

# **AZERBAIJAN 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Azerbaijani constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Mejlis (National Assembly). The presidency is the predominant branch of government, exceeding the judiciary and legislature. The election observation mission of the Organization for Security and Cooperation in Europe (OSCE) concluded that the April 11 presidential election took place within a restrictive political environment and under a legal framework that curtailed fundamental rights and freedoms, which are prerequisites for genuine democratic elections. National Assembly elections in 2015 could not be fully assessed due to the absence of an OSCE election observation mission, but independent observers alleged numerous irregularities throughout the country.

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. Violence along the Line of Contact continued, although at lower levels starting in October, after the Azerbaijani and Armenian leaders met in Dushanbe.

Human rights issues included unlawful or arbitrary killing; torture; arbitrary detention; harsh and sometimes life-threatening prison conditions; 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; harsh physical abuse of selected activists, journalists, and secular and religious opposition figures; blocking of websites; restrictions on freedom of movement for a growing number of journalists and activists; refoulement; severe restrictions on political participation; systemic government corruption; 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.

In July and August, the government announced that security services had killed five individuals who allegedly resisted police during their arrest. The authorities claimed the individuals were involved in the July 3 attempted murder of Ganja mayor Elmar Valiyev and the subsequent July 10 killing of two police officers. Human rights defenders alleged the five individuals had not resisted arrest and that police and state security services planned the killings in advance.

On September 26, Teymur Akhundov died in the Gazakh Police station after he was summoned for questioning. Akhundov's family alleged his death was caused by physical abuse by police.

On September 13, State Border Service private Huseyn Gurbanov died under unclear circumstances. Authorities stated he committed suicide, but family members publicly alleged members of his unit killed him during a hazing ritual.

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, although at lower levels starting in October, after the Azerbaijani and Armenian leaders met in Dushanbe. 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 ECHR accusing each other of committing atrocities during that time. The cases remained pending with the European Court of Human Rights (ECHR).

As of November 20, local human rights organizations reported at least 31 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 July 18, the Council of Europe's Committee for the Prevention of Torture (CPT) published reports of six visits it conducted to the country between 2004-17. In the reports the CPT stated its overall impression of the situation in the country was that torture and other forms of physical mistreatment by police and other law enforcement agencies, corruption in the entire law enforcement system, and impunity remained systemic and endemic. The 2017 CPT delegation reported receiving numerous credible allegations of severe physical abuse that it stated could be considered torture, such as truncheon blows to the soles of the feet and infliction of electric shocks. The goal of the alleged abuse reportedly was to force the detainees to sign a confession, provide other information, or accept additional charges. In contrast to previous visits, the delegation also reported receiving allegations of what it termed "severe ill treatment/torture" by the State Customs Committee, the State Border Service, and the Armed Forces.

In January 2017 authorities arrested prominent blogger and Institute for Reporters' Freedom and Safety (IRFS) chairman Mehman Huseynov in the Nizami district of Baku 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; in March 2017 a Baku court convicted him and sentenced him to two years in prison (see section 1.c., Political Prisoners and Detainees).

There were also reports of torture in prisons. In one example, media reported family member claims that in April imprisoned deputy head of the Muslim Unity Movement Abbas Huseynov was severely beaten and left chained in an isolation cell in Gobustan Prison. He was subsequently chained to an iron post in the prison yard, exposed to the elements, from morning until night. This followed media and human rights lawyers' reports in August 2017 of Huseynov's torture in the same prison. Authorities did not investigate the allegations.

Authorities reportedly maintained an implicit ban on independent forensic examinations of detainees who claimed mistreatment and delayed their access to an attorney--practices that opposition figures and other activists stated made it easier for officers to mistreat detainees with impunity. Authorities reportedly delayed the forensic examination of Yunus Safarov for 21 days after photos showing marks of severe abuse on his body were circulated in social media immediately after his arrest on charges of attempted murder of the then Ganja mayor.

On March 31, police from the Antitrafficking Department (ATD) of the Ministry of Internal Affairs detained youth activist Fatima Movlamli, who at that time was 17 years old and a legal minor. They held her incommunicado for five days on the premises of the Baku ATD, during which time they slapped her around the head and shoulders and threatened to rape her if she did not sign a document acknowledging she was involved in prostitution.

Local observers again reported bullying and abuse in military units during the year. For example, on August 3, private Fahmin Abilov committed suicide after reportedly suffering abuse. His commanding officer and two privates were arrested in connection with his death. The Ministry of Defense maintained a telephone hotline for soldiers to report incidents of mistreatment to hold unit commanders responsible.

### **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. The Ministry of Justice reported that during the year five children less than three years of age lived 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 new 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; inedible food; and insufficient access to medical care. An example of the latter was the denial of timely eye surgery by Baku prison authorities for Mahammad Ibrahim, an opposition Popular Front Party senior advisor, causing permanent damage to his sight. On September 29, just one day prior to his expected release, he was charged by prison officials with illegal possession of a knife, a violation that carries the possibility of up to six additional months of imprisonment. Another Popular Front Party member, Elnur Farajov, died on August 10 from cancer shortly after his release from prison. Family members said he was not properly treated for the disease while incarcerated.

