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Country Report on Human Rights Practices 2017 - Azerbaijan

EXECUTIVE SUMMARY

The Azerbaijani constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Mejlis. The Presidential Administration is the predominant power, exceeding that of the judiciary, legislature, and other elements of the executive. Legislative elections in 2015 could not be fully assessed due to the absence of an Organization for Security and Cooperation in Europe (OSCE) election observation mission; independent observers alleged irregularities throughout the country. The 2013 presidential election did not meet a number of key OSCE standards for democratic elections.

Civilian authorities maintained effective control over the security forces.

Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven surrounding Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by France, Russia, and the United States. Violence along the Line of Contact continued. Recurrent shooting and shelling caused casualties among military and civilians. Following the April 2016 outbreak in violence, the sides to the conflict submitted complaints to the European Court of Human Rights (ECHR) accusing each other of committing atrocities during that time. The cases remained pending with the ECHR.

The most significant human rights issues included unlawful or arbitrary killing; torture; harsh and sometimes life-threatening prison conditions; arbitrary arrest; lack of judicial independence; political prisoners; criminalization of libel; physical attacks on journalists, arbitrary interference with privacy; interference in the freedoms of expression, assembly, and association through intimidation, incarceration on questionable charges, and harsh physical abuse of selected activists, journalists, and secular and religious opposition figures, and blocking of websites; restrictions on freedom of movement for a growing number of journalists and activists; severe restrictions on political participation; and systemic government corruption; and police detention and torture, of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals; and worst forms of child labor, which the government made minimal efforts to eliminate.

The government did not prosecute or punish most officials who committed human

rights abuses; impunity remained a problem.

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

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

There were several reports the government or its agents committed arbitrary or unlawful killings.

Human rights defenders and media outlets reported at least six cases of torture or other physical abuse during the year that led to death. No single source could confirm the exact number of such cases.

On April 28, pro-opposition blogger Mehman Galandarov died in the Kurdakhani Pretrial Detention Center under suspicious circumstances. The center's administration reported he committed suicide by hanging himself and opened a criminal investigation of the circumstances of his death. Prominent human rights activist Leyla Yunus, who previously had been incarcerated there, reported Galandarov would never have been permitted to be alone for long enough to hang himself. There were no reports on the results of the investigation. Journalists stated Galandarov was quickly and secretly buried so his body could not be inspected for signs of abuse.

In May media reported that during the spring five servicemen accused of espionage died in unclear circumstances in police custody. The military reportedly hastily buried the soldiers and did not permit relatives to see their bodies, so they could not be inspected for signs of alleged torture.

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Local human rights organizations reported, as of November 20, at least 40 noncombat-related deaths in security forces, including suicides and soldiers killed by fellow service members.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

The State Committee on the Captive and Missing reported that 3,868 citizens were registered as missing because of the Nagorno-Karabakh conflict. The International Committee of the Red Cross (ICRC) processed cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. According to the ICRC, more than 4,496 persons remained unaccounted for because of the conflict.

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

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 abuse continued. Most mistreatment took place while detainees were in police custody, where authorities reportedly used abusive methods to coerce confessions.

On January 9, prominent blogger and Institute for Reporters' Freedom and Safety (IRFS) chairman Mehman Huseynov was arrested for allegedly resisting police. In a news conference the following day, he stated police tortured him while he was in their custody. The head of Nizami police pressed charges against Huseynov for criminal defamation, and on March 3, a Baku court convicted him and sentenced him to two years in prison. On April 12, the Baku Court of Appeals rejected Huseynov's appeal, and on September 29, the Supreme Court returned the case to the Baku Court of Appeals for reconsideration. On December 15, the appeals court again upheld the original conviction.

There were also reports of torture in prisons. In one example, media and human rights lawyers reported that in August imprisoned Muslim Unity Movement figures Abbas Huseynov and Jabbar Jabbarov were tortured in Gobustan Prison. Abbas Huseynov, the movement's deputy chair, was reportedly handcuffed "as if crucified" in Gobustan Prison's punishment cell. Authorities did not investigate these allegations (see section 1.e.).

Authorities reportedly maintained a de facto ban on independent forensic examinations of detainees who claimed mistreatment and delayed their access to an attorney, practices that opposition and other activists stated made it easier for officers to mistreat detainees with impunity. Defense lawyers stated authorities delayed the forensic examination of journalist Afgan Mukhtarli for 38 days to obscure signs of physical abuse by security force members (see section 2.a.).

Authorities threatened prisoners and detainees with rape while in custody. For example, lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals detained in September stated police threatened them with rape, and in some cases raped them with truncheons. Most did not publicize such threats.

Local observers again reported bullying and abuse in military units during the year. The Ministry of Defense, however, maintained a telephone hotline for soldiers to report incidents of mistreatment in order to hold unit commanders responsible, which reportedly resulted in improved conditions throughout the armed forces.

Prison and Detention Center Conditions

According to a reputable prison-monitoring organization, prison conditions were sometimes harsh and potentially life threatening due to overcrowding, inadequate nutrition, deficient heating and ventilation, and poor medical care. Detainees also complained of inhuman conditions in the crowded basement detention facilities of local courts where they awaited trial. They reported those facilities lacked ventilation and proper sanitary conditions.

Physical Conditions: Authorities held men and women together in pretrial detention facilities in separate blocks but housed women in separate prison facilities after sentencing. Local NGO observers reported female prisoners typically lived in better conditions than male prisoners, were monitored more frequently, and had greater access to training and other activities, but that women’s prisons still suffered from many of the same problems as prisons for men. Human rights monitors reported four cases of children under the age of seven living in adult prison facilities with their incarcerated mothers. Convicted juvenile offenders may be held in juvenile institutions until they are 20 years old.

While the government continued to construct facilities, some Soviet-era facilities still in use did not 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 holding them in isolation cells. Local and international monitors reported markedly poorer conditions at the maximum-security Gobustan Prison.

Prisoners at times claimed they endured lengthy confinement periods without opportunity for physical exercise. They also reported instances of cramped, overcrowded conditions; inadequate ventilation; poor sanitary facilities; and insufficient access to medical care. Although the national ombudswoman stated that some medication was eventually provided, lawyers reported Baku prison authorities denied needed medication for Gozel Bayramli, deputy chair of the opposition Popular Front Party, causing significant deterioration of her health.

Former prisoners and family members of imprisoned activists reported prisoners often had to pay bribes to use toilets or shower rooms or to receive food. Although the law permits detainees to receive daily packages of food to supplement the food officially provided, authorities at times reportedly restricted access of prisoners and detainees to family-provided food parcels. Some prisons and detention centers did not provide access to potable water.

Administration: While most prisoners reported they could submit complaints to judicial authorities and the Ombudsman's Office without censorship, prison authorities regularly read prisoners' correspondence, and human rights lawyers reported some prisoners in high-security facilities experienced difficulty submitting complaints. While the Ombudsman's Office reported conducting systematic visits and investigations into complaints, activists reported the office was insufficiently active in addressing prisoner complaints by, for example, failing to investigate allegations of torture and abuse, such as Muslim Unity Movement deputy chair Abbas Huseynov and N!DA activist Bayram Mammadov.

