



## Azerbaijan

### Country Reports on Human Rights Practices - [2000](#)

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Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters continue to dominate the government and the multiparty 125-member Parliament. Parliamentary elections held in November showed some progress over the flawed 1995 elections in that political pluralism was advanced; however, there were numerous serious flaws; and the elections did not meet international standards. Serious irregularities included the disqualification of half of the prospective candidates in the single mandate elections, a flawed appeals process, ballot box stuffing, manipulated turnout results, premarked ballots, severe restrictions on domestic nonpartisan observers, and a completely flawed vote counting process. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and a nominally independent judiciary. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

The police, the Ministry of Internal Affairs, and the Ministry of National Security are responsible for internal security. Members of the police continue to commit numerous human rights abuses.

Azerbaijan continued to affirm its commitment to an economic transition from central planning to a free market; however, reforms stagnated in practice. Economic growth has been spurred by substantial foreign investment in the hydrocarbon sector, but it is offset by widespread corruption and patronage. While government statistics pointed to continued economic growth during the year, the real economy continues to be affected by a low level of foreign business activity due largely to low oil prices in 1999, a lack of oil industry infrastructure, widespread corruption and a deteriorating business climate. Consistently high oil prices appear to be reversing that trend. The country has rich petroleum reserves and significant agricultural potential. Oil and oil products are the largest export, followed by cotton and tobacco. Other key industries are chemicals and oil field machinery. The government signed new oil production sharing agreements with foreign oil companies and a group of eight oil companies formed a sponsors group and began engineering studies for the Baku-Tbilisi-Ceyhan main export pipeline. Agriculture employs 36 percent of the labor force and makes up 22 percent of the gross domestic product (GDP). The leading crops are wheat, fruit and vegetables, cotton, tobacco, and grapes. Privatization of industry was postponed while the government rewrote its privatization laws to bring them up to international standards. On August 10, President Aliyev issued a decree to implement the new privatization law adopted by the Parliament in May. Large enterprises remain almost exclusively under government control and operate at a fraction of their capacity. The accumulation of large wage arrears is common. Private retail enterprises, cotton gins, and grain mills are proliferating. More than 90 percent of the nation's farmland is now in private hands, but new small farmers have poor access to credit and markets, and commercial agriculture remains weak. Per capita GDP is approximately \$500 per year. Much of the labor force is employed in the state sector where wages are low. The overall economic situation of the average citizen remains tenuous, although in urban areas a growing moneyed class with trade and oil-related interests has emerged. According to official statistics, the economy now is only 60 percent of the size of the economy in 1991. According to the World Bank, 60 percent of the citizens live in poverty. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record remained poor; although there were improvements in a few significant areas, serious problems remain. The Government continues to restrict citizens' ability to change their government peacefully. Police tortured and beat persons in custody, arbitrarily arrested and detained persons, and conducted searches and seizures without warrants. In most instances, the Government took no action to

punish abusers, although perpetrators were prosecuted in a handful of cases. Prison conditions remained harsh, and some prisoners died as a result of these conditions. Lengthy pretrial detention is still a problem. The judiciary is corrupt, inefficient, and subject to executive influence. Corruption continued to pervade most government organs, and it is widely believed that most persons in appointed government positions and in state employment purchased their positions. During the year a total of five presidential pardons and amnesties resulted in the release of approximately 300 prisoners, including some political prisoners. The Government holds about 50 political prisoners. The Government infringes on citizens' privacy rights. The Government continues to limit freedom of speech and of the press. Although the Government abolished censorship in August 1998, government officials throughout the year sought to intimidate independent and opposition newspapers by suing them for defamation. As a result, journalists practiced self-censorship. Nevertheless, scores of opposition and independent newspapers continue to publish and discuss a wide range of sensitive domestic and foreign policy issues. Criticism of the Government and of the Aliyev family is not uncommon; however, journalists were subject to violence on occasion by unknown assailants who sought to stop media criticism of the Government. The Government continued to deny broadcast licenses to all truly independent organizations that applied to open television and radio stations. The Government also tightly controls official radio and television, the primary source of information for most of the population.

The Government restricted freedom of assembly and association. Although local authorities in Baku permitted several demonstrations to take place, the locations negotiated with the city government were not those preferred by the opposition and were subject to heavy police surveillance. Baku authorities broke up unsanctioned demonstrations and pickets throughout the year. Opposition political parties tried to hold smaller-scale meetings and seminars throughout the country; although many do take place, local authorities refuse to sanction some. The Government continues to refuse to register some political parties. There are currently 38 registered political parties, 20 of which are considered to be opposition parties. The Government registered the opposition Azerbaijan Democratic Party after a long delay in February. After a series of crackdowns on religious groups in the summer and fall of 1999, the Government improved its record on religious liberty following President Aliyev's public commitment to do so in November 1999. The Government acted to redress earlier harassment by lower-level government and security officials, including arrests, deportation orders, and a failure to register religious groups. However, harassment of some non-traditional religious groups by lower-level and local government officials continued. The authorities broke up religious observances, and bureaucratic harassment, including lengthy delays in registration, continued for some religious organizations. The Government at times restricted freedom of movement. The Government controlled the electoral process. Although parliamentary elections held in November showed some improvement over the flawed 1995 elections, numerous serious irregularities marred the process. The Government criticized certain domestic human rights activists. Domestic human rights NGO's routinely experience problems with registration. Violence and discrimination against women and discrimination against certain religious minorities are problems. The Government limits some worker rights. Trafficking in persons, particularly women for the purpose of forced prostitution, is a problem.

After years of interethnic conflict between Armenians and Azerbaijanis, Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government) continue to occupy 20 percent of Azerbaijan's territory. A cease-fire was concluded in 1994, and the peace process continues. Beginning in 1999, the Presidents of Azerbaijan and Armenia held a series of direct meetings to discuss a compromise resolution. These meetings have yet to yield concrete results. Exchanges of fire occurred sporadically along the Azerbaijan-Armenian border and along the line of contact with Nagorno-Karabakh, causing numerous casualties. Military operations of 1989-94 continue to affect the civilian population to this day. There were four civilian and four military casualties during the year caused by landmines. In 1999 three persons were killed and five were wounded by landmines. These landmines were laid near the disputed area by the governments of Azerbaijan and Armenia and the Karabakh Armenian authorities. There are approximately 800,000 Azerbaijani refugees and internally displaced persons (IDP's) who cannot return to their homes in Nagorno-Karabakh and the occupied territories and approximately 300,000 Armenians who cannot return to Baku and other cities in Azerbaijan.

The Government of Azerbaijan does not exercise any control over events inside of Nagorno-Karabakh. Little information is available on the human rights situation in Nagorno-Karabakh due to limited access to the region by foreign diplomatic officials. In March Nagorno-Karabakh "President" Arkady Ghukasian was injured by gunfire while travelling from his office to his residence. Samuel Babayan, the former chief of the "Nagorno-Karabakh Defense forces" and former "Minister of Defense", his brother Karen (currently mayor of Stepankert), and 25 others were taken into custody in connection with the shooting. On March 28, authorities arrested Vahram Aghajanian, a journalist who writes for an opposition newspaper in Nagorno-Karabakh, and accused him of slandering the "Prime Minister." He was held without charge for 2 weeks after his arrest, and then given a 1-year sentence for defamation of character. In April he was released from prison after an appeals court suspended his 1-year sentence. There were some reports that the Armenian Apostolic Church enjoys at least quasi-official status, and that the practice of some other religious faiths, such as evangelical Christianity, is discouraged.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict continue. They result in injuries and deaths among combatants and occasionally civilians. The taking of prisoners, including civilians, occurs. Nagorno-Karabakh Armenian forces in Nagorno-Karabakh and the occupied territories continued to prevent the return of hundreds of thousands of IDP's to their homes.

