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Maat for Peace's Report on the UPR of Azerbaijan (2023)

Executive summary:

Maat for Peace, Development and Human Rights submits this report to the Universal Periodic Review Mechanism in order to assess the extent of progress made by Azerbaijan in implementing the recommendations submitted to it during the periodic review of its human rights record that took place in May 2018, and in order to follow up on the extent to which the State party respects its pledges and commitments. In fact, during the last periodic review of its human rights record, Azerbaijan received 259 recommendations, of which 179 were accepted, while it took note of about 80 other recommendations. Despite Azerbaijan's acceptance of more than 65 % of the total recommendations it received, and its commitment to the international community during the last periodic review session to implement these recommendations, Maat has observed the Azerbaijani government committing many human rights violations, which include systematic campaigns against human rights defenders, lawyers and journalists, suppression of freedom of peaceful assembly and association, domestic violence and violence against women, torture and ill-treatment, in addition to ignoring the ratification of several agreements that form the basis for protection human rights at the international level.

In light of the foregoing, Maat reviews the most important human rights developments that have occurred in Azerbaijan's human rights record since the last UPR session by focusing on the most important issues of particular concern to the institution as follows:

Acceptance of International Norms:

Azerbaijan rejected recommendations to ratify several international human rights conventions, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and the Convention for the Protection of All Persons from Enforced Disappearance.



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Azerbaijan continues to commit many enforced disappearances of human rights defenders, Armenian prisoners of war and civilians as a result of the ongoing battle in Nagorno-Karabakh, and the Azerbaijani authorities have also ignored the decisions of the European Court of Human Rights regarding the use of temporary measures to provide information about Armenian prisoners, as well as the urgent measures of the International Court of Justice applied on December 7, 2021, which oblige Azerbaijan to stop its racist and discriminatory policy against Armenians, and this makes it impossible to estimate the number of missing persons and to obtain reliable information about the fate and whereabouts of Forcibly disappeared persons¹.

Recommendations:

- Ratify human rights conventions that it has not ratified, including the International Convention for the Protection of All Persons from Enforced Disappearance, and the Council of Europe Convention on Violence against Women.
- Apply international legislations and standards in the agreements ratified by the state on the internal laws and practices.
- Cooperate with international bodies to provide information about victims of enforced disappearance.

Systematic campaigns against Human Rights Defenders and Journalists:

Maat regrets Azerbaijan's refusal of recommendations related to ensuring the ability of human rights defenders, lawyers, and civil society actors to carry out their activities without fear or threat of retaliation, obstruction, or harassment, as these practices appear in the Azerbaijani state's policy in dealing with human rights defenders, and lawyers, and the imposition of administrative and legal restrictions on freedom of assembly and association. Judicial harassment of journalists, editors, and bloggers increased, as indicted in reports of increased use of surveillance by intelligence agencies against human rights defenders.

¹ Azerbaijan continues ignoring decisions of European Court of Human Rights – Armenia MFA, Armenpress, 30 Aug 2022, <https://armenpress.am/eng/news/1091312/>

Maat has documented the presence of many human rights defenders who are still missing, after subjected to violence, enforced disappearance, and long detentions. Some cases have been documented in which the families of the defenders have been subjected to beatings and arrest, in light of impunity and the absence of accountability for government and police agencies responsible for violations.

In addition, unfair judicial rulings are issued against the defenders, which are legally disproportionate to the charges leveled against them, as well as violating their right to peaceful assembly and fabricating charges that include rioting, and resisting the legal demands of the police².

Violations affected a large number of journalists and lawyers; On February 15, 2022, the Committee to Protect Journalists documented the use of brutal methods and violence by Azerbaijani police forces against three journalists who were arrested while covering a demonstration, It stated that journalists should be from pro-government media outlets so that they can cover demonstrations without fear of arbitrary arrest and police brutality. The police confiscated mobile phones, adding that the police ordered the journalists to be strip-searched, and they were not allowed to speak to a lawyer³.

Under the Media Law of February 2022, freedom of the independent press was restricted; However, the Azerbaijani authorities denied that the journalists excluded from the register would be subject to restrictions.