Authorities at times limited visits by attorneys and family members, especially to prisoners widely considered to be incarcerated for political reasons.

Independent Monitoring: The government permitted some prison visits by international and local organizations, including the ICRC, the Council of Europe's Committee for the Prevention of Torture, the president of the Parliamentary Assembly of the Council of Europe, and parliamentarians and diplomats from European countries. Authorities generally permitted the ICRC access to prisoners of war and civilian internees held in connection with the Nagorno-Karabakh conflict as well as to detainees held in facilities under the authority of the Ministries of Justice and of Internal Affairs and the State Security Services.

The ICRC conducted regular visits throughout the year to ensure protection of prisoners under international humanitarian law and regularly facilitated the exchange of messages between them and their families to help them re-establish and maintain contact.

A joint government-human rights community prison-monitoring group known as the Public Committee was allowed access to prisons without prior notification to the Penitentiary Service. On some occasions, however, other groups that reportedly gave prior notification experienced difficulty obtaining access.

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. In May 2016 the UN

Working Group on Arbitrary Arrests expressed concern regarding conditions in the special facilities for persons with disabilities and the prosecution of human rights defenders, journalists, and political opposition.

Role of the Police and Security Apparatus

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 issues. NGOs reported both services detained individuals who exercised their rights to fundamental freedoms, including freedom of expression. The State Migration Service and the State Border Service are responsible for migration and border enforcement.

Civilian authorities maintained effective control over the Ministry of Internal Affairs, the State Security Service, and the Foreign Intelligence Service. The government lacked effective mechanisms to investigate and punish abuse; widespread corruption resulted in limited oversight, and impunity involving the security forces was widespread.

Arrest Procedures and Treatment of Detainees

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

According to the law, detainees are to be brought before a judge within 48 hours of arrest, and the judge may issue a warrant placing the detainee in pretrial detention, place the detainee under house arrest, or release the detainee. In practice, however, authorities at times detained individuals held for longer than 48 hours for several days 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 is to 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.

A formal bail system existed, but judges did not utilize it during the year. The law provides for access to a lawyer from the time of detention, but there were reports that authorities frequently denied lawyers' access to clients in both politically motivated and routine cases. For example, lawyers for investigative journalist Afgan Mukhtarli (see sections 1.c., l.e., and 2.a.) and Popular Front Party deputy chair Gozal Bayramli (see sections 1.c, 1.e., and 3) reported they were denied access to their clients for days

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

Police at times time held politically sensitive and other suspects incommunicado for periods that ranged from several hours to several days. For example, Popular Front Party activist Rajab Huseynli was detained on October 18 and held incommunicado for three days.

Prisoners' family members reported that authorities occasionally restricted visits, especially to persons in pretrial detention, and withheld information about detainees. Days sometimes passed before families could obtain information about detained relatives. Authorities sometimes used family members as leverage to put pressure on individuals to turn themselves in to police or to stop them from reporting police abuse.

Arbitrary Arrest: Authorities often made arrests based on spurious charges, such as resisting police, illegal possession of drugs or weapons, tax evasion, illegal entrepreneurship, abuse of authority, or inciting public disorder. Local organizations and international groups such as Amnesty International and Human Rights Watch (HRW) criticized the government for arresting individuals exercising their fundamental rights and noted that authorities frequently fabricated charges against them. In particular, police detained individuals who peacefully sought to exercise freedom of expression. In one example, on May 22, journalist Nijat Amiraslanov was given 30 days of administrative detention for allegedly resisting police. His lawyer reported that Amiraslanov was tortured and forced to forgo appealing his arrest. He lost the majority of his teeth while in custody, and it was not clear whether they were intentionally torn out or were knocked out during a beating.

Pretrial Detention: Authorities held persons in pretrial detention for up to 18 months. The Prosecutor General's Office routinely extended the initial three-month pretrial detention period permitted by law in successive increments of several months until the government completed an investigation.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law 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 did not rule independently in such cases, however, and in some cases the outcomes appeared predetermined.

Amnesty: On March 16, the president pardoned 423 prisoners, but human rights defenders considered few of those pardoned to be political prisoners, with the exceptions of blogger Abdul Abilov; Popular Front Party activist Elvin Abdullazadeh; Rufat and Rovshan Zahidov, relatives of the editor of the opposition newspaper *Azadliq*, Ganimat Zahid, who was living in political exile; and Nazim Agabekov, brother-in-law of

the head of Meydan TV, Emin Milli. There were reports authorities pressed some of the released prisoners to write letters seeking forgiveness for past "mistakes" as a condition of their pardon. On September 11, the president pardoned blogger Alexander Lapshin, and the court ordered the early release of 18 individuals connected to the 2015 special police operation against the politically active Muslim Unity Movement in the village of Nardaran.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, judges did not function independently of the executive branch. The judiciary remained largely corrupt and inefficient. Many verdicts were legally insupportable and largely unrelated to the evidence presented during the trial. Outcomes frequently appeared predetermined. Courts often failed to investigate allegations of torture and inhuman treatment of detainees in police custody.

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

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

Trial Procedures

The law requires public trials except in cases involving state, commercial, or professional secrets or confidential, personal, or family matters. The law mandates the presumption of innocence in criminal cases. It also mandates the right to be informed promptly of charges; to a fair, timely, and public trial (although trials can be closed in some situations, e.g., cases related to national security); to be present at the trial; to communicate with an attorney of their choice (or have one provided at public expense if unable to pay); to adequate time and facilities to prepare a defense; to free interpretation as necessary from the moment charged through all appeals; to confront witnesses and present witnesses' evidence at trial; and not to be compelled to testify or confess guilt. Both defendants and prosecutors have the right to appeal. Authorities did not respect these provisions in many cases widely considered politically motivated.

Judges at times failed to read verdicts publicly or explain their decisions, leaving defendants without knowledge of the reasoning behind the judgment. Judges also limited the defendant's right to speak. In the appeal of Giyas Ibrahimov, the judge ordered the microphone in the cage for the accused to be switched off to prevent Ibrahimov's closing statement.

Authorities sometimes limited independent observation of trials by having plainclothes police and others occupy courtroom seats. Information regarding trial times and locations was generally available.

Although the constitution prescribes equal status for prosecutors and defense attorneys, judges often favored prosecutors when assessing motions, oral statements, and evidence submitted by defense counsel, without regard to the merits of their respective arguments. Judges also reserved the right to remove defense lawyers in civil cases for "good cause." In criminal proceedings, judges may remove defense lawyers because of a conflict of interest or if a defendant requests a change of counsel.

