

AZERBAIJAN

EXECUTIVE SUMMARY

The Azerbaijan constitution provides for a republic with a presidential form of government. Legislative authority is vested in the Milli Mejlis (parliament). In practice the president dominated the executive, legislative, and judicial branches of government. November 2010 Milli Mejlis elections did not meet a number of key standards of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections. Although there were more than 50 political parties, the president's party, the Yeni Azerbaijan Party, dominated the political system. Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of the country and seven surrounding Azerbaijani territories. The government did not exercise any control over developments in those territories. Security forces reported to civilian authorities.

The most significant human rights problem during the year was the restriction of freedoms of expression, assembly, and association. For example, throughout the year, but especially in the spring, several political protests calling for democratic reform and the government's resignation were forcefully dispersed, and 15 protesters were sentenced to 18 months to three years in jail for their participation in such protests. Applications to hold protests in Baku were repeatedly denied throughout the year. A second significant human rights problem involved the fairness of the administration of justice due to reports of strong executive branch influence over the judiciary, lack of due process, politically motivated imprisonments, measures against independent lawyers, and reports of torture and abuse in police or military custody that resulted in at least nine deaths. A third major problem area was the violation of citizens' property rights, including forced evictions and demolitions on dubious eminent domain grounds, and inadequate compensation.

Other human rights problems reported during the year included generally harsh prison conditions that in some cases were life threatening. Arbitrary arrest and detention, particularly of individuals considered by the government to be political opponents, and lengthy pretrial detention continued. The government continued to imprison persons for political reasons, although authorities released some of these individuals during the year. The government continued to restrict the religious freedom of some unregistered Muslim and Christian groups. Pervasive corruption, including in the judiciary and law enforcement organizations, continued. Cases of

violence against women were also reported. Trafficking in persons remained a problem.

The government failed to take steps to 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 or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any arbitrary or unlawful killings during the year. However, human rights monitors reported that at least nine persons died in police or military custody.

For example, on January 13, Elvin Asgarov died while being taken into the custody of Baku's Nizami Police. Police stated that Asgarov died from injuries suffered when he fell several times while running from police. Local nongovernmental organizations (NGOs) and representatives of the Organization for Security and Cooperation in Europe (OSCE) found this claim less than credible based on autopsy photos of his injuries. After Asgarov family members came forward with their suspicions, Khalid Baghirov, the family's lawyer, was suspended from the government-influenced bar association for allegedly slandering the police.

On August 28, Turaj Zeynalov died while in the custody of Ministry of National Security officials in Nakhchivan. The ministry at first claimed the death was due to skin cancer and stated that the burns and injuries found on his chest, back, and stomach were the result of radiation treatment. NGOs disputed these assertions. A video of Zeynalov's body, filmed at his funeral and posted on the Internet on December 6, showed signs of abuse.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. During the year shooting incidents continued along the militarized line of contact separating the two sides in the Nagorno-Karabakh conflict and caused numerous casualties on both sides. Figures for civilian casualties along the line of contact were not available.

Abuse in the military was widespread and at times resulted in death. Local human rights organizations reported that there were at least 97 deaths in the military during the year, 83 of which were not related to combat, including 17 soldiers

killed by fellow servicemen, 12 who committed suicide, and nine who died in unknown circumstances.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

The State Committee on the Captive and Missing reported that 4,046 Azerbaijani citizens were registered as missing persons as the result of the Nagorno-Karabakh conflict. It further reported that three Armenian military personnel and one civilian departed the territory of Azerbaijan. The Office of the UN High Commissioner for Refugees (UNHCR) sent these three military personnel to a third country and the International Committee of the Red Cross (ICRC) facilitated the return of the civilian to Armenia. The State Committee also reported the return of one Azerbaijani soldier through the auspices of the ICRC.

The ICRC continued to process cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the government to develop a consolidated list of missing persons. At year's end, according to tracing requests made by relatives to the ICRC, 4,603 persons remained unaccounted for as a result of the Nagorno-Karabakh conflict, with 4,193 cases being handled by the ICRC in Azerbaijan, including Nagorno-Karabakh.

The ICRC continued to pay special attention to prisoners of war and civilian internees (POWs/CIs) and conducted monthly visits throughout the year to ensure their protection under international humanitarian law. The ICRC regularly facilitated the exchange of Red Cross messages between POWs/CIs and their families to help them reestablish and maintain contact. The government reported that the ICRC facilitated the repatriation of one prisoner of war and one civilian internee.

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

The constitution and criminal code prohibit such practices and provide for penalties of up to 10 years' imprisonment. However, there were credible reports security forces beat detainees to extract confessions and assaulted demonstrators and journalists and military personnel physically abused subordinates. Reports indicated that most mistreatment took place while detainees were in custody at a

police station; most detainees reported that abuse ceased once they were transferred to a pretrial detention facility.

Domestic human rights monitors reported that security forces tortured or abused 136 persons in custody during the year, compared with 169 in 2010; at least nine individuals died in custody (see section 1.a.). Impunity remained a problem. Authorities reportedly maintained a de facto ban on independent forensic examinations of detainees who claimed mistreatment and delayed their access to an attorney.

Democracy activist Bakhtiyar Hajiyev, arrested January 24 on charges of draft evasion, reported that he was punched and threatened with rape shortly after his bail was revoked on March 4 (see section 1.e.). According to Human Rights Watch (HRW), Hajiyev's lawyer Elchin Namazov observed an open wound on his client's neck, bruises on his eyes, and a hematoma on his nose during a March 5 visit. Namazov reportedly requested the General Prosecutor's Office to investigate, citing a medical report on Hajiyev's condition prepared by a detention center doctor. The ombudsman's representatives visited Hajiyev on March 7 and reported a one-inch scratch on his neck. The Ombudsman's Office appealed to the prosecutor general to investigate the abuse allegation. On March 18, the Prosecutor General's Office replied that no abuse had been confirmed, which it reiterated during a Supreme Court hearing on December 5.

Local observers reported widespread bullying and abuse in military units during the year, including physical and sexual abuse. In one case online sources reported that soldier Zakir Quliyev shot six colleagues on February 20 and then committed suicide, in reaction to mistreatment Quliyev experienced from fellow soldier Nurlan Suanverdiyev. The sources quoted a prosecutor's statement that nine officers from Quliyev's military unit were arrested and tried in a Ganja city court on abuse and misconduct charges in a separate case. The military commander of the unit was dismissed. Authorities charged Suanverdiyev with taking bribes, abusing other soldiers, and abuse of power. His case was pending at year's end. Parents of the soldiers who were killed in the incident complained in a written appeal to the president that the investigation was unfair and not transparent.