Former prisoners and family members of imprisoned activists reported prisoners often had to pay bribes to meet visiting family members, watch television, use toilets or shower rooms, or to receive food from outside the detention facility. 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, monitored meetings between lawyers and clients, and restricted some lawyers from bringing documents in and out of detention facilities. 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 those made by Muslim Unity Movement deputy chair Abbas Huseynov and N!DA activist Ilkin Rustamzade.

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. 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 Internal Affairs and the State Security Services.

The ICRC conducted regular visits throughout the year to provide for 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.

Improvements: On July 18, the CPT reported a presidential executive order had resulted in some improvements, mainly in reducing prison overcrowding. The CPT noted, however, that the national and international minimal standard for living space per inmate had not yet been achieved in pretrial facilities visited in October 2017, especially in Shuvalan and Ganja.

#### **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.

### **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. Activists reported the State Border Service played a role in facilitating detentions at the border of some who exercised their rights to fundamental freedoms.

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, placing the detainee under house arrest, or releasing 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, media outlets reported that a lawyer was not able to gain access to Popular Front Party members Agil Maharremov, Ruslan Nasirli, and Babek Hasanov 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.

Human rights defenders stated that many of the more than 60 individuals detained after the attempted assassination of the mayor of Ganja and subsequent killing of two police officers in July were denied access to legal representation.

Police at times held politically sensitive and other suspects incommunicado for periods that ranged from several hours to several days. In March human rights defenders reported police illegally held youth activist Fatima Movlamli, a legal minor at the time, incommunicado for five days in the Baku Antitrafficking Department Crime before releasing her without charge. On May 12, Popular Front Party supporter Saleh Rustamov was detained and held incommunicado for 15 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 reportedly used family members as leverage to put pressure on individuals to turn themselves in to police or to stop them from reporting police abuse. Family members of Popular Front Party activists Babek Hasanov, Ruslan Nasirli, and Agil Maharramov stated in November that, contrary to the law, authorities had prohibited all contact with their relatives since police detained them in May for alleged illegal entrepreneurship and money laundering. Human rights defenders stated the charges and isolation from family was punishment for their political activities.

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 criticized the government for arresting individuals exercising their

fundamental rights and noted that authorities frequently fabricated charges against them.

In a high-profile example, on June 4, shortly after completing a degree program abroad and returning to the country, lawyer Emin Aslanov was arrested by police and held incommunicado for a day at the Ministry of Internal Affairs' Main Department to Combat Organized Crime. He was sentenced to 30 days of administrative detention on charges of resisting police, but activists stated the arrest and detention were due to his past human rights work.

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 May 24, the president pardoned 634 prisoners, but human rights defenders considered few to be political prisoners, with the exceptions of Popular Front Party member Elnur Farajov, writer Saday Shakarli, and 10 religious activists.

There were reports authorities required prisoners to write letters seeking forgiveness for past "mistakes" as a condition of their pardon.

#### **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 of defendants to be informed promptly of charges; to a fair, timely, and public trial (although trials can be closed in some situations, for example, 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 provide 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 that were widely considered to be 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. For example, in the third appeal ruling of Ilgar Mammadov, the judge did not explain the court's rationale for releasing him on August 13 with two years' probation when he had only 18 months of his sentence remaining.

Authorities sometimes limited independent observation of trials by having plainclothes police and others occupy courtroom seats and, in some cases, by refusing entry to observers. For example, the Baku Grave Crimes Court allowed only restricted access to the hearings of activist Orkhan Bakhishli. Information regarding trial times and locations was generally available, but in some political cases, hearings were canceled at the last minute and rescheduled with limited notice.

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 progovernment Collegium (bar association). The number of defense lawyers willing and able to accept politically sensitive cases continued to shrink due to various measures taken by authorities, including by the collegium’s presidium, its managing body. Such measures--which included disciplinary proceedings resulting in censure and sometimes disbarment--intensified during 2017-18. For example, on June 11, the collegium voted to expel lawyer Irada Javadova after she voted against disbarring human rights attorney Yalchin Imanov in 2017. The collegium suspended human rights lawyers Fakhraddin Mehdiyev on January 22, Asabali Mustafayev and Nemat Karimli on April 23 for one year, and Agil Layij for six months on October 30. The collegium officially reprimanded lawyer Fuad Aghayev on July 10.

Other punitive tools employed by authorities against lawyers included correctional labor and financial penalties. For example, on November 23, the Binagadi district court fined and sentenced lawyer and human rights defender Aslan Ismayilov to one year of corrective labor for hooliganism after he allegedly slammed a door in the courtroom. Ismayilov was fined and sentenced to one and a half years corrective labor by the Sabayil district court for alleged criminal slander in a separate case July 31. Ismayilov stated the sentences were meant to punish him for his investigations of government corruption in the health sector.