The law limits representation in criminal cases to members of the country's government-dominated Collegium (bar association). The number of defense lawyers willing and able to accept sensitive cases remained small due to various measures taken by authorities, including by the Collegium's presidium, its managing body. Such measures included disciplinary proceedings resulting in censure, and sometimes disbarment. For example, on November 20, the Collegium voted to expel lawyer Yalchin Imanov after he spoke publicly about the alleged torture suffered in prison by his client Muslim Unity Movement deputy chair Abbas Huseynov (see section 1.c.). There were reports of Collegium pressure on lawyers. There were reports of police physically intimidating lawyers, pressure from prosecutors and police, and occasional harassment of family members, including threats on social media. Most of the country's human rights defense lawyers practiced in Baku, which made it difficult for individuals living outside of Baku to receive timely and quality legal service.

On November 7, the Milli Majlis amended the law on legal representation. Previously, the law permitted nonbar lawyers to represent clients in civil and administrative proceedings. Beginning in 2018, however, only members of the bar association will be able to represent citizens in any legal process. Representatives of the legal community and NGOs criticized the amended law, warning it would reduce citizens' access to legal representation and allow the government-dominated bar association to prevent human rights lawyers from representing individuals in politically motivated cases.

The constitution prohibits the use of illegally obtained evidence. Despite some defendants' claims that police and other authorities obtained testimony through torture or abuse, human rights monitors reported courts did not investigate allegations of abuse, and there was no independent forensic investigator to substantiate assertions of abuse. According to the UN Working Group on Arbitrary Detention, whereas it received "a large number of testimonies" of torture and mistreatment during its May 2016 visit to the country, none of the country's officials or detainees with whom the group met indicated that a judge had questioned a detainee on his/her treatment in custody.

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

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

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

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

Political prisoners and detainees are entitled to the same rights as other prisoners, although restrictions on them varied. Authorities provided international humanitarian organizations access to political prisoners and detainees.

In addition to the presidential pardons on March 16 and September 11(see section 1.d.), authorities on September 11 released the Turan Information Agency editor in chief, Mehman Aliyev, from pretrial detention and changed the terms of confinement for *Azadliq* financial director and opposition Popular Front Party member Faig Amirli on September 15. According to an ad hoc nongovernmental working group on political prisoners, there were 156 political prisoners and detainees at year's end. According to human rights organizations, dozens of government critics remained incarcerated for politically motivated reasons as of November 23. The following individuals were among those widely considered political prisoners or detainees (also see sections 1.c., 1.d., 1.f., 2.a., 3, and 4).

On January 16, the Baku Grave Crimes Court sentenced N!DA youth movement member Elgiz Gahraman to imprisonment for five years and six months on drug charges. Lawyers and civil society activists stated the real reason Gahraman was punished was for criticizing the president and his family in social media posts. The Baku Court of Appeals upheld the sentence on May 18, but on November 29, the Supreme Court reduced his sentence to three years' imprisonment.

On January 25, the Baku Grave Crimes Court sentenced Muslim Unity Movement leader Taleh Bagirzada and his deputy, Abbas Huseynov, to 20 years in prison. Sixteen others associated with the case received prison terms ranging from 14 years and six months to

19 years for charges including terrorism, murder, calling for the overthrow of the government, and inciting religious hatred. Fuad Gahramanli, one of three deputy chairs of the secular opposition Popular Front Party, was sentenced in a related case to 10 years in prison. Human rights defenders asserted the government falsified and fabricated the charges to halt the spread of political opposition in the country.

On March 3, the Surakhany District Court sentenced blogger Mehman Huseynov to two years in prison for alleged defamation (see section 1.c.).

On June 16, the Baku Grave Crimes Court sentenced Fuad Ahmadli, a member of the Youth Committee of the Popular Front Party, to four years' imprisonment for alleged abuse of office and purportedly illegally accessing private information at the mobile operator where he worked. Human rights defenders stated he was punished for participating in protest actions and for criticizing the government on social media.

On November 16, the ECHR ruled the chairman of the opposition Republican Alternative Movement (REAL Movement), Ilgar Mammadov, had been denied a fair trial. Mammadov had been incarcerated since 2013 despite a 2014 ruling by the ECHR that his detention was illegal.

Individuals considered by activists to be political detainees included one of three Popular Front Party deputy chairs, Gozel Bayramli, and journalists Afgan Mukhtarli and Aziz Orucov.

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 by the Supreme Court.

Citizens exercised the right to appeal local court rulings to the ECHR and brought claims of government violations of commitments under the European Convention on Human Rights. The government's compliance with ECHR decisions was mixed; activists stated the government paid compensation but failed to release prisoners in response to ECHR decisions.

Property Restitution

NGOs reported authorities did not respect the laws governing eminent domain and expropriation of property. Homeowners often reported receiving compensation well below market value for expropriated property and had little legal recourse. NGOs also reported many citizens did not trust the court system and were therefore reluctant to pursue compensation claims.

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 telephone and internet communications, particularly those of foreigners, prominent youths active online, some political and business figures, and persons engaged in international communication. There were indications the postal service monitored certain mail for politically sensitive subject matter. For example, human rights attorneys complained during the year that the postal service frequently did not send their appeals to the ECHR, forcing them to use courier services at greater cost.

Police continued to intimidate, harass, and sometimes arrest family members of suspected criminals, independent journalists, and political opposition members and leaders, as well as employees and leaders of certain NGOs. For example, Elnur Seyidov, the brother-in-law of opposition Popular Front Party chairman Ali Kerimli, remained incarcerated since 2012 on charges widely viewed as politically motivated.

There were several examples of the use of politically motivated incarceration of relatives as a means of putting pressure on exiles. On February 18, police interrogated family members of exiled blogger Ordukhan Temirkhan. His brother and nephew were sentenced to administrative detention on fabricated charges of resisting police.

There were also reports authorities fired individuals from their jobs or had individuals fired in retaliation for the political or civic activities of family members inside or outside the country. For example, during the year there were reports at least five Popular Front Party members were fired from their jobs after participating in a peaceful protest.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

While the law provides for freedom of expression, including for the press, and specifically prohibits press censorship, the government habitually violated these rights. The government limited freedom of expression and media independence. Journalists faced intimidation and at times were beaten and imprisoned. Human rights defenders considered at least 10 journalists and bloggers to be political prisoners or detainees as of year's end. During the year authorities continued to pressure media, journalists in the country and in exile, and their relatives.

Freedom of Expression: The constitution provides for freedom of expression, but the government continued to repress persons it considered political opponents. The incarceration of such persons raised concerns about authorities' abuse of the judicial system to punish dissent. In a September joint report, three NGOs stated, "Azerbaijan continues to use its legal and criminal justice system to keep tight control over public space and silent critical voices." The constitution prohibits hate speech, defined as "propaganda provoking racial, national, religious, and social discord and animosity," as well as "hostility and other criteria."