Prison and Detention Center Conditions

Prison conditions remained harsh, and some prison conditions were life threatening, despite continuing prison infrastructure improvements. Overcrowding, inadequate nutrition, deficient heating and ventilation, lack of

water, and poor medical care combined to make the spread of infectious diseases a problem.

The prison population numbered approximately 20,000 persons. Of these, 13.5 percent were in pretrial detention; 2.1 percent were women. Reports of rape in the prison system were rare.

According to the ICRC, the government undertook significant efforts to improve detention conditions by building new facilities and modernizing existing detention centers. During the year the Ministry of Justice assumed responsibility for an ICRC-initiated campaign to fight tuberculosis in detention facilities, a program that experts considered a model in the region.

Despite continuing infrastructure improvements, most prisons were Soviet-era facilities that did not meet international standards. Authorities limited physical exercise for prisoners as well as visits by attorneys and family members. There were few opportunities for prisoners to work or receive training. Former prisoners reported guards punished prisoners with beatings or holding them in isolation cells. Local and international monitors continued to report poor conditions at the maximum security Qobustan Prison.

The Ministry of Justice reported that 113 persons died in detention during the year, an increase from 106 deaths reported in 2010. The ministry reported treating 746 prisoners for tuberculosis, up from 497 in 2010. Tuberculosis remained the leading cause of death in prison facilities, but according to the Ministry of Justice, deaths from it decreased to 24. The government reported that the other major causes of death among prisoners and detainees were cancer (13), HIV/AIDS (six), and suicide (10).

The Ministry of Internal Affairs reported two cases of suicide in pretrial detention facilities. Authorities dismissed three officers, including the chief of one detention facility, and reprimanded another detention facility chief for negligence in connection with these deaths.

Men and women were held together in pretrial detention facilities; however, all women were housed in a separate prison facility after being sentenced. Local NGO observers reported that female prisoners lived in better conditions than male prisoners, were monitored more frequently, and had more access to training and other activities. Although minors were also supposed to be held in separate facilities, international monitors observed some children being held with adults.

Prisoners had access to family visitors and were permitted religious observance. While most reported that they could submit complaints to judicial authorities and the ombudsman's office without censorship, domestic NGOs reported that some prisoners in high security facilities had difficulty submitting complaints to judicial authorities. Prison authorities regularly read prisoners' correspondence. Prison record keeping appeared sufficient. The national human rights ombudsman and the ombudsman for the Nakhchivan Autonomous Republic received a variety of human rights complaints, including from prisoners.

The Ministry of Internal Affairs reported that on January 26, it allocated 236,000 manat (\$295,000) for the renovation of detention facilities. The ministry stated that during the year it constructed new pretrial detention facilities for the Antitrafficking Department and for the police departments of the Nasimi District and Sabunchu districts of Baku, as well as those of Absheron, Samukh, Hajugabul, Tovuz, and Guba districts. It renovated the pretrial detention facilities at the Bilajari Main Transportation Police Department and the Khatai, Binagadi, and Yasamal districts of Baku, as well as in Aghdash, Aghsu, Goranboy, Khojaly, Ujar, Bilasuvar, Barda, Gakh, Gazakh, Gobustan, Zagatala, Imishli, Yevlakh, Khyzy, Jalilabad, Shirvan, Saatly, Gabala, and Beylagan. At year's end construction continued at the Nizami District of Baku, as well as in Sumgayit and Lankaran.

The Ministry of Justice reported that during the year it renovated prisons Nos. 4, 8, 9, 12, 13, 14, 16, and 17. It further reported that, at prisons Nos. 2, 5, and 16, it installed treatment facilities, fostering facilities, and heating systems. It reported the completion of five out of nine blocks at the Baku pretrial (investigation) detention facility. It started construction at the Shaki mixed regime penitentiary.

The government permitted some prison visits by international and local humanitarian and human rights groups, including the ICRC, Council of Europe's Committee for the Prevention of Torture (CPT), OSCE, EU (accompanied by some of its members' missions), and Azerbaijan Committee against Torture. Since 2009 the Ministry of Justice has required the Azerbaijan Committee against Torture to obtain prior notification before visiting its facilities, but the Ministry of Internal Affairs continued to allow the committee immediate access to its pretrial detention centers. The ICRC had unobstructed access to the POWs/CIs who were held in connection with the conflict over Nagorno-Karabakh as well as to detainees held in facilities under the authority of the Ministries of Justice, Internal Affairs, and National Security.

A joint government-human rights community prison monitoring group, known as the Public Committee, was able to gain access to prisons, but only with prior notification to the Penitentiary Service. On some occasions during the year, however, the group reportedly experienced difficulty obtaining access even with prior notification. Nevertheless the committee was able to conduct 22 monitoring visits, consulting with 369 prisoners.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, the government generally did not observe these prohibitions in practice, and impunity remained a problem.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs and the Ministry of National Security are responsible for internal security and report directly to the president. The Ministry of Internal Affairs oversees local police forces and maintains internal civil defense troops. The Ministry of National Security has a separate internal security force.

The OSCE mission in Baku reported that police crowd control tactics observed during peaceful demonstrations in March and April appeared “more appropriate, proportional, and measured” than in the past and reflected standards taught during OSCE training.

While security forces were generally able to act with impunity, the government asserted that it took action against 248 Ministry of Internal Affairs employees during the year, dismissing 24, demoting 10, and administering other forms of disciplinary punishment to 214. The ministry further reported that it brought 175 counts of misconduct against ministry officials accused of violating citizens’ rights.

The Ministry of Justice reported that 474 of its employees were disciplined for impeding citizen’s legal rights during the year. The ministry referred 11 officials, involved in eight cases, to the Prosecutor General’s Office for investigation. During the year nine officials were charged with fraud, embezzlement, and/or abuse of power, and four were convicted. Two investigations were pending at year’s end.

The military prosecutor reported 37 cases against 47 officials in the Ministry of Defense in 2011. Also during the year, 54 officers were disciplined for abusing

subordinates. Additionally, the military prosecutor brought charges against 12 military employees and one civilian employee of the military commissariats.

Arrest Procedures and Treatment While in Detention

The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights, given the reason for their arrest, and accorded due process. In practice the government did not respect these provisions.

The law allows police to detain and question an individual for 48 hours without a warrant. However, police detained individuals for several days without warrants. Legal experts asserted that in other instances judges issued warrants after the fact.

