

Aser**Flygtningenævnets baggrundsmateriale**

Bilagsnr.:	177
Land:	Aserbajdsjan
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2014 – Azerbaijan
Udgivet:	25. juni 2015
Optaget på baggrundsmaterialet:	12. august 2015

AZERBAIJAN 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Azerbaijani constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Mejlis (parliament). The president dominated the executive, legislative, and judicial branches of government. The 2013 presidential and 2010 parliamentary elections did not meet a number of key Organization for Security and Cooperation in Europe (OSCE) standards for democratic elections. Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven other Azerbaijani territories. Largely as a result of the unresolved conflict over Nagorno-Karabakh, 622,892 persons remained displaced, according to the UNHCR. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by Russia, the United States, and France. There was an increase in violence along the Line of Contact and the Armenia-Azerbaijan border. Military actions in July, August, and the fall resulted in the highest number of deaths in one year since the signing of the 1994 ceasefire agreement. Authorities maintained effective control over the security forces.

The most significant human rights problems during the year were the following:

1. Increased government restrictions on freedoms of expression, assembly, and association, although authorities allowed some peaceful opposition rallies. Restrictions included intimidation, incarceration on questionable charges and use of force against human rights defenders, civil society activists, and journalists. Authorities employed legislation, intense pressure, and other measures to narrow further the operating space for activists and nongovernmental organizations (NGOs). Although the government resurrected a working group on human rights issues in October to conduct a dialogue with selected activists, a number of domestic and international NGOs reported a crackdown unprecedented for the country, including intimidation, arrest, and conviction of staff on charges widely considered politically motivated; criminal investigations into their activities; restrictive legislative amendments; and/or frozen bank accounts. As a result of such pressure, many groups were unable to function, an estimated 30 reportedly ceased their operations, and at least three organizations had closed their offices as of November.
2. Government use of the judicial system to punish peaceful dissent--including increased reports of arbitrary arrest and detention, politically motivated imprisonment, lack of due process, and lengthy pretrial detention--by secular and

religious individuals perceived as a threat by government officials, while crimes against such individuals or their family members went unpunished. At the same time, the number of defense lawyers willing and able to accept sensitive cases declined due to actions by the authorities. Authorities released some individuals widely considered incarcerated for exercising their fundamental freedoms.

3. Restrictions on the ability of citizens to change their government through the right to vote in free and fair elections.

Other reported human rights problems included physical abuse in the military; torture or other abuse in prisons; harsh and sometimes life-threatening prison conditions; and detentions for several days without warrants or incommunicado. Authorities often failed to provide due process with regard to property rights, resulting in forced evictions, demolition of buildings on dubious eminent domain grounds, and inadequate compensation for property taken by the state. There were reports of continued arbitrary government invasions of privacy, incarcerations of religious figures, and restrictions on the religious freedom of some unregistered Muslim and Christian groups. Authorities at times restricted freedom of movement, particularly for civil society figures under investigation. Constraints on political participation persisted. Allegations of widespread corruption at all levels of government continued, although some government agencies took steps to decrease petty corruption at the local level. There were continued reports of official impediments to the registration of human rights NGOs, violence against women, gender-biased sex selection, and trafficking in persons. Societal intolerance, violence, and discrimination based on sexual orientation and gender identity remained problems. Societal stigma against persons with HIV/AIDS and government failure to enforce labor laws prohibiting discrimination in employment or occupation were also reported.

The government failed to take steps to prosecute or punish most officials who committed human rights abuses, and impunity remained a problem.

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 arbitrary or unlawful killings.

Physical abuse of soldiers remained a problem in the military and at times resulted in death, despite reports of some positive changes, such as decreased hazing. As of

November 1, local human rights organizations reported at least 75 deaths in the military, of which 48 were not combat-related, including suicides and soldiers killed by fellow service members. For example, on April 11, Nural Bundyadly fatally stabbed fellow soldier Tariyel Mammadov. The Military Prosecutor's Office opened a criminal investigation, which continued as of November. In another instance, on November 3, warrant officer Khalid Shiraliyev's family reported his death as a result of torture and inhuman treatment after military police detained him for leaving duty without permission. Impunity for abuses continued.

Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven other Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by Russia, the United States, and France. There was an increase in violence during the year along the Line of Contact and the Armenia-Azerbaijan border. Military actions in July, August, and the fall resulted in the highest number of deaths in one year since the signing of the 1994 ceasefire agreement.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

The State Committee on the Captive and Missing reported that, as of December 10, 4,009 citizens were registered as missing persons 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. As of November 6, according to tracing requests made by relatives to the ICRC, 4,620 persons remained unaccounted for as a result of the conflict, with the ICRC handling 4,220 cases in Azerbaijan, including Nagorno-Karabakh.

The ICRC continued to assist prisoners of war and civilian internees (POWs/Cis) and conducted monthly visits throughout the year to ensure prisoners' protection under international humanitarian law. The ICRC regularly facilitated the exchange of messages between POWs/Cis and their families to help them re-establish and maintain contact.

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

While the constitution and criminal code prohibit such practices and provide for penalties of up to 10 years' imprisonment, domestic human rights monitors reported receiving 324 complaints of abuse by security forces during the year (including reported instances of torture). In four cases torture reportedly led to death. On December 22, for example, prisoner Elshad Babayev reportedly died as the result of torture, according to his sister, who described physical signs of abuse. Prison authorities denied the accusation and announced the opening of a criminal investigation, which continued at year's end.

Reports indicated that most mistreatment took place while detainees were in police custody. Reports continued that authorities at times used torture or other abusive methods to coerce confessions. For example, on August 11, Ministry of Interior officials reportedly beat Murad Adilov, a member of the opposition Popular Front Party and brother of the party's spokesperson, journalist Natig Adilov, to try to force him to confess to narcotics possession after police allegedly found drugs in his possession and at his parents' home.

Efforts to coerce confessions reportedly at times included threats of rape. Human rights defender and Institute for Peace and Democracy director Leyla Yunus reported that authorities subjected her and her husband, Arif Yunusov, to threats of rape and sleep deprivation and otherwise mistreated them while they were in official custody on April 28 and 29.

Abuse reportedly tended to cease once detainees moved to pretrial detention facilities. In two notable exceptions, lawyers and NGOs reported continuing abuse of Leyla Yunus and Arif Yunusov in pretrial detention (see also sections 1.d. and 1.e.). Yunus' lawyers reported that Kurdakhani detention facility warden Major Yagubov threw her on the floor, pulled her hair, and beat her in the kidneys on September 23. Her attorneys also stated that authorities refused to investigate physical abuse by her cellmate or to separate her from her cellmate.

There were also allegations of mistreatment of seven members of the N!DA (which means "exclamation" in Azerbaijani) youth movement (Bakhtiyar Guliyev, Mammad Azizov, Rashad Hasanov, Rashadat Akhundov, Shahin Novruzlu, Uzeyir Mammadli, and Zaur Gurbanli) and Free Youth activist Ilkin Rustamzade while they were on trial for allegedly organizing mass unrest. On April 1, for example, the activists reported that Kurdakhani detention facility personnel released tear gas inside a closed transport vehicle as they shuttled the group from the court to the detention facility.

On October 24, lawyer Intigam Aliyev reportedly experienced respiratory and

apparent neuromuscular problems and was unable to walk after Kurdakhani detention facility authorities transported him to court in a poorly ventilated vehicle.

Authorities reportedly maintained a de facto ban on independent forensic examinations of detainees who claimed mistreatment and delayed their access to an attorney. Such practices enabled impunity to remain a problem.

Local observers reported widespread bullying and abuse in military units during the year, including physical and sexual abuse, although there were also reports of a drop in harmful hazing practices.

Prison and Detention Center Conditions

Prison conditions were harsh and at times life threatening. Overcrowding, inadequate nutrition, deficient heating and ventilation, and poor medical care combined to make the spread of infectious diseases a problem in some facilities. While the government continued to construct new facilities, some Soviet-era facilities did not meet international standards.

Physical Conditions: According to the Ministry of Justice, the prison population numbered 22,526 persons, including 632 women. Of these, 3,814, including 137 women, were in pretrial detention. Authorities held men and women together in pretrial detention facilities in separate blocks but housed women in separate prison facilities after they were sentenced. With the notable exception of human rights defender Leyla Yunus, local NGO observers reported that female prisoners typically lived in better conditions than male prisoners, were monitored more frequently, and had greater access to training and other activities. As of September there were four cases of children under age seven living in adult prison facilities with their incarcerated mothers. Convicted juvenile offenders may be held in juvenile institutions until age 20.

The Ministry of Justice reported 104 deaths in ministry facilities, 79 of which occurred in medical treatment facilities. The Ministry of Internal Affairs reported two deaths in ministry detention facilities in the first nine months of the year. According to a local prosecutor, the individuals' deaths were due to medical conditions.