In addition to the case of Mehman Huseynov (see section 1.c.), incarcerations included Afgan Mukhtarli, a freelance journalist and activist living in exile in Georgia, who was reportedly abducted from Georgia May 29, forcibly rendered to Azerbaijan (see section 5), and immediately arrested. Authorities charged Mukhtarli with illegally crossing the border, smuggling, and resistance to law enforcement activities (see the *Country Reports on Human Rights* for Georgia).

Immediately following Mukhtarli's arrest in Azerbaijan, the heads of Georgia's and Azerbaijan's security services claimed Mukhtarli had voluntarily crossed the border into Azerbaijan. Mukhtarli, his wife, and other Azerbaijani activists and journalists disputed this claim. His lawyers stated he was physically abused while in detention (see section 1.c.).

A number of other incarcerations were widely viewed as related to freedom of expression. For example, on June 16, the court convicted Popular Front Party activist Fuad Ahmadli of allegedly illegally disclosing private client information of a mobile operator. On July 24, Faig Amirli, the financial director of opposition newspaper *Azadliq*, who was also the assistant to Popular Front Party chair Ali Kerimli, was sentenced to three years and three months and fined 39,000 manat ($22,800) for alleged tax evasion. While upholding Amirli's conviction, the court ordered his conditional release from confinement at his September 15 appeal hearing. In 2016 Ahmadli and Amirli, despite their secular orientation, were arrested for alleged ties with Muslim cleric Fethullah Gulen, whom Turkey accused of organizing the failed coup attempt in that country.

In addition to imprisonment, the government attempted to impede criticism through other measures. For example, in early October authorities reportedly granted N!DA activist Ulvi Hasanli a medical exemption from mandatory military service until 2019, but later that month they removed the exemption and forcibly conscripted him. In an example of other methods of intimidation, following a public discussion on October 15, activists reported approximately 40 uniformed and plainclothes police prevented a press conference to discuss political prisoners in the country.

Press and Media Freedom: A number of opposition and independent print and online media outlets expressed a wide variety of views on government policies, but authorities penalized them in various ways for doing so.

Human rights defenders considered at least 10 journalists and bloggers and two writers or poets to be political prisoners or detainees as of year's end. Authorities continued exerting pressure on leading media rights organizations.

Foreign media outlets, including Voice of America, Radio Free Europe/Radio Liberty (RFE/RL), and the BBC, remained prohibited from broadcasting on FM radio frequencies, although the Russian service Sputnik was allowed to broadcast news on a local radio network.

Following the 2016 halt of the newspaper *Azadliq*'s print edition after the arrest of its financial director, no significant opposition publications remained in the country.

On May 12, in response to a suit brought by the Ministry of Transportation, Communication, and High Technologies, the Sabayil District Court blocked access to the Azerbaijani-language versions of *RFE/RL* and other independent media outlets, including the websites of *Azadliq*, *Azerbaycan Saati*, *Meydan TV*, and *Turan*.

During the year authorities continued pressure on independent media outlets outside the country and those individuals associated with them in the country. In high-profile examples, authorities continued the criminal case against *Meydan TV* initiated in 2015. Prosecutors combined the criminal cases against Afgan Mukhtarli and *Meydan TV*.

Violence and Harassment: Local observers reported journalists from independent media outlets were subject to physical and cyberattacks during the year. The attacks mainly targeted journalists from *Radio Liberty*, *Azadliq* and other newspapers, *Meydan TV*, and *Obyektiv Television*.

Activists said impunity for assaults against journalists remained a problem and that the majority of physical attacks on journalists were not effectively investigated and went unsolved. There were no indications authorities held police officers accountable for physical assaults on journalists in prior years.

Journalists and media rights leaders continued to call for full accountability for the 2015 beating and death of journalist and IRFS chairman Rasim Aliyev, who reported receiving threatening messages three weeks earlier; the 2011 killing of journalist Rafiq Tagi, against whom Iranian cleric Grand Ayatollah Fazel Lankarani issued a fatwa; and the 2005 killing of independent editor and journalist Elmar Huseynov.

Lawsuits suspected of being politically motivated were used to intimidate journalists and media outlets. In one example, the Ministry of Taxation opened a criminal case against the Turan Information Agency in August. On August 24, authorities detained the director of the agency, Mehman Aliyev, conditionally releasing him on September 11. On November 2, the charges against Turan apparently were dropped.

The majority of independent and opposition media outlets remained in a precarious financial situation and experienced problems paying wages, taxes, and periodic court fines. Most relied on political parties, influential sponsors, or the State Media Fund for financing.

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

Censorship or Content Restrictions: Most media practiced self-censorship and avoided topics considered politically sensitive due to fear of government retaliation. The National Radio and Television Council required that local, privately owned television and radio stations not rebroadcast complete news programs of foreign origin.

During the year authorities did not return work confiscated in June 2016 from the Ganun Publishing House in Baku. At the time, civil society activists reported authorities raided the publishing house after it printed posters advocating the release of imprisoned head of the REAL democratic movement, Ilgar Mammadov. The director of the publishing house, Shahbaz Khuduoghlu, reported police took some published materials and printing molds from the office.

Libel/Slander Laws: Libel and slander are criminal offenses and cover written and verbal statements. The law provides for large fines and up to three years' imprisonment for persons convicted of libel or slander. On May 31, the law was amended increasing the fine for libel from 100 to 1,000 manat ($58 to $580) to 1,000 to 1,500 manat ($580 to $875). The fine for slander was increased from 300 to 1,000 manat ($175 to $580) to 1,000 to 2,000 manat ($580 to $1,170). The law was also amended so that insulting the president could no longer be punished by fines, leaving only punishment of up to two years' corrective labor or up to three years' imprisonment.

Libel laws were employed against journalists. For example, on March 3, a Baku city court sentenced blogger Mehman Huseynov to two years' imprisonment for libel after publicly stating he was tortured by police.

Internet Freedom

The websites of Voice of America, RFE/RL, and Germany-based media outlet Meydan TV were blocked at the beginning of the year, reportedly on the orders of government authorities. On May 12, at the request of the Ministry of Transportation,

Communication, and High Technologies, the Sabayil District Court blocked access to the Azerbaijani-language version of *RFE/RL* and other independent media outlets, including the websites of *Azadliq*, *Azerbaycan Saati*, *Meydan TV*, and *Turan*.

On May 2, Aziz Orucov, director of the internet television station *Kanal 13*, was arrested and sentenced to administrative detention. The General Prosecutor's Office subsequently opened a criminal case against Orucov for alleged tax evasion and abuse of office. On December 15, a court convicted Orucov of these charges and sentenced him to six years' imprisonment

The government also required internet service providers to be licensed and to have formal agreements with the Ministry of Transportation, Communications, and High Technologies. The law imposes criminal penalties for conviction of libel and insult on the internet.

There were strong indications the government monitored the internet communications of democracy activists. For example, members of the Popular Front Party reported being harassed by police and forced to delete critical Facebook posts under threat of physical abuse. During the year youth activists were questioned, detained, and frequently sentenced to administrative detention for posting criticism of government corruption and commenting on human rights abuses online.