Some activists estimated the number of remaining lawyers willing to take politically sensitive cases to be as low as four or five. The majority of the country’s human rights defense lawyers were based in Baku, which made it difficult for individuals living outside of Baku to receive timely and quality legal service.

Amendments to the law on legal representation came into force on February 5. The law previously permitted nonbar lawyers to represent clients in civil and administrative proceedings. Under the amended law, however, only members of

the bar association are able to represent citizens in any legal process. Representatives of the legal community and NGOs criticized the amended law, asserting it had reduced citizens' access to legal representation and further empowered the bar association to prevent human rights lawyers from representing individuals in politically motivated cases by limiting the number of human rights lawyers who are bar members in good standing.

During the year the collegium held examinations for lawyer-candidates and increased its membership from 900 to 1,500. Human rights defenders asserted new members were hesitant to work on human rights-related cases for fear they would be sanctioned by the collegium. Some activists and lawyer-candidates stated the examination process was biased and that examiners failed candidates who had previously been active in civil society on various pretexts.

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.

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 some proceedings, courts generally 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. According to OC Media, political prisoners faced special prohibitions on reading and communication with their families. Authorities provided international humanitarian organizations access to political prisoners and detainees.

In addition to the presidential pardon on March 24, on April 5, the Supreme Court conditionally released journalist Aziz Orujov, who was convicted in December 2017 for illegal entrepreneurship and abuse of office. On August 13, the Sheki Court of Appeals conditionally released the chairman of the opposition Republican Alternative Party, Ilgar Mammadov. Mammadov had been incarcerated since 2013 despite rulings by the ECHR in 2014 and 2017 that his initial detention was illegal and that he had been denied a fair trial. On October 31, Ilgar Mammadov submitted a cassation appeal requesting full acquittal.

Nongovernmental estimates of political prisoners and detainees ranged from 128 to 156 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 12, the Balakan District Court sentenced Azerbaijani journalist Afgan Mukhtarli to a six year prison term. Authorities reportedly abducted Mukhtarli in Georgia on May 30 and subsequently arrested him in Azerbaijan on smuggling and related charges, which were widely considered politically motivated. On April 24, the Sheki Court of Appeals upheld the verdict. On September 18, the Supreme Court rejected Mukhtarli's appeal of the verdict.

On January 23, the Gazakh District Court sentenced deputy chairperson of the opposition Popular Front Party Gozel Bayramli to three years imprisonment on charges of attempted smuggling of currency across the border. Human rights defenders stated the case was politically motivated and that authorities punished Bayramli for her role in organizing authorized political demonstrations. On April 20, the Ganja Court of Appeals upheld the verdict.

On May 5, the Shirvan Criminal Court sentenced the leader of the local branch of the opposition Musavat Party, Alikram Khurshudov, to five years in prison on charges of hooliganism. On August 31, the Shirvan Court of Appeal reduced his sentence to four and half years. Human right defenders asserted the charges were

politically motivated.

On March 1, the Supreme Court rejected the appeals of Muslim Unity Movement leader Taleh Bagirzada, his deputy, Abbas Huseynov, and 16 other persons. The court also rejected the appeal of Fuad Gahramanli, one of three deputy chairs of the secular opposition Popular Front Party, on March 1. In January 2017 the Baku Grave Crimes Court had sentenced Bagirzada and Huseynov to 20 years in prison. Sixteen other persons associated with the case received prison terms ranging from 14 years and six months to 19 years on charges including terrorism, murder, calling for the overthrow of the government, and inciting religious hatred. In a related case Gahramanli was sentenced to 10 years in prison in January 2017. Human rights defenders asserted the government falsified and fabricated the charges to halt the spread of political opposition in the country. In July 2017 the Baku Court of Appeal upheld the verdicts.

On June 25, the Supreme Court rejected the second appeal of prominent blogger and IRFS chairman Mehman Huseynov. In March 2017 a Baku court convicted him and sentenced him to two years in prison for alleged defamation. On August 24, a Baku Court rejected Mehman Huseynov's request for early release. On October 17, Baku Court of Appeals upheld this verdict.

On March 6, The Supreme Court rejected the appeal of Fuad Ahmadli. In June 2017 the Baku Grave Crimes Court sentenced 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. The Baku Court of Appeals upheld the verdict in August 2017. Human rights defenders stated he was punished for participating in protest actions and for criticizing the government on social media.

Other individuals considered by activists to be political detainees included Popular Front Party members Vidadi Rustamli, Agil Maharramov, Ruslan Nasirli, Babek Hasanov, party supporter Saleh Rustamov, and exiled Musavat Party activist Azad Hasanov.

### **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 generally 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 youth 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.