## RESPECT FOR HUMAN RIGHTS

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

### a. Political and other Extrajudicial Killing

There were no reports of political or extrajudicial killings by government officials.

There were a few reports of deaths of prisoners due, at least in part to prison conditions while in official custody. Several prisoners were killed during a reported uprising at a prison in January 1999 (see Section 1.c.). The Government still has not released a report on the prison uprising.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to civilians.

There were four civilian and four military casualties due to landmines during the year. In 1999 three persons were killed and five were wounded by landmines laid near the disputed area of Nagorno-Karabakh. These mines were laid by the governments of Azerbaijan and Armenia and the Karabakh Armenian authorities.

### b. Disappearance

There were no reports of politically motivated disappearances.

During the year, 16 Azerbaijani and 2 Armenian POW's were released. The Government of Azerbaijan claims it has released all Armenian POW's. The International Committee of the Red Cross (ICRC) repeatedly asked the concerned parties for notification of any person captured in relation to the conflict, access to all places of detention connected with the conflict, and release of all such persons. The ICRC also urged the parties to provide information on the fate of persons reported as missing in action. Since 1997 the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani nationals allegedly held by Armenia.

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

Torture is illegal; however, there are credible reports that prison guards tortured inmates, and that the police beat prisoners during arrest, interrogation, and pretrial detention. On September 1, the Government enacted a new criminal code that bans acts of torture and makes perpetrators liable for up to 10 years imprisonment. A definition of torture, in line with that contained in the U.N. Convention on Torture, was also adopted. The Government does not hold most members of the police accountable for their actions, and impunity continues to be a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. In a 1999 report, Human Rights Watch noted that the most severe and routine physical abuse of detainees takes place just prior to and during the preliminary investigation, as police and other investigators "isolate detainees from all contact with the outside world, and beat and coerce confessions from suspects and statements from witnesses."

Prison conditions are harsh. The quality of food, housing, and medical care is poor. Prisoners must rely on their families to provide food and medicine. There are widespread and credible reports that authorities deny or give inadequate medical treatment to prisoners with serious medical conditions. Tuberculosis is a problem. Approximately 2,000 prisoners have been treated for tuberculosis. Due to the absence of systematic screening of the prison population, patients often start treatment when they are already seriously ill and there is only a 55 percent cure rate. Authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and sleep in order to elicit confessions from them with no physical evidence of abuse. Men and women are housed in separate prison facilities. On March 20, President Aliyev signed two human rights decrees. One permitted the ICRC to begin prison visits, which allowed the ICRC access to all places and to all detainees within its mandates, both sentenced and unsentenced. The second decree provided for adherence to the U.N. Convention on Torture.

The first visit of ICRC representatives took place on June 23 to Gobustan prison. ICRC visits to the Bailow Detention Center in Baku began on September 6. The ICRC also still had access to prisons where persons of the Nagorno-Karabakh conflict were detained. Local human rights organizations were able to continue their visits to prisons; however, one local organization has been denied access since July.

#### d. Arbitrary Arrest, Detention, or Exile

Authorities arbitrarily arrest and detain persons without legal warrants. Often authorities do not notify family members after arrests. Frequently it is days before family members are able to obtain information as to whether authorities have arrested someone, and where authorities are holding the detainee. Family members do not enjoy the right of visitation. Authorities generally deny bail to detained individuals and often do not inform detainees of the charges against them. While the situation appears to be improving gradually, lengthy pretrial detention is still a problem. In July 1999 the Constitutional Court ruled that detainees could have access to a lawyer from the time of detention rather than only after they have been charged with a crime, but access to lawyers is often poor. In the past, police sometimes detained relatives of suspects being sought in an attempt to force the family to reveal a suspect's whereabouts (see Section 1.f.).

Twenty-three members of opposition parties were still in custody at year's end for their alleged participation in an unsanctioned demonstration in Sheki on November 18. Some of these demonstrators violently attacked government buildings and law enforcement officials. Throughout the year, opposition members were detained for participating in unsanctioned demonstrations and later released by police without further charges.

Members of opposition political parties were more likely to experience official harassment than other citizens. In response to publication of a series of articles insulting the residents of the autonomous republic of Nakhchivan published by Yeni Musavat in February, five opposition politicians and the author of the articles were detained by officials in Nakhchivan (see section 2.a.). All were subsequently released.

In July police arrested four participants at an unsanctioned demonstration in support of opposition Azerbaijan National Independence Party leader, Etibar Mammedov. Two of the four were imprisoned while awaiting their trial, which was delayed numerous times. All eventually were fined and released.

Police forcibly dispersed an unsanctioned demonstration on April 29. The demonstrators made up of a cross-section of opposition party members attempted to assemble at a downtown Baku square to demand free and fair parliamentary elections in November. The Government refused to issue a permit for the demonstration and ordered police to break up the rally. A number of protesters and journalists covering the demonstration were injured; dozens were arrested and detained before being released without charges (See sections 2.a. and 2.b.). In 1999, police beat, harassed detained, and arrested members of evangelical Christian and other groups, and seized their documents and property. This year there were few reports of such incidents, and there has been substantial improvement in the treatment of evangelical Christian groups (see Section 2.c.).

In July police arrested and detained worshippers of a Pentecostal church in Baku (see Section 2.c.).

In August Ramiz Hasanov, head of the Azerbaijan Democratic Party's (ADP) Ganja Branch, was arrested for allegedly concealing knowledge of a coup d'etat planned by Ganja's ex-police chief Natiq Effendiyev. No trial date was set by year's end. There were credible reports that local authorities harassed ADP party members while they campaigned for the party in the period prior to parliamentary elections.

In August a member of the Nakhchivan branch of the opposition Musavat Party-demanding free and fair parliamentary elections in November-attempted to hijack a domestic flight from Nakhchivan to Baku. He was subsequently disarmed and arrested after the plane landed safely in Baku. Days later, Yeni Musavat opposition journalist Rauf Arifoglu was arrested for allegedly concealing a weapon, which many believe may have been planted by police, and for concealing prior knowledge of the hijacking attempt. Arifoglu was detained for six weeks and later released in October. A trial date for Arifoglu was not set by year's end. Local police detained several members of the opposition Popular Front Party in Nakhchivan under suspicion for complicity in the hijacking. All later were released. Local police also arrested a Yeni Musavat reporter soon after his arrival in Nakhchivan to cover the hijacking. Police did not disseminate any information about the journalist's whereabouts until his release 2 days later (see Section 2.a.).