Judges sentenced detainees to administrative detention within the statutory 48 hours of their arrest, but sometimes without allowing them access to an attorney. Local observers alleged that this was the case with seven of the eight persons detained on March 11 at the first protest calling for political reform. Amnesty International (AI) and HRW alleged that this was also the case with a majority of detentions in the period before and during demonstrations on April 2. Persons in administrative detention are placed in pretrial detention facilities and may be held for up to 15 days. For example, the Nasimi District Court sentenced human rights lawyer Vidadi Isganderov to 15 days' administrative detention after he was arrested on his way to a protest on April 17. After 15 days his imprisonment was extended to three month's pretrial detention a result of his being officially charged with obstructing the implementation of the right to vote and interfering with the operation of election commissions during the 2010 parliamentary elections.

The law provides for access to a lawyer from the time of detention. In practice access to lawyers was poor, particularly outside of Baku. Although entitled to it by law, indigent detainees often did not have such access. Family members reported that authorities occasionally restricted family-member visits, especially to persons in pretrial detention, and occasionally withheld information about detainees. Days sometimes passed before families could obtain any information about detained relatives. There was no formal, functioning bail system, although individuals were sometimes permitted to vouch for detainees, enabling their conditional release during pretrial investigation. In addition authorities in some cases independently released defendants during the investigative phase. Politically sensitive suspects were at times held incommunicado for several hours or sometimes days while in police custody.

Arbitrary Arrest: Arbitrary arrest, often based on spurious charges of resisting police, remained a problem throughout the year, especially during the series of peaceful demonstrations that occurred throughout the spring. Police violations of arrest and detention procedures were also reported. In particular there were a number of cases of police detaining members of opposition political parties in connection with their attempts to hold peaceful political demonstrations.

Lengthy pretrial detention of up to 18 months occurred. The prosecutor general routinely extended the initial three-month pretrial detention period permitted by law in successive increments of several months until the government completed an investigation.

Amnesty: On May 28, the president pardoned several persons, including imprisoned journalist Eynulla Fatullayev, whose imprisonment was widely considered to have been politically motivated, and the former first deputy head of the executive power of Baku, Eldaniz Lahijev, who was convicted of embezzling funds that should have been paid as compensation to owners of property confiscated through eminent domain.

On December 26, the president pardoned three prisoners who were on NGOs' lists of political prisoners: Jabbar Savalan, who was arrested in February and convicted May 4 of drug possession and sentenced to two and one-half years in prison; Nizami Shakhmuradov, a former riot police commander allegedly involved in a 1995 mutiny; and Mekhman Mamedov, the driver for a former prosecutor of Baku, who was charged with involvement in an alleged coup d'etat.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, in practice judges did not function independently of the executive branch. The judiciary remained corrupt and inefficient. Verdicts were largely unrelated to the evidence presented during the trial.

The executive branch continued to exert a strong influence over the judiciary. The Ministry of Justice controlled the Judicial Legal Council, which administered the examination for judge candidates.

Credible reports indicated that judges and prosecutors took instruction from the presidential administration and the Justice Ministry, particularly in cases of interest to international observers. There continued to be credible allegations that judges

routinely accepted bribes. The ministry reported that the Judicial Council dismissed two judges, transferred one to another position, and disciplined four other judges in 2011. Another 17 judges received various lesser disciplinary punishments.

In one case HRW reported that authorities convicted human rights lawyer Vidadi Isganderov in a flawed trial without presenting sufficient evidence to substantiate the charges of election interference and without considering evidence raised by Isganderov's lawyer in his defense. Isganderov's lawyer, Khalid Baghirov, was suspended from the bar association allegedly for slandering the police in the Elvin Asgarov case (see section 1.a.).

Trial Procedures

The law provides for public trials except in cases involving state, commercial, or professional secrets or confidential, personal, or family matters. While the law provides for the presumption of innocence in criminal cases; the right of the defendant to review evidence, confront witnesses and present evidence at trial, the right of indigent defendants to a court-approved attorney, and the right of both defendants and prosecutors to appeal, these provisions were not always respected in practice. Even when the presumption of innocence was not violated explicitly, the practice of having the accused appear in handcuffs inside locked metal cages did so implicitly. However, authorities discontinued this practice following a May 31 ruling by the European Court of Human Rights (ECHR) that keeping a nonviolent defendant in a cage violated the European Convention on Human Rights.

Judges often failed to read verdicts publicly or give the reasoning behind their decisions, leaving the accused without knowledge of the reasoning behind the judgment.

Jury trials were not used. Foreign and domestic observers usually were allowed to attend trials. The use of small courtrooms with inadequate seating prevented public attendance at some hearings. Information regarding trial times and locations was generally available, although there were some exceptions, particularly in the Court of Grave Crimes.

Although the constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' privileges and rights outweighed those of the defense. Judges 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. Judges often favored prosecutors when assessing motions, oral statements, and evidence submitted by defense counsel.

The law limits representation in criminal cases to members of the country’s government-influenced Collegium (bar association). The number of lawyers who are collegium members has been decreasing: at year’s end there were 738 defense lawyers, while in 2010 and 2009, the numbers were 761 and 783, respectively. The number of Collegium lawyers practicing outside the capital remained relatively steady at approximately 26 percent of all lawyers. This imbalance between the capital and the rest of the country implied that access to licensed legal representation was limited outside of Baku.

During the year the collegium disbarred or suspended three of the six lawyers who represented politically sensitive defendants arrested and tried for participating in peaceful opposition demonstrations in late winter and early spring. While the collegium stated that the three men--Osman Kazimov, Elchin Namazov, and Khalid Baghirov--were disbarred or suspended because they failed to uphold the standards expected of defense lawyers, local NGOs and international organizations asserted that the collegium’s action was politically motivated and not the result of legitimate complaints. Observers also viewed the collegium’s disciplinary action against lawyer Aslan Ismayilov as politically motivated. Other lawyers, including Anar Gasimly, Asabali Mustafayev and Ramiz Mammadov, reported being under pressure by the presidium of the collegium, but according to the presidium, they did not receive any disciplinary punishment.

The presidium is the managing body of the collegium and has the authority to suspend or expel lawyers, in conjunction with its disciplinary committee. The presidium was elected in 2004 to a five-year term, which should have ended in 2009.