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. Murad Adilov, the brother of journalist and Popular Front Party activist Natig Adilov, was arrested in 2014 and sentenced to six years in prison.

There were several examples of the use of politically motivated incarceration of

relatives as a means of putting pressure on exiles. For example, in February authorities arrested and sentenced to administrative detention the nephews of exiled activist Ordukhon Temirkhan; some of his other relatives had been sentenced to administrative detention in 2017.

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 that 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. 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 or critics. The incarceration of such persons raised concerns about authorities' abuse of the judicial system to punish dissent. Human rights defenders considered nine journalists and bloggers and one poet to be political prisoners or detainees as of year's end, including Afgan Mukhtarli, who was sentenced to six years in prison on January 12 by the Balakan District Court. The Sheki Court of Appeals upheld the ruling on April 24 and the Supreme Court rejected the appeal on September 18. Mukhtarli had been living in Georgia before he was reportedly abducted from Tbilisi in May 2017 (see the *Country Reports on Human Rights* for Georgia).

A number of other incarcerations were widely viewed as related to the exercise of freedom of expression. For example, authorities arrested opposition Popular Front Party youth activist Orkhan Bakhishli four days after he gave a speech on May 3, World Press Freedom Day, at the grave of journalist Elmar Huseynov. In his speech, Bakhishli held President Aliyev responsible for Huseynov's killing. On September 18, he was sentenced to six years in prison. Bakhishli had been sentenced to 30 days of administrative detention in late March and released a few

days before his May 3 speech.

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 imprisonment, the government attempted to impede criticism through other measures. Authorities placed activists in administrative detention for their critical social media posts. For example, on May 22, opposition Popular Front Party member Rahib Salimli was sentenced to 30 days of administrative detention after he used social media to call for the release of political prisoners.

Press and Media Freedom: Government-owned and progovernment outlets continued to dominate broadcast and print media throughout the year. A limited number of independent online media outlets expressed a wide variety of views on government policies, but authorities penalized them in various ways for doing so. The 2018 IREX *Media Sustainability Index* stated that “mainstream news media are under the strict control of the ruling elite and only report news that suits its purposes.” No significant opposition printed publications remained in the country.

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. On August 1, authorities shut the progovernment media holding company APA News Agency, further reducing sources of information in the country.

During the year authorities continued to pressure 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.

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 claimed that impunity for assaults against journalists remained a problem.

Authorities did not effectively investigate the majority of physical attacks on journalists, and such cases often went unsolved. There were no indications that authorities held police officers accountable for physical assaults on journalists that took place in prior years. Journalists and human rights defenders 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 believed to be politically motivated were used to intimidate journalists and media outlets. For example, Kanal 13 journalist Ismail Islamoglu stated publicly that police detained him on October 26 and subjected him to physical and psychological pressure for three days for his journalistic activities. In July the Prosecutor General's Office opened criminal cases against websites *Bastainfo.com* and *Criminal.az* and interrogated their editors in chief and journalists for their reporting on the assault on Ganja mayor Elmar Valiyev.

Most locally based media outlets relied on political parties, influential sponsors, or the State Media Fund for financing. Those not benefitting from this type of financing experienced financial difficulties, such as problems paying wages, taxes, and periodic court fines.

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.

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. In May 2017 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 judges with the sole options of punishment of up to two years' corrective labor or up to three years' imprisonment.

Libel laws were employed against journalists. For example, in March 2017 a Baku

city court sentenced blogger Mehman Huseynov to two years' imprisonment for libel for publicly stating that he was tortured by police.

### **Internet Freedom**

The authorities continued to block independent media websites that offered views that differed from government narratives.

Some activists and journalists suspected the government was behind the hacking of several social media accounts. In high-profile examples involving activists, on January 9, the Facebook page of Jamil Hasanli, chairman of the opposition National Council of Democratic Forces (NCDF), was hacked and all posts on the page were deleted; on February 4, prominent NCDF member Gultekin Hajibeyli's Facebook page was hacked. In an illustrative example involving the media, on January 29, the Facebook pages of independent media outlet Meydan TV were hacked.

In July and August, the Sabayil District Court granted the suits of the Ministry of Transportation, Communication, and High Technologies and blocked access to *Bastainfo.com*, *Criminal.az*, *Topxeber.az*, *Fia.az*, *Monitortv.info*, *Xural.com*, *Az24saat.org*, *Anaxaber.az*, and *Arqument.az*. On August 10, the Baku Court of Appeals court ruled to unblock *Arqument*. The websites of Voice of America, RFE/RL, and Azerbaijani media outlets including *Azadliq*, *Turan*, and Germany-based media outlet Meydan TV remained blocked by the authorities during the year.

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 civil society activists. For example, activists reported being harassed by police and forced to delete critical Facebook posts under threat of physical abuse. During the year activists were questioned, detained, and frequently sentenced to administrative detention for posting criticism of government actions and commenting on human rights abuses online.