Recommendations:

- Cease intimidation, threats of reprisals, and legal or administrative harassment against human rights defenders and journalists.
- Amend media laws to guarantee freedom of journalism and media for journalists registered on the state lists or the independent ones, and to stop police violence against them while carrying out their work.
- Ensure accountability for those responsible for the use of threats and violence against the families of human rights defenders, and allow them to seek the assistance of lawyers during investigations.

² "We often scream to a wall and no-one hears us": Activists struggle for justice in post-war Azerbaijan, Lossi 36, 2 March 2023, <https://bit.ly/3GbDJKI>

³ Azerbaijani journalists detained, beaten for covering protest, Committee to Protect Journalists, 15 Feb 2022, <https://bit.ly/3ZDO8pd>

Domestic violence and violence against women:

Azerbaijan has accepted the recommendations concerned with protecting women from violence and discrimination and allowing them greater participation, as Azerbaijan works to narrow the gender gap in educational and health field. This was evident in many practices that allowed greater involvement of Azerbaijani women in public life. Despite the important achievements, progress towards gender equality in Azerbaijan faces many challenges, including gender segregation, the disproportionate distribution of unpaid domestic work, gender discrimination in the workplace.

According to the State Statistical Commission of Azerbaijan, 1260 criminal cases of domestic violence were documented across the country in 2020⁴, Where The Azerbaijani Prosecutor General's Office confirmed that 71 women were killed by husbands or male relatives last year, and another 48 women in the first eight months of 2021⁵. A three-year plan has been drawn up to combat domestic violence, and among the approved steps is the establishment of a hotline, a state-run shelter for victims and a mechanism to monitor and evaluate progress in combating domestic violence, However, Azerbaijan did not sign the Istanbul Convention for the Protection of Women from Domestic Violence, in addition to rejecting the recommendations that urged it to sign or ratify the Convention.

However, the authorities do not take the case seriously despite the high number of reported domestic violence incidents. Even women facing severe physical abuse do not receive adequate protection and assistance. Reports in social media show that deaths from domestic violence could have been prevented, had the police and other responsible authorities not failed to respond to complaints of domestic violence with shocking regularity. Many of the women who reported abuse to the police were asked to reconcile with their husbands, who have since continued to beat them.⁶

⁴ Is there a way to end domestic violence in Azerbaijan?, JAM news, 13 May 2021, <https://bit.ly/3zwfAdR>

⁵ Azerbaijan activists sound alarm over wave of killings of women, France 24, 10 Nov 2021, <https://bit.ly/40KHD5w>

⁶ Azerbaijani Activists Raise Alarm About Domestic Violence, Voanews, 11 Dec 2021, <https://bit.ly/40FA7IN>

Women's activists in Azerbaijan have warned that they face harassment from the government, as well as discrimination from the wider community, after claiming their rights under domestic and international laws. Where Article 25 of the Azerbaijani constitution guarantees gender equality between men and women in rights and freedoms, but wives and daughters are often limited to performing family duties in a male-dominated society, which tolerates abuse of women, and it has also been indicated that as of February of 2021, women occupied Only 18 percent of the seats in parliament, and human rights organizations pointed to the lack of institutional representation of women in public office that ensures that their voices are heard by others⁷.

Recommendations:

- Strengthening police agencies concerned with combating sexual violence and discrimination against women and developing measures based on the rights of victims.
- Immediately end the campaign of gender-based violence and discrimination targeting women and activists, and conduct a prompt, impartial and effective investigation.

Freedom of assembly and association law:

Azerbaijan rejected recommendations to end cases against NGOs and independent media, remove unjustified restrictions on access to foreign grants, and amend laws related to the registration, operation, and funding of NGOs, which undermined civil society's public participation and made its role and influence too small.

As a positive step on the part of the Government of Azerbaijan, on April 19, 2021, the President signed a decree on the creation of a legal entity on the basis of state support for NGOs headed by the President of Azerbaijan, which included the right of organizations to access and request funding from sources other than the state budget, and to monitor state-funded projects and the development of cooperation mechanisms between the state, the private sector, and non-governmental

⁷ Fighting for Women's Rights in Azerbaijan, Institute for war and peace reporting, 19 May 2021, <https://bit.ly/3Gh4Gwm>

organizations⁸, but in view of the requirements of the law, we find that realistic practices follow the gaps in the law, which restricts the scope of work of non-governmental organizations and impedes the independence of their work.