The constitution prohibits the use of illegally obtained evidence. However, despite some defendants’ claims that testimony was obtained through torture or abuse, courts did not dismiss cases based on claims of abuse, and there was no independent forensic investigator to determine the occurrence of abuse. Judges often ignored claims of police mistreatment. Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts most often ended in conviction, as judges generally required only a minimal level of proof and collaborated closely with

prosecutors. In the rare instance when a judge determined that the evidence presented was not sufficient to convict a defendant, it could be returned to the prosecutor for additional investigation, effectively giving the prosecutor another chance at a conviction.

With the exception of the Court of Grave Crimes and the Military Court of Grave Crimes, courts often failed to provide translators. Courts are entitled to contract translators during hearings, with the expenses covered by the Ministry of Justice.

There were no verbatim transcripts of judicial proceedings; testimony, oral arguments, and judicial decisions were not recorded. Instead the court officer generally took notes that tended to be sparse and decided what should be included in the notes.

The country has a military court system with civilian judges. The military court retains original jurisdiction over any case in which crimes related to war or military service are adjudicated.

Political Prisoners and Detainees

Local NGOs maintained that the government continued to hold political prisoners, although estimates of the number varied from 27 to 65. The government denied it held political prisoners. NGO estimates of the number of political prisoners also included persons imprisoned in previous years, such as individuals who were arrested in 2005 on charges of plotting a coup and subsequently convicted of corruption.

During the year the government released journalist Eynulla Fatullayev. On the other hand, authorities arrested, tried, and convicted 17 politically active men whom AI described as “prisoners of conscience.”

In one example, on January 20, approximately 100 opposition activists and politicians marched to commemorate the anniversary of the 1990 killing of more than 100 Baku civilians by Soviet forces. After a standoff with police, activists were allowed to approach the martyrs’ graves and lay flowers, but police confiscated a sign which was held on one end by youth activist Jabbar Savalan. On February 4, following prodemocracy demonstrations in several Arab countries, Savalan called for a “day of rage” on his Facebook page as well as on the Facebook page of the Public Chamber, an opposition umbrella group. On February 5, authorities arrested Savalan and on May 4, they convicted him of

opium possession and sentenced him to two and one-half years in prison. Local and international observers viewed Savalan's arrest as politically motivated and his conviction as unsupported by the evidence. The president pardoned Savalan on December 26.

In another case widely viewed as politically motivated, youth activist and former independent parliamentary candidate Bakhtiyar Hajiyev was arrested on January 24 and had his bail revoked on March 4 within days of having participated in an online effort to organize protests for March 11. On May 18, Hajiyev was sentenced to two years in prison for refusing to serve in the military. He had sought an alternative to military service permitted by the constitution. Progovernment Lider Television ran a campaign in June and July that appeared aimed at discrediting Hajiyev, a graduate of Harvard University, by questioning his patriotism and whether he really had graduated from Harvard. Both Hajiyev's family and former professors protested the campaign.

Other public figures included among AI's "prisoners of conscience" were senior Musavat Party official Arif Hajili, human rights lawyer and former parliamentary candidate Vidadi Isganderov, and senior Popular Front Party official Sahib Karimov.

During the spring demonstrations, opposition newspaper reports indicated that police administratively detained at least seven activists in the days before a planned demonstration on March 11; 26 on March 11; 64 on March 12; 13 in the four days before a planned demonstration on April 2; 112 on April 2; and 64 on April 17. Administrative detentions ranged between six and 15 days. More than 350 other individuals who participated in the March and April demonstrations were briefly detained by police and released the same day without being charged.

Regional Human Rights Court Decisions

Citizens have the right to appeal court decisions on human rights cases to the ECHR within six months of the first Supreme Court ruling on a case. Citizens continued to exercise this right frequently. At year's end there were approximately 100 cases involving the country awaiting action by the ECHR.

During the year the ECHR issued nine judgments that found a violation by the state of commitments under the European Convention on Human Rights. The government's compliance with ECHR decisions was mixed. In April 2010 the ECHR ruled that the imprisonment of journalist Eynulla Fatullayev violated his

right to freedom of expression and ordered his immediate release. The government released Fatullayev on May 26, more than a year after the ECHR ruling. On August 8, 16 months after the ruling, the government paid Fatullayev 27,000 manat (\$33,750) compensation as ordered by the ECHR.

In another case the ECHR ruled in November 2010 in favor of former minister for economic development Farhad Aliyev, who had challenged the length of his pretrial detention. In its decision the court called for the government to provide financial compensation to Aliyev for nonmaterial damage and legal expenses within three months of the date on which the decision became final, February 9. As of year's end, the government had not implemented the court's judgment. Aliyev was arrested in 2005 on coup plotting charges but was convicted of corruption.

Civil Judicial Procedures and Remedies

The law does not provide for an independent and impartial jury in civil matters; all trials are decided by the judge. District courts have jurisdiction over civil matters in their first hearing; appeals are addressed by the Court of Appeals and then by the Supreme Court. Citizens have the right to bring lawsuits seeking damages for, or cessation of, human rights violations. As with criminal trials, all citizens have the right to appeal to the ECHR within six months after exhausting all domestic legal options.

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

The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications. The government did not respect these legal prohibitions in practice.

While the constitution allows for searches of residences only with a court order or in cases specifically provided by law, authorities often conducted searches without warrants. It was widely believed that the Ministry of National Security and the Ministry of Internal Affairs monitored telephone and Internet communications, particularly those of foreigners, some political and business figures, and persons engaged in international communication.

Police continued to intimidate and harass family members of suspected criminals and political opposition members. They continued to intimidate and harass employees and leaders of certain NGOs and their family members. Citizens

reported that authorities fired individuals from jobs in retaliation for the political or civic activities of other family members.

NGOs reported that authorities did not respect the laws governing eminent domain and expropriation of property. Domestic monitors reported that the number of property rights complaints they received continued to rise compared with previous years. NGOs reported that many citizens did not trust the country's court system and were therefore reluctant to pursue compensation claims. The country's scores for the protection of private property in the *Index of Economic Freedom* released on January 12 and conducted by the *Wall Street Journal* and the Heritage Foundation, indicated that private property rights were only weakly protected. On August 24, a consortium of local NGOs issued a press statement alleging that in the previous two years in Baku, approximately 20,000 inhabitants of 400 buildings had lost their residences and been unfairly compensated. On June 12, HRW reported that homeowners often received compensation well below market value and had few options for legal recourse.

On August 11, authorities demolished a building containing the offices of the Institute for Peace and Democracy, the Women's Crisis Center, and Azerbaijan's Campaign to Ban Landmines without prior notice and despite a court order forbidding its demolition. The leader of the Institute for Peace and Democracy, Leyla Yunus, owned the building. She and other observers attributed the demolition to her activism in support of property rights, citing in particular an article quoting her on the subject that the *New York Times* newspaper published the day before the demolition.