The Freedom House annual *Freedom on the Net* report, covering the period from June 2017 through May, showed a further reduction in internet freedom in the

country. It stated that the government increasingly blocked access to news websites and noted cyberattacks against news websites and activists ahead of the April presidential election; new fines for distributing illegal content online; and the detention of journalists, bloggers, and social media users for their online publications.

According to International Telecommunication Union statistics, approximately 80 percent of the country's population used the internet in 2017.

### **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 failed 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 criticized the requirements as unacceptable and characterized them unconstitutional. Authorities throughout the country routinely ignored applications for public rallies, effectively denying the freedom to assemble.

Activists stated that police routinely arrested individuals who peacefully sought to exercise their fundamental freedoms on false charges of resisting police that

consistently resulted in periods of administrative detention up to 30 days. A total of 18 individuals were detained and sentenced to 15 to 30 days of administrative detention for their participation in government authorized opposition rallies on March 10, March 31, and April 14. Activists also stated that, as of April 15, more than 100 Popular Front party members were summoned or harassed by police and warned about participating in opposition demonstrations. In another high-profile example, Azer Gasimli and four other activists of the opposition Republican Alternative Party were arrested, charged with resisting police, and sentenced to administrative detention for their role in organizing an unauthorized march in the center of Baku on May 28 to celebrate the centennial anniversary of the founding of the Azerbaijan Democratic Republic. Police summoned dozens of other participants and warned them not to take part in similar future events.

The government also prevented opposition groups from gathering to visit culturally important sites, a practice authorities previously permitted. For example, on November 17, police detained approximately 50 opposition activists, including PFP Chairman Ali Kerimli and NCDF Chairman Jamil Hasanli, for attempting to hold a procession through Martyr's Alley to commemorate National Revival Day. Most activists were released the same day, but Kerimli and approximately eight others were held incommunicado until November 19, when Kerimli and five others were released with fines and three PFP activists were sentenced to 20 days of administrative detention.

### **Freedom of Association**

The constitution provides for freedom of association, but the law places some restrictions on this right, and amendments enacted during 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.

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 on 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 2017 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.

In 2016 the Ministry of Justice adopted rules on monitoring NGO activities. The rules authorize the ministry to conduct inspections of NGOs, with few provisions protecting their rights, and provide the potential of harsh fines if they do not cooperate.

The far-reaching investigation opened by the Prosecutor General’s Office in 2014 into the activities of numerous domestic and international NGOs and local leadership remained open during the year. 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 prohibited 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, particularly those from individuals or organizations working on issues related to democratic development. 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), the head of the Republican Alternative Party Assembly, Azer Gasimli, investigative journalist and activist Khadija Ismayilova, lawyers Intigam Aliyev, Asabali Mustafayev, and Emin Aslanov, and at least 15 freelance journalists who filed material with Meydan TV. A travel ban was imposed on Republican Alternative Party chairman Ilgar Mammadov following his conditional release from prison on August 13 (see section 1.e., Political Prisoners and Detainees). In August authorities lifted the travel ban on human rights activist Ogtay Gulaliyev that had been in place since 2011.

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)**

The Azerbaijani State Committee for Refugee and IDP Affairs reported 641,890 registered IDPs in the country, including persons in IDP-like situations, as of year's end. UNHCR reported 620,422 registered IDPs in the country during the year. The vast majority fled their homes between 1988-93 as a result of the Nagorno-Karabakh conflict.

IDPs had access to education and health care, but their unemployment rate was higher than the national average. Some international observers stated the government did not adequately promote the integration of IDPs into society.

### **Protection of Refugees**

Refoulement: There were press reports that Turkish citizens were transferred from Azerbaijan to Turkey--where they were detained by Turkish authorities--without due process. Citing Turkish media sources, *Turan* reported February 22 that Azerbaijani officials facilitated the detention and extradition to Turkey of Ayhan Seferoglu and Erdogan Taylor, both of whom had worked as teachers in Azerbaijan, despite Azerbaijani court rulings in their favor. After his detention, Serfoglul's Azerbaijani wife reportedly asked the Azerbaijan State Migration Service to grant her husband political asylum; authorities subsequently informed Serfoglul's Azerbaijani wife that the application had been rejected. Turkish authorities reportedly alleged Seferoglu and Taylor were followers of Turkish cleric Fethullah Gulen. According to an April 18 Meydan TV report, Azerbaijani authorities also rendered three such Turkish citizens back to Turkey in 2017 in a similar manner.

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 1,131 refugees (a number that includes state-recognized refugees and those recognized as such only by UNHCR) in the country lacked access to social services. Many IDP and refugee children also enrolled at ordinary schools in numerous regions throughout the country.

Temporary Protection: The government did not provide temporary protection to asylum seekers during the year.

### **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, 291 foreigners and stateless persons were granted citizenship during the year. 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 within the country. Stateless persons were not, however, issued travel documents or readmitted to Azerbaijan if they left the country. 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.

