



Im Fln.sekr. 19 J.nr 97/71511-7

24 FEB. 1999 NW

Antal bilag Aktnr. 6



U.S. Department of State

Azerbaijan Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor, was elected President in 1993. Although Azerbaijan took significant steps toward economic reform in 1997, it made little progress in moving toward democracy. President Aliyev and his supporters, many from his home region of Nakhchivan, continue to dominate the Government, the multiparty 125-member Parliament chosen in the November 1995 elections, and the judiciary. The Constitution, adopted in a November 1995 referendum, established a system of government based on a division of powers between a strong presidency, a legislature with the power to approve the budget and impeach the President, and a judiciary with limited independence.

After years of interethnic conflict between Armenians and Azerbaijanis, Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government) occupy 20 percent of Azerbaijan's territory. A cease-fire was concluded in 1994, and the peace process continues. Serious clashes along the Azerbaijan-Armenian border and along the line of contact with Nagorno-Karabakh in the spring and summer caused scores of casualties. Military operations continued to affect the civilian population. There are 780,000 Azerbaijani refugees and internally displaced persons (IDP's) who cannot return to their homes. In the part of Azerbaijan that the Government controls, government efforts to hinder the opposition continue to impede the transition to democracy. In the part of Azerbaijan that Armenians control, a heavily militarized ruling structure prevents ethnic Azerbaijanis from returning to their homes.

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

The economy is in transition from central planning to a free market. A highly organized system of corruption and patronage hampers economic development. The country has rich petroleum reserves and significant agricultural potential. Oil and oil products are the largest export, followed by cotton. Other key industries are chemicals, oil field machinery, and air conditioning equipment. However, most industry languishes in a post-Soviet depression. The Government signed five oil production sharing agreements with foreign oil companies in 1997, bringing the total to nine. In agriculture, which employs 35 percent of the labor force, the leading crops are cotton, grapes, tea, and tobacco. The Government continued its policies of fiscal and monetary austerity, inflation continued to fall, and interest rates declined to less than half of 1996 levels. The pace of privatization accelerated with the initiation of auction sales of shares in large state-owned enterprises. Privatization of the cotton gins ended the Government's monopoly on trade in cotton. Privatization of farmland continued, but new small farmers have poor access to credit and markets, and commercial agriculture remains weak. Per capita gross domestic product is about \$300 per year. According to the World Bank, 60 percent of citizens live in poverty. Much of the labor force is "employed" by state enterprises that operate at very low levels of capacity and pay their workers intermittently if at all. The overall economic situation of the average citizen remains precarious, although in urban areas a growing moneyed class with trade and oil-related interests has emerged. Economic opportunity depends on connections to the Government. Severe disparities of income have emerged that are partly attributed to patronage and corruption.

The Government's human rights record continued to be poor, and the Government continued to commit serious abuses. Police beat persons in custody, and some beatings resulted in deaths. Police also arbitrarily arrested and detained persons; conducted searches and seizures without warrants; and suppressed and refused to allow peaceful public demonstrations. In most instances, the Government took no action to punish abusers. In a variety of separate incidents, the Government arrested at least 19 members of the opposition Azerbaijan Popular Front Party. Prison conditions remained harsh. The entire judiciary is corrupt, inefficient, and subject to executive influence. The Government holds about 120 political prisoners. The Government tolerated the existence of many opposition political parties, although it continued to refuse to register some of them. The Government restricts citizens' ability to change their government peacefully. The Government restricted freedom of speech, press, assembly, association, religion, and privacy when it deemed it in its interest to do so. Press censorship continued, as did the Government's control over the broadcast media. Discrimination against ethnic minorities and societal discrimination and violence against women are problems. Worker rights suffered a setback when managers in the state-owned oil industry, without a vote of the union membership, formed a progovernment union of oil and gas workers to displace the independent union that had represented the interests of workers in those industries.