The Freedom House annual *Freedom on the Net* report, covering the period from June 2016 through May 2017, stated, "Internet freedom declined in Azerbaijan in the past year" and that "the space for free expression online continued to shrink." The report also noted that, while in previous years the government refrained from extensive blocking, the past year saw more website restrictions.

According to International Telecommunication Union statistics, approximately 78 percent of the country's population used the internet in 2016.

Academic Freedom and Cultural Events

The government on occasion restricted academic freedom. Opposition party members reported difficulty finding 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 severely restricted freedom of peaceful assembly. Authorities at times responded to peaceful protests and assemblies by using force and detaining protesters. The law permits administrative detention for up to three months for misdemeanors and up to one month for resisting police. Punishment for those who fail to follow a court order (including failure to pay a fine) may include fines of 500 to 1,000 manat ($290 to $580) and punishment of up to one month of administrative detention.

While the constitution stipulates that groups may peacefully assemble after notifying the relevant government body in advance, the government continued to interpret this provision as a requirement for prior permission. Local authorities required all rallies to be preapproved and held at designated locations. Most political parties and NGOs found the requirements unacceptable and unconstitutional. Authorities throughout the country routinely ignored applications for public rallies, effectively denying the freedom to assemble.

As modified by the September 2016 referendum, the constitution provides that public gatherings not disrupt "public order and public morals." The Venice Commission's September 2016 preliminary opinion on the proposed constitutional amendments noted it is "almost inevitable" that peaceful gatherings may disrupt public order (for example, by disturbing traffic) or disturb someone's views on morality and yet be permissible under the European Convention on Human Rights. The commission concluded, "The State should allow such gatherings and even facilitate them provided that those disturbances are not excessive and help convey the message of the public event."

Activists reported police harassed and/or detained approximately 200 persons before, during, and after authorized rallies on September 28, October 7, and October 28 against corruption and the situation of political prisoners in the country. The courts sentenced 15 opposition activists to administrative detention ranging from 10 to 30 days, allegedly for resisting police. Activists and media reported individuals were fired by the Ministries of Education and Health and informed the reason for their termination was participation in the opposition rallies. Party representatives stated the government approved the rallies to pantomime freedom of assembly for a Western audience but punished participants to send the message to the populace that public dissent would not be tolerated.

Freedom of Association

The constitution provides for freedom of association, but the law places some restrictions on this right, and amendments enacted during 2014 severely constrained NGO activities. Citing these amended laws, authorities conducted numerous criminal investigations into the activities of independent organizations, froze bank accounts, and harassed local staff, including incarcerating and placing travel bans on some NGO leaders. Consequently, a number of NGOs were unable 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. Authorities routinely rejected the registration applications of NGOs whose names contained the words "human rights," "democracy," "institute," and "society."

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

In 2014 the president approved a number of amendments to the administrative code and the laws on NGOs, grants, and registration of legal entities that imposed additional restrictions on NGO activities and closed several loopholes for the operations of unregistered, independent, and foreign organizations. The legislation also introduced some restrictions for donors. For example, foreign donors were required to obtain preapproval before signing grant agreements with recipients. The laws make unregistered and foreign NGOs vulnerable to involuntary dissolution, intimidated and dissuaded potential activists and donors from joining and supporting civil society organizations, and restricted their ability to provide grants to unregistered local groups or individual heads of such organizations.

In January the Cabinet of Ministers issued new regulations for establishing a "Single Window" mechanism to streamline the grant registration process. According to the new procedures, obtaining grant registration processes for multiple agencies were merged. The new procedures were not fully implemented, however, further reducing the number of operating NGOs.

Based on extensive authority provided in the 2014 amendments, the Ministry of Justice adopted new rules on monitoring NGO activities in February 2016. The rules authorize the ministry to conduct inspections of NGOs, with few provisions protecting the rights of NGOs and the potential of harsh fines if they do not cooperate.

The far-reaching investigation opened by the Prosecutor's Office in 2014 into the activities of numerous domestic and international NGOs and local leadership continued during the year. As a result, a number of NGOs were unable to operate, the bank accounts of several NGOs remained frozen, and some NGO leaders were still banned from leaving the country.

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 they support "the Azerbaijani people's national and cultural values" and commit not to be involved in religious and political propaganda. The decree does not specify any time limit for the registration procedure and effectively allows for unlimited discretion of the government to decide whether to register a foreign NGO. As of year's end, no foreign NGOs had been able to register under these rules.

NGO representatives stated the Ministry of Justice did not act on submitted applications. Some experts estimated up to 1,000 NGOs remained unregistered.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (http://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

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 at least 20 opposition figures, activists, and journalists.

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

Foreign Travel: Authorities continued to prevent a number of opposition figures, activists, and journalists from traveling outside the country. Examples included Popular Front Party chairman Ali Kerimli (banned from traveling since 2006), investigative journalist and activist Khadija Ismayilova, lawyers Intigam Aliyev and Asabali Mustafayev, and at least 15 freelance journalists who filed material with Meydan TV. Authorities lifted the travel ban on opposition REAL executive secretary Natig Jafarli after the prosecution dropped a criminal case for tax evasion and abuse of office against him on August 28; a travel ban remained on REAL board member Azer Gasimli.

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 but given suspended sentences also were not permitted to travel abroad.

Internally Displaced Persons (IDPs)

UNHCR reported 612,785 registered IDPs in the country, including persons in IDP-like situations, as of year's end. The vast majority fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict.

IDPs were initially required to register their places of residence with authorities and could live only in approved areas. This "propiska" registration system, which formally ceased to exist after the breakup of the Soviet Union, was enforced mainly against persons who were forced from their homes after separatists, with Armenia's support, took control of Nagorno-Karabakh and seven surrounding Azerbaijani territories. The government asserted that registration was needed to keep track of IDPs to assist them.

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

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to some refugees through the Refugee Status Determination Department at the State Migration Service, which is responsible for all refugee matters. Although UNHCR noted some improvements, 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.

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

Access to Basic Services: The estimated 1,193 refugees in the country lacked access to social services. The Ministry of Education reported that 88,019 IDP students studied in 598 schools relocated from occupied regions across 34 regions of the country during the 2016-17 academic year. Many IDP and refugee children also enrolled at ordinary schools in numerous regions throughout the country.

Stateless Persons

According to UNHCR statistics, there were 3,585 persons in the country under UNHCR's statelessness mandate at the end of 2016, the most recent year for which data was available. According to the State Migration Service, 573 foreigners and stateless persons

were granted citizenship in 2017. The vast majority of 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.

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

Amendments to the constitution adopted by referendum in September 2016 allow citizenship to be removed "as provided by law." Previously, the constitution explicitly prohibited the loss of citizenship. As of September 2017, the government had stripped 151 persons of citizenship for their alleged affiliation with terrorist organizations.

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 based on universal and equal suffrage, held by secret ballot, the government continued to restrict this ability by interfering in the electoral process. While the law provides for an independent legislative branch, the Milli Mejlis exercised little initiative independent of the executive branch.

