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AZERBAIJAN 2022 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 Majlis* (National Assembly). The presidency is the main branch of government, dominating the judiciary and legislature. In February 2020, the government conducted National Assembly elections. The election observation mission of the Organization for Security and Cooperation in Europe concluded that the National Assembly elections and the 2018 presidential election took place within a restrictive legislative framework and political environment that prevented genuine competition in the elections.

The Ministry of Internal Affairs and the State Security Service are responsible for security within the country and report directly to the president. The Ministry of Internal Affairs oversees local police forces and maintains internal civil defense troops. The State Security Service is responsible for domestic matters, and the Foreign Intelligence Service focuses on foreign intelligence and counterintelligence matters. The State Migration Service and the State Border Service are responsible for migration and border enforcement. Civilian authorities maintained effective control over the security forces. There were reports that members of security forces committed numerous abuses.

During the year, there were incidents of violence between Armenia and Azerbaijan which resulted in casualties and detentions. There were reports that Azerbaijani forces engaged in unlawful killings, and cruel, inhuman, or degrading treatment of Armenian forces in September. Complaints submitted by Azerbaijan and Armenia to the European Court of Human Rights accusing each other of committing atrocities during the fighting in 2020 and 2016 awaited the court's ruling. Armenia submitted new complaints regarding the September fighting.

Other significant human rights issues included credible reports of: unlawful or arbitrary killing; torture and cruel, inhuman, or degrading treatment or punishment by members of the security forces; harsh and sometimes life-threatening prison

conditions; arbitrary detention; political prisoners; politically motivated reprisal against individuals outside the country; pervasive problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and the media, including violence against journalists, enforcement of criminal defamation laws to limit expression, and harassment and incarceration of journalists on questionable charges; serious restrictions on internet freedom, including blocking of websites; a de facto ban on the rights of peaceful assembly and substantial interference with freedom of association; restrictions on freedom of movement; severe restrictions on political participation; systemic government corruption; lack of accountability for gender-based violence; crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; significant restrictions on workers' freedom of association; and existence of the worst forms of child labor.

The government did not prosecute or punish the majority of officials who were reported to have committed human rights abuses and acts of corruption; impunity remained a problem. There was no reported progress on government investigations of alleged abuses committed by Azerbaijani armed forces or individuals during the 2020 and 2022 hostilities.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings. Credible reports emerged regarding unlawful killings during the September intensive fighting between Azerbaijan and Armenian forces (see section 1.g. and the *Country Reports on Human Rights Practices* for Armenia). The Office of the Prosecutor General is empowered to investigate whether killings committed by the security forces were justifiable and to pursue prosecutions.

Authorities had previously claimed that one of the original suspects in the Terter case (see section 1.c.) accused of spying had died of lung disease in 2017. In September, however, the Prosecutor General's Office revealed that a medical forensic study of his remains determined he had "died as a result of torture" by

police.

b. Disappearance

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

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

While the constitution and criminal code prohibit such practices and provide for penalties for conviction of up to 10 years' imprisonment, credible allegations of torture and other abuses continued. Most mistreatment took place while detainees were in police custody, where authorities reportedly used abusive methods to coerce confessions. Authorities reportedly denied detainees timely access to family, independent lawyers, or independent medical care. There were credible reports that Azerbaijani forces abused soldiers held in custody in connection with the September fighting (see section 1.g. and the *Country Reports on Human Rights Practices* for Armenia).

During the year, the government took no action in response to the Council of Europe's Committee for the Prevention of Torture (CPT) reports on six visits the CPT conducted to the country between 2004 and 2017. In the reports, the CPT stated that torture and other forms of physical mistreatment by police and other law enforcement agencies, corruption in the entire law enforcement system, and impunity remained systemic and endemic. The CPT visited the country in 2020 and discussed its findings from that visit at the CPT plenary meeting in 2021. The CPT carried out an ad hoc visit to the country in December. At year's end, the CPT's reports from the 2020 and 2022 visits had not been published.

There were numerous credible reports of torture during the year. For example, reports continued of torture at the Ministry of Internal Affairs' Main Department

for Combating Organized Crime. Muslim Unity Movement (MUM) members Mail Karimov and Suleyman Alakbarov were reportedly tortured while attending a court hearing on May 20. The two men claimed they were taken to an undisclosed location, physically beaten, threatened with rape, and filmed stating they would never attend future court proceedings. Another MUM member, Elgiz Mammadov, who was detained for one month after being arrested May 20 in front of the courthouse, stated after his release that he was repeatedly physically beaten, sexually assaulted, and raped by police officers. Agil Maharammov, who was released from prison in May, told press he had been kicked, punched, and slapped by officers with the Main Department for Combating Organized Crime. He said he was placed in a chair with his hands cuffed behind his back when officers attached electrical wires to his hands and applied electric shocks.

In December 2021, opposition activist Tofig Yagublu released photos of his face with his eyes swollen shut, which he said resulted from beatings while he was in the custody of officials from the Main Department for Combating Organized Crime. He also reported the officials placed a bag over his head, causing him to believe he would suffocate. On January 11, a local prosecutor dismissed Yagublu's request for a criminal investigation. On January 16, the prosecutor claimed Yagublu had injured himself.

Reports also continued of torture by officials from other units. On May 20, political blogger Rashad Ramazanov was arrested by officers of Baku's 14th Police Precinct, whom he alleged planted drugs on him and physically beat him until he signed a document confessing to drug trafficking. His lawyer noted that Ramazanov had open bleeding wounds and bruises on his legs when he met with him, which he assessed as "signs of severe torture."

On September 5, the Prosecutor General's Office acknowledged that 405 persons connected with the 2017 Terter case had been subjected to different forms of physical abuse, including torture, that resulted in the deaths of eight suspects, four of whom were posthumously acquitted. The government prosecuted and convicted 17 officials of abuse: nine were sentenced to three years in prison, seven were sentenced to six months, and one received a 10-year prison sentence. Investigators convicted of falsifying evidence also were sentenced to imprisonment. The Terter case springs from events in May and June 2017 when Azerbaijani military

authorities detained hundreds of servicemen and civilians allegedly for spying for Armenia. In December, authorities released 19 individuals previously convicted of espionage and believed to have been victims of torture. As of year's end, 12 of those convicted of spying remained in prison and were considered political prisoners by Azerbaijani human rights activists; some were serving sentences of up to 20 years. In December 2021, the prosecutor general reopened the investigation into the 2017 events after public discontent with the military prosecutors' handling of the case.

There were numerous credible reports of cruel, inhuman, or degrading treatment in custody. For example, in March, according to the nongovernmental organization (NGO) Defense Line, more than 20 young men in the Autonomous Region of Nakchivan were arrested and subjected to physical beatings until they confessed to drug charges, according to family members of some of the victims. Officers of the Nakchivan City Police Department then requested the men pay them a bribe of approximately 3,400 AZN ($2,000) to end the investigation and prosecution, which the men reportedly paid.

On July 19, Musavat Party activist Aziz Mamiyev was detained during a demonstration. According to Gulnara Rahimova, who was arrested with him, Mamiyev was beaten by police officers while being transported to the police station and at the station. Rahimova later posted on social media regarding this incident, along with a photo of the police officer alleged to have beaten Mamiyev. On August 24, Rahimova was arrested for criminal defamation. She was convicted and on September 5, sentenced to 460 hours of community service. Mamiyev also was detained during a July 20 rally and sentenced to 30 days of administrative detention. On July 22, the online independent news agency *Turan* reported that Mamiyev had informed his lawyer he had been beaten during his arrest and transportation to the police station. Authorities reportedly maintained an implicit ban on independent forensic examinations of detainees who claimed abuse. Authorities reportedly also delayed detainees' access to an attorney. For example, in September, authorities detained independent human rights lawyer Elchin Sadigov and denied him access to an attorney for the first 48 hours. Opposition figures and other activists stated that these practices made it easier for officers to mistreat detainees with impunity.

Prison and Detention Center Conditions

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

Abusive Physical Conditions: Authorities held men and women together in pretrial detention facilities in separate blocks and held women in separate prison facilities after conviction and sentencing. Local NGO observers reported women prisoners typically lived in better conditions, were monitored more frequently, and had greater access to training and other activities than men. The same NGOs noted, however, that women's prisons suffered from many of the same problems as prisons for men. While the government continued to construct prison facilities, some Soviet-era facilities were still in operation and failed to meet international standards. Gobustan Prison, Prison No. 3, Prison No. 14, and the penitentiary tuberculosis treatment center reportedly had the worst conditions.