Rza Guliyev and Etibar Guliyev, nephews of exiled opposition politician Rasul Guliyev, were both convicted of large-scale embezzlement in 1999 and 2000, and are currently serving 7 year jail sentences. The actions taken against Guliyev's nephews appeared to be politically motivated. Rasul Guliyev was forced to resign as Speaker of the Parliament in 1996 and now is living abroad. He is accused by the government of large-scale embezzlement and an arrest warrant has been issued based on the results of an investigation by the

Prosecutor General's office. Guliyev claims that he and his attorney are unable to see these charges.

On September 1, the Government promulgated several new legal codes, replacing codes from the Soviet era. These included: a new criminal code, a family code, a civil code, a civil procedures code, and a code on administrative violations. Officials cooperated with foreign advisers to develop the new codes in accordance with Western European standards. However, the Government had not implemented completely some of these codes by year's end.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice judges do not function independently of the executive branch. The judicial system is subject to the influence of executive authorities. The President appoints Supreme and Constitutional Court judges, subject to confirmation by Parliament. The President directly appoints lower level judges with no requirement for confirmation. In April qualifying exams for judges were administered for the first time. Over half of the approximately 1,000 test takers passed the written portion of the exam, which international legal observers say was conducted fairly. However, there were numerous reports of fraud during the oral portion of the test, where many positions were allegedly bought and sold. The judiciary is widely believed to be corrupt and inefficient.

During the year, the Constitutional Court formed in 1998 made a number of decisions, which demonstrated a more independent body. In February it reregistered the opposition Azerbaijan Democratic Party following a long and drawn-out appeal by the party. In August it also decided to declare unconstitutional the retroactive application of a clause in the election law that required parties to be registered 6 months in advance of the announcement of the elections. In November it voided the results of the Parliamentary elections in four additional districts (the Central Election Commission (CEC) originally recommended the results in 7 districts be voided).

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

The Government organizes prosecutors into offices at the district, municipal, and republic level. They are ultimately responsible to the Minister of Justice, are appointed by the President, and are confirmed by Parliament. The Constitution prescribes equal status for prosecutors and defense attorneys before the courts. In practice, prosecutors' prerogatives outweigh those of defense attorneys. Investigations often rely on obtaining confessions rather than obtaining evidence against suspects. No judge has dismissed a case based on a prisoner's claim of having been beaten.

Cases at the district court level are tried before a panel consisting of one judge and two lay assessors. The judge presides over and directs trials. Judges frequently send cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases either may be dropped or closed, occasionally without informing either the court or the defendant. The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters.

The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights, including an exclusionary rule barring the use of illegally obtained evidence and for a suspect's right to legal counsel and to be informed immediately of his legal rights, and of the charges against him. However, the Government has not made significant efforts to enforce these rights throughout the criminal justice system. Defendants may confront witnesses and present evidence. The court appoints an attorney for indigent defendants. Defendants and prosecutors have the right of appeal. The Government generally has observed the constitutional provision for public trial. Foreign and domestic observers generally are able to attend trials.

The Law on Advocates and Advocate Activity entered into force on January 27. It contains some useful features, such as rules on professionalism, and a call for people to pass a bar exam. Many legal observers find the law difficult to understand and question whether its implementation will improve the rule of law. The International League for Human Rights (ILHR) considers the law a step back, because they believe it restricts the independence of lawyers and the ability of independent lawyers to defend victims of human rights abuse by requiring defense lawyers in criminal cases and pre-trial detentions to belong to the collegium of advocates. The collegium remains the principal regulatory body of the legal profession under the new law.

The Government held approximately 50 political prisoners at year's end. Some political prisoners were

released following five presidential pardons and amnesties during the year. The Government continues to assert that it holds no political prisoners.

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

The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in prevention of a crime. The Government infringed on these rights. The Constitution allows searches of residences only with a court order or in cases provided by law. However, citizens widely believe that the Ministry of National Security monitors telephones and Internet traffic, especially those of foreigners and prominent political and business figures. Police often conducted searches without a warrant, and investigations sometimes resulted in confining the individuals to their city of residence or a brief jail sentence for questioning. There were credible allegations that police continued to intimidate and harass family members of suspects (see Sections 1.c. and 1.d.).

There were credible reports that individuals linked to opposition parties were fired from their jobs (see Section 2.d.). In September, the wife of an ADP leader in Khanlar province was fired from her job for collecting signatures for the party's proportional list candidates running in the November parliamentary elections. In Gabala two ADP members were summoned by local authorities and instructed to stop collecting signatures or they would be fired. In Sheki two ADP members were arrested while collecting signatures and then later released. Low-level harassment of certain religious groups continued, despite an overall improvement in religious liberties (see Section 1.c., 1.d., and 2.c.).

In June 1999 a court ruled in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photos. In September 1999, the Supreme Court overturned the lower court ruling; the case remained on appeal in the prosecutor general's office at year's end (see Section 2.c.).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government in some cases restricts these rights in practice. The Government did not take any overt measures to reinstitute press censorship, which was abolished in 1998; however, actions taken by several prominent government officials, including the ongoing series of libel suits resulting in large fines (which would immediately bankrupt any independent or opposition newspaper), created an atmosphere in which editors and journalists exercise self-censorship. Most of the excessive fines were appealed; however, in those cases in which there were rulings, most appeals were denied. Prominent opposition politicians and independent newspapers criticized the government without reprisal.

On February 11, President Aliyev signed a new law on media into effect. Although an improvement over the previous law, in many respects it falls short of international standards. In particular, one section of the law permits the Government to shut down any newspaper that has been convicted of a crime (mainly libel) three times within the period of one year. During the year, this part of the law was used in an attempt to shut down one newspaper, Uch Nogte. The paper continued to publish until it won an appeal, which overturned the verdict.

While the press debated a wide variety of sensitive topics throughout the year, other factors restricted the public's ability to be informed about and discuss political issues. Editors complain that they feel under continuous and growing pressure to moderate criticism of the Government and of figures associated with the ruling circle. During the year, direct criticism of President Aliyev became less frequent. On May 8, Elmar Husseinov found the office to his weekly journal, Monitor Weekly (formerly Monitor), sealed by the Baku tax inspectorate, allegedly for printing articles critical of Aliyev. Most newspapers are printed in the Government's publishing house. The Government's near monopoly of publishing facilities and its control over the price of newsprint give it leverage over the press, a critical matter given the precarious finances of most opposition newspapers. Some editors complain about having their print runs limited by the state printing press, and many cite the threat of increases in paper and printing prices as a constraint on the freedom of the press.

The spate of lawsuits by prominent government officials against opposition or independent media outlets also had a negative effect on freedom of the press in practice. Courts invariably ruled in favor of the government plaintiffs, while ruling against opposition plaintiffs pursuing similar charges against progovernment media outlets in most cases. It appears that the extremely high financial penalties levied by the courts were designed to repress criticism rather than to foster responsible journalism. The provision in the new media law that permits the Government to shut down a newspaper after it loses three lawsuits, adds a powerful weapon to the

Government's arsenal of intimidation. Libel suit fines worsened the atmosphere for press freedom. Telescope and Alem Newspapers were fined about \$1,000 (5 million and 4.5 million Manats respectively). Sara Television (which was shut down in the fall of 1999 on the grounds that Azerbaijani law prohibits foreign ownership of domestic television stations) was fined \$55,000 (250 million Manats). The Minister of Culture brought suit against Hurriyet Newspaper and won a \$220 (1 million Manats) fine. There were over 25 legal actions taken against journalists and media outlets during the year, according to the Committee to Protect the Rights of Journalists. Media outlets were fined a total of \$175,600 (803.5 million Manats). These sums are very high, given the country's poor economic situation; however, none have been paid. The chairman of Azeravtonagliyyat State Concern (a government-run enterprise) claimed his honor and dignity were offended and filed a lawsuit against the independent Avropa newspaper. During the appeals process, the fines against the newspaper were reduced. Avropa was subsequently charged with tax evasion—the second of three charges required to shut it down. Media outlets credibly claimed publicly and privately that the threat of fines and lawsuits forced them to exercise self-censorship.