The constitution allows citizenship to be removed "as provided by law." During the year the government had stripped 85 persons of citizenship. On October 4, the Council of Europe commissioner for human rights published a written statement noting the government's 2015 deprivation of journalist Emin Huseynov's

citizenship should be viewed “as part of a broader pattern of intimidation of human rights defenders in Azerbaijan.”

### **Section 3. Freedom to Participate in the Political Process**

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

#### **Elections and Political Participation**

Recent Elections: On February 5, the president issued a decree advancing the presidential election from October to April 11. Opposition parties boycotted the election, blaming a noncompetitive environment and insufficient time to prepare. According to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) mission that observed the election, the presidential election took place in a restrictive political environment and under a legal framework that curtailed fundamental rights and freedoms that are prerequisites for genuine democratic elections. ODIHR concluded that, in the absence of pluralism, including in the media, the election lacked genuine competition. International and local observers reported widespread disregard for mandatory procedures, lack of transparency, and numerous serious irregularities, such as ballot box stuffing and carousel voting, on election day.

The OSCE/ODIHR cancelled its observation of the 2015 National Assembly 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.

Following a 2016 referendum, constitutional amendments extended the presidential term from five to seven years and permitted the president to call early elections if twice in one year legislators passed no-confidence measures in the government or

rejected 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 February 2017 the president appointed his wife, Mehriban Aliyeva, as first vice president. While observers from the Council of Europe's Parliamentary Assembly reported the referendum was well executed, independent election observers 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 Central Election Commission.

Political Parties and Political Participation: While there were 555 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 National Assembly has not included representatives of the country's main opposition parties since 2010.

During the year authorities continued to take various measures to prevent the Republican Alternative Movement from incorporating itself as a political party. For example, in October and November 2017, the Baku City Executive Authority denied the group's repeated requests for space to hold a party congress and reportedly ordered private venues to refuse to rent space to the group. On April 7 and 8, the group held an online party congress and subsequently announced its transformation into a political party, acknowledging the online congress would not meet government requirements for registration.

The Popular Front Party was initially denied a venue for its party congress by the Baku City Executive Authority. After losing a court challenge, the city provided a venue on April 1.

Opposition members were more likely than other citizens to experience official harassment and arbitrary arrest and detention. Members of opposition political parties continued to be arrested and sentenced to administrative detention after making social media posts critical of the government or participating in peaceful rallies (see section 2.b., Freedom of Peaceful Assembly). Human rights defenders estimated at least 60 individuals associated with opposition political parties were detained and sentenced to administrative detention under these circumstances during the year.

According to domestic NGOs, at least 15 opposition party members were considered to be political detainees or prisoners, including the head of the Shirvan

branch of the Musavat Party, Alikram Kurshudov, and all three deputy chairs of the Popular Front Party, Gozel Bayramli, Fuad Gahramanli, and Seymur Hezi.

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

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. The first lady also held the appointed position of first vice president. The head of the State Committee for Family, Women, and Children Affairs, a cabinet-level position, was female, and 16.8 percent of members of the National Assembly 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 including those at the highest levels.

Transparency International and other observers described corruption as widespread during the year. There were reports of corruption in the executive, legislative, and judicial branches of government. For example, in six reports on visits to the country released on July 18, the CPT noted that corruption in the country's entire law enforcement system remained "systemic and endemic." In a report on its October 2017 visit to the country, for example, the CPT cited the practice of law enforcement officials demanding payments in exchange for dropping or reducing charges or for releasing individuals from unrecorded custody.

There were continued reports authorities targeted some whistleblowers seeking to combat government corruption. Several articles appeared the week of December 17 in government-influenced media outlets claiming that international award-

winning investigative journalist Khadija Ismayilova had received 500,000 euros (\$575,000) from “Western sources.” On December 21, Baku Economic Court ordered her to pay 45,143 manat (\$26,409) of RFE/RL’s alleged tax debt, despite RFE/RL’s tax exempt status as a nonprofit entity. Ismayilova’s reporting on elite corruption was widely considered the reason for such targeting, which also included her imprisonment from 2014 to 2016, subsequent travel ban, and frozen bank accounts since 2017.

Corruption: On April 15, the Council of Europe issued a report of its Independent Investigation Body on allegations of corruption within the Council’s Parliamentary Assembly. The findings indicated strong suspicion that certain current and former members of the Parliamentary Assembly of the Council of Europe (PACE) had engaged in illicit activities, such as the giving and receiving of bribes, to inappropriately influence processes related to Azerbaijan within the Council of Europe and PACE. PACE consequently censured 13 members for accepting gifts and bribes from the government, stripping their voting rights, and removing them from current and future leadership positions on PACE committees.

Reports continued of high-level corruption. For example, in April investigative journalists published an article asserting that the children of the president and the minister of emergency situations used dozens of offshore companies to obscure their investments in luxury properties, businesses, and high-end hotels in Europe and the Middle East.