Human rights advocates reported guards sometimes punished prisoners with beatings or by placing them in solitary confinement.

Prisoners claimed they endured lengthy confinement periods without any opportunity for physical exercise. They also reported instances of cramped, overcrowded conditions; inadequate ventilation; poor sanitary facilities; inedible food; and insufficient access to medical care.

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

Independent Monitoring: The government permitted some prison visits by international and local organizations, including the ICRC.

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

d. Arbitrary Arrest or Detention

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

There were reports that the government continued to hold detainees captured after the fall 2020 intensive fighting in the Azerbaijan-Armenia conflict and following the November 2020 cease-fire. Of the 33 Armenians in Azerbaijani detention at year's end, two Armenians detained during the 2020 fighting were convicted of committing crimes during the fighting in the 1990s. In March, a civilian court found Armenian nationals Ishkhan Sargsyan and Vladimir Rafaelyan guilty of terrorism charges and sentenced Sargsyan to 19 years' and Rafaelyan to 18 years' imprisonment.

Arrest Procedures and Treatment of Detainees

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

According to the law, detainees must appear before a judge within 48 hours of arrest. The judge may issue a warrant either placing the detainee in pretrial detention or under house arrest or release the detainee. Authorities at times detained individuals for longer than 48 hours without warrants. The initial 48-hour

arrest period may be extended to 96 hours under extenuating circumstances. During pretrial detention or house arrest, the Prosecutor General's Office must complete its investigation. Pretrial detention is limited to three months but may be extended by a judge up to 18 months, depending on the alleged crime and the needs of the investigation. There were reports of detainees not being informed promptly of the charges against them during the year.

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

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

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

The law provides detained individuals the right to contact relatives and have a confidential meeting with their lawyers immediately following detention.

Prisoners' family members reported authorities occasionally restricted visits, especially to persons in pretrial detention, and withheld information regarding detainees. Days sometimes passed before families could obtain information regarding detained relatives. For example, for several days in August, family members and lawyers were unable to contact prominent opposition politician Ali Aliyev, who was serving multiple sentences for defamation.

Arbitrary Arrest: Authorities often made arrests based on spurious charges, such as resisting police, illegal possession of drugs or weapons, tax evasion, illegal entrepreneurship, defamation, abuse of authority, or inciting public disorder. Local organizations and international NGOs such as Amnesty International and Human Rights Watch criticized the government for arresting individuals exercising their fundamental rights and noted that authorities frequently fabricated charges against those individuals. Police periodically detained opposition and other activists on administrative charges, such as insubordination to police, and subsequently took them to local courts where judges convicted and sentenced them to periods of administrative detention ranging from 10 to 30 days. Those convicted of criminal offenses were sentenced to lengthier periods of incarceration (see section 1.e.,

Political Prisoners and Detainees). Human rights defenders asserted these arrests were one method authorities used to intimidate activists and dissuade others from engaging in activism.

On August 22, authorities reportedly detained activist Bakhtiyar Hajiyev, held him at the Main Department on Combating Organized Crime of the Ministry of Internal Affairs for several hours, and denied him legal representation. Hajiyev said officials forced him to delete social media posts critical of Internal Affairs Minister Vilayat Eyvazov and progovernment activist Fuad Muradov. In April, Hajiyev reported unknown assailants abducted, beat, and humiliated him, and pressured him to delete online posts critical of the internal affairs minister. According to Hajiyev, his kidnappers urinated on him while filming the incident. His kidnappers also reportedly threatened to rape and kill him if he continued to criticize the minister, then abandoned him naked outside of Baku. On December 9, Ministry of Internal Affairs officials detained Hajiyev again on charges of contempt of court and hooliganism for events that allegedly occurred in October 2021. Local civil society observers and international NGOs, including Amnesty International and Freedom House, asserted the charges were politically motivated. On December 18, he reportedly was physically mistreated by detention facility officers and pressured by the facility's warden to end his hunger strike and refrain from mentioning the internal affairs minister in his complaints. On December 28, he temporarily ended his hunger strike after officials allegedly falsely promised he would then be released.

Lawyers defending civil society members and rights activists continued to face harassment and pressure from officials. On September 10, prominent human rights lawyer Elchin Sadigov was arrested following a court hearing where his client alleged high-level government corruption. On September 17, he was released to house arrest, but charges of aiding a bribe, widely considered politically motivated, remained at year's end (see sections 1.c. and 4).

Pretrial Detention: Authorities held persons in pretrial detention for up to 18 months, the maximum allowed by law. The Prosecutor General's Office routinely extended the initial three-month pretrial detention period permitted by law in successive increments of several months until authorities completed an investigation. There were no reports of pretrial detention exceeding the maximum

penalty of the alleged crime.

The law provides that persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis, length, or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained. The judiciary, however, did not rule independently in such cases, and while sentences were occasionally reduced, the outcomes often appeared predetermined.

e. Denial of Fair Public Trial

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

For example, in July, political activist and online journalist Abid Gafarov was sentenced to one year in prison for alleged criminal defamation. Human rights groups concluded the trial included gross violations of his constitutional rights, the charges against him were politically motivated, and the private citizens' complaints against him were actually coordinated by government officials. There also were reports the government prosecuted Armenian civilians and servicemembers it took into custody both during the fall 2020 hostilities and following the November 2020 cease-fire in trials that lacked due process (see section 1.g.).

The Ministry of Justice controlled the Judicial Legal Council, which appoints the committee that administers the judicial selection process and examinations and oversees long-term judicial training. The council consists of six judges, a prosecutor, a lawyer, a council representative, a Ministry of Justice representative, and a legal scholar.

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

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

Trial Procedures

The constitution and law provide for the right to a fair and public trial, but the judiciary generally did not enforce this right in most cases that were widely considered to be politically motivated. In such cases, criminal defendants were often denied the right to a presumption of innocence; a fair, timely, and public trial; to communicate with an attorney of their choice; to have adequate time and facilities to prepare a defense; to confront witness and present one's own witnesses and evidence; and not be compelled to testify or confess guilt.

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. Observers viewed the evidence in the trials as questionable and noted that witnesses gave contradictory testimonies. Members of opposition parties and civil society activists were consistently denied counsel of their choice for days, since government-appointed lawyers represented them, but not in their interest.

The law provides that only members of the Collegium of Advocates (bar association) may represent citizens in any legal process, whether criminal, civil, or administrative. Representatives of the legal community and NGOs criticized the law, asserting it restricted citizens' access to legal representation and empowered the government-dominated bar association to prevent human rights lawyers from representing individuals in politically motivated cases.

Following years of punitive measures by the Collegium of Advocates and other authorities, the number of human rights lawyers willing and able to accept politically sensitive cases remained small. Such measures included prosecution on charges widely considered as politically motivated, and disciplinary proceedings resulting in censure, suspension, and in some cases, disbarment. For example, on

September 11, authorities initiated criminal charges widely viewed by human rights activists as politically motivated against human rights lawyer Elchin Sadigov (see sections 1.c. and 4).

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

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

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

NGOs estimated there were approximately 100 political prisoners and detainees at year's end. Political prisoners and detainees included democracy and human rights activists (see sections 1.d. and 5), journalists and bloggers (see section 2.a.), opposition political figures (see section 3), religious activists and individuals incarcerated in connection with the Ganja case (see the Department of State's *International Religious Freedom Report*), and individuals imprisoned in connection with the Terter case (see section 1.c.).

Citizenship and Democracy Party Chair Ali Aliyev, widely considered to be a political prisoner, was convicted of alleged criminal defamation in three separate cases during the year and was serving a cumulative one-year prison sentence (see section 2.a.).

On December 9, activist Bakhtiyar Hajiyev, widely considered to be a political

detainee, was detained on year-old charges considered to be politically motivated of alleged hooliganism and disobeying a judge (see section 1.d.).

Political prisoners and detainees faced varied restrictions. Former political prisoners stated prison officials limited access to reading materials and communication with their families. Authorities provided international humanitarian organizations access to political prisoners and detainees.

According to a November 2020 statement by nine NGOs regarding the nonimplementation of European Court of Human Rights (ECHR) judgments against Azerbaijan in politically motivated prosecution cases, when victims of politically motivated prosecutions were released, their criminal records remained.