Elections and Political Participation

Recent Elections: The OSCE Office for Democratic Institutions and Human Rights (ODIHR) cancelled its observation of the 2015 legislative elections when the government refused to accept its recommended number of election observers. Without ODIHR participation, it was impossible to assess properly the fairness of the elections.

Independent local and international monitors who observed the election alleged a wide range of irregularities throughout the country, including blocking observers from entering polling stations, ballot stuffing, carousel voting, and voting by unregistered individuals; opposition monitors also alleged such irregularities. The country's main opposition parties boycotted the election.

The 2013 presidential election fell short of international standards. In their joint statement of preliminary findings and conclusions on the election, ODIHR and the OSCE Parliamentary Assembly highlighted serious shortcomings that needed to be addressed for the country to meet its OSCE commitments fully. On election day OSCE Parliamentary Assembly and ODIHR observers noted procedural irregularities, including

ballot box stuffing, serious problems with vote counting in 58 percent of observed polling stations, and failure to record the number of ballots received. The ODIHR report noted that, prior to election day, the government maintained a repressive political environment that did not provide the fundamental freedoms of assembly, association, and expression necessary for a free and fair electoral competition. Authorities interfered with media and civil society routinely, sometimes violently interrupted peaceful rallies and meetings before and occasionally during the 23-day campaign period, and jailed a number of opposition and youth activists. Neither the election administration nor the judiciary provided effective redress for appeals. Credible NGOs reported similar shortcomings.

In September 2016 the government conducted a referendum on 29 proposed constitutional amendments, with voters having the option to vote on each proposed amendment separately. Amendments included provisions extending the presidential term from five to seven years, permitting the president to call early elections if twice in one year legislators pass no-confidence measures in the government or reject presidential nominees to key government posts. The amendments also authorized the president to appoint one or more vice presidents, designating the senior vice president as first in the line of presidential succession in place of the prime minister, who is approved by parliament. On February 21, the president appointed his wife, Mehriban Aliyeva, as first vice president.

After polls closed, the Central Electoral Commission (CEC) announced that the 29 amendments were approved by approximately 70 percent of registered voters. While observers from the Council of Europe's Parliamentary Assembly reported the referendum was well executed, independent election observers who were unaccredited identified numerous instances of ballot stuffing, carousel voting, and other irregularities, many of which were captured on video. They also observed significantly lower turnout than was officially reported by the CEC.

Political Parties and Political Participation: While there were 50 registered political parties, the ruling Yeni Azerbaijan Party dominated the political system. Domestic observers reported membership in the ruling party conferred advantages, such as preference for public positions. The Milli Mejlis had not included representatives of the country's main opposition parties since 2010.

Authorities took various measures to prevent the REAL Movement from forming a political party, including by blocking its efforts to hold a required party congress. For example, in October and November, the Baku City Executive Authority denied the REAL Movement's repeated requests for space to hold a congress. Private hotels reportedly refused to rent REAL space due to fear of the authorities' reaction. The Musavat Party agreed to allow REAL to hold the party congress at its Baku office in December, but REAL leadership postponed the event following the authorities' warnings that Musavat would be expelled from the office space if the congress were held there.

Opposition members were more likely than other citizens to experience official harassment and arbitrary arrest and detention. Members of the Popular Front and Musavat parties were arrested and sentenced to administrative detention after making social media posts critical of the government.

According to domestic NGOs' joint list of political prisoners, several political detainees or prisoners were opposition party or movement members. At least 10 opposition members were considered to be political detainees or prisoners, including REAL movement chairman Ilgar Mammadov (see section 1.e.), and all three deputy chairs of the Popular Front Party--Gozel Bayramli, Fuad Gahramanli, and Seymur Hezi.

Regional party members often had to conceal the purpose of their gatherings and held them in remote locations. Opposition party members reported police often dispersed small gatherings at teahouses and detained participants for questioning.

Opposition parties continued to have difficulty renting office space, reportedly because property owners feared official retaliation. For example, on February 9, a landlord expelled the local branches of the Popular Front Party and Musavat from their shared office space in Sheki.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. There was one female member in the cabinet, and 16.8 percent of members of the parliament were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. While the government made some progress in combatting low-level corruption in provision of government services, there were continued reports of corruption by government officials at the highest levels. Transparency International and other observers described corruption as widespread during the year.

There were continued reports authorities targeted some whistleblowers seeking to combat government corruption. For example, activists stated former Zardab district prosecutor Rufat Safarov was charged with extortion after speaking out against corruption in the prosecution service. In September 2016 he was convicted in the Lankaran Grave Crimes Court and sentenced to nine years in prison. In December 2016 and on July 11, the Appeal Court and the Supreme Court, respectively, confirmed the sentence. There were reports Rufat Safarov was subjected to torture in prison. Local NGOs considered him a political prisoner.

Corruption: In a high-profile example of continued reports of high-level corruption, in September the Organized Crime and Corruption Reporting Project published an investigative report on a $2.9 billion money-laundering scheme that allegedly benefited high-level officials between 2012 and 2014. Reports continued that the families of several high-level officials were beneficiaries of monopolies. Authorities initiated some criminal cases related to bribery and other forms of government corruption during the year, although few senior officials were prosecuted.

Following the 2015 dismissal of the national security minister, Eldar Mahmudov, and other ministry officials, the Baku Court of Grave Crimes in December 2016 began a criminal trial against several former high-ranking officials of the defunct National Security Ministry, accusing them of abuse of power, illegal inspection of businesses, extortion, bribery, and blackmail. The case's investigation led to the removal of officials from other ministries on related charges of corruption, including the former communications minister, Ali Abbasov, and nine other ministry and public telecommunications employees. During the year the courts sentenced former officers of the Ministry of National Security and the Ministry of Communication and High Technologies to varying terms of imprisonment.

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

The president and the Presidential Administration continued a well publicized program to decrease corruption at lower levels of public administration. State Agency for Public Service and Social Innovations (ASAN) service centers functioned as a one-stop location for government services, such as birth certificates and marriage licenses, from nine ministries.

Financial Disclosure: The law requires officials to submit reports on their financial situation, and the electoral code requires all candidates to submit financial statements. The process of submitting reports was complex and nontransparent, with several agencies and bodies designated as recipients, including the Anticorruption Commission, the national assembly, the Ministry of Justice, and the CEC, although their monitoring roles were not well understood. The public did not have access to the reports. The law permits administrative sanctions for noncompliance, but they were not imposed.

The law prohibits the public release of the names and capital investments of business owners. Critics continued to state the purpose of the law was to curb investigative journalism into government officials' business interests.

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

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 high level of recent years. Leading human rights NGOs faced a hostile environment for investigating and publishing their findings on human rights cases. As a result, some activists fled the country, and a number of NGOs remained unable to operate. Some human rights defenders remained unable to carry out their professional responsibilities due to various government obstacles, such as incarceration (Aliabbas Rustamov), failure to return confiscated case files and office equipment (Intigam Aliyev), or disciplinary proceedings (see section 1.e.).