Nevertheless, there were some positive signs. Scores of opposition and independent newspapers continued to publish and discuss a wide range of sensitive domestic and foreign policy issues. The Government abolished military censorship and the press began open discussion of the issue of censorship. Opposition political parties carried on a variety of public activities. After 4 years of internal exile, and 2 months of confinement to a village, former president Elchibey returned to Baku in October and resumed full political activity. Although critical of certain domestic human rights activists, the Government was open to limited dialogue with domestic and international human rights organizations. The Government arrested two police officials for inflicting injuries on detained persons that resulted in death.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict increased. They resulted in injuries and deaths among combatants and the taking of prisoners, including civilians. Insurgent Armenian forces in Nagorno-Karabakh and the occupied territories continued to prevent the return of IDP's to their homes. This restriction resulted in significant human suffering for hundreds of thousands of people.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Shahin Hamidov died in January as a result of beatings after being held for 4 days in police custody in the province of Barda. The provincial prosecutor opened and later closed an investigation without filing charges. After having been beaten in a Baku police station, Firuz Gurbanov died in August. The Government arrested a police official in this case, but at year's end there had been no further action. Samir Zulfugarov died in a Baku police station in August of injuries inflicted while in police custody. A police official is under investigation for that death. None of the three victims was involved in politics.

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

b. Disappearance

There were no reports of politically motivated disappearances. All sides to the Nagorno-Karabakh conflict still detain prisoners. The International Committee of the Red Cross (ICRC) visited 26 persons held in relation to this conflict. In April and May, the parties freed 27 persons in a prisoner exchange. Subsequently, Azerbaijan has detained three Armenians and Nagorno-Karabakh authorities have detained three Azerbaijanis. The ICRC repeatedly asked the concerned parties for

notification of any person captured in relation to the conflict, access to all places of detention connected with the conflict, and release of all such persons. The ICRC also urged the parties to provide information on the fate of persons reported as missing in action. The Government has presented to the ICRC a list of 856 persons allegedly held by the Armenians.

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

Torture is illegal; however, the police practice of beating prisoners during arrest and interrogation was widespread. Severe beatings were common in detention. Three persons died after being beaten while in police custody (see Section 1.a.).

On one occasion, police beat journalists (see Section 2.a.). Police also dispersed demonstrators by force (see Section 2.b.).

Prison conditions are harsh. The quality of food, housing, and medical care is poor. Prisoners often must rely on their families to procure food and medicine. There are widespread and credible reports that authorities deny, or give inadequate, medical treatment to prisoners with serious medical conditions. Authorities severely limit opportunities for exercise for prisoners in security prisons.

The family of Kenan Gurel, who was convicted of participating in a coup attempt, reports that he continues to receive inadequate treatment for a kidney ailment.

Human rights organizations were able to visit a prison on at least one occasion. The Government continued to deny the ICRC access to all prisons, except those where persons held in relation to the Nagorno-Karabakh conflict were detained. Various embassies have petitioned the Government for permission to visit all prisons. In general, when asked, the authorities grant foreign officials access to regular prisons to visit imprisoned nationals of their countries. However, the Government denies access to detainees held in security prisons.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrests without legal warrant occur. Often authorities do not notify family members after arrests. Frequently, it is days before family members are able to obtain information as to whether authorities have arrested someone and where authorities are holding the detainee. Family members do not enjoy the right of visitation. Authorities generally deny bail to detained individuals and often do not inform detainees of the charges against them. There is no legal protection concerning the right of detainees to be charged or released within a certain period of time, or for accused persons to receive an expeditious trial. Access to lawyers is often poor. In addition police sometimes arrest relatives of suspects being sought in an attempt to force the family to reveal a suspect's whereabouts.

During the year, the police arrested at least 19 members of the opposition Azerbaijan Popular Front Party and held them for short periods. Another member of an opposition party was arrested and sentenced to 10 years' imprisonment for illegal weapons possession and for forming an illegal armed group.