Although authorities reported increased efforts to ensure adequate physical exercise for prisoners and opportunities to work or receive training, prisoners at times reported lengthy confinement periods without opportunity for exercise. They also reported cramped, overcrowded conditions; inadequate ventilation; poor

sanitary facilities; and insufficient access to medical care. In one high-profile example, authorities reportedly denied Leyla Yunus' request for an independent medical evaluation and care despite serious medical problems and pain. Yunus also reported that authorities refused her access to necessary medication. Although the law permits detainees to receive daily packages of food to supplement the food provided, authorities at times reportedly restricted access to food parcels by prisoners and detainees, including Leyla Yunus and her husband. The majority of prisons and detention centers provided access to potable water.

Prisoners reported guards punishing prisoners with beatings or by holding them in isolation cells. Local and international monitors continued to report markedly poorer conditions at the maximum security Gobustan Prison.

Administration: Prison recordkeeping appeared adequate. Authorities at times limited visits by attorneys and family members, especially to prisoners widely believed to be incarcerated for political reasons. Authorities permitted religious observance.

While most prisoners reported that they could submit complaints to judicial authorities and the Ombudsman's Office without censorship, prison authorities regularly read prisoners' correspondence, and domestic NGOs reported that some prisoners in high-security facilities experienced difficulty submitting complaints. While the Ombudsman's Office reported systematic visits and investigations into complaints, NGOs reported a lack of interest by the office in fully addressing prisoner complaints.

Independent Monitoring: The government permitted some prison visits by international and local organizations, including the ICRC, the president of the Parliamentary Assembly of the Council of Europe, and the Azerbaijan Committee against Torture. On June 18, the UN special rapporteur on violence against women, its causes, and consequences reported that authorities denied her access to a pretrial detention center during her November-December 2013 visit. While the Ministry of Justice required the Azerbaijan Committee against Torture to obtain prior notification before visiting its facilities, the Ministry of Internal Affairs continued to allow the committee immediate access to its pretrial detention centers. Authorities generally permitted the ICRC access to the POWs/Cis 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.

A joint government-human rights community prison monitoring group known as

the Public Committee was allowed access to prisons without prior notification to the penitentiary service. On some occasions, however, other groups reportedly experienced difficulty obtaining access, even with prior notification. In addition independent experts from the UN's Sub-Committee on Prevention of Torture announced they had curtailed their mission on September 17 because authorities stopped them from visiting some detention centers.

Improvements: According to the ICRC, the government undertook significant efforts to improve detention conditions by building new facilities and modernizing existing detention centers. The Ministry of Internal Affairs reported that it built 24 new detention facilities and renovated additional facilities in 11 districts during the year. The Ministry of Justice reported continued construction of five penitentiary facilities.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, the government generally did not observe these prohibitions, 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 oversees intelligence and counterintelligence activities and has a separate internal security force. NGOs reported detentions by both ministries of individuals who exercised their rights to fundamental freedoms, including freedom of expression.

Police crowd-control tactics varied during the year. In some cases police detained peaceful protesters and used excessive force against them.

While security forces generally acted with impunity, the Ministry of Internal Affairs stated that it took disciplinary action against 190 employees during the year for 98 cases of mistreatment of citizens, 20 cases of unjustified detentions, and 30 cases of groundless arrests. The ministry further reported that it brought 192 cases of misconduct against 237 ministry employees accused of violating citizens' rights.

Arrest Procedures and Treatment of Detainees

The law states that persons detained, arrested, or accused of a crime should be

advised immediately of their rights, given the reason for their arrest, and accorded due process. The government did not always respect these provisions.

In April the parliament adopted amendments to the criminal code that increased the time police may detain and question an individual without a warrant from 48 to 96 hours. Authorities at times detained individuals for several days without warrants, and legal experts asserted that in other instances judges issued warrants after detentions. There were reports of detainees not being promptly informed of the charges against them.

The law provides for access to a lawyer from the time of detention, but there were continued reports that authorities frequently denied lawyers access to clients in both politically motivated and routine cases. Lawyers for independent *Bizim Yol* journalist Parviz Hashimli and human rights defender Leyla Yunus reported being denied access to their clients on occasion. Access to lawyers was poor, particularly outside Baku. Although entitled to legal counsel by law, indigent detainees often did not have such access.

Politically sensitive and other suspects were at times held incommunicado by police for several hours and sometimes days. In one case police reportedly held opposition activist Faraj Karimov incommunicado for 10 days, reportedly beating him in an attempt to force his admission to drug-related charges. Karimov was well known for his Facebook criticism of the government and for his work with the opposition Musavat Party. Amnesty International (AI) considered Karimov and his brother, Siraj, who was arrested six days earlier reportedly because of Faraj's activism, to be prisoners of conscience (see section 1.e.).

Prisoners' family members reported that authorities occasionally restricted visits, especially to persons in pretrial detention, and occasionally withheld information about detainees. Days sometimes passed before families could obtain information about detained relatives. Authorities sometimes used family members as leverage to force individuals to hand themselves over to police. In one example, on August 2, police detained Facebook and opposition Popular Front Party activist Ruslan Nasirli's father and held him until Nasirli surrendered to authorities.

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

Arbitrary Arrest: Authorities made arbitrary arrests, often based on spurious charges, such as resisting police, illegal possession of drugs or weapons, or inciting public disorder. Local NGOs and international groups such as AI and Human Rights Watch (HRW) criticized the government for arresting individuals exercising

their fundamental rights and noted that authorities frequently fabricated the charges against them. In particular police detained individuals who attempted to exercise freedom of expression. For example, on January 24, police arrested Facebook activist and blogger Omar Mammadov and subsequently charged him with drug possession. On July 4, he was sentenced to five years in prison. Civil society activists and independent media attributed Mammadov's arrest and conviction to his online criticism of authorities.

Pretrial Detention: Authorities held persons in pretrial detention for up to 18 months. The Prosecutor General's Office routinely extended the initial three-month pretrial detention period permitted by law in successive increments of several months until the government completed an investigation. Anecdotal evidence indicated that, apart from consular visits, authorities had not permitted embassy representatives in Baku to visit prisoners in pretrial detention since 2009.

Amnesty: On May 26, the president pardoned 171 prisoners. NGOs considered three to have been political prisoners. On October 17, the president pardoned 84 prisoners, four of whom were considered political prisoners, including two of the N!DA youth movement members incarcerated for allegedly organizing mass unrest (Bakhtiyar Guliyev and Shahin Novruzlu), a third N!DA member and Facebook activist (Elsevar Mursalli), and NGO leader Hasan Huseynli. There were reports that authorities coerced the four to write letters seeking forgiveness for past "mistakes" as a condition of their pardon. On December 29, the president pardoned 87 individuals, including 10 widely considered to be political prisoners: N!DA activists Zaur Gurbanli and Uzeyir Mammadli, journalists Avaz Zeynalli and Sardar Alibayli, human rights lawyer Gurban Mammadov, three individuals imprisoned for protesting the informal ban on wearing the hijab in schools, and two persons imprisoned for participating in the January 2013 Ismayilli protests.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, judges did not function independently of the executive branch. The judiciary remained corrupt and inefficient. Many verdicts were legally insupportable and largely unrelated to the evidence presented during the trial. Outcomes frequently appeared predetermined.

The Ministry of Justice controlled the Judicial Legal Council (JLC). The JLC appoints a judicial selection committee (six judges, a prosecutor, an advocate, a JLC representative, a Ministry of Justice representative, and a legal scholar), which administers the judicial selection examination and oversees the year-long judicial

training and selection process.

Credible reports indicated judges and prosecutors took instruction from the presidential administration and the Ministry of Justice, particularly in cases of interest to international observers. There continued to be credible allegations that judges routinely accepted bribes.

Trial Procedures

The law provides for public trials except in cases involving state, commercial, or professional secrets or confidential, personal, or family matters. The law provides for the presumption of innocence in criminal cases; the right to be informed promptly of charges; the right to review evidence, confront witnesses, and present evidence at trial; the right of indigent defendants to a court-approved attorney; the rights to adequate time and facilities to prepare a defense; the right not to be compelled to testify or confess guilt; and the right of both defendants and prosecutors to appeal. Authorities did not always respect these provisions.

Judges at times failed to read verdicts publicly or give the reasoning behind their decisions, leaving the accused without knowledge of the reasoning behind the judgment.

In June the parliament repealed existing (but never implemented) legislative provisions allowing for trial by jury. The government's stated reason for the repeal was that the "people of Azerbaijan are not ready" for citizen participation in the adjudication of criminal proceedings.

Foreign and domestic observers usually were allowed to attend trials, except those involving espionage or treason charges. The use of small courtrooms with inadequate seating and last-minute changes in starting times 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, judges often favored prosecutors when assessing motions, oral statements, and evidence submitted by defense counsel, without regard to the merits of their respective arguments. Judges 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 the criminal cases against human rights defenders Leyla Yunus and Intigam Aliyev, authorities used a variety of methods to remove some lawyers from their defense teams. After closing Radio Free Europe/Radio Liberty's (RFE/RL) Baku bureau December 26 (see section 2.a.) and launching interrogations of its employees, authorities prevented a local attorney from representing staff in the case.