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

Amnesty: On May 27, President Ilham Aliyev released 168 individuals as part of his pardon for the Republic Day holiday. According to human rights groups, 21 of the individuals pardoned were considered political prisoners, including Popular Front Party member Pasha Umudov and journalists Afgan Sadigov and Bahruz Aliyev.

Transnational Repression

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

On November 21, Azerbaijani blogger Orkan Aghayev, living in exile in Berlin, was reportedly beaten by two men in the courtyard of his apartment. Aghayev, who wrote highly critical critiques of the ruling Aliyev family, posted video online filmed by his girlfriend that showed two men punching and kicking Aghayev while he laid on the ground. One man was holding a knife while beating Aghayev but did not appear to use the weapon. The assailants ran from the scene as the

girlfriend yelled for help. Aghayev was previously attacked and beaten by seven men in February 2021. Aghayev blamed the Azerbaijani government for orchestrating both attacks.

On June 12, French police arrested two individuals who were suspected of attempting to murder Azerbaijani government critic and blogger Mahammad Mirzali, who was living in France. The two suspects, one Azerbaijani and the other Moldovan, had Mirzali's home address in their GPS and Mirzali's photo in one of their mobile phones. Mirzali survived two previous attempts on his life, the last one in March 2021 when he was hospitalized following a knife attack by four individuals that resulted in 16 stab wounds. The 2021 attackers reportedly attempted to cut out Mirzali's tongue. In 2020, Mirzali was reportedly shot at by an unknown assailant.

On June 16, the head of the NGO Assistance to the Defense of Democracy and asylee Vidadi Iskenderov was stabbed in the French city of Mulhouse. Iskenderov said he believed the Azerbaijani government had ordered the attack in response to his criticism.

On April 29, political blogger and asylee Manaf Jalilzade was severely beaten outside of his home in Switzerland by three individuals from Azerbaijan.

On May 30, government critic, political asylee, and founder of *Azad Soz* channel Tural Sadigli reported that four men had been surveilling his Berlin home for several days and that German police were investigating them. Sadigli previously faced harassment, including having his TikTok account shut down in April. He said he was previously offered a monthly salary by Azerbaijani government representatives in exchange for not mentioning corruption involving the Azerbaijani ruling family.

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

There were reports the government engaged in politically motivated surveillance outside the country.

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

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

Civil Judicial Procedures and Remedies

Citizens have the right to file lawsuits seeking damages for, or cessation of, human rights violations. 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 of the Supreme Court.

Citizens exercised the right to appeal court rulings to the ECHR and filed claims of government violations of commitments under the European Convention on Human Rights. The ECHR issued 56 rulings on Azerbaijan during the year, of which 16 cases involved politically motivated prosecutions. The government's compliance with ECHR decisions was mixed; activists stated the government generally paid compensation but failed to release prisoners in response to ECHR decisions. In some cases considered to be politically motivated, the government withheld compensation ordered by the ECHR.

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

The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications. The government generally 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 reported that the State Security Service and the Ministry of Internal Affairs monitored, controlled, and blocked telephone and internet communications and used spyware, recording devices, and location tracking (see section 2.a., Internet Freedom), particularly for foreigners, civil

society activists, prominent youth who were active online, political and business figures, activists, and persons engaged in international communication. Human rights lawyers asserted the postal service purposely lost or misplaced communications with the ECHR to inhibit proceedings against the government.

Throughout the year, some websites and social media sources published leaked videos of virtual meetings and recorded conversations of opposition figures. It was widely believed that government law enforcement or intelligence services were the source of the leaked videos. There were reports the government punished family members for offenses allegedly committed by their relatives. For example, on June 3, the mother of feminist and social activist Rabiyya Mammadova, who was employed as a city sanitation worker, was physically attacked by a colleague who kicked her and pulled her hair. During the incident, the attacker showed her pictures and posts from her daughter's social media and berated her for not taking actions to control her daughter.

g. Conflict-related Abuses

Sporadic incidents of fighting in the decades-long conflict between Armenia and Azerbaijan continued, resulting in civilian casualties. On September 13 and 14, Azerbaijan and Armenia saw some of the most significant fighting along the international border between the two countries and inside Armenia in the nearly two years since the November 2020 ceasefire.

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

Killings: Following intensive fighting between Azerbaijani and Armenian forces in mid-September, there were credible reports of unlawful killings involving summary executions of Armenian soldiers in Azerbaijani custody (also see the *Country Reports on Human Rights Practices* for Armenia).

In response to the release of a video on October 2 of such executions, the Azerbaijani government announced the military prosecutor's office had launched an investigation. Later that month, the Ministry of Foreign Affairs stated that criminal cases were opened concerning perpetrators of crimes portrayed in the

video with no further details.

Armenian authorities reported three Armenian civilians were killed and seven were wounded during the September fighting. Azerbaijani authorities reported three civilians were wounded.

On May 17, Amnesty International issued two reports on the experiences of older persons in the Nagorno-Karabakh conflict. In releasing the reports, Amnesty stated the conflict between Armenia and Azerbaijan regarding Nagorno-Karabakh – with intensive fighting from 1988 to 1994, and another escalation in late 2020 – "saw older people unlawfully killed, tortured, and forcibly displaced." In one of the two reports, *Last to Flee: Older People's Experience of War Crimes and Displacement in the Nagorno-Karabakh Conflict*, Amnesty stated that of 30 cases it reviewed from 2020, it verified many cases of unlawful killings of older persons by Azerbaijani forces in towns previously controlled by Armenian forces. Amnesty stated, "Many of the killings were extrajudicial executions, at times via beheading or shooting at pointblank range, and sometimes appear to have involved torture or other ill-treatment prior to the murder, as well as the mutilation of bodies" (see also the *Country Reports on Human Rights Practices* for Armenia).

One of Amnesty International's May 17 reports, *Life in a Box: Older People's Experiences of Displacement and Prospects for Return in Azerbaijan*, described antipersonnel landmines laid by Armenian forces on a massive scale during the 1990s.

According to Azerbaijani officials, since the end of the fall 2020 fighting, 46 individuals had died and 234 had been injured by landmines in Azerbaijani territories previously controlled by Armenian forces. Of the dead, 36 were civilians. During the year, 11 individuals died from landmines in areas previously controlled by Armenia, including six civilians. An additional 65 individuals were injured by landmines during the year. The chair of the Azerbaijan National Agency for Mine Action (ANAMA), Vugar Suleymanov, stated 3,361 Azerbaijani nationals had been injured or killed by landmines since the 1990s fighting, including 357 children. According to ANAMA, the vast majority of landmine casualties occurred well beyond the former line of contact. More than 67,000 landmines had been cleared from newly returned territories following the 2020

fighting. The agency also noted landmines were discovered in areas unlikely to be visited by military personnel, such as cemeteries, orchards, and vineyards. For example, according to ANAMA, a landmine detonated on October 21 in a cemetery, killing one individual and injuring another. According to the Foreign Ministry, between August and December, defense officials uncovered in Azerbaijani territory more than 1,600 landmines allegedly manufactured in Armenia during 2021. During the year, the agency reported clearing 8,780 antipersonnel mines, 4,133 antitank mines, and 14,950 pieces of unexploded ordnance.

On September 22, the UN Committee on the Elimination of Racial Discrimination issued a report expressing concern regarding "allegations of severe and grave human rights violations committed during the 2020 hostilities and beyond by Azerbaijani military forces against prisoners of war and other protected persons of Armenian ethnic or national origin – including extrajudicial killings, torture and other ill-treatment and arbitrary detention, as well as the destruction of houses, schools and other civilian facilities."

Beginning in February, Azerbaijani authorities uncovered the remains of 25 individuals located in mass graves in the Khojavand village of Edilli. In October, Azerbaijan's State Commission on Prisoners of War, Hostages, and Missing Persons (State Commission) announced that 12 of these remains were in one location, with evidence that the individuals' hands and feet had been bound and that they were killed after being taken hostage by Armenian forces, according to a forensic medical examination. According to the State Commission, several of the deceased had evidence of bullet wounds to the skull. The State Commission claimed that mass graves from the 1990s fighting were identified in the regions of Aghdam, Fuzuli, Khojavand, and Shusha since the end of the 2020 fighting.