In another high profile case, on September 9, security forces of a subsidiary of the State Oil Company of Azerbaijan reportedly beat family members of journalist Idrak Abbasov while partially destroying his family's home without a prior eviction notice. An independent journalist with the Institute for Reporters' Freedom and Safety, Abbasov considered these actions as retribution for his work. Following the beatings his parents and a brother were hospitalized.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The law provides for freedom of speech and of the press and specifically prohibits press censorship; however, the government often did not respect these rights in practice. During the year the government continued to limit media independence. Although the government released journalist Eynulla Fatullyev, three journalists remained imprisoned or faced criminal charges at year's end.

Freedom of Speech: The constitution provides for freedom of speech, but the government restricted this right with regard to subjects it considered politically sensitive. For example, authorities routinely denied activists' requests to hold public meetings, and in March and April they prevented youth and opposition activists from holding peaceful demonstrations in Baku. The convictions of 17 people during the year who attempted to exercise freedom of speech raised concerns about authorities' use of the judicial system to punish dissent.

Freedom of Press: A number of opposition and independent media outlets operated during the year. While the print media expressed a wide variety of views on government policies, objective, professional reporting was rare. Newspaper circulation rates remained low, not surpassing 5,000 in most cases. Credible reports indicated that opposition newspapers were available outside of Baku only in limited numbers due to the refusal of a number of distributors to carry them. The broadcast media adhered almost exclusively to a progovernment line in their news coverage. All foreign broadcasters, including the Voice of America, Radio Free Europe/Radio Liberty, and the BBC, remained prohibited from broadcasting on FM frequencies.

The government used the media to discredit those with dissenting views. In one example, in April, an illegitimately obtained video of journalist Gan Turali and another of journalist Natig Adilov's private activities while at the Afra Hotel in Oguzwere broadcast on nationwide Lider Television in an apparent attempt to disgrace the journalists. Adilov sued Lider Television for breaking the law prohibiting videotaping or photographing anyone without their permission. Lider was considered to be closely aligned with the government. At the last hearing held on September 9, the judge postponed Adilov's proceeding indefinitely. At year's end no date for its continuation had been set.

During the year the government released journalist Eynulla Fatullayev; three journalists remained in prison or faced criminal charges. Ramil Bayramov, the editor in chief of *islamazeri.az* online newspaper, was arrested on weapons and narcotics charges by the Ministry of National Security on August 11. Aydin Janiyev, a Khural newspaper reporter, was convicted of hooliganism while

resisting an official police order on November 21. He was sentenced to three years in prison. Avaz Zeynalli was accused of blackmail and arrested on October 28. A year's end Zeynalli's and Janiyev's trials were pending.

International and local commentators believed that the government targeted the journalists due to their criticism of government figures and policies.

Violence and Harassment: A media-monitoring NGO reported that during the year there were 90 incidents involving 72 journalists, compared with 106 incidents involving verbal or physical assaults on journalists in 2010 and 51 such cases in 2009.

For example, according to Radio Free Europe (RFE), on April 3, three unidentified assailants kidnapped opposition *Azadliq* reporter Ramin Deko and warned him to stop criticizing authorities and participating in protests. On April 4, RFE reported that two unidentified assailants attempted to beat Deko when he was returning home from work.

Four days after Institute for Reporter Freedom and Safety reporter Hakimeldostu Mehdiyev helped *Frankfurter Allgemeine Zeitung* journalist Michael Ludwig attempt to report a story on Nakhchivan, the deputy head of the executive authority of the Sharur District in Nakhchivan, Aladdin Mammadov, came to Mehdiyev's home on July 13 and cut the power supply to the car-washing station in his driveway. Police allegedly assaulted journalists Elman Abbasov and Ilgar Nasibov as they attempted to film the scene and briefly detained Mehdiyev, Abbasov, and Nasibov. Ludwig had left Nakhchivan on July 9, unable to write his story because of officials' interference. Shortly thereafter the Sharur Regional Prosecutor's Office opened a criminal case against Mehdiyev for allegedly diverting electricity. The court of first instance found Mehdiyev guilty, and the Supreme Court of Nakhchivan upheld his conviction.

There were reports of police officers harassing, and in some cases assaulting, journalists trying to cover the spring demonstrations (see Section 2.b.)

There were no indications that authorities held any police officers accountable for physical assaults on journalists in recent years.

Journalists and media rights leaders, including the OSCE's representative for freedom of the media, continued to call for accountability for the 2005 killing of

Elmar Huseynov. Lawsuits suspected of being politically motivated were also used to intimidate journalists and media outlets.

The majority of independent and opposition newspapers remained in a precarious financial situation and continued to have problems paying wages, taxes, and periodic court fines. Most relied on political parties or influential sponsors for financing. According to prominent journalists, government representatives directly or indirectly dissuaded companies and institutions from placing advertising in opposition media. As a result paid advertising was largely absent in opposition media.

The government prohibited some state libraries from subscribing to opposition newspapers, prohibited state businesses from buying advertising in opposition newspapers, and pressured private businesses not to advertise in them. Political commentators noted that these practices reduced the wages that opposition and independent outlets could pay to their journalists, allowing progovernment outlets to hire away quality staff. In addition international media monitoring reports indicated that intimidation by officials of the Ministry of Taxes further limited the independence of the media.

While there were no restrictions on systems to receive satellite broadcasts by foreign stations, the National Television and Radio Council required that local, privately owned television and radio stations not rebroadcast entire news programs of foreign origin.

Censorship or Content Restriction: Most media practiced self-censorship and avoided topics considered particularly sensitive.

Libel Laws/National Security: The law allows for large fines and up to three years' imprisonment for persons convicted of libel. Administration officials stated publicly in 2009 that this provision would be removed from the criminal code, and subsequently courts overturned the conviction of two journalists for libel. However, libel remains a criminal offense. According to a local media rights organization, during 2011 judges found instances of libel and awarded fines to the complainants in the amount of 2.7 million manat (\$3.4 million) against newspapers or their owners.

Publishing Restrictions: The government continued to use import controls and withhold government preapproval to make it difficult for religious organizations to import religious materials. An editor reported that he failed to find either a

publisher or a distributor for a new newspaper project because the publisher knew that to publish such a newspaper would imperil his business.

Internet Freedom

The government generally did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agreements with the Ministry of Communications and Information Technologies.