Journalists were subject to violence. More than 60 separate incidents of harassment or intimidation of journalists were reported during the year, according to local sources. Among the incidents reported were threatening telephone calls, assaults by unidentified persons, beatings by policemen during demonstrations or picketing, and attacks on premises and property. For example, in February a mob attacked the local headquarters of the opposition newspaper Yeni Musavat in the autonomous Nakhchivan Republic. The riot allegedly was triggered by an article highly critical of local authorities and residents of Nehram, hometown of former Parliament foreign affairs committee chairman, Rza Ibadov. Police did not intervene to halt the attack. However, several policemen including senior police officials responsible for that area, were later fired, and others were suspended or reprimanded. Also in February, an independent Sara Television's vice president was injured seriously in an assault by an unidentified person. Despite promises of rapid action, police did not determine the identity of any of the assailants. While the Government denies any relationship with the assailants, the incidents involved opposition journalists who were warned to stop criticizing government officials or policies. In a separate incident in November, a group of women from Mastaha village in Nakhchivan entered Yeni Musavat headquarters to protest an article that criticized a local official. The women subsequently filed a lawsuit against the newspaper claiming its staff had assaulted them during the confrontation. Yeni Musavat brought a countersuit against the women, to which the courts had responded by year's end.

On April 29, police beat 17 journalists covering an unsanctioned opposition demonstration in Baku.

On August 29 Rauf Arifoglu editor-in-chief of Yeni Musavat, was arrested on charges of attempted hijacking, terrorism, and illegal possession of arms (see Section 1.d.).

Media outlets seek powerful patrons and align themselves with political parties and government factions to give themselves financial and legal protection. Current economic difficulties have contributed to the vulnerability of the media as former advertising revenues, primarily from foreign companies, have decreased. Most media have chosen to sacrifice their editorial independence to survive. However, a large number of newspapers continued to publish. One reliable source put the number of registered newspapers at 600, and the number actually publishing at least once a month at nearly 100. These included independent newspapers and newspapers with overt links to major and minor opposition parties. Government-run kiosks and 27 independent news distributors distributed opposition and independent newspapers. A number of editors continued to complain that the government-run kiosks refuse to carry their newspapers or claim to have sold all received copies while, in fact, retaining many unsold copies in stock.

The Government tightly controlled official radio and television, the source of information for much of the population because newspapers too expensive for most persons. Television and radio stations require a license to operate, and the Government used this requirement to prevent several independent stations from broadcasting. Since 1993 no truly independent broadcaster has received a frequency from the State Commission on Radio and Television frequencies and the Ministry of Communications. There are a limited number of private television stations, whose broadcasts can be received only in Baku or in local areas outside the capital. Only one of the private stations is not directly under the control of a government official, and it is believed widely that this station also has compromised its independence. Independent radio, preferred by the overwhelming majority of listeners, largely is oriented to entertainment, but one independent station broadcasts on political topics. Opposition parties had limited access to the official electronic media. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Various talk shows, such as "Nezer Nugtasi" and "NEBZ" broadcast by privately-run, independent television channels, aired views of both government and opposition officials. A series of spacebridge shows which linked Azerbaijani and Armenian officials to discuss the Nagorno-Karabakh conflict began in the fall. During the parliamentary election campaign in November, local broadcasters aired several western-style, political roundtables, which featured representatives from the government and opposition discussing various news issues of the day. The state television channel provided representatives of each participating political party in the election at least one late evening addition to time

purchased from the independent television stations for short campaign slots by party leaders; however, these broadcasts were blocked in certain outlying areas of the country.

On July 14, the Government cut electricity from the independent channel ANS for 15 minutes in order to censor an interview with Chechen field commander Shamil Basayev. The Government asserted that it censored the 15-minute interview because it contained terrorist propaganda.

In late August and early September, the State Television and Radio Company, AzTV, conducted a campaign against the Musavat Party and its leader, Isa Gambar, following the hijacking by a Musavat party member of an Azeri airliner on a flight from Nakhchivan to Baku (see Section 1.d.). The campaign featured coverage of meetings at collective farms, hospitals, clinics, and other state enterprises where the Musavat Party was criticized for its alleged complicity with terrorism.

At year's end, there were eight independent television stations operating outside of Baku. Four additional independent stations that were closed in 1999 reopened during the year; however, their legal status remained unclear. The state commission on radio and television frequencies had not granted these stations frequencies by year's end, which are required for official registration with the Ministry of Justice. Without registration, these stations are subject to closure at any time by the local or national authorities.

In October the Ministry of Communications shut down the privately run ABA Television for 10 days, in connection with allegations of tax evasion. The investigation was initiated one and a half years ago and continued at year's end.

In November Yeni Musavat, the newspaper of the opposition Musavat Party was found guilty of publishing an article insulting the Saatly district electoral commission. The court fined the newspaper \$200 (1 million Manats). Yeni Musavat had claimed that the outcome of the 1995 parliamentary poll in Saatly, in which President Aliyev's brother Djalal was elected, was falsified. The suit against the newspaper was brought by Ragim Azizov, who was appointed as the Saatly election commission chairman only after the 1995 election.

Three Russian and three Turkish television stations and radio programs are rebroadcast locally through Azerbaijani facilities and are seen and heard in most parts of the country. Radio free Europe/Radio Liberty and the Voice of America broadcast without restriction. There are no restrictions on reception of foreign stations via satellite. There is one 24-hour French language radio station in Baku and a British Broadcasting Company station that offers news programs in Russian, English, and Azerbaijani. The Government granted new broadcast licenses to a few foreign radio stations, plus several regional television stations directly under the control of the local executive commission. The Government has not acted for more than a year on the applications to broadcast of more than 10 independent broadcasters.

The Government allowed limited Internet access. There are 5 Internet service providers and 4 vendors sell accounts. Both providers and vendors have formal links with the Ministry of Communications. In September the Ministry abruptly shut down one provider for unknown reasons. The shutdown allegedly involves the refusal to pay new, higher fees for the use of Ministry of Communications telephone lines, but it is widely believed that the real issue was the Ministry of Communication's desire for a monopoly over this market. The Ministry of Communications and certain individuals either in the Ministry or closely aligned with it apparently seek to maximize both government and personal revenues from this lucrative and growing source of income. Internet costs average \$.30 (1,400 Manat) per hour (one-tenth the cost in 1998). Although few citizens can afford home computers or access fees, Internet cafes, which are widespread in Baku and other cities, offer affordable internet access. Many persons believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition intellectuals and leaders (see Section 1.f.).