In March, the State Commission announced an unspecified number of suspected Azerbaijani remains near the village of Farrukh from fighting in the 1990s. According to a subsequent forensic examination conducted by the Azerbaijani Association of Forensic Medical Examination and Pathology Anatomy, the individuals had died from blunt force. The remains were allegedly found near shell casings of bullets and were buried in unmarked graves. The State Commission was in the process of attempting to identify the individuals at year's

end.

On November 28, the Aghdam District Prosecutor's Office initiated an investigation into the reported killing in 1993 of several Azerbaijani citizens by Armenian military forces in the Sarijali village of Azerbaijan. On November 22, excavators found approximately 15 human remains along the Aghjabadi-Aghdam Highway passing through the village and sent them for examination.

Physical Abuse, Punishment, and Torture: Videos were released shortly after the end of the intensive fighting in September that appeared to depict the bodies of three Armenian women service members who were victims of degrading and inhuman treatment. One of these videos depicted a nude and mutilated woman's body placed above other corpses. While kicking her body, the Azerbaijani-speaking camera operator repeatedly directed abusive language towards the victim. A message had been written on her chest and stomach that read "YAŞMA" (a code name for Azerbaijani special forces).

In December 2020, the Prosecutor General's Office announced that four individuals were charged for abuses during 2020 fighting. Two soldiers, Gardashkhan Abishov and Rashid Aliyev, were charged with desecrating the bodies of Armenian soldiers while two other soldiers were charged with desecrating ethnic Armenian grave sites. The government, however, provided no updates on the prosecution of the individuals as of year's end.

Other Conflict-related Abuse: The government continued to prosecute detained Armenian civilians and servicemen in public trials that lacked elements of due process such as the right to choose one's own legal counsel. During the year, the government released 13 detained Armenian soldiers. According to the Armenian government, Azerbaijan held 33 Armenian detainees at year's end.

According to a May 17 Amnesty International report *Life in a Box*, Armenian forces committed and oversaw the widespread destruction or seizure of civilian property and infrastructure, including cultural property, in the regions of Azerbaijan they occupied in the 1990s.

According to the same report, during the 1990s, the "Armenian forces' destruction of civilian objects and seizure of civilian property not required by military

imperative...are violations of international humanitarian law and continue to undermine Azerbaijan's efforts to resettle displaced populations in conflict-affected regions."

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

While the law provides for freedom of expression, including for members of the press and other media and specifically prohibits press censorship, the government habitually violated these rights. The government limited freedom of expression and media independence. Journalists, editors, and independent bloggers faced intimidation and at times were beaten and imprisoned. In addition, there were suspicious acts of violence outside the country (see section 1.e., Transnational Repression). During the year, the government imposed further restrictions on journalists with a new media law, and authorities continued to pressure media outlets, journalists, bloggers, and activists in the country and in exile, including their relatives, to refrain from criticizing the government.

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

Throughout the year government-owned and progovernment outlets continued to dominate broadcast and print media. A limited number of independent and semi-independent media outlets operating solely online expressed a wide variety of views on government policies, but authorities pressured, harassed, or detained representatives of many of them in various ways for doing so.

The government, including the Media Development Agency (MDA), continued to impose controls on media, including a media law that went into effect February 8. In a February report, the Organization for Security and Cooperation in Europe's

(OSCE) representative for media freedom called for the removal of several portions of the law, including the expanded scope of media control to include activity outside of Azerbaijan and restrictions on registration for journalists and media entities. In a joint opinion released June 20, the Council of Europe's Venice Commission and the Directorate General of Human Rights and Rule of Law stated, "in the context of an already extremely confined space for independent journalism and media," the media law would have a "further 'chilling effect.'" Implementation of the law's provisions on maintaining a media registry began on October 14, with a six-month registration period for journalists and media outlets. While the implementation period continued at year's end, several journalists and media outlets reportedly were denied registration by the MDA. Independent media representatives, media lawyers, and international NGOs criticized the law and registration process.

The government continued to routinely arrest independent journalists, especially those critical of government officials or investigating corruption. In September, three independent online journalists were arrested. Avaz Zeynalli and Elnur Shukurov were charged with bribery in separate cases. Civil society activists assessed that the arrests were retribution for the journalists' coverage of alleged corruption of a senior government official (see section 4). Zaur Gafarov, whose arrest occurred during the September fighting with Armenia, was accused of extorting money from a soldier with an alleged doctored video.

In July and August, the Prosecutor General's Office warned, summoned, and charged multiple journalists, activists, bloggers, and social media users for what it called actions that were in violation of social and political stability. The Ministry of Defense also issued public warnings and engaged in tandem with the Prosecutor General's Office on what it claimed were steps to combat the spread of false information. Some of those summoned to the prosecutor were sentenced to administrative arrest on charges of posting "legally prohibited" information on a social network and others were formally warned of "the inadmissibility of committing such negative actions in the future." The Prosecutor General's Office also issued a public appeal to "mass media and users of social networks" that warned that the "dissemination of unverified information without any explanation in state bodies is unacceptable."

For example, on July 27, the Prosecutor General's Office summoned Fikret Ibishov and Agil Alyshov, the heads of two websites, who posted reports concerning the military. The two were warned not to comment on matters involving the Ministry of Defense without the ministry's approval. In another example, military blogger Tofig Shakhmuradov was arrested administratively for 30 days for similar posts. On August 8, the Prosecutor General's Office warned another group of social network users not to disseminate "false information" and fake or dated photos of the military forces, claiming the social media users had "cast a shadow" on the military and inadvertently risked the soldiers' lives.

Authorities continued exerting pressure on major media rights organizations and independent media outlets outside the country, as well as on individuals in the country associated with those outlets. Foreign media outlets, including Voice of America and Radio Free Europe/Radio Liberty (RFE/RL), were banned in 2009 and remained prohibited from broadcasting on FM radio frequencies. The Russian service Sputnik, which was also originally prohibited from broadcasting, was later allowed to freely broadcast news. In June, after Russian authorities blocked several Azerbaijani news websites, the Azerbaijan government blocked Russian news agency RIA Novosti.

Censorship of press websites, restricted visas, and outright bans for those journalists critical of the country's human rights record continued for foreign outlets and foreign journalists.

Violence and Harassment: During the year, police occasionally used force and other methods against journalists and bloggers to prevent their professional activities and limit press freedom. Local observers reported journalists from independent media outlets were subjected to harassment and cyberattacks. Civil society activists continued to call on the government to conduct effective investigations of the high-profile killings of journalists Rasim Aliyev in 2015, Rafiq Tagi in 2011, and Elmar Huseynov in 2005.

On May 8, journalist Ayten Mammadova was accosted in an elevator by a man who held a knife to her neck and threatened her life and the life of her daughter. The man told Mammadova she "must not write about the case." Mammadova said she was certain the attack was related to her reporting on the murder of a 10-year-

old girl who went missing in 2019. The minor's body was found with burn injuries near a village in Tovuz region. Several officials, including the village's former police chief, were implicated in the case. According to Mammadova, the attack was meant to silence her coverage of this sensitive case. Police opened an investigation into the attack, but no arrests had been made as of year's end.

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

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Most media outlets practiced self-censorship and avoided topics considered politically sensitive due to fear of government retaliation. The National Radio and Television Council continued to require that local, privately owned television and radio stations not rebroadcast complete news programs of foreign origin. Foreign radio stations were generally banned from direct broadcast.

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

For example, chairman of the opposition Citizen and Development Party Ali Aliyev was convicted of defamation in three cases in January, April, and June. Two of the complaints were brought by government employees working for the border service, and the third, unrelated complaint was brought by a member of the ruling party. Human rights groups assessed the prosecutions were politically motivated (see section 1.e.). In November, Aliyev was serving a combined sentence of 12 months when he was sentenced to an additional three years and six months' imprisonment for alleged battery against a fellow inmate, charges he denied and that human rights organizations also considered politically motivated.

In separate cases, lawyer Ilham Aslanoglu and activist Abid Gafarov were sentenced to prison for comments related to the armed forces. On January 28, Aslanoglu was sentenced to five months' imprisonment for conviction of defamatory comments allegedly made concerning the Terter case (see section 1.c.), a wide-scale 2017 military investigation that involved the systematic torture of more than 400 soldiers and civilians. An appeals court released him in March, however, on June 9, he was retried, convicted, and sentenced to six months' imprisonment. On July 13, Gafarov was sentenced to one year in prison for alleged slander and insult of Nagorno-Karabakh veterans after he criticized them for not advocating for their rights. Activists considered the real reason for Gafarov's incarceration to have been his highlighting of torture in the Terter case.