Nowadays, NGOs are funded in part through public funding mechanisms, which provide small grants to NGOs, and the amount of individual grants usually does not exceed 5000 euros⁹.

Azerbaijan is a state party to the International Covenant on Civil and Political Rights, where Article 21 regulates the right to peaceful assembly, and despite the state's guarantee of this right, the shortcomings are very clear, as Maat for Peace noted many cases of violations of the freedom of peaceful assembly, and even undermined the ability of opponents to express their opinions, and perhaps the most prominent example of this is the fining of the Azerbaijani government 13,500 euros by the European Court of Human Rights, for violating the right of citizens to freedom of assembly, as six Azerbaijani dissidents were denied the right to organize collective actions three times¹⁰.

In February 2020, parliamentary elections were held, which included preventing some opposition leaders and representatives of civil society from registering, in addition to subjecting them to extensive restrictions on freedom of expression, association and assembly, and the election results published by the Central Election Commission resulted in the ruling New Azerbaijan Party On the majority of seats in parliament, while most other seats went to pro-government parties and candidates, while only one representative of an opposition party was elected to the new parliament, in light of the low official voter turnout, which was estimated at 48%¹¹.

Recommendations:

- Work on a more flexible amendment to the Civil Society Organizations Law to ensure their participation in public life and enable them to perform their work independently.

⁸ Azerbaijan establishes Agency for State Support to NGOs, CSO meter, 21 April 2021, <https://bit.ly/40Jgu2A>

⁹ Azerbaijan, International Center for Not-For-Profit Law, 10 Nov 2022, <https://bit.ly/3GikfUO>

¹⁰ Azerbaijan fined for violating citizens' right to freedom of assembly, JAM news, 6 Oct 2022, <https://bit.ly/416vVBX>

¹¹ Azerbaijan: Investigate election violations, use of force against protesters, International Partnership for Human Rights, 14 Feb 2020, <https://bit.ly/40GrZYL>

- Remove restrictions on the right to peaceful assembly and the freedom to form parties and associations.
- End discriminatory policies affecting opposition parties, and work towards holding transparent and fair elections that guarantee the participation of all factions of the people.

Torture and cruel, inhuman or degrading treatment:

Azerbaijan has received recommendations to conduct an effective, independent and impartial investigation into any allegations of torture, and it has pledged to agree to the recommendations, and in light of the escalating cases of torture and impunity, Maat indicates the need to activate accountability measures to ensure that the perpetrators are brought to justice. Maat closely followed recent events in what is referred to as the infamous Tartar treason case 2017, renewed in December 2021, which resulted in the mass torture of 405 army personnel suspected of spying for Armenia, and nine soldiers died due to the intolerance of torture. Maat commends the government's efforts to adopt a comprehensive and effective investigation into this case, at the request of Parliament. However, what is of concern is that Azerbaijan has rejected the recommendation to hold police officers accountable for torture and ill-treatment, which raises doubts about fair and effective accountability measures¹². Maat is also concerned about the spread of cases of torture targeting children, especially in care centers, following the spread of footage of bullying and psychological and physical abuse of children on social networks¹³¹⁴.

Recommendations:

- The need for an investigation into the widespread torture incidents in the Tartar case.
- Hold police agencies and law enforcement authorities accountable if their involvement in torture cases is proven.

¹² Number of soldiers tortured and abused in Azerbaijan's Tartar scandal now estimated at 405, Bne intellinews, 6 Sep 2022, <https://bit.ly/3GkeS7s>

¹³ An investigation of the facts of torturing children in a psychological center, Turan, 3 Sep 2022, <https://bit.ly/3m8Lydg>

¹⁴ A video of small torture inside an orphanage tops search indicators in Turkey and Azerbaijan, Elbalad news, 26 Dec 2022, <https://www.elbalad.news/5583599>

- Protect children from the risk of torture and ill-treatment and provide rehabilitation for survivors to ensure mental health.