The law limits representation in criminal cases to members of the country's government-influenced Collegium (bar association). The number of defense lawyers willing and able to accept sensitive cases reportedly declined during the year due to a variety of measures taken by authorities, including the Collegium's presidium (the organization's managing body). For example, on December 10, the Collegium disbarred well known defense attorney Khalid Baghirov, one of two lawyers removed from Leyla Yunus' case. Asserting that Baghirov made antigovernment statements in the trial of Ilgar Mammadov and Tofiq Yagublu, the Collegium found him guilty of professional misconduct. Baghirov's disbarment followed the suspension of his license in 2011 in connection with accusations that he slandered the Baku police chief. Examples of other such measures taken during the year included the detention of prominent lawyers Aliabbas Rustamov on June 28 and Intigam Aliyev on August 8. There were also reports of police violence against lawyers.

The proportion of Collegium lawyers practicing outside the capital remained relatively steady at approximately 25 percent.

The constitution prohibits the use of illegally obtained evidence. Despite some defendants' claims that authorities obtained testimony through torture or abuse, courts did not dismiss cases based on claims of abuse, and there was no independent forensic investigator to determine the occurrence of abuse. Judges often 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, since judges generally required only a minimal level of proof and collaborated closely with prosecutors.

With the exception of the Court of Grave Crimes, courts often failed to provide interpreters despite the constitutional right of an accused person to interpretation. Courts are entitled to contract interpreters during hearings, with expenses covered by the state budget.

There were no verbatim transcripts of judicial proceedings. Although some of the newer courts in Baku made audio recordings of proceedings, most court testimonies, oral arguments, and judicial decisions were not recorded. Instead the court officer generally took notes that tended to be sparse and decided their content.

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

Political Prisoners and Detainees

While the government asserted that there were no political prisoners, local and international NGOs reported such cases. NGOs' estimates of the number of political prisoners ranged from 24 to 135 as of November 1. In mid-August, local human rights defenders released a consolidated list of 98 persons they agreed had been arrested or imprisoned on politically motivated charges, including journalists (see section 2.a.), human rights defenders (see sections 4 and 5), opposition figures (see section 1.d.), youth activists (see section 1.c.), civic activists, and religious activists (see also the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/).

The list included the following individuals, many of whom AI considered prisoners of conscience.

On March 17, authorities sentenced Ilgar Mammadov, the chairman of the opposition REAL Movement and former presidential candidate aspirant, and journalist and the opposition Musavat Party deputy chairman, Tofiq Yagublu, to seven- and five-year prison terms, respectively, for allegedly organizing public disorder and resisting authorities. Mammadov and Yagublu had gone to the city of Ismayilli in late January 2013 to gather information after antigovernment riots there. The international community, including AI, recognized them, along with NGO leader Anar Mammadli (see section 3) and others, as prisoners of conscience. On May 22, the European Court of Human Rights (ECHR) concluded that Mammadov had been detained and arrested without any reasonable evidence of having committed the offense with which he was charged. The court concluded that the actual purpose of his detention was to silence or punish him for criticizing the government.

On May 6, authorities convicted eight youth activists of alleged drug possession, hooliganism, and organizing public disorder and sentenced them to prison terms ranging from six years and six months to eight years and six months. The

president pardoned two of the eight on October 17 and another two on December 29. The international community, including AI, considered the activists prisoners of conscience, detained solely for their civic activism and convicted on the basis of planted evidence.

On July 14, authorities sentenced “Intelligent Citizen” Enlightenment Center head Hasan Huseynli to six years in prison for alleged hooliganism. The president pardoned Huseynli on October 17. Local civil society activists and the international community attributed the case to Huseynli’s civic activism and work with local youth.

On July 30, authorities arrested prominent human rights defender and Institute for Peace and Democracy director Leyla Yunus and sentenced her to three months’ pretrial detention on allegations of treason (accusing her, among other things, of opposing the 2012 Eurovision Song Contest in Baku), tax evasion, and other charges. On August 5, authorities sentenced her husband, Arif Yunusov, to three months’ pretrial detention on similar charges. Officials linked them to journalist Rauf Mirkadirov (see section 2.a.) and alleged the three had engaged in espionage in connection with their efforts to encourage dialogue between Azerbaijani and Armenian citizens in order to facilitate a peaceful resolution to the Nagorno-Karabakh conflict.

On August 2, authorities arrested Human Rights Club chairman Rasul Jafarov and sentenced him to three months’ pretrial detention for alleged tax evasion, illegal entrepreneurship, and abuse of office. On August 8, authorities sentenced internationally known lawyer and human rights defender Intigam Aliyev to three months’ pretrial detention on the same charges. AI considered both individuals and Leyla Yunus to be prisoners of conscience, detained solely for their human rights work. The international community considered the detentions of all four politically motivated.

On August 13, authorities extended the two-year sentence of religious theologian Taleh Bagirzade by an additional four months.

On December 5, independent journalist Khadija Ismayilova was arrested and sentenced to two months pretrial detention for allegedly inciting an individual to attempt suicide.

On May 26, President Aliyev pardoned lawyer and human rights defender Bakhtiyar Mammadov, youth activist Dashgin Malikov, and journalist Faramaz Allahverdiyev, who were widely viewed as political prisoners.

Political prisoners are entitled by law to the same rights as other prisoners. Nevertheless, restrictions varied. Authorities provided international humanitarian organizations access to political prisoners.

Civil Judicial Procedures and Remedies

Citizens have the right to bring lawsuits seeking damages for or cessation of human rights violations. The law does not provide for a jury trial in civil matters; a judge decides all trials. District courts have jurisdiction over civil matters in their first hearing; the Court of Appeals and then the Supreme Court address appeals. As with criminal trials, all citizens have the right to appeal to the ECHR within six months of exhausting all domestic legal options, including an appeal to and ruling by the Supreme Court.

Regional Human Rights Court Decisions

Citizens continued to exercise the right to appeal to the ECHR and brought claims of government violations of commitments under the European Convention on Human Rights. Although the government's compliance with ECHR decisions was mixed, it implemented the May 22 ECHR judgment that it pay 22,000 euros (\$27,500) in compensation to Ilgar Mammadov for violating his rights.

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.

While the constitution allows for searches of residences only with a court order or in cases specifically provided for by law, authorities often conducted searches without warrants. It was widely believed that the Ministry of National Security and the Ministry of Internal Affairs monitored telephone and internet communications, particularly those of foreigners, youth figures active online, some political and business figures, and persons engaged in international communication.

Police continued to intimidate, harass, and sometimes arrest family members of suspected criminals and political opposition members, as well as employees and leaders of certain NGOs and their family members. For example, on July 30, authorities opened a criminal case against 17-year-old Ali Gulaliyev, son of

Azerbaijan without Political Prisoners coordinator and former political prisoner Ogtay Gulaliyev. Police reportedly warned Gulaliyev that his son could be targeted unless Gulaliyev stopped his political activities and defense of political prisoners. Incarcerated family members of opposition members included Elnur Seyidov, Popular Front Party chairman Ali Kerimli's brother-in-law.

There were also reports that authorities fired individuals from their jobs in retaliation for the political or civic activities of family members.

NGOs reported that authorities did not respect the laws governing eminent domain and expropriation of property. Homeowners often received compensation well below market value for expropriated property and had little legal recourse. Domestic monitors reported that the number of property rights complaints they received continued to rise compared with previous years. NGOs reported that many citizens did not trust the court system and were therefore reluctant to pursue compensation claims. Residents in Baku complained about forced evictions and violence against those refusing to leave their property. During the first half of the year, residents of the "Sovetski" area of Baku carried out sporadic protests. On March 4, police detained seven protesters, and a court sentenced six of them to administrative detention for periods ranging from 15 to 30 days.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the law provides for freedom of speech and press and specifically prohibits press censorship, the government often did not respect these rights. The government continued to limit freedom of speech and media independence. Journalists faced intimidation and at times were beaten and imprisoned. NGOs considered at least 12 journalists and bloggers to be political prisoners or detainees as of year's end. In the context of what NGOs and others widely described as a government crackdown, including criminal investigations of human rights NGOs, one of the country's two leading media rights organizations ceased operations in August, and its director went into hiding. The other organization significantly limited its activities.

Freedom of Speech: The constitution provides for freedom of speech, but government restrictions intensified regarding subjects considered politically sensitive. Citing unfounded criminal charges against at least 50 independent and opposition political activists, journalists, bloggers, and human rights defenders over the previous two and one-half years--including 11 arrests since May alone--

and recent restrictive laws, Human Rights Watch reported on September 29 that repression of independent voices had reached “crisis levels.” The incarceration of persons who attempted to exercise freedom of speech raised concerns about authorities’ use of the judicial system to punish dissent. In addition the government attempted to impede criticism by monitoring political and civil society meetings.