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

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricts this right on occasion. Authorities frequently prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. The Government did allow some opposition parties to organize so-called "pickets" (demonstrations with less than 50 participants) and to stage larger rallies far from the city center. Authorities cited security considerations repeatedly to ban any larger demonstrations in the center of town throughout the year. During the year, authorities cancelled numerous protests and rallies. At year's end, the Government held 23 persons who were detained during demonstrations which took place in Sheki on

November 18.

The Government detained persons at unauthorized rallies and meetings throughout the year, but most were released without charges after a brief period of detention. Police forcibly dispersed an unsanctioned demonstration on April 29. The Government allowed several opposition demonstrations to take place in Baku during the spring and summer. For example, Government sanctioned opposition rallies were held on August 5 and 12. In August and September, journalists and members of NGO's held unsanctioned rallies in Baku to protest the imprisonment of opposition newspaper editor Rauf Arifoglu (see Section 1.d.). Police in Baku intervened on October 28 to prevent 40 members of the Civil Unity Party, which supported former President Ayaz Mutalibov, from holding a protest demonstration in the city center. The party's leaders were warned earlier not to have the demonstration, which was intended to protest the refusal of the authorities to register the party. Several would-be demonstrators were beaten and injured. Opposition demonstrators were prevented from assembling in downtown Baku on November 25, because their rally had not been sanctioned by the local authorities. On November 18, demonstrations took place in several cities around the country including Baku, where approximately 4,000 persons gathered to protest the flawed parliamentary elections. Outside Baku some rallies drew over 1,000 demonstrators, who protested not only the elections but energy shortages in the region. In the regions where protesters received permission from local authorities to demonstrate, the protests proceeded peacefully. However, protesters without permits were dispersed by government authorities, with some arrests in the regional capitals. Protests in Agdash and Sheki led to violence, as police and demonstrators clashed. There were also protests in the regions over the reintroduction of energy cutbacks that had been suspended before the elections.

The Government repeatedly turned down requests for demonstrations in support of former Communist leader and President Ayaz Mutallibov, who now lives in Russia. Heads of local governments in several different sections of the country repeatedly refused the requests of opposition Members of Parliament, such as Popular Front first deputy chairman of the "reformers" faction Ali Kerimov, to hold organized meetings with constituents and interested citizens. On several occasions, central government authorities intervened to overrule the local authorities and allowed Kerimov and other opposition Members of Parliament to hold meetings.

The Constitution provides for freedom of association; however, in practice the Government continued to restrict this right on occasion. The Government requires political parties to register. There are currently 38 registered political parties. Some of these are affiliated with or support the President's party. At least 20 registered parties are considered opposition parties. In February the Government registered the Azerbaijan Democratic Party, which is lead by former Parliament speaker Rasul Guliyev. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly. Members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters initiative group." Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties can run in municipal elections only as independents, or as nominees of a registered party or another voter initiatives group.

Credible reports of acts of harassment (including beatings) of opposition political figures continued. There were credible reports that individuals linked to opposition parties (and their relatives) were fired from their jobs. Shahid Abbasov, chairman of the local branch of the Musavat Party in Nakhchivan, was abducted on October 19 and beaten by masked men who demanded that he stop criticizing the chairman of Nakhchivan's parliament. The Government has not yet returned the Popular Front's headquarters nor many of its regional offices, which were seized in 1993.

Explicitly ethnic or religious based parties have not been registered.

The Government generally allowed private associations to function freely. The Ministry of Justice requires private organizations to register but does not always grant this registration freely and expeditiously. There are credible reports that the Government refuses to register many new human rights NGO's. Nevertheless, unregistered associations functioned openly. Many of the most active NGO's are affiliated with opposition political parties. The President signed a new law on "public associations" in October.

### c. Freedom of Religion

The Constitution provides that persons of all faiths may choose and practice their religion without restrictions, and the Government generally respected these rights for most citizens; however, Government authorities continued to harass on occasion foreign and Azerbaijani members of nontraditional religious groups. Such harassment was less frequent than in the previous years. Until late in 1999, the Government frequently used clauses in the Law on Religious Freedom and other laws to restrict religious activity by foreigners and nontraditional religious groups, particularly in the fall of 1999, when police and security officials disrupted a

number of services, detained ministers, and ordered foreigners deported. Although President Aliyev has enunciated a clear policy of respect for religious freedom, lower level officials continued to attempt to restrict religious activity by local nontraditional groups.

Following a spate of attacks on members of non-traditional Christian groups in the summer and fall of 1999, President Aliyev in November 1999 announced to the National Security Council, and later in a nationwide television broadcast, that the Government henceforth would abide by Organization for Security and Cooperation in Europe (OSCE) standards of religious liberty. In conformity with his directives, government officials subsequently took steps to rectify some past violations of these standards, including the registration of a number of religious organizations that previously had been denied registration, and the reinstatement of selected group members who had been fired from their jobs for their religious affiliation. However the Religious Affairs Department, the government office charged with implementing the country's laws on religion, continued to delay selectively the registration of a few groups and to intervene selectively in the importation of religious literature.

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government in order to function legally. In principle a group obtains approval from the Department of Religious Affairs and then applies for formal registration with the Ministry of Justice. The Government stated that by year's end it had registered 39 Muslim and "other" religious groups. However, in practice, the process suffers from a lack of transparency, particularly within the Department of Religious Affairs. This office, an independent entity subordinated directly to the Council of Ministers, has been a bottleneck in the registration process. As a result, several Christian groups still experience problems with registration.

Registration enables a religious organization to maintain a bank account, legally rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Unregistered groups often continue to operate, but participants are subject to arrest, fines, and--for foreigners--deportation. Religious groups are permitted to appeal registration denials to the courts, but the only group to do so to date--the Pentecostal "Word of Life" Church--lost its case in May 1998. In 1998 Human Rights Watch alleged that the officials responsible for registration took bribes to facilitate registration. The Catholic Church was registered in April 1999. Following the President's public commitment, the Government, specifically the Department of Religious Affairs, and the Ministry of Justice, took action on several applications by religious groups for registration that had been languishing, in some cases for years. The Evangelical Cathedral of Praise and the Nehemiah were registered in December 1999, as were the Jehovah's Witnesses. Prompted by the President's statements, some other religious groups that had been operating under continual low-level harassment because the Religious Affairs Department earlier had denied them registration were finally registered. In March the Community of Mountain Jews and the "Love" Baptist Community were registered. However, a small number of religious groups remain unregistered and continue to suffer from low-level government harassment.

In July police broke up an officially registered Pentecostal church service at the home of a member. Worshippers were detained and harassed for several hours before being released. The next day, the police apologized for their actions; however, the woman owner of the home in which the service took place was subjected to harassment by court officials who ordered her to stand trial for violating outdated administrative codes. The judge dismissed the case as unconstitutional and inconsistent with the 1996 law on religious freedom.

Some government bias against foreign missionary groups persisted. There were instances early in the year in which authorities harassed groups for disseminating religious materials without all the required permits. Since their registration in December 1999, Jehovah's Witnesses have been able to hold large gatherings for the first time in 3 years. However, on April 1, in what the Jehovah's Witnesses themselves refer to as an isolated incident, a meeting of Jehovah's Witnesses was dispersed by police who claimed that they lacked permission from the mayor's office. The manager of the venue subsequently declined to permit them to use it again.