There were indications that the government monitored Internet communications. For example, a majority of those detained before the peaceful March 11 protest had been politically active on Facebook.

The government was accused of blocking access to opposition Web sites on occasion. For example, on September 5, access to the Web site of the opposition newspaper *Azadliq* suffered a denial of service attack, according to editor Rovshan Hajiyev. In the exclave of Nakhchivan, Web site blockages were reportedly much more common.

Academic Freedom and Cultural Events

The government on occasion restricted academic freedom. At year's end opposition activists estimated that at least three students, Jabbar Savalan, Tural Abbasli, and Elnur Majidli, had been expelled for their participation in the spring peaceful protests.

On November 4, the Forum of Azerbaijani Intelligentsia (FAI) held a discussion entitled "The Road to National Unity." At the discussion participants expressed concerns regarding corruption, bureaucratic arbitrariness, increasing social injustices, and a widening gap between the rich and the poor. On November 7, the Azerbaijan State Oil Academy fired Rafiq Aliyev, a full member of the National Academy of Sciences and chairman for 22 years of the Oil Academy's Department of Automated Management Systems. Opposition sources believed Aliyev's firing was in retaliation for his participation at the FAI. On November 14, 245 professors reportedly signed a statement condemning the FAI and supporting the government. Later, a few recanted their signatures, stating they did not intend to sign, had not signed the statement, or thought they were signing a petition in support of Rafiq Aliyev. On December 29, the FAI attempted to hold another meeting at the Hyatt Regency, which hotel management prevented by turning off the electricity, as

reported in the opposition press. The meeting was held at an NGO's office the next day.

Some domestic observers raised concerns that the government's selection of participants for state-sponsored study abroad programs was biased and took political affiliation into account. The government maintained that its selection process was transparent and political affiliation was not a factor. Opposition party members continued to report difficulties in finding jobs teaching at schools and universities. Most known opposition party members teaching in state educational institutions had been fired in previous years.

NGOs reported that local executive authorities on occasion prevented the expression of minority cultures, for example, by forbidding dances and the use of store signs in minority languages.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly. However, the government severely restricted the right of assembly in practice. At year's end 15 activists remained imprisoned after participating in peaceful demonstrations during the spring, including: Arif Hajili, Shahin Hasanli, Sahib Karimov, Mahammad Majidli, Rufat Hajibeyli, Ulvi Guliyev, Tural Abbasli, Elnur Israfilov, Elnur Majidli, Babek Hasanov, Vidadi Isganderov, Zulfugar Eyvazli, Arif Alishli, Elshan Hasanov, and Ahad Mammadli.

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 continued to require all rallies to be preapproved and held at designated locations, always far from city centers. Most political parties and NGOs found such requirements unacceptable and believed them to be unconstitutional. Authorities throughout the country routinely refused to acknowledge notifications, thereby effectively denying the freedom to assemble.

During the first four months of the year, youth and opposition activists organized a number of peaceful protests. Following similar demonstrations in the Middle East and North Africa, protesters called for democratic reforms and the government's resignation. The government responded by denying activists' requests to hold such

rallies on multiple occasions and forcibly breaking up several unsanctioned pickets and demonstrations. Some international human rights organizations reported that security forces used excessive force. Authorities incarcerated a number of protesters (see sections 1.d, 1.e., and 2.a.).

The government also denied NGO and religious activists' requests to hold demonstrations during the year.

Officials often detained protesters for several hours, often arbitrarily. For example, on March 12, the opposition Musavat party held a demonstration after formally notifying the Baku Municipal Authority. Baku officials refused to accept the notification, and police detained 64 protesters temporarily and sentenced 10 to administrative detention for eight to 10 days.

In another case, on April 2, the Public Chamber held a demonstration, after formally notifying the Baku Municipal Authority. Thirteen citizens were detained in advance of the demonstration. During the demonstration police arrested 112 protesters, including several who later were convicted of criminal charges and recognized by Amnesty International (AI) as prisoners of conscience.

According to observers from the OSCE Office in Baku who monitored the April 2 protest activities at five locations, the conduct of uniformed and nonuniformed personnel was inconsistent and varied from measured and proportionate to undue and disproportionate. In addition the observers saw nonuniformed personnel beating protesters, kicking them when they were lying on the ground, and hitting journalists wearing clearly marked press clothing.

AI characterized the government's response to the March and April rallies as a "crackdown on freedom of assembly." In a November report, AI stated that its representatives monitoring the March 11 and 12 demonstrations saw police use "excessive force to disperse and arrest the peaceful protesters."

Authorities applied restrictions on unsanctioned protests arbitrarily, permitting demonstrations against the political opposition to take place even when advance notice had not been officially provided. For example, during the year at least four unsanctioned progovernment protests attempted to smear an opposition leader by making allegations about his sexual orientation, playing on popular prejudices against homosexuality. Authorities allowed these protests to go forward, and no one was detained or arrested.

Freedom of Association

The law provides for freedom of association, although in practice the government's restriction of this right continued during the year. A number of provisions allow the government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register either with the Justice Ministry or the State Committee on Work with Religious Associations. Although the law requires the government to act on registration applications within 30 days of receipt, vague, cumbersome, and nontransparent registration procedures continued to result in long delays that limited citizens' right to associate.

On March 4, Ganja regional officials evicted three local NGOs from their offices, according to an AI report, without any legal justification. On March 7, the authorities ordered the National Democratic Institute (NDI) Azerbaijan office to stop its activities pending registration by the Ministry of Justice, a process that would involve the negotiation of an agreement between NDI and the ministry. On March 10, officials issued a similar order to the Norwegian Human Rights House of Azerbaijan. On March 16, the government issued a decree on the implementation of a 2009 law's requirements for international NGOs operating in the country. In September authorities authorized NDI to resume its work while approval of its registration application remained under consideration.

In an October 19 opinion, the Venice Commission raised a number of concerns about the compatibility of the law on NGOs with human rights standards and noted with concern that "to condition the views, activities, and conduct of an NGO before allowing it to obtain the legal personality necessary for its operation, goes against the core of the values underlying the protection of civil and political rights."

The law on NGOs restricts freedom of association, including by requiring deputies of NGO branches to be Azerbaijani citizens and requiring foreign NGOs to sign an agreement with the government before opening an office. In addition a presidential decree modifying the law on NGOs includes a requirement that they register all grants they receive with the Ministry of Justice.