Parliamentarians continue to propose further restrictions on social media content. For example, in August, member of parliament (MP) Malahat Ibrahimgizi said certain "imported values" were "corroding" society and needed to be stopped on social media through controls or filters.

Internet Freedom

International news websites and those linked with opposition groups were blocked for various lengths of time during the year. For example, the websites of the RFE/RL; the *Organized Crime and Corruption Reporting Project* (OCCRP); Azerbaijani media outlets including *Azadliq*, *Bastainfo.com*, *Criminal.az*, *Topxeber.az*, *Fia.az*, *Monitortv.info*, *Xural.com*, *Az24saat.org*, *Anaxaber.az*, and *Arqument.az*; and the Germany-based media outlet Meydan TV remained blocked by authorities during the year, although these outlets could release information without many restrictions on social media.

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

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

There were strong indications the government monitored the internet communications of civil society activists. For example, activists reported being harassed by police and forced to delete critical Facebook posts under threat of physical abuse. During the year, activists were questioned, detained, and frequently sentenced to administrative detention for posting criticism of government actions and commenting on human rights abuses online. For example, in September, police officers detained D18 youth political movement leader Ahmed Mammadli outside his home shortly after he criticized President Aliyev on Facebook. Mammadli was sentenced to 30 days of administrative detention for allegedly failing to obey a police officer. In July, prominent human rights and political activists in the country received a targeted phishing mail allegedly from Human Rights Watch. The mail included a link to a malware, with the capability of webcam and desktop recording, execution of Windows commands, as well as extraction and uploading of selected files from the victim's computer.

Freedom House's annual *Freedom on the Net* report for the period from June 2021 through May categorized the country's internet status as "not free." The report concluded the state of internet freedom remained restricted during the period covered. The report highlighted problems including that the government continued to block numerous independent and opposition websites; that the media law further restricted online media outlets and created obstacles for those trying to establish new media outlets; and that authorities utilized trumped-up charges to prosecute activists who criticized government policies or officials online.

Despite some restrictions, the internet remained the primary method for citizens to access independent and semi-independent media. For example, while Meydan, *Azadliq*, and other media outlets were blocked, social media users were able to access most of their reports via social media including Facebook, mirror websites, and YouTube, where videos and articles were shared mostly without restrictions.

In April, Meta (formerly Facebook) released a quarterly *Adversarial Threat Report* that described in detail a Ministry of Internal Affairs operation that engaged in cyber espionage and Coordinated Inauthentic Behavior to track social media and replicate fake posts of journalists, government critics, and democracy activists. Meta was able to dismantle the network.

During intense fighting between Azerbaijan and Armenia, on September 14, the State Security Services announced the suspension of social media app TikTok to stop "disinformation" from nongovernment sources concerning military operations. During this time, users widely reported slowdowns of mobile and land internet service, especially with social media. On November 5, the Ministry of Digital Development and Transport announced the ban on use of TikTok was lifted.

Restrictions on Academic Freedom and Cultural Events

The government on occasion restricted academic freedom. Opposition party leaders reported their members had difficulty finding and keeping teaching jobs at schools and universities.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The government consistently and severely restricted freedom of peaceful assembly, creating conditions that amounted to a de facto ban on assembly. Authorities at times responded to peaceful protests and assemblies by using force against or detaining protesters. For example, on May 14, civil society activists and independent bloggers attempted to peacefully protest violence against opposition figures in downtown Baku. Police used force against some participants and removed protesters from the area. Authorities also used detention as a means of removing protesters from the area. For example, on September 30, October 25, and November 11, police detained participants upon arrival at rallies calling for democratic reforms organized by the opposition Popular Front Party. At times, authorities also transported and released protesters in remote locations outside of Baku. For example, on November 15, the opposition Musavat Party attempted to hold a demonstration at the Iranian Embassy condemning the abuse of Iranian rights activists. The approximately 50 participants were detained by police upon arrival and driven to a remote location outside of Baku, where they were released.

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

Authorities at times employed a combination of measures including administrative detention during the year. For example, on July 20, opposition figures organized a protest in Baku against the government's continued closure of international land border crossings. Organizers had been denied permission to demonstrate outside the Cabinet of Ministers and the Ministry of Internal Affairs told progovernment media prior to the demonstration that "appropriate measures" would be taken against any participants. At the demonstration, authorities detained organizer and opposition leader Tofig Yagublu and several other individuals. Law enforcement officials forced the remaining participants to disperse. While most detainees were released after several hours, Musavat Party activist Aziz Mamiyev was sentenced to 30 days of administrative arrest for alleged failure to obey police orders.

In another example, on December 23, Tofiq Yagublu was detained at an unsanctioned demonstration demanding the release of activist Bakhtiyar Hajiyev. On the same day, the Sabail court ordered his 30-day detention for alleged petty hooliganism and failing obey a police officer.

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 rather than merely prior notification. As a result, no authorized public rallies were held. Most political parties and NGOs criticized the requirements as unacceptable and characterized them as unconstitutional.

Freedom of Association

The constitution provides for freedom of association, but the law places some restrictions on this right and severely constrained NGO activities. Citing these laws, authorities continued to conduct criminal investigations into, and otherwise harass, selected independent organizations. Consequently, few independent NGOs

remained able to operate. A number of legal provisions 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 seek "legal personality" status. Although the law requires the government to act on NGO registration applications within 30 days of receipt (or within an additional 30 days, if further investigation is required), vague, onerous, 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 citizens if the branch head is a foreigner.

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

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

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

The Ministry of Justice is permitted by law to monitor NGO activities and conduct inspections of NGOs. The law offers few provisions protecting NGO rights and authorizes substantial fines on NGOs if they do not cooperate.

The far-reaching investigation opened by the Prosecutor General's Office in 2014 into the activities of numerous domestic and international NGOs and local leadership remained open during the year. While the Prosecutor General's Office

dropped criminal cases against the American Bar Association and IREX and ordered their bank accounts unfrozen in 2020, the American Bar Association continued to face administrative difficulties, including a frozen bank account. On July 6, the Court of Appeals ruled in favor of IREX's appeal to the Ministry of Economy's State Tax Service to lift criminal tax charges levied against the NGO; the ministry subsequently lifted the charges. At year's end, problems remained for other groups (see section 5).

The government continued to implement rules pursuant to a 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 their support for "the Azerbaijani people's national and cultural values" and not 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 year's end, at least one foreign NGO had been able to renew its registration under these rules.

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

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

From December 12 through the end of the year, Azerbaijani protesters widely believed to be backed by the country's authorities, blocked the sole road connecting Nagorno-Karabakh with Armenia, via the Lachin corridor, leaving it inaccessible to most civilian and commercial traffic. Human Rights Watch called on those in control of the road and the area around it, including the country's authorities, to ensure that freedom of movement was not stopped.

Foreign Travel: Authorities continued to prevent a number of opposition figures, activists, and journalists from traveling outside the country. For example, Azerbaijan Popular Front Party Chairperson Ali Kerimli had been prohibited from traveling since 2006. The law requires men of draft age to register with military authorities before traveling abroad. Authorities placed some travel restrictions on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad until the terms of their suspended sentences had been met. Internal land border crossings remained closed to individuals due to restrictions imposed during the COVID-19 pandemic.

e. Protection of Refugees

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

Access to Asylum: The law 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, which is responsible for refugee matters. Although UNHCR noted some improvements in conditions for refugees, including access to public education and the legal right to work, the country's refugee-status determination system did not meet international standards. International NGOs continued to report the service remained inefficient and did not operate transparently.

Temporary Protection: The government did not provide temporary protection to asylum seekers during the year. Due to the COVID-19 pandemic, however,

authorities did not return rejected asylum seekers to their countries of origin and extended their stay in the country.

f. Status and Treatment of Internally Displaced Persons

UNHCR reported 654,839 registered IDPs in the country as of December 31, 2021. The vast majority fled their homes between 1988 and 1994 because of the Nagorno-Karabakh conflict.