The Law on Religion subordinates all Islamic religious organizations to the Azerbaijan-based spiritual directorate of Caucasus Muslims. In June 1999, a court decided in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photographs. In September 1999, the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end(see Section 1.f.).

The Law on Religion also permits the production and dissemination of religious literature with the approval of the Department of Religious Affairs and with the agreement of local government authorities. The Government interpreted this provision to mean that only religious groups can engage in such activity and argues that booksellers and other entrepreneurs are forbidden to import and sell religious materials. For example, in September customs officials at the Azerbaijan-Russian border confiscated a new shipment of religious books

for the owner of a legally registered bookstore in Baku. Officials alleged that the bookseller did not have the right to "import such books into the country." Only half of these books were released subsequently to the bookseller at year's end.

There is official concern about "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity, which in part is viewed as seeking to spread fundamentalist Islam, which is viewed as a threat to stability and civil peace.

In those portions of Azerbaijan controlled by ethnic Armenians, all ethnic Azerbaijanis have fled and those mosques that have not been destroyed are not functioning. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remain closed (see Section 5). As a consequence, the estimated 10,000 to 30,000 Armenians who remain in Azerbaijan are unable to attend their traditional places of worship. The Jewish community has freedom to worship and conduct educational activities and, during the year, enjoyed the public support of the Government.

Places of worship seized by the former Soviet Government during the Communist era from the Catholics, the Lutherans, and the Baptists have not been returned to those groups.

Some government officials share the strong popular prejudice against ethnic Azerbaijanis who have converted to Christianity and other religions (see section 5). For example, an ethnic Azerbaijani was subjected to administrative fines by local officials in Baku in July 1999 for possessing Christian literature, and another ethnic Azerbaijani reported that he was arrested, beaten, and imprisoned in August 1999 for changing his religious affiliation and becoming a member of Jehovah's Witnesses. No such incidents have been reported since the President's decree in October 1999.

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

The Constitution provides for the right of citizens to choose freely their place of domicile and to travel abroad and return, and the Government generally respects these provisions; however, at times the Government restricted freedom of movement. At times it limited the movement of members of opposition parties. The internal residence regime ("propiska") still is imposed on internally displaced persons, who are required to register their location with the authorities, and may reside only in approved locations. Residents of border areas in both Azerbaijan and Iran travel across the border in this restricted zone without visas. Foreigners and citizens require a visa to travel to the Autonomous Republic of Nakhchivan.

The Government officially recognizes freedom of emigration. Jewish emigration to Israel and other countries is not restricted by the Government. The remaining Armenian population in Azerbaijan (other than Armenians residing in the Nagorno-Karabakh region of Azerbaijan) is approximately 10,000 to 30,000, almost exclusively persons of mixed descent or in mixed marriages. While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes harassed Azerbaijani citizens of Armenian origin who sought to emigrate or obtain passports.

There were no draft notifications that restricted movement during the year. Draft-age men must obtain documents from military officials before they can leave for international travel. Travel restrictions sometimes are placed on military personnel, or persons possessing sensitive national security information.

The number of refugees and internally displaced persons (IDP's) from the Nagorno-Karabakh conflict is approximately 800,000; 200,000 of these are refugees and over 600,000 are IDP's. Armenians have settled in parts of the occupied territories. However, Armenians have not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied territories to return to their homes. The Government provides little assistance to these persons, and international support to the refugees is declining. Most of these IDP's continue to live in camps and other temporary shelters, at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians on all sides.

The Constitution provides for political asylum consistent with international norms. The Government depends on international assistance for refugees and IDP's. It cooperates with international organizations to provide aid for them. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. These organizations report full and unrestricted access to the refugee population.

The Government provides a minimal allowance to the IDP's themselves in the form of a bread allowance of \$4

(18,000 Manats) per month per family as well as an additional \$2 (9,000 Manats) per month for each child. Many of the IDP's complain of "processing fees" by local officials in the amount of approximately 10 percent, further reducing their already minimal allowances.

The issue of the provision of first asylum did not arise. In May 1999, the Parliament passed a new law on refugees; however, this has not yet been implemented. There are no procedures for granting first asylum. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

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

The Constitution and election law allow citizens to change their government by peaceful means; however, the Government continues to restrict citizens' ability to change their government peacefully by interfering in elections. Azerbaijan is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is marginal. The Parliament exercises little legislative initiative independent of the executive. Opposition parties continued to be active inside and outside the Parliament, agitating for their views in their newspapers and through public statements. As a result of the flawed November parliamentary elections, the New Azerbaijan Party led by President Aliyev, held the overwhelming majority of seats in the 125-member Parliament (71 seats plus 25 seats belonging to nominally independent parties loyal to the president). Opposition members held 16 seats in the newly elected parliament at year's end, according to official results. However, opposition members temporarily boycotted parliamentary sessions to protest election results and called for new nationwide elections. In response to international criticism, the authorities voided results in 11 disputed districts and announced repeat elections would take place in those districts in January 2001.

The Government, with assistance from the OSCE's Office of Democratic Institutions and Human Rights, (ODIHR) drafted new legislation for the Central Election Commission (CEC), in advance of the parliamentary elections, which included a provision to provide a veto for opposition members on the CEC. The Government also drafted and passed a new election law incorporating most OSCE/ODIHR recommendations for reform into the final text. The omission of several important recommendations, however, sparked a temporary boycott by the opposition in the CEC. Shortcomings of the law included: signature requirements and verification procedures for candidates; absence of provisions for domestic non-partisan observers; and a lack of transparency of the vote tabulation procedures at the territorial election commission (TEC) level. In response to the boycott, the Government revoked the opposition's power to veto CEC decisions. Opposition members later resumed participation in the CEC.

The November parliamentary elections showed some improvement over previous elections since 1993 in that political pluralism was advanced, but they did not meet international standards due to numerous serious irregularities. During the preelection period, parties and candidates had better opportunities to conduct campaigns. Opposition parties were represented on election commissions at all levels; however, opposition representatives were marginalized or bypassed from the decision making process on sensitive issues by the CEC majority. On several occasions the CEC adopted critical decisions outside official sessions and without the approval of the required two-thirds majority. The Central Election Commission originally disqualified the Musavat Party and the Azerbaijan Democratic Party claiming that their registration documents were falsified. However, on October 8, following international criticism and a letter from President Aliyev, the CEC reversed its initial ruling and issued a statement consenting to the registration of slates of candidates from eight opposition political groups, including these two opposition parties. All political parties that sought to actively contest the election were able to register for the proportional ballot, in which 25 out of 125 Members of Parliament were elected. In the single-mandate elections, in which 100 of 125 Members of Parliament were elected, half of the prospective candidates were disqualified from registering, and the appeals process was flawed. Individual candidates were harassed, and some were beaten up or detained. Potential candidates reported that individuals who signed their petitions were asked to remove their names by police.