The Government released former Prime Minister Panakh Huseynov in February, after detaining him for 9 months without charge. Also released in March was Azerbaijan Popular Front member Kemal Talibov, who was held for 6 months, allegedly for threatening state officials, and "hooliganism."

At least two persons, an aide to opposition leader Isa Gambar and his relative, are known to be detained for political reasons; they were charged with failure to notify the Government of a crime, or possession of weapons.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for a judiciary with limited independence. The President appoints Supreme and Constitutional Court judges, subject to confirmation by Parliament. The President directly appoints lower level judges with no requirement for confirmation. Constitutional provisions for judicial independence to the contrary, judges do not function independently of the executive branch. The judicial system is subject to the influence of executive authorities and has been widely seen as corrupt and inefficient.

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

The Government organizes prosecutors into offices at the district, municipal, and republic levels. They are ultimately responsible to the Minister of Justice, are appointed by the President, and confirmed by Parliament. The Constitution prescribes equal status for prosecutors and defense attorneys before the courts. In practice, however, prosecutorial prerogatives still generally outweigh those of defense attorneys. Investigations often rely on obtaining confessions rather than obtaining evidence against suspects.

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

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters. The Constitution provides for the presumption of innocence in criminal cases, and numerous other rights, including an exclusionary rule barring the use of illegally obtained evidence, a suspect's right to legal counsel, to be informed immediately of his legal rights, and of the charges against him. However, the Government has not made significant efforts to enforce these rights throughout the criminal justice system. Defendants may confront witnesses and present evidence. The court appoints an attorney for indigent defendants. Defendants and prosecutors have the right of appeal. The Government has generally observed the constitutional provision for public trial. Foreign and domestic observers generally were able to attend trials. However, a trial of leaders of the Islamic party, which resulted in sentences of up to 12 years, was held without public observers.

The Government held approximately 120 political prisoners at year's end.

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

The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in prevention of a crime. The Constitution allows searches of residences only with a court order or in cases provided by law. However, citizens widely believe that the Ministry of National Security monitors telephones, especially those of foreigners and prominent political and business figures. Police often conduct searches without a warrant, and investigations sometimes resulted in confining the individuals to their city of residence or a brief jail sentence for questioning. There were credible reports that police arrested relatives of suspects to compel them to reveal a suspect's whereabouts (see Section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and specifically outlaws press censorship; however, the Government often did not respect these rights in practice. The Government practiced censorship and created an atmosphere in which journalists exercised self-censorship. However, prominent politicians criticized the Government publicly without reprisal.

While the press debated a wide variety of sensitive topics, censorship limited the public's ability to

be informed about and discuss political issues. Most newspapers are printed in the Government's publishing house. They must submit their copy to a government censor. The Government's near monopoly of publishing facilities enabled it to exert indirect pressure over the press by controlling the price of newsprint, a critical matter given the precarious finances of most opposition newspapers. Censorship continued at approximately 1996 levels. Although in September the Government officially abolished censorship of military topics, censorship of political topics continued. The Ministry of Information can legally close a newspaper for 1 month for violating censorship rules. Censors deleted portions of newspaper articles or entire articles. Journalists often exercise self-censorship. Two major opposition newspapers claimed that 74 and 84 of their issues, respectively, had encountered censorship. The Government banned three issues of smaller opposition newspapers. In addition the Ministry of Information withdrew permission to publish from a newspaper after its first issue appeared, citing the newspaper's "opposition tendency" and never granted it permission to publish. Police on one occasion in September beat two journalists; one of them was hospitalized. At the end of the year, two journalists had been beaten; no investigation conducted into the beating of the journalists. No journalists were detained or imprisoned. However, several journalists were prevented from visiting former president Elchibey (see Section 2.d.). Foreign journalist Irena Lasota, editor of a quarterly journal, was searched and questioned by armed forces personnel after interviewing former president Elchibey in July.

The investigation of the 1996 beating of a journalist continued, but no charges were brought.