IDPs had access to education and health care, but their unemployment rate was higher than the national average. Some international observers continued to state the government did not adequately promote the integration of IDPs into society. In September, the government's State Committee for Refugees and IDPs reported that 63 families displaced during the 1990s were resettled in the Zangilan District. This was the sixth group of IDPs settled in the newly returned territories following the end of hostilities in 2020 and brought the total resettled to 326.

g. Stateless Persons

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

While the law 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 State Migration Service received 721 applications as of December 19 from foreigners and stateless persons (749 including children) requesting Azerbaijani citizenship. Citizenship was granted to 355 foreigners and stateless persons (370 including children).

Stateless persons generally enjoyed freedom of internal movement. Stateless persons were not, however, issued travel documents or readmitted if they left the country. According to national legislation, stateless persons have access to most of the rights and services available to citizens and foreigners in the country, except certain rights, such as employment, that are limited to citizens only. According to UNHCR, however, these rights and services were accessible to only those

documented with Azerbaijani government statelessness identity cards (IDs) or UNHCR protection documents. Those who lacked any ID documents also lacked access to basic rights, especially because of the expansion of the country's electronic governance system. For example, a stateless person must have an ID document with PIN code to access a health facility to get vaccinated or benefit from the mandatory health insurance.

The constitution allows citizenship to be removed "as provided by law." During the year, a court removed the citizenship of one individual for "voluntarily serving in a state or municipal body" of the Russian Federation.

Section 3. Freedom to Participate in the Political Process

Although the constitution provides citizens the ability to choose their government through free and fair elections held by secret ballot and based on universal and equal suffrage, the government continued to restrict this ability by obstructing the electoral process. While the law provides for an independent legislative branch, the National Assembly exercised little initiative independent of the executive branch.

Elections and Political Participation

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

Some opposition parties boycotted the election, citing the restrictive environment, while other opposition parties and groups took part. According to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation mission, the restrictive legislation and political environment prevented genuine competition in the February 2020 elections. ODIHR concluded voters were not provided with a meaningful choice due to a lack of real political competition and discussion. Although many candidates utilized social media to reach out to voters, use of social media generally did not compensate for the absence of campaign coverage in traditional media. ODIHR observed several instances of pressure on voters, candidates, and candidates' representatives.

International and local observers reported significant procedural violations during the counting and tabulation of votes, including ballot-box stuffing and carousel voting. ODIHR concluded the flaws "raised concerns whether the results were established honestly." Domestic nonpartisan election observers concluded the election results did not reflect the will of the citizens.

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

Political Parties and Political Participation: The ruling New Azerbaijan Party continued to dominate the political system. Domestic observers reported members of the ruling party received advantages, such as priority for public positions.

Political parties were often unable to officially register. The Democratic and Welfare Party reported the Ministry of Justice had not registered it as a party despite the fact that it had met legal requirements. Since October 2021, the party's application documents have been rejected four separate times on different grounds.

On December 16, parliament passed the amended Law on Political Parties on its third reading following a closed and opaque legislative process. Independent commentators, civil society activists, and opposition leaders criticized the amended law for its restrictive requirements on party registration. Conditions included a minimum of 5,000 party members for registration and resubmission of notarized membership lists every six months. The National Assembly did not consult with international experts such as the OSCE/ODIHR or Venice Commission, despite public statements observers said implied they had consulted with and incorporated input from the organizations.

Opposition members were generally more likely than other citizens to experience official harassment and arbitrary arrest and detention. Members of opposition political parties continued to be arrested, convicted, and sentenced to administrative detention after making social media posts critical of the government or participating in peaceful rallies (see section 2.b., Freedom of Peaceful Assembly). According to domestic NGOs, seven opposition party members were political detainees or prisoners, including Citizen and Development Party chair Ali Aliyev and Azerbaijan Popular Front Party members Niyamaddin Ahmedov, Agil Humbatov, Mutallim Orujov, Malik Rzayev, Punhan Kerimli, and Shahin Hajiyev.

Citizen and Development Party Chair Aliyev was prosecuted four times during the year and remained in prison since January (see section 1.e.).

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

Participation of Women and Members of Minority Groups: No law limits the participation of women and members of minority groups in the political process, and they did participate. Women and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) activists often faced additional pressure and harassment.

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 consistently engaged in corrupt practices with impunity. While the government made some progress in combating low-level corruption in the provision of government services, there were continued reports of corruption by government officials, including those at the highest levels.

Transparency International and other observers described corruption as widespread. There were reports of corruption in the executive, legislative, and judicial branches of government. For example, in six reports on visits made to the country between 2004 and 2017, the CPT noted that corruption in the country's entire law enforcement system remained "systemic and endemic." In a report on its most recent visit to the country in 2017, for example, the CPT cited the practice of law enforcement officials demanding payments in exchange for dropping or reducing charges or for releasing individuals from unrecorded custody. These problems persisted throughout the year.

Similar to previous years, authorities continued to punish individuals for exposing government corruption. For example, civil society groups asserted the arrest and prosecution of prominent human rights lawyer Elchin Sadigov, journalist Avaz Zeynalli, and Elnur Shukurov in September was to punish them for raising corruption at the highest levels of the government. Sadigov was arrested within days of a client alleging in court a senior official was corrupt. Zeynalli was arrested shortly after he shared these allegations in his online broadcast. Shukurov was arrested after expressing public support for Zeynalli. While Sadigov was released for house arrest on September 17, Zeynalli and Shukurov remained detained at year's end.

Corruption: The Anticorruption Department of the Prosecutor General's Office stated it investigated more than 600 criminal cases, sent 186 criminal cases to the courts, and 255 persons were convicted during the year. No additional senior officials were charged during the year. The prosecution of former Minister of Labor and Social Protection Salim Muslimov, who was arrested in 2021 on allegations of accepting bribes and large-scale embezzlement, continued at year's end. Several such cases remained under investigation, including charges of corruption against the former minister of culture and other high-ranking ministry officials, multiple ambassadors, several department heads at the Ministry of Foreign Affairs, and several heads and deputy heads of regional executive committees (governors). Although those accused were charged with corruption, the arrests were not accompanied by systemic reforms, such as requiring all officials to comply with the asset declaration law or ending punitive measures against persons who exposed corruption. Many observers considered the arrests to

have political or economic motives that were unrelated to combating corruption.

New information stemming from OCCRP's 2017 "Azerbaijani Laundromat" investigation continued to be disclosed, including the purchase of $34.5 million in London real estate by MP Javanshir Feyziyev, who had been accused by OCCRP of money laundering. The 2017 investigation uncovered a complex money-laundering operation and slush fund that allowed the country's ruling elite to embezzle funds, avoid taxes, launder money, pay bribes to European parliamentarians, purchase properties, and fund luxurious lifestyles.

In February, the OCCRP reported two sons of the then leader of the Nakhchivan Autonomous Province, Vasif Talibov, received more than $20 million from bank accounts associated with the "Azerbaijani Laundromat." The two sons also purchased more than $63 million in properties in Georgia and Dubai. In December, Talibov resigned from his position.

There were credible reports of individuals paying bribes to obtain a waiver of the military service obligation, which is universal for men between ages 18 and 35. Citizens also reported military personnel could buy assignments to easier military duties for a smaller bribe. The brother of a soldier killed in the September fighting told an independent journalist just days after the funeral that his brother had obtained a bank loan of approximately 6,000 manat ($3,500) to pay the necessary bribe to gain an assignment, and higher pay, in an elite unit. The following day, a video was posted on the internet of the brother apologizing for saying this and claiming the loan was not used for a bribe. Following general outrage from social media users and claims the video was a forced confession filmed in the Ministry of Defense, the Prosecutor General's Office announced it would investigate the origins of the video.

The government continued efforts to reduce low-level corruption and improve government services by expanding the capabilities and number of service centers of the State Agency for Public Service and Social Innovations, which functioned as one-stop locations for government services, such as obtaining birth certificates and marriage licenses, from nine ministries.

Section 5. Governmental Posture Towards International and

Nongovernmental Investigation of Alleged Abuses of Human Rights

While the government provided access to certain areas of the former Autonomous Oblast of Nagorno-Karabakh and surrounding territories under Azerbaijani control, it restricted access to other areas, limiting reporting from local and international journalists, as well as international human rights organizations such as Amnesty International and Human Rights Watch.

The government continued to impose severe restrictions on the operations of domestic and international human rights groups. Application of restrictive laws to constrain NGO activities and other pressure continued at the same high level as recent years. Activists also reported authorities refused to register their organizations or grants and continued investigations into their organizations' activities.