Press Freedoms: A number of opposition and independent print and online media outlets expressed a wide variety of views on government policies. Newspaper circulation rates remained low, not surpassing 5,000 in most cases. Credible reports indicated that opposition newspapers were available outside Baku only in limited numbers due to the refusal of a number of distributors to carry them.

Foreign broadcasters, including Voice of America, RFE/RL, and the BBC, remained prohibited from broadcasting on FM radio frequencies. In a December 3 article, Presidential Administration Head Ramiz Mehdiyev accused RFE/RL staff of subversive activity. On December 26, police raided and then closed RFE/RL’s Baku bureau. During the raid police broke open a safe and confiscated financial documents, computers, and hard drives. Authorities interrogated Baku-based staff over the weekend of December 27-28, forcibly taking some from their homes, and in at least one case, did not allow an employee to fully dress before departing his house, according to RFE/RL. Police subsequently questioned regional correspondents.

Local NGOs considered at least 12 journalists and bloggers to be political prisoners or detainees as of year’s end. For example, on April 19, authorities arrested *Zerkalo* journalist Rauf Mirkadirov following his deportation from Turkey and subsequently sentenced him to pretrial detention for alleged espionage and treason. Authorities accused Mirkadirov of spying while involved in activities promoting the peaceful resolution of the Nagorno-Karabakh conflict. In another case, on May 15, authorities sentenced independent *Bizim Yol* journalist, editor of independent news website *Moderator*, and human rights NGO head Parviz Hashimli to eight years in prison for alleged weapons smuggling. Both media outlets were known for coverage of corruption and human rights abuses.

On December 5, authorities arrested independent journalist Khadija Ismayilova--well known for her reporting on corruption and for her human rights advocacy--and sentenced her to two months pretrial detention for allegedly inciting an individual to attempt suicide. Two days before her arrest, in a December 3 article, Presidential Administration Head Ramiz Mehdiyev accused journalists, including Ismayilova, of working against the government. Authorities imposed a travel ban

on her in October, upon her return from the Human Dimension Implementation Meeting of the OSCE. Amnesty International considered Ismayilova a prisoner of conscience, and a number of international journalists' and human rights organizations called for her release.

Authorities also exerted intense pressure on the country's leading media rights advocates and organizations during the year. Internationally renowned media freedom advocate Emin Huseynov, the chair of the Institute for Reporters' Freedom and Safety (IRFS), went into hiding in mid-August in fear of arrest, following the detentions of three other prominent human rights advocates between late July and early August. Government harassment of the IRFS and the Media Rights Institute (MRI) resulted in the closure of the former in August and significant limitations on the latter's ability to operate. For example, government officials confiscated IRFS office equipment on August 8 and sealed the office on August 11. The OSCE representative on freedom of the media and other international media freedom advocates criticized the intensifying harassment of media freedom activists and organizations, including the IRFS and its chair, MRI, and MRI director Rashid Hajili. According to a November 24 statement by the Council of Europe's human rights commissioner, Nils Muiznieks, Huseynov suffered from high blood pressure and an old spinal injury caused by police, leading doctors who examined him to predict that he would not survive an Azerbaijani prison if incarcerated.

Violence and Harassment: Local observers reported 64 physical assaults on journalists during the year. The attacks mainly targeted journalists from Radio Liberty, *Azadliq* and *Yeni Musavat* newspapers, the Turan Information Agency, and Obyektiv Television.

In one example, on August 21, Turan journalist and Democracy and NGO Development Resource Center director Ilgar Nasibov was found beaten and unconscious in his office in the exclave of Nakhchivan. Nasibov reported that multiple perpetrators were involved, but authorities arrested just one individual, Farid Asgarov. Progovernment media claimed the attack stemmed from a drunken fight between friends. On September 4, police opened a criminal case against Asgarov on the charge of "intentional infliction of minor bodily harm." On September 20, police filed the same charge against Nasibov. On November 4 and 5, however, a Nakhchivan court dismissed the charges against both Asgarov and Nasibov. The attack on Nasibov generated international outrage, with AI and others attributing the assault to Nasibov's human rights activism and criticism of local government officials. AI and other observers noted Nasibov had been attacked several times in the past with impunity.

The government used the media to harass and discredit those with dissenting views. For example, in July authorities circulated a sexually explicit video online of a woman they claimed was opposition Popular Front Party activist Kamala Khalilova. Khalilova reported authorities repeatedly pressed her to stop her opposition activism and stated she believed authorities released the video in an attempt to smear her public image.

There were reports that police and security officers harassed and in some cases physically harmed journalists trying to cover protests. During a February protest at Baku State University, for example, a security official attacked Voice of America journalist Taptig Farhadoglu, who consequently required extensive surgery. On December 29, a Baku appeals court upheld an earlier dismissal of Farhadoglu's complaint that authorities failed to initiate criminal proceedings against his attacker. Lower court judges had ruled the case could not move forward due to a lack of witnesses.

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

Journalists and media rights leaders continued to call for an investigation into the 2011 killing of journalist Rafiq Tagi, against whom Iranian cleric Grand Ayatollah Fazel Lankarani had issued a fatwa, and into the 2005 killing of independent editor and journalist Elmar Huseynov.

Authorities at times harassed journalists in social and print media for their work. Journalist Arzu Geybullayeva, for example, was subjected to an intimidation campaign for her work with the Istanbul-based Armenian newspaper *Agos*. Following an interview with Azerbaijani news site *modern.az*, Geybullayeva faced social media threats and a series of hostile articles in Azerbaijani media accusing her of treason for working with Armenians.

Lawsuits suspected of being politically motivated were also used to intimidate journalists and media outlets. During the year 59 court cases reportedly were initiated against journalists or media outlets, with plaintiffs demanding 2.5 million manat (\$3.1 million) in compensation; courts ultimately imposed 180,000 manat (\$225,000) in fines.

The majority of independent and opposition newspapers remained in a precarious financial situation and continued to have problems paying wages, taxes, and periodic court fines. Most relied on political parties, influential sponsors, or the

State Media Fund for financing. The opposition newspaper *Azadliq*, long under pressure, ceased publication briefly in late July and early August due to financial problems but resumed production after paying a third of its outstanding debts to its publishing house. On May 31, the respected independent newspaper *Zerkalo* ceased publishing due to financial hardships linked to political pressure from authorities.

The government prohibited some state libraries from subscribing to opposition and independent newspapers, prevented state businesses from buying advertising in opposition newspapers, and pressured private businesses not to advertise in them. As a result paid advertising was largely absent in opposition media. Political commentators noted these practices reduced the wages that opposition and independent outlets could pay to their journalists, which allowed progovernment outlets to hire away quality staff. In addition international media monitoring reports indicated that intimidation by Ministry of Taxes officials further limited the independence of the media.

According to local observers, local authorities demolished newspaper kiosks and further banned all sales of printed materials in metro stations, resulting in a continued decrease in the distribution of opposition and independent newspapers. Observers reported that the kiosks built to replace them distributed a small number of progovernment newspapers and served more as convenience stores than newsstands.

Censorship or Content Restrictions: Most media practiced self-censorship and avoided topics considered politically sensitive out of fear of government retaliation.

The National Television and Radio Council requires that local, privately owned television and radio stations not rebroadcast entire news programs of foreign origin.

Libel Laws/National Security: Libel is a criminal offense. The law allows for large fines and up to three years' imprisonment for persons convicted of libel. Defamation is also prohibited and is punishable by fines ranging from 100 to 1,000 manat (\$125 to \$1,250) and imprisonment for six months to three years.

Internet Freedom

The government generally did not restrict or disrupt access to the internet or censor online content, but it required internet service providers to be licensed and have

formal agreements with the Ministry of Communications and High Technologies. According to International Telecommunication Union statistics, approximately 70 percent of the country's population used the internet during the year.

The law imposes criminal penalties for libel and insult on the internet.

There were strong indications that the government monitored the internet communications of democracy activists. For example, many youth activists detained or jailed during the year frequently posted criticism of alleged government corruption and human rights abuses online. In addition to the sentencing of Omar Mammadov authorities convicted two other Facebook activists, Elsevar Mursalli and Abdul Abilov, of drug possession and sentenced them on April 2 and May 27, respectively, to five and five and one-half years in prison. On July 3, an appeals court reduced Mursalli's sentence to two years after he declared his support for the president. Mursalli was pardoned and released on October 17. In its annual report for 2013, *Freedom on the Net*, Freedom House acknowledged the absence of major technical restrictions but observed that "those who speak out on the internet are more likely to face intimidation, threats, and fines from the state."

Freedom House also reported an increase in attacks on opposition websites between 2012 and 2013. There were occasional reports of denial of service attacks on opposition and some independent advocacy NGO websites. For example, the websites of opposition newspaper *Azadliq*, news portal site *Contact.az*, and RFE/RL suffered denial of service attacks, as did that of the Institute for Reporters' Freedom and Safety. In the exclave of Nakhchivan, website blockages were reportedly more common.