As of year’s end, there were no indications that the government had taken any steps to investigate a September 2017 report by the NGO Organized Crime and Corruption Reporting Project, which alleged that high-level officials benefited from a money-laundering scheme worth the equivalent of \$2.9 billion between 2012 and 2014. Reports continued that the families of several high-level officials were beneficiaries of monopolies. During the year authorities initiated some criminal cases related to bribery and other forms of government corruption, but few senior officials were prosecuted. The Anticorruption Department of the Prosecutor General’s Office stated that during the year, it had opened 57 criminal cases in relation to corruption cases, but no senior officials were prosecuted.

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 government continued a well-publicized program to decrease corruption at lower levels of public administration. The State Agency for Public Service and Social Innovations service centers functioned as a one-stop location for government services, such as obtaining 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 Central Election Commission, 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 there were no reports that such sanctions were 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. Activists also reported that authorities refused to register their organizations or grants and continued investigations into organizations' activities. As a result some human rights defenders left the country or remained unable to carry out their professional responsibilities due to various government obstacles, such as failure to return confiscated case files and office equipment of Intigam Aliyev, the travel bans on Intigam Aliyev and Asabali Mustafayev, and frozen bank accounts.

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.

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

The United Nations or Other International Bodies: The government objected to statements from international bodies, criticizing what authorities called interference in the country's internal affairs. For example, government officials and members of the National Assembly criticized the OSCE/ODIHR assessment of the presidential election, stating it had been written in advance of the election to smear the country (see section 3).

Government Human Rights Bodies: Citizens may appeal violations committed by the state or by individuals to the ombudsman for human rights for Azerbaijan or the ombudsman for human rights of the Nakhichevan Autonomous Republic. 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 National Assembly 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. Activists reported that as a result, police continued to view domestic violence as a family issue and did not effectively intervene to protect victims.

The State Committee for Family, Women, and Children Affairs (SCFWCA) continued their activities against domestic violence by conducting public awareness campaigns and working to improve the socioeconomic situation of domestic violence survivors. For example, during the year the SCFWCA organized an awareness campaign against domestic violence as part of a “16 Days against Gender Based Violence” campaign. Activities included the placement of advertising on billboards and public transportation, handing out pamphlets in urban centers, and holding conference with stakeholders to discuss the problem.

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 events that raised awareness of sexual harassment and domestic violence. For example, on August 6 and 7, the SCFWCA organized a workshop on combatting domestic violence in Goychay.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although women nominally enjoyed the same legal rights as men, societal and employment-based discrimination was a problem. According to the State Statistical Committee, there was discrimination against women in employment, including wide disparities in pay and higher rates of unemployment.

Gender-biased Sex Selection: The gender ratio of children born in the country during the year was 114 boys for 100 girls, according to the SCFWCA. Local experts reported gender-biased sex selection was widespread, predominantly in rural regions. The SCFWCA conducted seminars and public media campaigns to raise awareness of 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.

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. Social workers stated that some poor families forced their children to work or beg rather than attend school.

Child Abuse: While there are penalties for sexual violence against children and child labor, the law does assign punishment for domestic and other violence specifically against children. To address the problem of child abuse, the SCFWCA organized multiple events. Between May and August, the State Committee held meetings with public servants on combatting gender discrimination and child abuse in Sheki, Shamakhi, Gakh, Goygol, Shamkir, Gadabay, Lankaran, Jalilabad, and Lerik.

Early and Forced Marriage: According to UNICEF's 2016 *State of the World's Children* report, 11 percent of girls in the country were married before their 18th birthday. 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. In August activists reported the rape of a 14-year-old girl in Lerik and her family's subsequent plans to marry her to the rapist. According to media reports, authorities did not investigate the case.

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 an underage child. 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.

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. The minimum age for consensual sex is 16.

Displaced Children: In past years a large number of internally displaced children lived in substandard conditions and, in some cases, were unable to attend school. Significant government investment in IDP communities has largely alleviated these problems. Some civil society representatives 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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.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. 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 Ministries of Education and Labor and Social Protection of the Population continued efforts to increase the 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.

During the year the government funded construction projects to make large sections of downtown Baku's sidewalks wheelchair accessible. As a result persons with disabilities affecting mobility were better able to navigate the city.

### **National/Racial/Ethnic Minorities**

Individuals with Armenian-sounding names were often subjected to additional screening at border crossings and were occasionally denied entrance to the country. Civil society activists stated an entire generation had grown up listening to hate speech against Armenians. Some groups, including Talysh in the south and Lezghi in the north, reported the government did not provide 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 LGBTI individuals.

In September 2017 police conducted raids on the LGBTI community, arresting and detaining more than 83 men presumed to be gay or bisexual as well as transgender women. Media and human rights lawyers reported that police beat detainees and subjected them to electric shocks to obtain bribes and information about other gay men. Detainees were released after being sentenced to up to 30 day of administrative detention and/or fined up to 200 manat (\$117). During the year some victims of the raids filed cases against state in the ECHR, which remained pending at year's end.