International observers reported that election day was marred by numerous instances of serious irregularities. These observed irregularities led to serious doubts about the accuracy of the officially recorded vote totals. Observers reported ballot stuffing, manipulated turnout results, and premarked ballots. The Party observers frequently suffered intimidation, harassment, and sometimes arrest, while carrying out their legitimate activities. Unauthorized local officials often controlled the process and sought to influence voters. In several instances, international observers were denied access to polling stations and frequently were expelled from election commission premises. Observers from domestic NGO's and several opposition parties participated on election day. In a reversal of earlier practice, an October law on non-governmental organizations banned election monitoring by representatives of NGO's that received more than 30 percent of their budget from foreign sources. This appeared targeted at preventing For The Sake of Civil Society, the only NGO capable of mounting a nation wide monitoring effort from doing so. Main opposition parties told international observers and journalists that their monitors reported widespread procedural violations and called for repeat nationwide elections. On November 7, the CEC announced that it would investigate and take immediate measures

concerning all cases of violation of law and other shortcomings observed by the international and local observers on election day. At year's end, repeat elections were scheduled to occur in eleven districts.

The 1998 presidential election was an improvement over the previous elections, especially in regard to reduced multiple voting and the presence of domestic observers. However, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. Precinct vote totals were never reported. The observed irregularities and lack of transparency in vote counting led to serious doubts about the accuracy of the 76 percent of the vote officially recorded for president Aliyev. In August 1999, newspapers quoted the chairman of the CEC as admitting that Aliyev's vote total was overstated by 12 to 15 percent. International observers, including the OSCE/ODIHR, concluded that the election did not meet international standards.

The 1995 Constitution required that the country's first ever municipal elections be held by November 1997. However, the elections were delayed repeatedly until December 1999. The municipal election process was deeply flawed and were criticized heavily by observers, including the Council of Europe, which noted numerous instances of ballotbox- stuffing, voter intimidation, and other violations. The legislation governing the elections reflected some recommendations of international observers, but several serious problems were not remedied. The process of selecting territorial and precinct electoral commissions to oversee the municipal elections and the process for registering candidates were marred by widespread irregularities favoring the ruling party.

There are no legal restrictions on women's participation in politics; however, they are underrepresented in elective offices, since traditional social norms restrict women's roles in politics. The practice known of family voting, where men often cast the votes of their wives and other female members of their families exists but is declining in the country. There are 11 female Members of Parliament and 2 women with ministerial rank.

There are no restrictions on the participation of minorities in politics as individuals; however, explicitly ethnically or religiously based parties have not been registered. Members of indigenous ethnic minorities occupy some senior government positions.

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

Several human rights organizations monitor the human rights situation in the country. For the most part, the Government posed no obstacles to the presence of international human rights groups. Some of these groups investigate human rights abuses and disseminate their findings through the media. However, the Government has been critical of certain domestic human rights activists who have raised politically sensitive issues.

The Government has demonstrated some willingness to discuss human rights problems with international and domestic NGO's. The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh. In June the ICRC began its first visits to special security and other prisons (see Section 1.c.).

Government officials occasionally criticize human rights activists. The Government registered the Azerbaijan Human Rights Center (AHRC) in November 1999 and until the summer of 2000; Eldar Zeynalov, Chairman of the AHRC, was routinely granted access to prisons. No official reason has been given for the recent denial of access. The center operates normally, and Zeynalov continues to publish articles regularly about the human rights situation in the country including lists of individuals he believes to be political prisoners, and he has faced no legal action. Zeynalov opened a new chapter of the organization in the western part of the country in August. At year's end the Government sharply criticized several human rights activists for allegedly providing inaccurate lists of political prisoners to visiting Council of Europe parliamentarians.

The Ministry of Justice regularly denies registration to human rights NGO's, some of which are linked to opposition political parties, although it has not tried to halt their activities. Registration enables a human rights organization to maintain a bank account legally, rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a human rights group to function.

The ICRC conducted education programs on international humanitarian law for officials of the Ministries of Interior and Defense, and for university and secondary school students.

In August 1999, the Government created the Commission on Human Rights, funded by a \$400,000 U.N. Development Program (UNDP) grant, which is headed by Justice Minister Fikret Mammedov. The Commission

has not yet taken any significant actions. The Ministry of Justice also in August established a new human rights office within the ministry, but by year's end had not defined its agenda.

A foreign NGO representative working on democracy promotion was murdered on November 30 in Baku. Local officials are cooperating with International law enforcement officials on the ongoing investigation.

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

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

#### Women

Discussion of violence against women is a taboo subject in Azerbaijan's patriarchal society, but it remains a problem. In rural areas, women have no real recourse against violence by their husbands, regardless of the law. Rape is severely punished, but, especially in rural areas, only a small fraction of offenses against women are reported or prosecuted. According to official statistics, there were 44 reported rapes during the year; the Society for the Defense of Women's Rights (SDWR) claims that rape is on the increase and that the official number is underreported, especially from conservative rural areas. There are no government sponsored or funded programs for victims of violence. There are no specific laws concerning spousal abuse or spousal rape.

Prostitution is a significant problem, particularly in the capital city of Baku. Most women become prostitutes in order to support their family members, and sometimes it even is encouraged by the family due to the large amount of money to be made. In February 1999, the Society for the Defense of Women's Rights (SDWR) held a conference to highlight concerns over the growing incidents of prostitution and sexually transmitted diseases. At the conference, it was reported that there are more than 30 illegal houses of prostitution in Baku alone, the majority of which are allegedly run by high-ranking officials in government and frequented by members of the prosecutor's office and the police. Women engaged in prostitution are not liable to criminal charges since prostitution is considered a personal matter.

Pornography is prohibited, and the age of sexual consent is 16.

Trafficking in women is a problem, and the country is a source and transit point for trafficked women (see Section 6.f.).

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

Twenty-four women's NGO's are registered, compared with 18 in 1999. The Society for the Defense of Women's Rights (SDWR) spends most of its time fighting unique post-Soviet problems. It has helped divorced women, widows, and wives whose husbands are in prison, all of whom have become socially and legally vulnerable since the fall of the Soviet Union. It assisted widows whose landlords privatized their apartments and then evicted them. The SWDR also worked with divorced women who feel that they have been treated unfairly by divorce courts. Several of the 24 women's NGO's deal with the problems of prostitution and trafficking in women(see Section 6.f.).

#### Children

The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the government's ability to carry out these commitments. Education is compulsory, free, and universal until the age of 17. The Constitution places children's rights on the same footing as those of adults. The Criminal Code prescribes severe penalties for crimes against children. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low. The Government has authorized subsidies for children in an attempt to shield families against economic hardship in the wake of price liberalization, but these subsidies do not come close to covering the shortfall in family budgets. There are a large number of refugee and displaced children living in substandard conditions in refugee camps and public buildings. Children sometimes beg on the streets of Baku and other towns.

There is no known societal pattern of abuse of children.

#### People with Disabilities

The Law on Support for the Disabled, enacted in 1993, prescribes priority for invalids and the disabled in obtaining housing, as well as discounts for public transport, and pension supplements. The Government does not have the means to fulfill its commitments. There are no special provisions in the law mandating accessibility to buildings for the disabled.