Some experts estimated that approximately 1,000 NGOs remained unregistered at year's end. The Ministry of Justice stated that it registered 144 NGOs in 2011 and 124 in 2010.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government limited freedom of movement at times, particularly for internally displaced persons (IDPs).

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The State Migration Service was responsible for all refugee matters, including refugee status determination. International NGOs continued to report that this department remained inefficient and did not operate transparently.

Foreign Travel: Since 2006 the government has prevented the foreign travel of Popular Front Party chairman Ali Kerimli by refusing to renew his passport. The government cited an outstanding civil complaint against him from 1994 as the reason for the refusal, although it had renewed Kerimli's passport without objection on several occasions in the years since the complaint was filed. Kerimli's appeal of the decision was rejected at all levels of the court system. In 2009 Kerimli submitted a complaint to the ECHR, which had not heard the case at year's end.

The law requires men of draft age to register with military officials before traveling abroad. Those pursuing higher education may request a deferment to complete their studies. The law on military service does not stipulate deferments for undergraduate or graduate studies although military draft boards commonly granted such deferments upon presenting annual proof of enrollment. Some travel restrictions were placed on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad. Officials regularly extracted bribes from individuals who applied for passports.

While official government policy allows citizens of ethnic Armenian descent to travel, low-level officials reportedly often requested bribes or harassed ethnic Armenians who applied for passports.

Internally Displaced Persons (IDPs)

As of year's end the UNHCR reported that there were 599,192 registered IDPs in the country, representing 152,548 families. The vast majority fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict.

IDPs were required to register their places of residence with authorities and could live only in approved areas. This "propiska" system is a carryover from the Soviet era and was enforced mainly against persons who were forced from their homes after ethnic Armenian separatists took control of the Nagorno-Karabakh region and adjacent territories in the western part of Azerbaijan. The government asserted that registration was needed to keep track of IDPs in order to provide them with assistance. According to the Internal Displacement Monitoring Center, many IDPs who resided in Baku were unable to register their residences or gain access to formal employment, government assistance, health care, education, or pensions and had difficulty buying property.

In December the Brookings Institution-London School of Economics Project on Internal Displacement released a report that noted that while the government took demonstrable steps in recent years to improve IDP living conditions, many IDPs still lived in dilapidated, overcrowded public buildings and had poor access to social services, particularly education and health services.

The UNHCR reported that during the year, the government rehoused 2,120 families, representing approximately 10,600 individuals. The rehousing occurred in the Agjabadi, Goranboy, Absheron, Baku. and Qazax regions.

Protection of Refugees

Access to Asylum: The country's laws provide 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 Committee. The UNHCR recognized 1,703 individuals (asylum seekers, persons of concern to UNHCR, and refugees recognized under the UNHCR mandate) in Azerbaijan and provided them with UNHCR Letters of

Protection. The three largest active refugee populations were Chechens, Afghans, and Iranians.

Nonrefoulement: In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. According to the UNHCR, most persons granted refugee status were ethnic Azerbaijanis from Iran. The government did not provide any notable assistance to government- or UNHCR-recognized refugees or asylum seekers. However, it did not force refugees back to their countries of origin, and it respected the UNHCR protection letters.

Temporary Protection: The government has no legal mechanism to provide temporary protection to individuals who do not qualify as refugees. The government accepted the protection letters the UNHCR issued to those it considered refugees. As a result the UNHCR continued to carry out all protection and assistance functions for populations of concern in the country. Despite UNHCR recognition of Chechens, Afghans, and Iranians as populations of concern, Azerbaijani laws on residence, registration, and the status of refugees and IDPs do not apply to these persons, who are required to register with police and are not entitled to residence permits. Neither those refugees recognized by the State Migration Committee nor those protected by the UNHCR's letters were legally allowed to work.

Stateless Persons

Citizenship is derived by birth within the country or from one's parents. The law provides for the right to apply for stateless status. However, in practice some persons could not obtain the documentation required for the application and therefore remained formally unrecognized. The law on citizenship was amended in 2008 to make it harder for foreigners and stateless persons to obtain citizenship.

According to UNHCR statistics, there were 2,078 stateless persons in the country at the end of 2009. The vast majority of these were ethnic Azeris from Georgia or Iran. NGOs estimated there were many other undocumented stateless persons, with estimates ranging from hundreds to tens of thousands.

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

The constitution and law provide citizens with the right to change their government peacefully; however, the government continued to restrict this right in practice by interfering in elections. The law also provides for an independent legislature; however, the Milli Majlis's independence was constrained, and it exercised little legislative initiative independent of the executive branch.

Elections and Political Participation

Recent Elections: Although both progovernment and opposition political parties participated in the November 2010 parliamentary elections, these elections did not meet a number of international standards for democratic elections. According to domestic and international observers, shortcomings included a biased candidate registration process, constraints on freedom of assembly and expression, a restrictive political environment, unbalanced media coverage of candidates, and unequal treatment of candidates by authorities. The OSCE observation mission final report concluded that overall, the elections did not meet a number of key OSCE commitments for democratic elections or important elements of domestic legislation. There also were reports of pressure on domestic election observers, candidates, and family members. Such pressure included the firing of such individuals from their jobs and, in Nakhchivan, beatings.

President Ilham Aliyev, the son of former president Heydar Aliyev, was elected to a second term in 2008, also in a flawed election.

Political Parties: There were 50 registered political parties. However, the ruling Yeni Azerbaijan Party continued to dominate the political system. Domestic observers reported that membership in the ruling party conferred advantages, such as being given preference for public positions. For the first time since the country's independence, the Milli Mejlis after the 2010 election did not include representatives of the Musavat and Popular Front opposition parties.

Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. Members of regional and central branches of opposition parties reported that local authorities often took actions to prevent routine party activities, for example, by pressuring restaurant owners not to allow opposition parties to use their facilities for meetings and events. During the year there were reports that these types of pressure occurred in Baku. Regional party members often had to conceal the purpose of their gatherings and hold them in remote locations. Opposition party members reported that police often dispersed small gatherings at tea houses and detained participants for questioning.

Opposition parties continued to have difficulty renting office space, reportedly because landlords were afraid of official pressure; some parties operated out of their leaders' apartments

Participation of Women and Minorities: There were 19 women in the Milli Mejlis. The percentage of female members of parliament increased from 11 to 16 percent between 2005 and 2010. One woman held a ministerial-level position. Members of minority groups such as the Talysh, Avars, Russians, and Jews served in the Milli Mejlis and in government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not effectively enforce the law, and there was widespread corruption with impunity, including in the civil service, government ministries, and the highest levels of government.