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. Men who acknowledged or were suspected of being gay during medical examinations for conscription were subjected to rectal examinations and often found unqualified for military service on the grounds that they were mentally ill. 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.

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 LGBTI individuals.

### **HIV and AIDS Social Stigma**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to form and join independent 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 private sector workers the right to conduct legal strikes but prohibits civil servants from striking. Categories of workers prohibited from striking include high-ranking executive and legislative officials; law enforcement officers; court employees; fire fighters; and health, electric power, water supply, telephone, railroad, and air traffic control workers.

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

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 additional restrictions in practice, 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. The Azerbaijan Trade Unions Confederation (ATUC) was the only trade union confederation in the country. 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. 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.

Broad provisions in the criminal code provide for the imposition of compulsory labor as a punishment for expressing political views or views ideologically opposed to the established political, social, or economic system. During the year the International Labor Organization (ILO) Committee of Experts noted its concern with a growing trend to use various provisions of the criminal code to prosecute journalists, bloggers, human rights defenders, and others who expressed critical opinions, under questionable charges which appeared politically motivated, resulting in long periods of corrective labor or imprisonment, both involving

compulsory labor.

During the year there were isolated reports that some public-sector employees and a small number of university students outside of the capital were mobilized and forced by local officials to participate in the autumn cotton harvest. There were also reports of workers--including migrant workers--subjected to conditions of forced labor in the construction industry, forced, begging by children, and forced domestic servitude. The Ministry of Internal Affairs reported it identified five cases of forced labor during 2017, the latest year for which such data were available.

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 with a written employment contract; 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 less than 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.

The government did not effectively enforce laws prohibiting child labor and setting a minimum age for employment. The government maintained a moratorium on routine and unannounced inspections, which prevented effective enforcement of child labor laws. Resources and inspections were inadequate, and penalties for violations, including fines, did not always deter violations. The Ministry of Labor and Social Protection of Population was only permitted to conduct inspections based on complaints.

There were few complaints of abuses of child labor laws during the year, although there were anecdotal reports of child labor in agriculture, in restaurants and wedding halls, forced begging, and street work, such as in bazaars/markets, auto garages and car washes, and also selling fruit and vegetables on roadsides throughout the country. In agriculture there were anecdotal reports of children working in the production of fruits, vegetables, and, to a lesser extent, involved in

producing, tea, rice, and cotton. There were also reports 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. Penalties for discrimination in employment existed under various articles and laws, were patchwork in nature, and did not effectively deter discrimination in all its forms. The law excludes women from certain occupations with inherently dangerous conditions, such as working underground in mines.

Employers generally hesitated to hire persons with disabilities, and workplace access was limited. Discrimination in employment and occupation also occurred with respect to sexual orientation. LGBTI individuals reported employers found other reasons to dismiss them because they could not legally dismiss someone because of their sexual orientation. Women were underrepresented in high-level jobs, including top business positions. Traditional practices limited women's access to economic opportunities in rural areas. According to the State Statistics Committee of Azerbaijan, in 2017 the average monthly salary for women was 335.7 manat (\$197), while the average monthly salary for men was 663.1 manat (\$390).

#### **e. Acceptable Conditions of Work**

On January 1, the national minimum wage was increased from 116 manat (\$68) per month to 130 manat (\$77). The minimum wage was below the poverty level (minimum living standard) for able-bodied persons, which was increased on January 1 from 155 manat (\$91) to 173 manat (\$101). Experts stated that government employers complied with the minimum wage law, but that it was commonly ignored in the gray economy. The law requires equal pay for equal work regardless of gender, age, or other classification, although women's pay lagged behind that of men.

The law provides for a 40-hour workweek. Workers in hazardous occupations may not work more than 36 hours per week. Information was not available on whether local companies provided the legally required premium compensation for

overtime, although international companies generally did. There is no prohibition on excessive compulsory overtime. The law provides equal rights to foreign and domestic workers.

The government did not effectively enforce the laws on acceptable conditions of work, and penalties as described in the law did not deter violations.

In November 2017 the government extended its moratorium on scheduled and unannounced labor inspections until 2021. Although inspectors were still permitted to inspect private sector workplaces after receiving a complaint and government-owned workplaces, the Ministry of Labor and Social Security did not report any inspections during the year. The ministry reportedly maintained the full staff of inspectors.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective due to the moratorium. 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.

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.

According to official statistics, 53 workers died on the job during the year, including five deaths in the oil and gas sector. Workers may remove themselves from situations that endanger health or safety, but there is no legal protection of their employment if they did so. In June there were reports that approximately 200 workers in cotton fields in Saatli, Terter, Imishli, and Yevlakh were poisoned by pesticides. The Prosecutor General's Office launched a criminal case and arrested at least 10 individuals.

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.