Despite government censorship, the independent and opposition press continued to play an active, influential role in politics. Articles critical of government policy and high government figures (with the exception of President Aliyev) appeared routinely in the opposition and independent print media. Newspapers began to discuss censorship itself. Newspapers were able to publish articles opposing government views in sensitive areas such as Azerbaijan's relations with Russia and Iran and Nagorno-Karabakh peace negotiations. Newspapers also exposed government shortcomings in economic reform, corruption in high government offices, and conflicts within the presidential administration and the President's political party.

A large number of newspapers continued to publish. One reliable source put the number of registered newspapers at 375, and the number actually publishing at nearly 100. These included independent newspapers and newspapers with links to major and minor opposition parties. Government-run kiosks and independent news distributors distributed opposition and independent newspapers.

The Government, however, tightly controlled most radio and television, the source of information for most of the population. Opposition parties had virtually no access to the official electronic media. There is a limited range of private television stations, and some of them are accessible only to those local residents who own modern, foreign-produced television sets. Independent radio, the choice of the overwhelming majority of listeners, is almost entirely entertainment oriented. Independent television and radio broadcasters are reluctant to air controversial political topics due to fear of government retaliation.

The Ministry of Justice continued to deny registration to nine independent television stations, five of which are kept from broadcasting. Eight independent television stations continue to operate in Baku and other regions. Several foreign television stations and radio programs are rebroadcast locally through Azerbaijani facilities and are seen and heard in most parts of the country. There are no restrictions on reception of foreign stations via satellite.

Appointments to government-controlled academic positions are heavily dependent on political connections. Nevertheless, several professors with tenure are active in opposition parties. There were no complaints of violation of academic freedom or of censorship of books or academic journals.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right when it decides that it is in its interest to do so. The Government denied permission for several

demonstrations by opposition parties in the capital. It dispersed demonstrations by force on at least two occasions.

The Government cited no clear criteria when it denied permission to assemble. Authorities frequently prevent opposition political parties from conducting local congresses, meetings, and outdoor gatherings.

The Government provides for freedom of association; however, the Government restricts this right when it decides that it is in its interest to do so. The Government requires political parties to register. There are nearly 40 registered political parties. Some of these are affiliated with or support the President's party. At least 10 registered parties are considered opposition parties. There are at least two opposition parties that the Government continued to refuse to register. Members of the Azerbaijan Democratic Party, long unable to register, staged a hunger strike that lasted over 3 weeks to protest the Government's refusal to register it. The Supreme Court in December overruled the Ministry's refusal to register the party; however, at year's end, the Government had not officially registered the party.

The Government generally allowed associations other than political parties to function freely. However, the Ministry of Justice requires private organizations to register. The Government did not grant this registration freely and expeditiously. It denied or unduly delayed registration for numerous private voluntary organizations, including three private human rights organizations. Reports of harassment of political figures continued. There were credible reports of individuals linked to opposition parties being fired from their jobs.

c. Freedom of Religion

The Constitution provides for no state religion and allows people of all faiths to practice their religion without restrictions. The Government respects this provision in practice for Shi'a and Sunni Muslims, Russian Orthodox Christians, and Jews. However, a law on foreigners and stateless persons contains language that prohibits religious "propaganda" by foreigners. This provision was reinforced by a presidential decree in January. The law on religion subordinates all Islamic religious organizations to the Azerbaijan-based spiritual Directorate of Caucasus Muslims. This law permits the production, importation, and dissemination of religious literature only with the agreement of local government authorities. The Ministry of Justice continued to deny registration to a foreign Christian group, but allowed it to continue to function. Registration enables a religious organization to maintain a bank account legally, rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Non-Orthodox Christian groups credibly complained of official harassment. Articles appeared sporadically in progovernment and independent newspapers crudely depicting various religious groups, including some non-Orthodox Christian missionary groups, as a threat to national identity, traditions, and morals. The Government arrested a member of the Baku community of Jehovah's Witnesses in November and accused him of attempting to bribe a state official. Prosecutors questioned other Jehovah's witnesses. Members of this community report that an official in the Baku city prosecutor's office struck two of these persons during questioning; one of them sustained injuries. The official was subsequently removed from the case. Because of anti-Armenian sentiment and the forced departure of most of the Armenian population, Armenian churches remained closed. Azerbaijan's Jewish community has freedom to worship and conduct educational activities.