Academic Freedom and Cultural Events

The government on occasion restricted academic freedom.

Some domestic observers continued to raise concerns that the government's selection of participants for state-sponsored study abroad programs was biased and took political affiliation into account. The government denied the allegation and claimed its selection process was transparent.

Opposition party members continued to report difficulties in finding jobs teaching at schools and universities. Authorities fired most known opposition party members teaching in state educational institutions in previous years. NGOs reported that local executive authorities occasionally prevented the expression of

minority cultures, for example, by prohibiting cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

While the law provides for freedom of assembly, the government severely restricted the right. Authorities at times responded to peaceful protests and assemblies by using force and detaining protesters. On February 20, for example, hundreds of Baku State University students gathered to protest administrative changes, and police briefly detained four individuals. Rising tensions the next day resulted in the police arresting and beating a protester, Huseyn Novruzlu. Police reportedly used excessive force to disrupt the protest and took several students to the police department for questioning.

While the constitution stipulates that groups may peacefully assemble after notifying the relevant government body in advance, the government continued to interpret this provision as a requirement for prior permission. Local authorities required all rallies to be preapproved and held at designated locations, mainly in inconvenient sites, although a popular Baku site was easily accessible by metro and bus. Most political parties and NGOs found such requirements unacceptable and believed them to be unconstitutional. Authorities throughout the country routinely refused to acknowledge notifications of planned public rallies, thereby effectively denying the freedom to assemble.

The law permits administrative detention for misdemeanors up to three months and for resisting police up to one month. Punishment for those who fail to follow a court order (including failure to pay a fine) may include fines of 500 to 1,000 manat (\$625 to \$1,250) and punishment of up to one month of administrative detention.

Freedom of Association

The constitution provides for freedom of association, but the law places some restrictions on this right, and amendments enacted during the year severely constrained NGO activities. Citing these amendments, authorities conducted numerous criminal investigations into the activities of peaceful NGOs, froze bank accounts, and harassed local staff, incarcerating some. These actions resulted in the formal closure of at least three offices and the reported ceasing of operations of about 30 NGOs (see section 5).

A number of legal provisions allow the government to regulate the activities of political parties, religious groups, businesses, and NGOs, including requiring NGOs to register with the Ministry of Justice if they want to obtain “legal personality” status. Although the law requires the government to act on registration applications within 30 days of receipt (or within an additional 30 days, if further investigation is required), vague, cumbersome, and nontransparent registration procedures continued to result in long delays that limited citizens’ right to associate. Other laws restrict freedom of association, for example, by requiring deputy heads of NGO branches to be Azerbaijani citizens if the head of the branch is a foreigner. Authorities routinely rejected the registration applications of NGOs whose names contained the words “human rights,” “democracy,” “institute,” and “society.”

Laws affecting grants and donations imposed a de facto prohibition on NGOs receiving cash donations and made it nearly impossible for NGOs to receive anonymous donations or to solicit contributions from the general public.

In February the president approved a number of amendments to the administrative code and the laws on NGOs, grants, and registration of legal entities that imposed new restrictions on NGO activities and closed several loopholes for the operations of unregistered, independent, and foreign NGOs. The amendments made unregistered and foreign NGOs vulnerable to involuntary dissolution, intimidated and dissuaded potential activists and donors from joining and supporting civil society organizations, and restricted NGOs’ ability to provide grants to unregistered local groups or individual heads of NGOs.

In May authorities launched a far-reaching criminal investigation into the activities of numerous domestic and international NGOs and local leadership. The investigation included prominent independent organizations focused on human rights and transparency in natural resource governance, as well as international organizations providing assistance to Azerbaijanis. As a result at least three organizations closed rather than subject their staff to continued pressure and the prospect of incarceration. Authorities reportedly froze dozens of NGO bank accounts as well as the personal accounts of a number of organization heads during the year. Domestic and international NGOs described the criminal investigations, arrests, bank account closures, and other pressure as a crackdown on civil society unprecedented for the country (see section 5).

The parliament’s October approval and the government’s November 16 enactment of amendments further restricting foreign assistance to local NGOs generated public outcry. While the amendments provide for eventual online registration of

grants and organizations, donor organizations also must register with the government. As of November 18, approximately 30 NGOs reportedly had suspended activities due to an inability to operate.

The government continued to implement 2011 rules regarding a 2009 law that requires foreign NGOs wishing to operate in the country to sign an agreement and register with the Ministry of Justice. Foreign NGOs wishing to register a branch in the country are required to demonstrate they support “the Azerbaijani people’s national and cultural values” and commit not to be involved in religious and political propaganda. The decree does not specify any time limit for the registration procedure and effectively allows for unlimited discretion of the government to decide whether to register a foreign NGO. As of November 1, no foreign NGOs had been able to register under these rules in 2013 or 2014.

The Ministry of Justice reported that it registered 74 NGOs and did not deny any registration applications during the year. Some experts estimated that approximately 1,000 NGOs remained unregistered.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

While the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the government at times limited freedom of movement, particularly for civil society activists under investigation.

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

Foreign Travel: Unlike in previous years, authorities prevented many civil society activists from traveling outside the country. For example, on April 28, authorities prohibited Institute for Peace and Democracy director Leyla Yunus and her

husband, Arif Yunusov, from traveling to Brussels to attend a conference, confiscating their passports and detaining them for 24 hours. Authorities linked this prohibition to an investigation into journalist Rauf Mirkadirov's alleged espionage. Authorities also prohibited Human Rights Club chairman Rasul Jafarov from traveling internationally prior to arresting him on August 2. On August 5, authorities prohibited well known activist and Institute for Reporters' Freedom and Safety director Emin Huseynov from traveling to Turkey for medical treatment. On September 3, authorities also refused to allow former youth activist and dual U.S. and Azerbaijani citizen Said Nuri to depart; authorities allowed him to leave September 11. On November 10, authorities prevented blogger Mehman Huseynov from traveling to an OSCE conference. In November authorities also prevented investigative journalist Khadija Ismayilova from traveling abroad to testify at a Helsinki Commission hearing.

The government has prevented the foreign travel of Popular Front Party Chairman Ali Kerimli since 2006 by refusing to renew his passport. The government cited an outstanding criminal complaint against him from 1994 as grounds for the refusal, although it had renewed Kerimli's passport without objection on several occasions after the complaint was filed. All levels of the court system rejected Kerimli's appeal. In 2009 Kerimli submitted a complaint to the ECHR, which had not heard the case before year's end.

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. While the law on military service does not stipulate deferments for undergraduate or graduate studies, military draft boards commonly granted such deferments upon annual presentation of 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.

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.

Internally Displaced Persons (IDPs)

For the first half of the year, the UNHCR reported 622,892 registered IDPs in the country, representing 161,560 families. The vast majority fled their homes

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

IDPs were initially required to register their places of residence with authorities and could live only in approved areas. This “propiska” registration system, which formally ceased to exist after the break-up of the Soviet Union, was enforced mainly against persons who were forced from their homes after separatists took control of Nagorno-Karabakh and seven other Azerbaijani territories. The government asserted that registration was needed to keep track of IDPs to provide them assistance.

According to the Internal Displacement Monitoring Center, many IDPs who resided in Baku were unable to register their residences or gain access to formal employment, government assistance, health care, education, or pensions and had difficulty buying property.

Significant numbers of IDPs remained in overcrowded collective centers, where they were socially marginalized with limited employment opportunities and high rates of poverty. The law requires IDPs to register in the districts where they reside, and registration is necessary to obtain IDP status. Temporary registration where IDPs reside does not restrict migration within the country.

According to the government, it allocated 630 million manat (\$787.5 million) overall in assistance to IDPs during the year. The UNHCR reported that during the year the government rehoused 4,450 families, representing approximately 22,000 individuals. The rehousing occurred primarily in the Absheron and Mingachevir regions.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to some refugees through the Refugee Status Determination Department at the State Migration Service. Although the UNHCR noted some improvements, the country’s refugee status determination system did not meet international standards.

According to the State Migration Service, during the year 202 persons applied for refugee status on behalf of 399 individuals, including family members.

The UNHCR recognized 1,667 individuals (asylum seekers, persons of concern, and refugees recognized under the UNHCR mandate) in the country as of year’s end and provided them with UNHCR letters of protection.

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

Access to Basic Services: The estimated 1,000 refugees in the country lacked access to social services.

Stateless Persons

Children derive citizenship by birth within the country or from their parents. While the law provides for the right to apply for stateless status, some persons could not obtain the documentation required for the application and therefore remained formally unrecognized. The law on citizenship makes it difficult for foreigners and stateless persons to obtain citizenship.

