and Bargain Collectively

The law provides workers with the right to bargain collectively; however, unions could not effectively negotiate wage levels and working conditions because government-

appointed boards ran major state-owned firms and set wages for all government employees. Collective bargaining agreements were often treated as formalities and not enforced. The ATUC reports that during the year, there were 130 new agreements for a total of 11, 890 collective contracts. In addition, ATUC reported that there were 1,971 collective contracts signed between non-state sector and trade unions, which is a 7.5 percent per annum increase. The ATUC also reported that during the year, 88 new trade union organizations were created, including 11 organizations with 2,157 members in joint ventures or enterprises with foreign investments.

There were reports of antiunion discrimination by foreign companies operating in Baku. Labor NGOs reported that multinational energy companies and their subcontractors often discouraged union membership by their employees. For many multinational companies, the absence of union membership rights in the PSAs facilitated this behavior.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor, except in circumstances of war or in the execution of a court's decision under the supervision of a government agency. Some observers reported that there were occurrences of forced or compulsory labor. Additionally, men and boys were trafficked to Russia for forced labor. Also, see the Department of State's annual [Trafficking in Persons Report](#).

The Building and Wood Workers' International Union (BWI) reported that the Independent Trade Union of Construction Complex Workers of Azerbaijan; the Trade Union of Construction and Construction Materials of Bosnia and Herzegovina; the Trade Union Construction, Housing, and Communal Services of Republika Srpska; and BWI signed a cooperation agreement on the protection of migrant workers' rights in Eastern Europe on April 1. According to BWI, the impetus for the agreement was the situation with company SerbAz, which operated in Azerbaijan with workers from Bosnia and Herzegovina and Serbia. The SerbAz case was discovered in October 2009 and involved approximately 496 victims.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health, and there were few complaints of abuses of child labor laws. Two local NGOs stated that the drastic decline in cotton production has reduced the number of children working in this sector. In addition the government, through an NGO, has conducted outreach to further address the issue. Children were also reportedly trafficked for commercial sexual exploitation and begging. Also, see the Department of State's annual [Trafficking in Persons Report](#).

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

e. Acceptable Conditions of Work

The government raised the minimum wage to AZN 85 (approximately \$104) per month on August 31. The minimum wage was administratively set. Domestic NGOs reported that this wage was not enough to provide a decent standard of living for a worker and family. The Ministry of Taxes, the Ministry of Labor, and the State Social Protection Fund share responsibility for enforcing the minimum wage. However, in practice the minimum wage

was not effectively enforced.

The law provides equal rights to foreign and domestic workers. However, local human rights groups, including the Oil Workers Rights Defense Council, maintained that employers, particularly foreign oil companies, did not always treat foreign and domestic workers equally. Domestic employees of foreign oil companies often received lower pay and worked without contracts and health care. The Oil Rights Defense Council also reported that resolving labor issues with large international companies was far easier than with local companies because the multinational companies had more experience and more transparency in their labor relations. A representative from the International Labor Organization (ILO) noted that many persons working in governmental regulatory bodies also had business interests, causing conflicts of interest.

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

The law sets health and safety standards; however, government inspections of working conditions were weak and ineffective, and standards were widely ignored. The ATUC monitored compliance with labor and trade regulations, including safety and health conditions. The ATUC received 236,220 complaints in 2008. Conversely, the Ministry of Labor reported receiving only one complaint.

The law sets health and safety standards; however, government inspections of working conditions were weak and ineffective, and standards were widely ignored. ATUC received 158,627 complaints during the year, down from 236,220 in 2009.

The International Trade Union Confederation reported that the government's bilateral agreements with multinational corporations, the contents of which were confidential, contributed to labor rights violations. In 2007 the Oil and Gas Workers' Union of Azerbaijan reached a new contract with the State Oil Company that included greater social protections and health and safety commitments. By the end of 2009, only 20 percent of the contract's points had been met, and no update was available at year's end.

Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment. According to information provided by the Azerbaijan office of the ILO, in 2009 there were 33 fatal accidents and 122 injuries in the first six months of the year, with 18 deaths and 38 injuries in the construction sector alone. According to the Oil Workers Rights Defense Council, an NGO dedicated to protecting worker rights in the oil sector, there were nine deaths in 2010: seven at the State Oil Company, one at Salyan Oil, and one at Asfen Tekfen. There were also seven injuries in the oil sector. The Oil Workers Rights Defense Council reported initiating 37 court cases, of which 17 were successful.