There is some evidence of strong prejudice against ethnic Azerbaijanis who have converted to Christianity. A Christian Azerbaijani was detained after being assaulted by another Azerbaijani while he was engaging in religious conversation in a public park. He was taken to a police station, beaten, and sentenced by a judge to 2 weeks in jail.

Government bias against foreign missionary groups persists. In June the Government published a booklet with alarmist warnings against foreign missionaries, listing names and addresses of missionary offices in Azerbaijan. The book cover depicts a cross symbol and a dagger in the heart of a map of Azerbaijan.

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

The Constitution provides for the right of citizens to choose freely their place of domicile and to travel abroad and return. Residents of border areas in both Azerbaijan and Iran travel across the border in this restricted zone without visas. Foreigners and citizens require a visa to travel to the Autonomous Republic of Nakhchivan. There were reports that local officials denied passports to members of the Armenian minority (see Section 5).

There continue to be bans on travel outside of Baku or outside the country on some prominent political leaders who are under criminal investigation. Two opposition party leaders remain under such restrictions: Isa Gambar (charged with using military force in the context of a rebellion leading to the overthrow of the Elchibey government in 1993); and Sulheddin Akper, under investigation for his role in the Popular Front government of 1992-93. Both were prevented several times from accepting invitations to travel abroad and did not travel outside the country this year. For 2 months, police restricted access to the village where former President Elchibey resided, and prevented several journalists and Members of Parliament from traveling there and meeting him. In October Elchibey was allowed to return to Baku, where he resumed full political activity.

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

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

The number of refugees and internally displaced persons is approximately 780,000. Armenians have settled in parts of the occupied territories. However, the Armenians have not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied territories to return to their homes. Most of these internally displaced persons continue to live in camps and other temporary shelters, often at below-subsistence levels, without adequate food, housing, education, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians in Nagorno-Karabakh, Armenia, and the Azerbaijani exclave of Nakhchivan.

The Constitution provides for political asylum consistent with international norms. The Government is receptive to international assistance for refugees and internally displaced persons. It cooperates with international organizations to provide aid for them. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise. There were no reports of forced expulsion of those having a valid claim to refugee status. Two Iraqi refugees ordered by the Government in 1996 to leave the country remain while awaiting refugee processing to travel to a third country.

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

In theory the election law and Constitution allow citizens to change their government by peaceful means. However, government interference in past elections restricted citizens' ability to change their government peacefully.

Azerbaijan is a republic with a strong presidency, and a legislature that the Constitution describes as independent. As a result of the flawed 1995 parliamentary elections, however, the New Azerbaijan party led by President Aliyev and other parties and nominally independent deputies loyal to the President occupy the overwhelming majority of seats in the 125-member Parliament. Parties considering themselves as belonging to the opposition hold eight seats. Opposition parties

continued to be active outside the Parliament, agitating for their views in their newspapers and through public statements. However, the Government continued to deny registration to at least two opposition parties not represented in Parliament (see Section 2.b.). Explicitly ethnically or religiously based parties were prohibited from participating in past elections.

In practice the legislature's independence from the executive is marginal. The Parliament exercises little legislative initiative independent of the executive.

Following Rasul Guliyev's forced resignation as Speaker of Parliament in 1996 and reports in December that he would run for president in 1998, the Parliament stripped him of his mandate as a Member of Parliament.

The Constitution, adopted in 1995, required the formulation of a municipal election law and the holding of municipal elections by November 1997. As of year's end, such a law had not been passed and elections were not held by the constitutionally mandated date.