The UNHCR reported that 3,585 persons in the country declared themselves stateless in the 2009 national census. According to the State Migration Service, 375 stateless persons applied for citizenship. The State Migration Service granted citizenship to 96 stateless persons, issued temporary residence permits to 83 stateless persons, issued permanent residence permits to 50 stateless persons, and issued a work permit to one stateless person. The vast majority of stateless persons were ethnic Azeris from Georgia or Iran. NGOs believed there were many other undocumented stateless persons, with estimates ranging from hundreds to tens of thousands.

For the most part, stateless persons enjoyed freedom of movement. The law permits stateless persons access to basic rights, such as access to health care and employment. Nevertheless, their lack of legal status at times hindered stateless persons' access to these rights.

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

Although the constitution provides citizens the ability to change their government through free and fair elections, the government continued to restrict this ability by interfering in the electoral process. While the law provides for an independent parliament, the Milli Mejlis's independence was constrained, and it exercised little legislative initiative independent of the executive branch.

Elections and Political Participation

Recent Elections: The October 2013 presidential election fell short of international standards. In their joint statement of preliminary findings and conclusions on the election, released in October 2013, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly highlighted serious shortcomings that needed to be addressed for the country to meet its OSCE commitments fully. On election day OSCE/ODIHR observers noted procedural irregularities, including ballot box stuffing, serious problems with vote counting in 58 percent of observed polling stations, and failure to record the number of received ballots. Prior to election day, according to the OSCE/ODIHR, the government maintained a repressive political environment, which did not provide the fundamental freedoms of assembly, association, and expression necessary for a free and fair electoral competition. Authorities interfered with the media and civil society routinely, sometimes violently interrupted peaceful rallies and meetings before and occasionally during the 23-day campaign period, and jailed a number of opposition and youth activists. Neither the election administration nor the judiciary provided effective redress for appeals. Credible NGOs, such as the Election Monitoring and Democracy Studies Center (EMDS), reported similar shortcomings.

The EMDS reported in October 2013 that the judiciary and all but one Central Election Commission member did not engage in due diligence during the post-election grievance process. The EMDS also noted the Constitutional Court accepted the election results four days before the deadline for completing postelection investigations. In its final election report, issued in December 2013, the OSCE/ODIHR highlighted similar flaws.

In late October 2013, following EMDS' critical postelection statement, authorities opened a criminal investigation of the group and its partner NGO, the International Cooperation of Volunteers Public Union, on alleged tax evasion and other charges. Local and international human rights organizations attributed the May 26 sentencing of two EMDS officials, Chairman Anar Mammadli and Executive Director Bashir Suleymanli, to five and one-half and three and one-half years in prison, respectively, solely to the organization's frank election monitoring reporting (see section 5).

Authorities took some constructive steps during the election campaign, including the registration of unified opposition candidate Jamil Hasanli, the authorization of some opposition campaign rallies, the decision to invite the OSCE/ODIHR to

observe the election, and efficient technical preparation for the election.

Political Parties and Political Participation: While there were 50 registered political parties, the ruling Yeni Azerbaijan Party continued to dominate the political system. Domestic observers reported that membership in the ruling party conferred advantages, such as preference for public positions. For the first time since the country's independence, the Milli Mejlis after the 2010 election did not include representatives of the Musavat and Popular Front opposition parties.

Opposition members were more likely to experience official harassment and arbitrary arrest and detention than other citizens. According to domestic NGOs' joint list of political prisoners, several political detainees or prisoners were opposition party or movement members. For example, on January 13, a district court sentenced Yadigar Sadigov, an advisor to the opposition Musavat Party chairman, to six years in prison for alleged hooliganism. On July 22, an appeals court reduced the sentence to four years. Local media and NGOs attributed the charges against Sadigov to his opposition activities in the region and his criticism of the government. There were also indications that authorities pressured opposition party members to renounce their membership by offering incentives such as early release from jail.

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 teahouses and detained participants for questioning. Opposition parties continued to have difficulty renting office space, reportedly because landlords were afraid of official retaliation; some parties operated from their leaders' apartments. On March 3, an explosion destroyed the office of the Popular Front Party, whose chairman, Ali Kerimli, accused authorities of deliberately trying to force the party from its office.

Participation of Women and Minorities: There were 19 women in the Milli Mejlis. One woman held a ministerial-level position. Members of minority groups, such as the Talysh, Avars, Russians, and Jews, served in the Milli Mejlis and in government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. While the government made some progress combatting low-level corruption, high-level corruption remained a problem. Transparency

International and other observers described corruption as widespread during the year.

Corruption: There continued to be reports that the families of several high-level officials were the beneficiaries of monopolies in most of the non-oil sectors of the economy. Officials initiated some criminal cases related to bribery and other forms of government corruption during the year, although few senior officials were prosecuted. In one notable exception, the former commander of the Naval Forces, Vice Admiral Shahin Sultanov, was sentenced April 23 to pretrial detention on charges of embezzlement and forgery, following his March dismissal by the president. On December 25, a military court commuted his pretrial detention to house arrest. The investigation continued at year's end.

On May 5, six months into a three-year sentence for corruption, a Baku appeals court released a former member of parliament, Gular Ahmadova, with a suspended sentence, citing as grounds for the judgment her three elections to parliament, her social and political activities, her health condition, her custody of a minor, and the fact that this conviction was her first offense. Ahmadova had been filmed in 2005 attempting to extort a bribe of one million dollars for a parliamentary seat.

There were continued reports that authorities targeted some human rights defenders and journalists seeking to combat government corruption. For example, human rights defenders widely attributed the pretrial detention of prominent lawyer Aliabbas Rustamov for alleged bribery to his public appeal to the president protesting high-level government corruption before his arrest.

Corruption among law enforcement officers was a problem, although a local NGO reported that traffic police sought fewer bribes. Low wages continued to contribute to police corruption.

The Ministry of Internal Affairs reported that, in connection with 48 cases of corruption, it took disciplinary action against 78 employees, dismissing 35 from their institutions and removing 28 others from their positions in the first nine months of the year. It did not hold any individuals liable in criminal investigations in these cases.

There was widespread belief that one could pay a bribe for a waiver of military service, which is universal for men between ages 18 and 35. Citizens also believed military personnel could buy assignments to easier military duties for a smaller bribe.

The president and the presidential administration continued a well publicized program to decrease corruption at lower levels of public administration. The government established six State Agency for Public Service and Social Innovations “ASAN” service centers, which function as one-stop centers for government services, such as birth certificates and marriage licenses, from nine ministries.

The Prosecutor General’s Office includes an Anticorruption Department (ACD), which took 206 cases to court involving 333 persons during the year. The ACD also seeks recovery of proceeds from crime, makes recommendations, and issues mandatory instructions to eliminate conditions conducive to corruption.

The Ministry of Justice reported disciplinary measures against 68 employees. Eight were dismissed, 22 demoted, 12 warned, and 26 reprimanded.

Financial Disclosure: The law requires officials to submit reports on their financial situation, and the electoral code requires all candidates to submit financial statements. The process of submitting reports is complex and nontransparent, with several agencies and bodies designated as recipients, including the Anticorruption Commission, elements of parliament, the Ministry of Justice, and the Central Election Commission, although their monitoring role is not well understood. The public does not have access to the reports. The law contemplates administrative sanctions for noncompliance, but the sanctions were not imposed.

The law prohibits the public release of the names and capital investment amounts of business founders. Critics claimed the amendments were an attempt to curb investigative journalism into government officials’ business interests and could decrease public access to information.

Public Access to Information: The law provides for public access to government information by individuals and organizations, but the government often did not permit access. Various ministries routinely denied requests, claiming not to possess information, although the ministries claimed to have separate procedures on how to request information. Individuals have the right to appeal the denials in court, but the courts generally upheld the ministries’ decisions.

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

Although the government resurrected a working group on human rights in late October to conduct a dialogue with selected civil society activists, government restrictions on the operations of domestic and international human rights groups

intensified, with arrests of leading human rights defenders, legislative amendments further constraining NGO activities, and other pressure widely considered unprecedented for the country. Leading human rights NGOs faced an increasingly hostile environment for investigating and publishing their findings on human rights cases. As a result some activists left the country or were in hiding, and a number of NGOs ceased their activities. On November 24, the Council of Europe's human rights commissioner, Nils Muiznieks, reported that all of his partners in the country were in jail.

Although the government maintained ties with some human rights NGOs and responded to their inquiries, on numerous occasions it criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued routinely to deny registration or place burdensome administrative restrictions on human rights NGOs on arbitrary grounds.

A number of NGO representatives reported intensified government constraints, which they described as a crackdown on civil society and peaceful dissent. In a particularly high-profile development, authorities arrested leading human rights defenders Leyla Yunus, Rasul Jafarov, and Intigam Aliyev between July 30 and August 8. Yunus and Jafarov had led a working group that compiled a list of individuals considered by human rights activists to be political prisoners or detainees. Aliyev had submitted hundreds of human rights cases to the ECHR; he reported that the Prosecutor General's Office confiscated documents regarding his submissions, despite the documents' irrelevance to the charges against him. Authorities returned the materials in October.