#### Religious Minorities

There is considerable popular concern about the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions. Proselytizing by foreigners is against the law; however it does occur and there is widespread popular hostility towards groups that proselytize (largely evangelical Christians, but also Muslim missionary groups), and toward Muslims who convert to other faiths. Opposition to proselytizing within the population thus far has been limited to verbal criticism and appears focused against two groups. The first consists of evangelical Christian and so-called "nontraditional" religious groups. There is some evidence of widespread prejudice against ethnic Azerbaijanis who have converted to Christianity. During the year, articles periodically appeared in pro-government and independent newspapers and electronic media crudely depicting Christian missionary groups as a threat to the identity of the nation. The perceived threat from such groups is primarily cultural rather than religious. Often these articles attempt to associate evangelists with the foreign intelligence agencies, portraying them as part of a plot to undermine or control Muslim Azerbaijan.

Occasionally popular reaction goes beyond verbal criticism. In August 1999, a crowd of Muslims reportedly broke into a Baptist summer camp in Nardaran, threatening inhabitants and causing significant property damage. Police made no attempt to intervene and said that they found no evidence of the incident.

There has been significant improvement for the Jehovah's Witnesses this year. Since their registration in December 1999, church members have been able to conduct prayer services freely and proselytize with minimal interference by the authorities. In September 1999, several members of Jehovah's Witnesses reportedly were subjected to humiliation and degradation when a factory manager assembled the plant's work force and berated the members of Jehovah's Witnesses for betraying their country by adopting a new religion. During the event, the father of one of the members of Jehovah's Witnesses publicly disowned her for adopting the new religion. In November 1999, the factory reinstated the members with full back pay (see Section 2.c.).

There is societal hostility toward Muslim groups, mostly from Iran, which seek to spread political Islam. Newspaper articles appear periodically depicting certain foreign-backed Muslim missionaries as a threat to stability and civil peace, and in some cases, as part of an Iranian strategy to destabilize and ultimately establish control over the country.

Reflecting the intense popular hostility toward Armenians that prevails in the country and the forced departure of most of the Armenian population, all Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remain closed. As a consequence, ethnic Armenians who remain in Azerbaijan, estimated to number between 10,000 and 30,000, are deprived of an opportunity for public worship. A similar situation exists in the Armenian-controlled portions of Azerbaijan, from which the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes and where those mosques that have not been destroyed are not functioning.

Jews generally do not suffer from societal discrimination; however, according to the Union of Councils for Soviet Jews, two Baku synagogues were desecrated in the fall of 1998. No arrests have been made.

#### National/Racial/Ethnic Minorities

The outbreak of hostilities, anti-Armenian riots, and economic collapse in the final years of the Soviet union led to the expulsion of almost all Armenians and the departure of Russians and others. An estimated 10,000 to 30,000 Armenians still live in Azerbaijan, mostly women with ethnic Azerbaijani or Russian husbands. Most seek to shield their national identity. Some have changed their nationality, as reported in their passports, to Azerbaijani. With the nearly complete departure of the Armenian population, the number of problems reported by this ethnic minority has decreased. Armenians have complained of discrimination in employment and harassment at schools and workplaces and of the refusal of local government authorities to pay pensions. Armenian widows have had permits to live in Baku revoked. However, some persons of mixed Armenian-Azerbaijani descent continue to occupy government positions.

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

In the area of the country controlled by insurgent (Armenian) forces, the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes. The regime that now controls these areas effectively has banned them from all spheres of civil, political, and economic life.

## Section 6 Worker Rights

### a. The Right of Association

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

An independent Union of Oil Workers that was displaced by a pro-government union in 1997 has not been revived. In 1997 the State Oil Company (SOCAR) formed a pro-government union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former Independent Oil Workers Union without a vote of the union membership. It continues to operate without a vote of its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside of established trade union structures and promotes the interests of workers in the petroleum sector.

The Constitution provides for the right to strike, and there are no legal restrictions on strikes or provisions for retribution against strikers.

The Azerbaijan Trade Union Confederation (ATUC) has 1.5 million members, of which approximately 800,000 are active members. The Government-run Azerbaijan Labor Federation has 300,000 members. Trade unions are prohibited by law from engaging in political activity (even though, as individuals, members of trade unions can participate in political activities).

Unions are free to form federations and to affiliate with international bodies; in November the ATUC became a member of the International Confederation of Trade Unions.

### b. The Right to Organize and Bargain Collectively

A 1996 law provides for collective bargaining agreements to set wages in state enterprises. A labor inspectorate was established in 1997. However, these laws have not produced an effective system of collective bargaining between unions and enterprise management. Government-appointed boards and directors run the major enterprises and set wages. Unions effectively do not participate in determining wage levels. In a carryover from the Soviet system, both management and workers are considered members of the professional unions.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The Constitution allows forced or compulsory labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person, and the government has not invoked this clause; however, women are trafficked for the purpose of forced prostitution (see Section 6.f.). Two departments in the General Prosecutor's office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) enforce the prohibition on forced or compulsory labor. There are no constitutional provisions or laws specifically prohibiting forced and bonded labor by children; however, such practices are not known to occur. There were no reports during the year of compulsory cotton picking by children or adults.

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

The minimum age for employment is 16 years. Primary school education is compulsory, free, and universal. Children are normally in school until the age of 17. The law allows children between the ages of 14 and 15 to

work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. Children at the age of 15 may work if the workplace's labor union does not object. There is no explicit restriction on the kinds of labor that 15-year-old children may perform with union consent. The Labor and Social Security Ministry has primary enforcement responsibility for child labor laws. With high adult unemployment, there have been few, if any, complaints of abuses of child labor laws. The law does not prohibit specifically forced and bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Government sets the nationwide administrative minimum wage by decree. It is \$3.00 (12,500 manats) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manats) per person. Since practically all persons who work earn more than the minimum wage, enforcing its low level is not a major issue in labor or political debate.

The disruption of economic links with the rest of the former Soviet Union continues to affect employment in many industries. Idle factory workers typically receive less than half of their former wage. Under these conditions, many workers rely on the safety net of the extended family. More workers and unemployed persons turn to second jobs and makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside shops. Until the Russian financial crisis many persons (estimates range from between 1 to 2 million) supported themselves on remittances from relatives working in Russia, primarily as street traders. This source of support was reduced severely during 1999 and has not rebounded, although reliable statistics as to the precise amounts involved are not available. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek is 40 hours. There is a 1-hour lunch break per day and shorter breaks in the morning and afternoon. The Government attempts to enforce this law in the formal sector, but does not enforce these rules in the informal sector where the majority of citizens work.

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

#### f. Trafficking in Persons

Azerbaijan is a source and a transit point for trafficked men, women, and children. Azerbaijanis themselves are trafficked into northern Europe, particularly to the Netherlands and Germany, where many unsuccessfully sought asylum. Women usually are sent to the United Arab Emirates (UAE) or Western Europe, mainly Germany, to participate as workers in the sex industry (for example, in strip clubs) and as prostitutes. Women from Iran, Russia, and sometimes Iraq, are transported through Baku to the UAE, Europe, and occasionally the United States for the same purposes. Under the new criminal code, the act of forcing an individual into prostitution carries a 10 to 15 year jail term, which is a harsher sentence than the previous code.

A locally based international organization currently is promoting an awareness campaign about the exploitation of women. Several of the country's women's NGO's claim to deal with the problems of trafficking in women and prostitution. There is no mechanism to return trafficked women to Azerbaijan and no support services for female victims of trafficking.

[End.]