The Constitution allows citizens to file court proceedings to challenge illegal actions of government officials. However, citizens rarely made use of this provision, preferring to appeal to higher levels of authority, up to and including the human rights committee of the legislature, and the President.

There are no legal restrictions on women's participation in politics. However, traditional social norms restrict women's roles in politics. Men cast the votes of their wives and other female members of their families in past elections. There are 11 female members of Parliament and 2 women with ministerial rank.

There are no restrictions on the participation of minorities in politics as individuals. However, explicitly ethnically or religiously based parties were prohibited from participating in past elections. Members of indigenous ethnic minorities such as Talysh, Lezghis, and Kurds occupy some senior government positions.

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

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

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

Ministry of Interior officials conducted discussions with the Azerbaijani National Committee of the Helsinki Citizens Assembly on human rights violations by police and mistreatment of detainees. However, when that organization's representative complained about the country's treatment of ethnic Armenians, the Government's political party launched a press campaign against her, accusing her of cooperation with foreign intelligence services. In addition government newspapers published articles accusing the chairman of another human rights organization of cooperation with foreign intelligence organizations. In a November speech, President Aliyev accused domestic human rights advocates of spreading lies and rumors and of cooperating with foreign special services. In the same speech, he included conciliatory remarks toward opposition parties. The Ministry of Justice continued to deny registration to several human rights groups, but the Government has not tried to halt their activities. Registration enables a human rights organization to maintain a bank account legally, rent property, and generally to act as a legal

entity. Lack of registration makes it harder, but not impossible, for a human rights group to function.

The ICRC conducted education programs on international humanitarian law for officials of the Ministries of Interior and Defense, and for university and secondary school students. Government officials participated in UNHCR-organized training sessions aimed at reforming the Law on Refugees and Displaced Persons.

A local NGO published a monthly bulletin listing cases of human rights violations taken from the press.

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

The Constitution provides for equal rights without respect for gender, race, nationality or national origin, religion, language, social status, or membership in political parties, trade unions, or other public organizations. However, in the wake of the Nagorno-Karabakh conflict, there is widespread anti-Armenian sentiment in society. Preventing discrimination is not a major government priority.

Women

Discussion of violence against women is a taboo subject in Azerbaijan's patriarchal society. In rural areas, women have no real recourse against violence by their husbands, regardless of the law. Rape is severely punishable, but, especially in rural areas, only a small fraction of offenses against women are reported or prosecuted. Police statistics note 44 cases of rape in the first 8 months of the year. These figures probably reflect underreporting, especially from the conservative rural areas. There are no specific laws concerning spousal abuse or spousal rape.

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

The Association for the Defense of Rights of Azerbaijani Women spends most of its time fighting uniquely post-Soviet problems. It has helped divorced women, widows, and wives whose husbands are in prison, all of whom have become socially and legally vulnerable since the fall of the Soviet Union. It assisted widows whose landlords privatized their apartments and then evicted them. It also worked with divorced women who feel unfairly treated by divorce courts.

Children

The Constitution and laws commit the Government to protecting the rights of children to education and health. Difficult economic circumstances limit the Government's ability to carry out these commitments. Education is compulsory until age 17. The Constitution places children's rights on the same footing as those of adults. The Criminal Code prescribes severe penalties for crimes against children. The Government provides minimum standards of health care for children, although the quality of medical care overall has fallen dramatically since the collapse of the Soviet Union. The Government has authorized subsidies for children in an attempt to shield families against economic hardship in the wake of price liberalization. The subsidies do not come close to covering the shortfall in family budgets, and the Government does not have the financial means to meet its commitments. There are a large number of refugee and displaced children living in substandard conditions in refugee camps and public buildings. Children beg on the streets of Baku and other towns.

People with Disabilities

The law on support for the disabled, enacted in 1993, prescribes priority for invalids and the disabled in obtaining housing, as well as discounts for public transport, and pension supplements.