Activists also reported that authorities refused to register their organizations or grants, conducted investigations into organizations' activities, froze their personal and/or organizational bank accounts, and seized office equipment. Some NGO representatives also reported that they or a family member were physically assaulted with impunity. Many reported difficulty locating office or event space, particularly in hotels and especially for events occurring outside Baku.

Senior government officials engaged in ad hominem attacks on human rights activists. In August progovernment media referred to recipients of financial assistance from international donor organizations as "traitors." State-run media outlets accused AI, HRW, Freedom House, and Reporters without Borders of supporting "antinational elements." The government also continued to accuse the National Democratic Institute (NDI) and other international NGOs falsely of providing funding and other assistance to youth movements and others allegedly plotting to overthrow the government. Following the May sentencing of the

president and executive director of NDI's local partner, EMDS, and an intrusive investigation into its activities and harassment of local staff, NDI ceased its operations in June. IREX closed its office in September following a similar investigation and staff harassment. On December 3, Presidential Administration head Ramiz Mehdiyev accused Azerbaijani and foreign NGOs of representing foreign interests seeking to destabilize the country and therefore of subversive activity. He named specific democracy and human rights NGOs and activists who had been incarcerated.

During the year a government council provided 2.9 million manat (\$3.6 million) in support to numerous NGOs. While observers considered many of these NGOs progovernment or politically neutral, some NGOs that criticized the government also received grants.

Government Human Rights Bodies: Citizens may appeal violations committed by the state or by individuals to the ombudsman for human rights, Elmira Suleymanova, or to the ombudsman for human rights for the Nakhchivan Autonomous Republic, Ulkar Bayramova. The ombudsman may refuse to accept cases of abuse that are more than one year old, anonymous, or already being handled by the judiciary. Human rights NGOs criticized the Ombudsman's Office as lacking independence and effectiveness in cases believed to be politically motivated.

The Ombudsman's Office reported receiving 13,150 complaints during the year, a decrease of 3.9 percent from the previous year. The majority of complaints involved alleged violations of property rights, court provisions for the protection of rights and freedoms, social benefits, and labor rights. The Ombudsman's Office accepted 4,780 complaints for consideration; of these, 2,713 were resolved.

Human rights offices in the Milli Mejlis and the Ministry of Justice also heard complaints, conducted investigations, and made recommendations to relevant government bodies.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and Domestic Violence: Rape is illegal and carries a maximum sentence of 15 years in prison. In the first 11 months of the year, the Ministry of Internal Affairs reported 34 cases of rape, 45 cases of violence of a sexual nature, and six cases of forced sexual acts. While some investigations continued at year's end, the ministry stated that 71 persons had been brought to justice.

The law establishes a framework for the investigation of domestic violence complaints, defines a process to issue restraining orders, and calls for the establishment of a shelter and rehabilitation center for victims. Some critics of the domestic violence law asserted that a lack of clear implementing guidelines reduced its effectiveness. Despite the law, on June 18, the UN special rapporteur stated that violence against women, including domestic violence and killings, remained widespread. Female members of the Milli Mejlis and the head of the State Committee for Family, Women, and Children Affairs (SCFWCA) increased their activities against domestic violence. The committee conducted public awareness campaigns and worked to improve the socioeconomic situation of victims of domestic violence. Media coverage of domestic violence issues also began to raise awareness of the problem.

Women had no effective recourse against assaults by their husbands or others, particularly in rural areas. In Baku a women's crisis center associated with the Institute for Peace and Democracy provided free medical, psychological, and legal assistance to women but ceased its activities after authorities opened a criminal investigation into the activities of a number of NGOs. In May the crisis center's chair, women's rights defender Matanat Azizova, left the country to avoid possible arrest and pressure to testify against Institute for Peace and Democracy director Leyla Yunus. In June authorities prevented Azizova's family from leaving the country, which her lawyer claimed constituted pressure to influence her return.

The government ran one shelter providing assistance to victims of trafficking and domestic violence.

Female Genital Mutilation/Cutting (FGM/C): No laws prohibit FGM/C. No incidents of FGM/C were reported by the media or NGOs during the year.

Sexual Harassment: The government rarely enforced the prohibition of sexual harassment. The State Committee for Family, Women, and Children Affairs worked extensively on women's problems, including organizing and hosting several conferences that raised awareness of sexual harassment and domestic violence.

Reproductive Rights: 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. Patriarchal norms based on cultural, historical, and socioeconomic factors in some cases limited women's reproductive rights.

Discrimination: Although women nominally enjoy the same legal rights as men, societal discrimination was a problem. Traditional social norms and lagging economic development in rural regions continued to restrict women's roles in the economy, and there were reports women had difficulty exercising their legal rights due to gender discrimination (see section 7.d.). The law excludes women from certain occupations. Women were underrepresented in high-level jobs, including top business positions. The SCFWCA conducted public media campaigns to raise awareness of women's rights.

Gender-biased Sex Selection: As of December the gender ratio of children born in the country was 116 boys for every 100 girls. There were reports that gender-biased sex selection was widespread, predominantly in rural regions. The SCFWCA conducted seminars and public media campaigns to raise awareness of the problem.

Children

Birth Registration: Children derive citizenship by birth within the country or from their parents. Registration at birth was routine for births in hospitals or clinics. Some children born at home (for example, to Romani families or impoverished families) were not registered, and statelessness for those children was a problem. The Ministry of Internal Affairs and the Ministry of Justice continued registering undocumented children after identifying them as a population vulnerable to trafficking.

Education: While education was compulsory, free, and universal until age 17, large families in impoverished rural areas sometimes placed a higher priority on the education of male children and kept girls in the home to work. Some poor families forced their children to work or beg rather than attend school. Although the country scored well on adult literacy and achieving gender parity indexes in the UNESCO *Education for All Global Monitoring Report*, it fell either "very far from target" or "far from target" in preprimary, primary, and lower-secondary education

enrollment projections for 2015.

Child Abuse: In the first 11 months of the year, the Ministry of Internal Affairs reported five cases of rape involving underage victims, 25 cases of minors subjected to sexual acts, two cases of forced sexual acts, and one case of sexual intercourse with a person under age 16. According to the Ministry, 30 persons were brought to justice in connection with these cases.

Early and Forced Marriage: Under the law a girl can legally marry at age 18 and, with local authorities' permission, at age 17. The law further states that a boy can marry at age 18. In 2002 the Caucasus Muslim Board defined 18 as the marriage age, but the fatwa failed to have much effect on religious marriage contracts (kabin or kabin-nama).

The criminal code establishes fines of 3,000 to 4,000 manat (\$3,750 to \$5,000) or imprisonment of up to four years for the crime of forced marriage with underage children. According to the UN special rapporteur, however, forced marriages of underage girls remained a problem and continued to endanger their lives.

NGOs reported that the number of early marriages continued to increase. Girls who married under the terms of religious marriage contracts were of particular concern, since these evade government oversight and do not entitle the wife to recognition of her status in case of divorce. The Social Union of Solidarity among Women reported numerous instances in which men moved to Russia for work, leaving their underage wives in Azerbaijan.

The SCFWCA conducted activities in IDP and refugee communities to prevent early marriage.

Female Genital Mutilation/Cutting (FGM/C): No laws prohibit FGM/C. No incidents of FGM/C were reported by the media or NGOs during the year.

Sexual Exploitation of Children: The law prohibits pornography, and its production, distribution, or advertisement is punishable by three years' imprisonment. Statutory rape is defined as "the sexual relations or other actions of a 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 recruitment of minors for the purpose of prostitution (involving a minor in immoral acts) is punishable by a sentence of three to five years, although the presence of such aggravating factors as violence could increase the potential sentence to five to eight years.

A Baku NGO working with street children reported that boys and girls at times engaged in prostitution and street begging.

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

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

Anti-Semitism

The country's Jewish community was estimated to be between 20,000 and 30,000 individuals. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, but the government did not enforce these provisions effectively. Employment discrimination remained a problem. Employers generally hesitated to hire persons with disabilities. A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized, but specific educational facilities were available to children with certain disabilities. A local NGO reported there were approximately 60,000 children with disabilities in the country. Between 6,000 and 10,000 of these children had access to specialized educational facilities, while the rest were educated at home or not at all. The ability of children with disabilities to attend school was based on several factors, such as an evaluation by a medical committee, the type of disability, and the resources and physical structure of a desired school. Several international and local NGOs facilitated educational campaigns to change social perceptions and reintegrate children with disabilities. There were no laws mandating access to public or other buildings, information, or communications for persons with disabilities, and most buildings were not accessible.

Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking.

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

National/Racial/Ethnic Minorities

Some of the approximately 20,000 to 30,000 citizens of Armenian descent living in the country faced discrimination in employment, housing, and the provision of social services. 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 their ability to teach in their native languages, and harassment by local authorities. These groups included Talysh in the south, Lezghi in the north, and Meskhetians and Kurds.