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. Activists also reported that authorities refused to register their organizations or grants, continued investigations into organizations' activities, froze or kept frozen their personal and organizational bank accounts, and did not return previously seized office equipment. Many representatives reported difficulty locating office or event space, particularly in hotels and especially for events occurring outside Baku.

Senior government officials engaged in rhetorical attacks on human rights activists. State-run media outlets accused Amnesty International, HRW, Freedom House, and Reporters without Borders of supporting "antinational elements." On multiple occasions Presidential Administration officials accused local and foreign NGOs of representing foreign interests seeking to destabilize the country and, therefore, of subversive activity, naming specific democracy and human rights groups and activists who had been incarcerated. On May 4, progovernment web portal Haqqin.az called a number of Azerbaijani democracy activists and journalists, including Gozel Bayramli (see sections 1.c, 1.e) and Afgan Mukhtarli (see sections 1.c. and 2.a.), "anti-Azerbaijani," accused them of seeking the overthrow of the government, and urged Georgian authorities to expel those residing in Georgia.

The United Nations or Other International Bodies: The government objected to statements from international bodies, criticizing what authorities called interfering in the country's internal affairs.

In September 2016 the UN special rapporteur on the situation of human rights defenders stated, "civil society of Azerbaijan faces the worst situation since the independence of the country" and called on authorities to rethink their "punitive approach to civil society."

Government Human Rights Bodies: Citizens may appeal violations committed by the state or by individuals to the Ombudsman's Office of the Republic of Azerbaijan for human rights, Elmira Suleymanova, or the ombudsman for human rights of the Nakhichevan Autonomous Republic, Ulkar Bayramova. The ombudsman may refuse to

accept cases of abuse that are more than a year old, anonymous, or already being handled by the judiciary. Human rights NGOs criticized the Ombudsman's Office as lacking independence and effectiveness in cases considered politically motivated.

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

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

Women

Rape and Domestic Violence: Rape is illegal and carries a maximum sentence of 15 years in prison. Spousal rape is also illegal, but observers stated police did not effectively investigate such claims.

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. Female members of the National Assembly and the head of the State Committee for Family, Women, and Children Affairs (SCFWCA) continued their activities against domestic violence. The committee conducted public awareness campaigns and worked to improve the socioeconomic situation of domestic violence survivors.

The government provided limited protection to women who were victims of assault. The government and an independent NGO each ran a shelter providing assistance and counseling to victims of trafficking and domestic violence.

Sexual Harassment: The government rarely enforced the prohibition of sexual harassment. The SCFWCA worked extensively to organize and host several conferences that raised awareness of sexual harassment and domestic violence.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/ (http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Although women nominally enjoyed the same legal rights as men, societal and employment-based discrimination was a problem. There was discrimination against women in employment. The SCFWCA conducted public media campaigns to raise awareness of women's rights.

Gender-biased Sex Selection: The gender ratio of children born in the country in 2016 was 111 boys for 100 girls, according to the *World Factbook*. 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 the problem.

Children

Birth Registration: Children derive citizenship by birth within the country or from their parents. Registration at birth was routine for births in hospitals or clinics. Some children born at home were not registered. The Ministries of Internal Affairs and Justice registered undocumented children after identifying them as a population vulnerable to trafficking.

Education: While education was compulsory, free, and universal until the age of 17, large families in impoverished rural areas sometimes placed a higher priority on the education of boys and kept girls in the home to work. Some poor families forced their children to work or beg rather than attend school.

Child Abuse: To address the problem of child abuse, the State Committee on Family, Women, and Children conducted training programs for judges and children rights advocates and organized seminars for municipal officials on combatting child abuse.

Early and Forced Marriage: The law provides that a girl may marry at the age of 18 or at 17 with local authorities' permission. The law further states a boy may marry at the age of 18.

The Caucasus Muslim Board defines 18 as the minimum age for marriage as dictated by Islam, but the pronouncement failed to reduce greatly the number of early marriages. The law establishes fines of 3,000 to 4,000 manat ($1,750 to $2,340) or imprisonment for up to four years for conviction of the crime of forced marriage with underage children. Girls who married under the terms of religious marriage contracts were of particular concern, since these were not subject to government oversight and do not entitle the wife to recognition of her status in case of divorce.

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

Sexual Exploitation of Children: Recruitment of minors for prostitution (involving a minor in immoral acts) is punishable by up to eight years in prison. The law prohibits pornography; its production, distribution, or advertisement is punishable by three years ' imprisonment. Statutory rape is punishable by up to three years' imprisonment.

Displaced Children: A large number of refugee and internally displaced children lived in substandard conditions. In some cases, these children were unable to attend school. A Baku group working with street children reported boys and girls at times engaged in prostitution and street begging.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html (https://travel.state.gov/content/childabduction/en/legal/compliance.html).

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government did not enforce these provisions effectively.

A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. Children with certain disabilities, including autism, received no education benefits or allowances. A local NGO reported there were approximately 60,000 children with disabilities in the country, of whom 6,000 to 10,000 had access to specialized educational facilities, while the rest were educated at home or not at all. The Ministry of Education, in coordination with UNICEF, took steps to increase inclusion of children with disabilities into regular classrooms, particularly at the primary education level. No laws mandate access to public or other buildings, information, or communications for persons with disabilities, and most buildings were not accessible. Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking.

National/Racial/Ethnic Minorities

Citizens of Armenian descent reported discrimination in employment. In 2016 the Council of Europe's Committee against Racism and Intolerance (ECRI) reported that an entire generation has grown up listening to political leaders, educational institutions,

and media using hate speech against Armenians. Authorities sentenced human rights activists working on reconciliation with Armenia to long prison terms on controversial accusations. Hate speech was also directed against the Talysh minority. Some groups, including Talysh in the south, Lezghi in the north, and Meskhetians and Kurds, reported dissatisfaction with the lack of adequate provision of official textbooks in their local native languages.

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

Antidiscrimination laws exist but do not specifically cover lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

In October media and human rights lawyers reported that since mid-September police had arrested and tortured 83 men presumed to be gay or bisexual as well as transgender women. Once in custody, police beat the detainees and subjected them to electric shocks to obtain bribes and information about other gay men (see section 1.c.). By October 3, many of the detainees had been released, many after being sentenced to 20-45 days in jail, fined up to 200 manat ($117), or both. On October 2, the Ministry of Internal Affairs and the Office of the Prosecutor General issued a joint statement that denied the arrests were based on gender identity or sexual orientation.

A local NGO reported there were numerous incidents of police brutality against individuals based on sexual orientation and noted that authorities did not investigate or punish those responsible. There were also reports of family-based violence against LGBTI individuals, hate speech against LGBTI persons, and hostile Facebook postings on personal online accounts. Activists reported that LGBTI individuals were regularly fired by employers if their sexual orientation/gender identity became known. One individual reported the military did not allow LGBTI individuals to serve and granted them deferment from conscription on the grounds of mental illness.