The Government does not have the means in its current financial crisis to fulfill its commitments. There are no special provisions in the law mandating accessibility to buildings for the disabled.

National/Racial/Ethnic Minorities

The outbreak of hostilities and anti-Armenian riots in the final years of the Soviet Union led to the expulsion of many Armenians and the departure of others. An estimated 10,000 to 20,000 Armenians still live in Azerbaijan, mostly in mixed Azerbaijani-Armenian families. Some have changed their nationality, as reported in their passports, to Azerbaijani. With the nearly complete departure of the Armenian population, the number of problems reported by this ethnic minority has decreased. The leader of a local human rights NGO complained of officially sponsored discrimination against Armenians (see Section 4). Armenians have complained of discrimination in employment and harassment at schools and workplaces, and of refusal of local government authorities to grant Armenians passports or pay pensions. Armenian widows have had permits to live in Baku revoked. However, some persons of mixed Armenian-Azerbaijani descent continue to occupy government positions.

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

In the area of the country controlled by insurgent (Armenian) forces, the Armenians forced approximately 550,000 ethnic Azerbaijanis to flee their homes. The regime that now controls these areas has effectively banned ethnic Azerbaijanis from all spheres of civil, political, and economic life.

Section 6 Worker Rights

a. The Right of Association

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

Furthermore, the Government undermined the sole significant independent labor union, the Free Trade Union of Azerbaijan Oil and Gas Industry Employees. In May management officials of the State Oil Company of the Azerbaijan Republic (SOCAR) formed a new, progovernment union, the Azerbaijan Oil and Gas Industry Workers Trade Union. The new union installed a senior SOCAR manager as its chairman, enrolled most subbranches of the old union in its ranks without a vote of the rank and file, and took over the headquarters of the free trade union. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside established trade union structures and promotes the interests of workers in the petroleum sector.

The Constitution provides for the right to strike, and there are no legal restrictions on strikes nor provisions for retribution against strikers. After a history of wildcat strikes in the oil industry in which some striking workers were fired, there were no reported strikes in that sector during the year. Oil workers continue to demand restoration of wage arrears amounting to several months pay. Employers did not meet assurances to restore back pay. There are no established mechanisms to avoid wildcat strikes.

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

b. The Right to Organize and Bargain Collectively

There is effectively no system of collective bargaining. Government-appointed boards and directors run the major enterprises and set wages. Unions do not participate in determining wage

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

There are no export processing zones. Although there has been a United Nations Development Program-supported effort underway to create an economic zone in Sumgait since 1995, Parliament has not considered legislation to create such a zone.

c. Prohibition of Forced or Compulsory Labor

The Constitution allows forced or compulsory labor only under states of emergency or martial law, or as the result of a court decision affecting a condemned person. The Government has not invoked this clause. Two departments in the General Prosecutors Office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) enforce the prohibition on forced or compulsory labor. There are no constitutional provision or law specifically prohibiting forced and bonded labor by children, but such practices are not known to occur. There were no reports this year of compulsory cotton picking by children or adults.

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

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

e. Acceptable Conditions of Work

The Government sets the nationwide administrative minimum wage by decree. It is \$1.40 (5,500 manat) per month. The wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$78 (310,000 manat). There seems to be no active mechanism to enforce the minimum wage. However, since most people who work earn more than the minimum wage, its low level is not a major issue in labor or political debate.

The disruption of economic links with the rest of the former Soviet Union continues to affect employment in many industries. Idle factory workers typically receive less than half of their former wage. Under these conditions, many workers rely on the safety net of the extended family. More workers and unemployed persons turn to second jobs and makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside shops. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek is 41 hours. There is a 1-hour lunch break per day and shorter breaks in the morning and afternoon. The Government does not enforce these rules in the informal sector.

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

[end of document]



[Return to 1997 Human Rights Practices report home page.](#)

[Return to DOSFAN home page.](#)

This is an official U.S. Government source for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.