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

Antidiscrimination laws exist but do not specifically enumerate lesbian, gay, bisexual, and transgender (LGBT) individuals. Societal intolerance, violence, and discrimination based on sexual orientation and gender identity remained a problem.

A local NGO reported that there were numerous incidents of police brutality against individuals based on sexual orientation and noted that authorities did not investigate or punish those responsible. In addition specific police stations were known to extort money from LGBT individuals in return for not disclosing their orientation or identity. There were also reports of family-based violence against LGBT individuals and hostile Facebook postings on personal online accounts. In August a local LGBT organization reported receiving online hate messages and stated that its website had been hacked.

LGBT individuals continued to refuse to file formal complaints with law enforcement bodies due to fear of social stigma, reprisal, or retaliatory repression. One NGO working on LGBT issues reported police indifference to investigating crimes committed against the LGBT community.

There was societal prejudice against LGBT persons. According to a local NGO,

societal discrimination contributed to the January 22 suicide of LGBT rights activist Isa Shahmarly. LGBT individuals reported that employers found other reasons to dismiss them because employers cannot legally dismiss someone because of their sexual orientation.

HIV and AIDS Social Stigma

In the most recent demographic and health survey for Azerbaijan (2006), 79.9 percent of women and 92 percent of men reported discriminatory attitudes towards those with HIV. In late November the Health Ministry's Center for AIDS participated in the European week of HIV-testing initiative to screen 15,000 persons in the cities of Baku, Gazakh, Lankaran, and Salyan. In addition to conducting HIV testing, the center conducted an HIV information outreach campaign intended to reach two to three million persons.

Other Societal Violence or Discrimination

There were media reports of groups of men publically attacking Salafi men and shaving their beards. For example, in a July 4 incident in the southern town of Sabirabad, Ramzi Zeynalov was filmed cutting Javanshir Zarbaliyev's beard. Police later arrested Zeynalov for disorderly conduct after videos of the incident received wide attention.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for freedom of association, including the right to form independent labor unions. Uniformed military and police are prohibited from joining unions. The law also prohibits managerial staff from joining unions, but managers in government industries often had union dues automatically deducted from their paychecks. The law allows unions to conduct their activities without government interference. There were no reported cases of government interference, but union leaders generally cooperated closely with the government, and international observers judged that unions poorly represented the interests of their members. The law provides most workers the right to conduct legal strikes. Categories of workers prohibited from striking include high-ranking executive and legislative officials; law enforcement officers; court employees; fire fighters; and health, electric power, water supply, telephone, railroad, and air traffic control workers. 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. The law also prohibits discrimination against trade unions and labor activists. While the law provides workers the right to bargain collectively, unions could not effectively negotiate wage levels and working conditions because government-appointed boards ran major state-owned firms and set wages for all government employees.

The law requires the reinstatement of workers fired for union activity. A local NGO reported that many large companies routinely reinstated workers on short-term contracts. The law does not prohibit trade unions from carrying out political activities. Restrictions on trade unions associating with or receiving finances from political parties exist, although this provision was not uniformly enforced.

The government can negotiate bilateral agreements that effectively exempt multinational enterprises from national labor laws, even though the labor law applies to all workers and enterprises. For example, production-sharing agreements 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 production-sharing agreements were not union members, although there were exceptions. Workers employed by British Petroleum were unionized, but this was not always the case in other multinational corporations, especially companies with third-country subcontractors.

The Azerbaijan Trade Unions Confederation (ATUC) was the only trade union confederation in the country. The trade union registration process was cumbersome. Although ATUC was registered as an independent organization, some workers considered it closely aligned with the government.

There were some restrictions, such as increased bureaucratic scrutiny, on the right to form unions and conduct union activities. Most unions were not independent. The overwhelming majority remained tightly linked to the government, with the exception of some journalists' unions. 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.

Collective bargaining agreements were often treated as formalities and not enforced. ATUC, which only had access to its affiliates, reported that it

represented 1.6 million members in 27 sectors at the start of the year. If a company is not a member of ATUC, responsibility falls to the Ministry of Labor and Social Protection.

Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. Employers officially withheld a quarter of the dues collected for the oil workers' union for "administrative costs" associated with running the union. A 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. While the law prohibits employers from impeding the collective bargaining process, employers engaged in activities restricting collective bargaining, such as subcontracting and use of short-term employment agreements.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 65,200 workers, and authorities automatically deducted union dues (2 percent of each worker's salary) from paychecks.

Several labor NGOs not designated as labor organizations focused on child labor issues in the industrial and agricultural sectors.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, except in circumstances of war or in the execution of a court's decision under the supervision of a government agency. Resources and inspections were inadequate. Penalties for violations, including imprisonment, were considered sufficiently stringent. Migrant workers were at times subjected to conditions of forced labor in the construction industry. Forced begging of children was a problem, and domestic servitude of Filipina trafficking victims was an emerging problem. Men and boys at times were subjected to conditions of forced labor within the country (see section 7.c.). The Ministry of Internal Affairs reported that it identified five cases of forced labor in the first nine months of the year. Local NGOs asserted that overall the government did not enforce the law effectively, despite having stated that some progress was made. During the year the antitrafficking department within the Ministry of Internal Affairs inspected construction and agricultural sector sites but did not identify any victims of labor trafficking. In February a court for the first time convicted a labor trafficking offender with a sentence of eight and one-half years' imprisonment.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment depends on the type of work. In most instances the law permits children to work from age 15; children who are 14 may work in family businesses or, with parental consent, in daytime after-school jobs that pose no hazard to their health. Children under 16 may not work more than 24 hours per week; children between ages 16 and 17 may not work more than 36 hours per week. The law prohibits employing children under 18 in difficult and hazardous work conditions and identifies specific work and industries in which children are prohibited from working, including work with toxic substances and underground, at night, in mines, and in nightclubs, bars, casinos, or other businesses that serve alcohol.

Resources and inspections were inadequate. Penalties for violations, including fines, did not always deter violations. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. A local NGO reported the need for increased monitoring, even though the ministry conducted inspections during the year. The SCFWCA trained regional Labor Inspection Service representatives, police inspectors, and local authorities in preventing child labor exploitation.

There were few complaints of abuses of child labor laws during the year, although there were anecdotal reports of child labor in agriculture and street work.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The labor code prohibits discrimination on the basis of citizenship, gender, race, nationality, language, place of residence, economic standing, social origin, age, family circumstances, religion, political views, affiliation with trade unions or other public associations, professional standing, beliefs, or other factors unrelated to the professional qualifications, job performance, or professional skills of the employees. The law does not specifically prohibit discrimination based on HIV-positive status or other communicable diseases, but there were no media or NGO reports of such discrimination. The government did not always enforce existing provisions effectively, and employment discrimination remained a problem. Discrimination in employment and occupation occurred with respect to sexual

orientation (see section 6).

e. Acceptable Conditions of Work

The national minimum wage was 105 manat (\$131) per month. The average poverty line during the year was 116 manat (\$145) per month, with 125 manat (\$156) the poverty level for able-bodied persons, 94 manat (\$118) for pensioners, and 93 manat (\$116) for children. The law requires equal pay for equal work regardless of gender, age, or other classification.

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 is no prohibition on excessive compulsory overtime. Most individuals worked part time in the informal economy, where the government did not enforce contracts or labor laws.

The law provides equal rights to foreign and domestic workers. Local human rights groups, including the Oil Workers Rights Defense Council, an NGO dedicated to protecting worker rights in the petroleum sector, maintained that employers, particularly foreign oil companies, did not always treat foreign and domestic workers equally. Domestic employees of foreign oil companies reportedly often received lower pay and worked without contracts or health care. Some domestic employees of foreign oil companies reported violations of the national labor code, noting they were unable to receive overtime payments or vacations.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective. Although the law sets health and safety standards, employers widely ignored them. ATUC monitored compliance with labor and trade regulations, including safety and health conditions. Violations of acceptable conditions of work in the construction and oil and gas sectors remained problematic. ATUC reported good cooperation with Russian and Georgian authorities on measures to protect Russian and Georgian migrant workers' rights and the safety of working conditions. The Ministries of Labor and Internal Affairs reportedly monitored the labor rights of other workers in hazardous sectors and in the informal economy (unregistered businesses), which accounted for between 10 and 30 percent of the economy.

There were occasional protests of labor conditions, such as a January 6 protest involving 60 Bahar Energy employees who were angered by the company's downsizing of local staff.

According to the Oil Workers Rights Defense Council, as of November 1, there were 19 deaths and nine complaints of on-the-job injuries in the oil and gas sector. ATUC reported 52 industrial injuries and 24 deaths in 2012, with 10 of the deaths in the oil and energy sectors. A local NGO estimated that there were 82 industrial deaths, of which 36 were in construction. ATUC and Ministry of Labor officials inspected worksites, particularly in the construction, energy, and oil sectors, and recommended improvements in labor conditions to employers.

Workers can remove themselves from situations that endanger health or safety, but there is no guarantee of their continued employment.