LGBTI 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 indifference to investigating crimes committed against members of the LGBTI community.

HIV and AIDS Social Stigma

In the country's most recent demographic and health survey (2006), 80 percent of women and 92 percent of men reported discriminatory attitudes towards persons with HIV. The *Azerbaijan National Strategic Plan for HIV 2016-2020* sought to increase public awareness of HIV/AIDS to reduce stigma and discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for freedom of association, including the right to form and join independent labor unions. Uniformed military and 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 workers the right to conduct legal strikes. Categories of workers prohibited from striking include high-ranking executive and legislative officials; law enforcement officers; court employees; fire fighters; and health, electric power, water supply, telephone, railroad, and air traffic control workers.

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 who disrupt public transportation, however, could be sentenced to up to three years in prison.

The Azerbaijan Trade Unions Confederation (ATUC) was the only trade union confederation in the country. The process to register a trade union was cumbersome and time consuming. Although ATUC registered as an independent organization, some workers considered it closely aligned with the government. ATUC reported it represented 1.6 million members in 27 sectors at the start of the year. Regardless of whether the ATUC represented the employees of a company, a labor inspector appointed under the Ministry of Labor and Social Protection could investigate labor-related grievances.

The government did not effectively enforce laws related to freedom of association and collective bargaining. Administrative penalties were not sufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals. There were some restrictions, such as increased bureaucratic scrutiny of the right to form unions and conduct union activities. Most unions were not independent, and the overwhelming majority remained tightly linked to the government, with the exception of some journalists' unions. Both local and international NGOs claimed that workers in most industries were largely unaware of their rights and afraid of retribution if they initiated complaints. This was especially true for workers in the public sector.

Collective bargaining agreements were often treated as formalities and not enforced. Although the 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 between the government and multinational energy enterprises did not provide 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.

The state oil company's 65,200 workers were required to belong to the Union of Oil and Gas Industry Workers, and authorities automatically deducted union dues (2 percent of each worker's salary) from paychecks. Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. Employers officially withheld 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 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 generally sufficient to deter violations. The government did not effectively enforce applicable laws. Resources and inspections were inadequate, due in part to a moratorium on all routine and unannounced labor inspections.

During the year there were reports that some schools were closed to allow Ministry of Education employees and students outside of the capital to participate in the autumn cotton harvest. Migrant workers were at times subjected to conditions of forced labor in the construction industry. Forced begging by children was a problem, and forced domestic servitude was an emerging problem. Men and boys at times were subjected to conditions of forced labor within the country, for example, in construction (see section 7.c.). The Ministry of Internal Affairs reported it identified five cases of forced labor in the first nine months of the year. During the year the antitrafficking department in the Ministry of Internal Affairs inspected construction and agricultural sector sites but did not identify any victims of labor trafficking.

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

c. Prohibition of Child Labor and Minimum Age for Employment

In most cases the law permits children to work from the age of 15; children who are 14 may work in family businesses or, with parental consent, in daytime after-school jobs that pose no hazard to their health. Children under the age of 16 may not work more than 24 hours per week; children who are 16 or 17 may not work more than 36 hours per week. The law prohibits employing children under the age of 18 in difficult and

hazardous conditions and identifies specific work and industries in which children are prohibited, including work with toxic substances and underground, at night, in mines, and in nightclubs, bars, casinos, or other businesses that serve alcohol.

Government enforcement of the laws prohibiting child labor and setting a minimum age for employment was inconsistent. Resources and inspections were inadequate, and penalties for violations, including fines, did not always deter violations. Although the Ministry of Labor and Social Policy conducted inspections based on complaints during the year, a moratorium on routine and unannounced inspections prevented effective enforcement of child labor laws. A local NGO reported there was a need for increased monitoring.

There were few complaints of abuses of child labor laws during the year, although there were anecdotal reports of child labor in agriculture, forced begging, and street work, and of children subjected to commercial sexual exploitation (see section 6, Children, and section 7.b.).

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation, but the government did not always enforce the law effectively. Employers generally hesitated to hire persons with disabilities, and workplace access was limited. Citizens of Armenian descent reported discrimination in employment as well. Discrimination in employment and occupation also occurred with respect to sexual orientation. LGBTI individuals reported employers found other reasons to dismiss them because they could not legally dismiss someone because of their sexual orientation.

The law excludes women from certain occupations with inherently dangerous conditions, such as working underground in mines. Women were underrepresented in high-level jobs, including top business positions. Traditional practices limited women's access to economic opportunities in rural areas. Women's pay lagged behind that of men. According to the State Statistics Committee of Azerbaijan, in 2016 the average monthly salary for women was 317 manat ($185), while the average monthly salary for men was 630 manat ($368).

e. Acceptable Conditions of Work

On January 21, the national minimum wage was increased from 105 manat ($61) to 116 manat ($68) per month. The minimum wage was below the poverty level (minimum living standard) for able-bodied persons. Experts stated the minimum wage law was enforced. The law requires equal pay for equal work regardless of gender, age, or other classification.

The law provides for a 40-hour workweek; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods and annual leave that are determined by labor contracts and collective agreements. 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 domestic workers.

Ministry of Labor and ATUC officials inspected worksites for compliance, particularly in the construction, energy, and oil sectors, and recommended improvements in labor conditions to employers. Most individuals worked part time in the informal sector (unregistered businesses), which accounted for between 10 and 30 percent of the economy, and where the government did not enforce contracts or labor laws.

The government did not effectively enforce the laws on acceptable conditions of work. 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 the national labor code, noting they were unable to receive overtime payments or vacations.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective. There were too few ministry labor inspectors to monitor worksites, and penalties for violations were seldom enforced. Although the law sets health and safety standards, employers widely ignored them. Violations of acceptable conditions of work in the construction and oil and gas sectors remained problematic. In 2015 a total of 31 oil workers died in a Caspian Sea deep-water oil-rig fire started by a gas pipeline explosion. A special commission led by Prime Minister Artur Rasizade was tasked to investigate the incident; the commission's report was presented to the Presidential Administration but not made public.

In December 2016 strong winds destroyed part of a pier related to oil operations, resulting in the death of 10 workers. The Oil Workers Rights Protection Organization stated the infrastructure was old and had not been properly maintained.

In 2016 there were reports that Azerbaijan Airlines workers were required to work longer hours for less pay. There were also reports that senior executives required airline crews to forgo hotel rooms for rest and instead to remain onboard their airplanes.

The ATUC reported good cooperation with Russian and Georgian authorities on measures to protect Russian and Georgian migrant workers' rights and the safety of working conditions. The Ministries of Labor and Internal Affairs reportedly monitored the labor rights of other workers in hazardous sectors and in the informal economy. Workers may remove themselves from situations that endanger health or safety, but there is no legal protection of their employment if they did so.

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