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

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

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

Some human rights defenders were unable to carry out their professional

responsibilities due to various government obstacles, including harassment and detention from police, freezing of bank accounts, and arbitrary arrests. Human rights defenders considered the authorities' treatment of human rights activist Bakhtiyar Hajiyev (see sections 1.d. and 1.e.) to be examples of harassment, detention, and arbitrary arrest. They considered the incarceration of human rights lawyer and journalist Elchin Mammad since 2020, shortly after he publicly alleged corruption and human rights abuses in his community, another such example (see section 1.e.). Examples of frozen bank accounts included those of two human rights lawyers who headed NGOs, Intigam Aliyev and Asabali Mustafayev. In Mustafayev's case, the ECHR reported in October 2021 that Azerbaijan's freezing of bank accounts of Mustafayev's NGO the Democracy and Human Rights Resource Center had violated the organization's property rights and ordered the accounts unfrozen. Human Rights lawyer Elchin Sadigov, who was arrested in September and subsequently moved to house arrest, was not permitted to travel to represent clients in the regions (see sections 1.d. and 4).

The United Nations or Other International Bodies: The government often objected to statements from international bodies and criticized what authorities termed interference in the country's internal affairs. Although government officials and members of the National Assembly had previously criticized the OSCE/ODIHR assessment of the 2018 presidential election, government officials referred to the ODIHR assessment of the 2020 National Assembly elections as "balanced."

Government Human Rights Bodies: Citizens may appeal violations committed by the state or by individuals to the Ombudsperson for Human Rights for Azerbaijan or the Ombudsperson for Human Rights of the Nakhchivan Autonomous Republic. The ombudsperson 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 Ombudsperson's Office as lacking independence and effectiveness in cases considered politically motivated.

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

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of a person, regardless of gender, is illegal, and conviction for it carries a maximum sentence of 15 years in prison. The government enforced the law in some cases, but not for others, including spousal rape.

In October 2021, a child and her family went public regarding an alleged 2020 rape after the Yasamal Prosecutor's Office dismissed the case due to a purported lack of evidence. The family claimed the case was not taken seriously, as shown by a year of official inaction and mishandling of the investigation; the family attributed the mishandling to their activism and opposition party membership. The resulting media attention caused the Prosecutor General's Office to reopen the case and place the accused offender in pretrial detention. A hearing on the verdict in the case was repeatedly postponed during the year, and the girl's lawyers accused the court of stalling on the decision. Meanwhile, the suspect's family pursued criminal defamation charges against the survivor's mother, in what civil society observers described as a tactic to pressure the survivor to withdraw her allegations. The defendant was convicted of rape charges and sentenced to five years' imprisonment in October.

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 survivors. Some critics of the domestic violence law asserted that a lack of clear implementing guidelines reduced its effectiveness. Activists reported police continued to view domestic violence as a family matter and did not effectively intervene to protect survivors, including in cases where husbands abused or killed their wives.

Sexual Harassment: Sexual harassment is a civil rather than a criminal offense. The government rarely enforced the prohibition of sexual harassment nor pursued legal action against individuals accused of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary

sterilization on the part of government authorities.

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

There were no barriers related to menstruation hygiene, including adolescent girls' access to education.

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

Discrimination: Although women nominally enjoy the same legal rights as men, societal and employment-based discrimination remained a problem. According to the State Statistical Committee, there was discrimination against women in employment, including wide disparities in pay and higher rates of unemployment (see section 7.d., Discrimination with Respect to Employment and Occupation).

Gender-biased Sex Selection: The gender ratio of children born in the country during the year was 115 boys for 100 girls, according to the State Committee for Family, Women, and Children Affairs (SCFWCA). Local experts reported gender-biased sex selection was widespread, predominantly in rural regions. The SCFWCA conducted seminars and public media campaigns to raise awareness of and address the problem.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides for the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs, or affiliation with political parties, trade union organizations, or other public associations. Restrictions of rights and freedoms on the grounds of race, ethnicity, religion, language, sex, origin, beliefs, or political or social

affiliation are prohibited.

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

On November 14, BBC Azerbaijan reported on Azerbaijan's "patriotic curriculum," citing experts expressing concern that it could instill hatred among young students. Among objectionable material cited in the article was an Azerbaijani language textbook for 6th graders that included a short story called *Little Hostages* with the following: "Rabid Armenians used rusty pliers to pull out the tongues of those who did want to read, stripped them and mocked them."

In a January 30 interview with Azerbaijan's State News Agency AZERTAC, President Aliyev stated in part, "We have not only liberated our lands, we have cleansed the region, the South Caucasus, of these savage forces."

In its September 22 report, the UN Committee on the Elimination of Racial Discrimination expressed deep concern regarding, "Incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials, and the lack of detailed information on investigations, prosecutions, convictions and sanctions for such acts."

In December 2021, the International Court of Justice (ICJ) issued provisional measures in response to Armenia's and Azerbaijan's submissions of cases against each other for alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination. In its ruling on Azerbaijan, the ICJ granted many of the interim measures requested by Armenia, including ruling that Azerbaijan must protect from violence and bodily harm Armenians detained during or following the fall 2020 fighting and provide for their security and equality before the law. The court ruled that both countries "shall refrain from any action

which might aggravate or extend the dispute before the Court or make it more difficult to resolve." Both countries also were directed to prevent the incitement and promotion of racial hatred and discrimination against persons of national or ethnic origin from the other country. (For the ICJ ruling in response to Azerbaijan's case against Armenia, see the *Country Reports on Human Rights Practices* for Armenia.)

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 were not registered.

Education: While education is compulsory, free, and universal until age 17, large families in impoverished rural areas sometimes placed a higher priority on the education of boys and kept girls at home to work. Social workers stated that some poor families forced their children to work or beg rather than attend school. Members of the ethnic minority Talysh community stated that an insufficient number of textbooks were provided for lessons in the Talysh language.

Child Abuse: There is criminal liability for sexual violence against children. The law also stipulates punishment for child labor and other abuses of children.

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

Throughout the year, the SCFWCA organized various events for the prevention of early marriages.

The law establishes substantial fines or imprisonment for up to four years for conviction of the crime of forced marriage with an underage child. Girls who married under the terms of religious marriage contracts were of particular concern, since these contracts were not subject to government oversight and did not entitle

the wife to recognition of her status in case of divorce.

Sexual Exploitation of Children: Conviction of recruitment of children for commercial sexual exploitation (involving a child in immoral acts) is punishable by up to eight years in prison. The law prohibits pornography, its production, its distribution, or its advertisement, and conviction is punishable by three years' imprisonment. The minimum age for consensual sex is 16. Conviction of statutory rape is punishable by up to three years' imprisonment. Some civil society representatives reported that boys and girls at times were exploited for commercial sex. Authorities did enforce the laws against child pornography and sexual exploitation of minors.

Antisemitism

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

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The government decriminalized same-sex conduct in 2000, but discrimination, including wrongful detention of LGBTQI+ activists, persisted.

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

On February 22, LGBTQI+ activist Avaz Hafizli was killed by his cousin, who beheaded Hafizli and sexually mutilated and dismembered his body. Civil society activists referred to it as an "honor killing," stemmed from a confrontation when

the cousin demanded Hafizli "turn from his path" as a gay man. He was convicted of murder and on July 29, sentenced to nine years and six months in prison.

While court hearings were generally open to the public, LGBTQI+ activists were routinely denied access to the proceedings in this case. The court did not consider the act to have a "biased motive," which under the law is an aggravating factor that would double the maximum sentence. There were other reports of family-based violence against LGBTQI+ individuals, including being held against their will by family members. Hate speech against LGBTQI+ persons and hostile social media postings on personal accounts continued.

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

Discrimination: Antidiscrimination laws exist but do not offer protection on the basis of sexual orientation, gender identity or expression, or sex characteristics. Activists reported that LGBTQI+ individuals were regularly fired by employers if their sexual orientation or gender identity became known. LGBTQI+ individuals generally refused to file formal complaints of discrimination or mistreatment with law enforcement bodies due to fear of social stigma or retaliation. Activists reported police often refused to investigate crimes committed against LGBTQI+ individuals.

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

Availability of Legal Gender Recognition: The government does not permit individuals to change gender identity markers on legal and identifying documents

to align them with their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: As a result of social and cultural animus against LGBTQI+ persons, many LGBTQI+ persons faced pressure from family and relatives to deny their LGBTQI+ identity, through violence, denial of resources and housing, or other coercive means (see Violence against LGBTQI+ Persons). Despite the Ministry of Health's acknowledgment that homosexuality was not a disease, LGBTQI+ community members reported psychologists and psychiatrists continued to pathologize LGBTQI+ identity and attempted to change the sexual orientation and gender identity or expression of LGBTQI+ persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: No specific cases were known, but organizations or individuals working directly or indirectly on LGBTQI+ matters reported being limited and hindered by authorities. In June, LGBTQI+ activists held a press conference for the first time in eight years, enumerating hate crimes committed against LGBTQI+ persons. Some venues oriented towards LGBTQI+ persons existed in the capital, but police harassment restricted freedom of association and assembly.

Persons with Disabilities

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

On July 1, amendments to the disability law came into force. The amendments abolish the existing categories for persons with disabilities and introduce a system of defining disability depending on the percentage of bodily functionality.

A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. In 2020, a local NGO reported that 6,000 to 10,000 children with disabilities had access to segregated educational facilities, while the rest were educated at home or not at all. The World Bank

estimates there are approximately 56,000 children with disabilities in the country. The Ministry of Education and the Ministry of Labor and Social Protection continued efforts to increase the inclusion of children with disabilities into mainstream classrooms, particularly at the primary education level.

The law mandates that public and other buildings be accessible to persons with disabilities. While some buildings, including educational institutions, were accessible, this mandate was not fully implemented. Information and communication technology and most buildings were not accessible to persons with disabilities. Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking. On September 5, a Baku court charged the director and several employees of the Mehnur Speech Therapy Rehabilitation Center with assault and battery of children, the majority of whom had mental or physical disabilities. Credible media accounts alleged systematic abuse of the children at the center during a considerable period of time.

Other Societal Violence or Discrimination

Civil society representatives reported that discriminatory attitudes towards persons with HIV and AIDS were prevalent throughout society. The government continued to fund an NGO that worked on health problems affecting the LGBTQI+ community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join independent trade unions. Uniformed military, police, and managerial staff are prohibited from joining unions. 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 government employees.

The law provides most private-sector workers the right to conduct legal strikes but prohibits civil servants from striking. 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.

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

The government did not effectively enforce laws related to freedom of association, the right to strike, or collective bargaining. Penalties for violations were less than those under other laws involving denial of civil rights. Penalties were rarely applied against violators. Administrative and judicial procedures were subject to lengthy delays and appeals.

On April 21, independently contracted couriers working with food delivery app Wolt held a multiday strike to protest planned changes in the app's compensation plan. Several couriers claim they were fired for their participation in the strike. During a similar strike in September, organizers claimed several drivers were fired for participating in the strike and at least one organizer was required to report to a district police department. Most unions were not independent, and the overwhelming majority remained tightly linked to the government, except for some journalists' unions. The Azerbaijan Trade Unions Confederation (ATUC) was the only trade union confederation in the country. Although ATUC registered as an independent organization, it was closely aligned with the government. ATUC reported it represented 1.1 million members in 26 sectors. Increased bureaucratic scrutiny limited the right to form unions and conduct union activities. Both local and international NGOs claimed workers in most industries were largely unaware of their rights and afraid of retribution if they exercised those rights or initiated complaints. This was especially true for workers in the public sector. Union leaders and members often faced harassment and arrests.

Collective bargaining agreements were often treated as formalities and were not enforced. Although labor law applies to all workers and enterprises, the government may negotiate bilateral agreements that effectively exempt

multinational enterprises from it. For example, production-sharing agreements in the oil and gas sector supersede domestic law and often do not include provisions for employee participation in a trade union. While the law prohibits employers from impeding the collective bargaining process, employers engaged in activities that undercut the effectiveness of collective bargaining, such as subcontracting and using short-term employment agreements. For example, the State Oil Company of Azerbaijan Republic used one-year employment contracts that made employees vulnerable and less willing to advocate for their rights.

The state oil company's 50,000 workers were required to belong to the Union of Oil and Gas Industry Workers, and authorities automatically deducted union dues from paychecks. Many of the state-owned enterprises that dominated the formal economy withheld union dues from worker pay but did not deposit the dues into union accounts. Employers officially withheld one-quarter of the dues collected for the oil workers' union for "administrative costs" associated with running the union. Unions and their members had no means of investigating how employers spent their dues.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, except in circumstances of war or in the execution of a court decision under the supervision of a government agency. Penalties for violations, including imprisonment, were commensurate with those for analogous crimes. The government did not effectively enforce the law. Resources and inspections were inadequate, due in part to a moratorium on all routine and unannounced labor inspections.

Broad provisions in the law provide for the imposition of compulsory labor as a punishment for expressing political views or views ideologically opposed to the established political, social, or economic system. Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation, based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, age, and HIV or AIDS status, but the government did not always enforce the law effectively. Legal penalties for discrimination in employment existed under various articles and laws but were patchwork in nature and not commensurate with those under other laws related to civil rights. Penalties were sometimes applied against violators. The law excludes women from 678 occupations in 38 industries that are framed as inherently dangerous jobs. Many of these positions were higher ranked and better paid than positions that women were permitted to occupy in the same industries. Women were also not permitted to work at night in the same way as men. Women's ability to participate in the labor force is disproportionately burdened by childcare as there is no mandate for paid paternal leave and periods of childcare-based absences are not accounted for in pension benefits (see section 6, Women). While the law does not explicitly protect against discrimination based on refugee or stateless status, such individuals are covered by an "other category" in the antidiscrimination and are mentioned in other portions of the labor code. There is no enumerated protection for sexual orientation or gender identity in Azerbaijani labor law.

Employers generally hesitated to hire persons with disabilities, and workplace access was limited. Discrimination in employment and occupation also occurred with respect to sexual orientation, according to LGBTQI+ individuals. Women were underrepresented in high-level jobs, including top business positions. Traditional practices limited women's access to economic opportunities in rural areas. According to the State Statistics Committee, in 2021, the average monthly salary for women was 64.8 percent of the average monthly salary for men. According to gender experts, gender-based harassment in the workplace was a problem.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage was higher than the poverty income level (minimum living standard). Experts stated government employers complied with the minimum wage law in the formal sector. The law requires equal pay for equal work regardless of gender, age, or other classification, although women's pay lagged behind that of men.

The law provides for a 40-hour workweek. Workers in hazardous occupations may not work more than 36 hours per week. Information was not available on whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There is no prohibition on excessive compulsory overtime. The law provides equal rights to foreign and Azerbaijani workers.

Occupational Safety and Health: Occupational safety and health (OSH) standards are appropriate for the main industries, although employers were known to ignore them. The owner or employer of a business is responsible for complying with workplace safety and health standards. Failure to provide acceptable conditions of work in the construction and oil and gas sectors remained a problem. Workers may not remove themselves from situations that endanger health or safety without jeopardy to their employment.

According to official statistics, 30 workers died on the job during the year, nine from the oil and gas sector.

Wage, Hour, and OSH Enforcement: The Ministry of Labor and Social Protection is responsible for enforcing minimum wage, overtime, and OSH laws. The number of inspectors was insufficient to enforce compliance, and inspectors did not have the authority to conduct onsite inspections, whether routine or unannounced. Inspectors could conduct desk reviews of labor law compliance in response to complaints, and initiate sanctions for violations detected through this process. The government, which began its moratorium on scheduled and unannounced labor inspections in 2015 to combat corruption and stimulate business, continued it through the year. Although inspectors were permitted to request information from employers and employees in order to investigate

complaints, complaint response did not include worksite inspections. The ministry identified 1,664 violations of labor law.

The government did not effectively enforce the laws on acceptable conditions of work including wage and hour laws, nor occupational safety and health laws, largely due to the extended moratorium on worksite inspections. Penalties were not commensurate with those for similar crimes. The government tended to enforce penalties when it became aware of violations; however, in the absence of onsite inspections, many violations may have gone unreported.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective due to the moratorium. Local human rights groups, including the Oil Workers Rights Defense Organization, an NGO dedicated to protecting worker rights in the petroleum sector, maintained 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 private health-care insurance. Some domestic employees of foreign oil companies reported violations of labor law, noting they were unable to receive overtime payments or vacations.

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