On February 2, the government launched a well-publicized anticorruption campaign. Many low- and mid-level bureaucrats were fired and local observers reported a reduction in bribe seeking by government employees. The campaign did not reach the upper levels of government, however, and local sources reported that in some areas low-level government officials returned to bribe seeking.

Transparency International and other observers described corruption as widespread during the year.

Key provisions of the government's 2007 national strategy for increasing transparency and combating corruption remained unimplemented at year's end, although new anticorruption measures were included in the National Action Plan on Human Rights issued on December 27. One measure in the plan repeated the call for implementation of the law requiring officials to disclose their annual income, sources of income, property, and financial liabilities. Other measures would prohibit nepotism and limit gifts and direct or indirect financial benefits to public officials or third parties.

Criminal cases related to bribery and other forms of corruption affecting daily life were initiated during the year. However, no senior officials were prosecuted for corruption.

Corruption among law enforcement officers was a problem. Despite a decrease in bribe seeking early in the year, police later returned to their previous practice of levying spurious, informal fines for traffic and other minor violations and extracting protection money from local residents. During the year traffic police officers received pay raises to counter corruption, but the low wages of other law enforcement officials continued to contribute to police corruption.

During the year the Ministry of Internal Affairs reported that it investigated 38 counts of corruption. It took disciplinary action for corruption-related violations against 53 employees during the year, dismissing 29, demoting 22, and issuing official warnings to two. The Baku City Central Police Department forwarded investigations against two employees to the prosecutor general's Anticorruption Department. The department opened a criminal case, which continued under investigation at year's end.

There were reports that police officials required additional payment on top of court-imposed fines before returning prisoners' clothing and releasing them.

Military service is universal for men between the ages of 18 and 35. Service may be waived for physical reasons such as poor eyesight. There was widespread belief in society that one could pay a bribe for a waiver from military service. Citizens also believed that assignments to easier military duties could be bought for a smaller bribe.

The law provides for public access to government information by individuals and organizations; however, the government often did not permit access. Although various government ministries have separate procedures on how to request information, they all routinely denied requests, claiming not to possess the information. Individuals have the right to appeal the denials in court, but the courts generally upheld the decisions of the ministries.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although the government maintained ties with some human rights NGOs and responded to their inquiries, on occasion it criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued routinely to deny registration to some human rights NGOs on arbitrary

grounds. For example, it routinely rejected the registration applications of NGOs whose names contained the words “human rights,” “democracy,” “institute,” and “society.” A number of cases challenging such rejections were making their way through the court system, and at least one was submitted to the ECHR. Local NGOs monitoring the registration process estimated that there were approximately 1,000 unregistered NGOs. During the year the Ministry of Justice registered 144 NGOs.

During the year a number of NGOs reported continued pressure against their activities, and some reported that pressure and restrictions increased (see section 2.b., Freedom of Association). In a high-profile example, authorities demolished a Baku building housing three NGOs, including the Institute for Peace and Democracy. The institute’s head and owner of the building, prominent human rights advocate Leyla Yunus, considered the demolition to be government retribution for her activism on behalf of property rights. Her employees reported being followed or having authorities visit their houses. In another example a human rights monitor was told by an employee of the Nakhchivan Ministry of National Security that she was a traitor to the country.

Some civil society organizations reported landlords were under pressure not to rent to them. For example, on March 10, the Ministry of Justice ordered the Human Rights House of Azerbaijan (HRH) to cease its activities, although it had been registered since 2007. The order was allegedly to remain in effect until an agreement between the Ministry of Justice and HRH was reached. HRH was unable to reach such an agreement, and in December local observers reported that the landlord, under pressure from the government, refused to renew HRH’s lease.

During the year the Council of State Support to NGOs provided two million manat (\$2.5 million) to 338 NGOs. While many of these NGOs were considered progovernment or politically neutral, some NGOs that were critical of the government also received grants. One NGO sued the council for revoking a grant awarded to it in 2010. The NGO stated the grant was revoked after the NGO submitted an official complaint about the council’s grant review process, which the NGO alleged was corrupt. The Supreme Court dismissed the case on June 30, and the NGO appealed the case to the ECHR.

UN and Other International Bodies: The government generally permitted unrestricted access to alleged political prisoners by international humanitarian organizations such as the ICRC as well as UN representatives. However, the

government did not issue a visa to the Council of Europe rapporteur on political prisoners, Christoph Straesser, during the year.

Government Human Rights Bodies: Citizens may appeal violations committed by the state or by individuals to Ombudsman for Human Rights Elmira Suleymanova, or Ombudsman for Human Rights for the Nakhchivan Autonomous Republic Ulkar Bayramova. The ombudsman may refuse to accept cases of abuse that are more than a year old, anonymous complaints, or cases already being handled by the judiciary.

The Ombudsman's Office received 8.7 percent more complaints than in 2010 (12,680, up from 11,660). The office accepted 47 percent of the complaints for investigation and reported resolving 65 percent of the accepted complaints. The top three complaint categories were labor rights, social provisions, and legal rights.

The Nakhchivan Autonomous Republic's Ombudsman reported receiving 26 complaints, a decrease from 48 the year before. The ombudsperson found 20 complaints to be without merit and addressed six complaints.

The Milli Mejlis and the Ministry of Justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the Human Rights Office within the Ministry of Foreign Affairs regularly met with the diplomatic community to discuss issues of concern.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not always respect these prohibitions in practice or effectively enforce them.

Women

Rape and Domestic Violence: Rape is illegal and carries a maximum sentence of 15 years in prison. The Ministry of Internal Affairs reported 16 counts of rape (three involving victims who were minors), 11 counts of attempted rape, 28 counts of violence of a sexual nature, four counts of sexual violence against a minor, two counts of forcing actions of a sexual nature, 112 counts of statutory rape, and two counts of immoral conduct with minors.

During the year female members of parliament and the head of the State Committee on Women and Children increased their activities against domestic violence. Media coverage of domestic violence issues also began to raise awareness of the problem. A 2010 law establishes a framework for investigation of domestic violence complaints, defines a process to issue restraining orders, and calls for the establishment of a shelter and rehabilitation center for victims. Some critics of the domestic violence law asserted that a lack of clear implementing guidelines reduced its effectiveness. Despite the law, violence against women, including domestic violence, continued to be a problem. In rural areas women had no effective recourse against assaults by their husbands or others.

In Baku a women's crisis center associated with the Institute for Peace and Democracy provided free medical, psychological, and legal assistance to women. The center also worked on a number of projects funded by international donors to combat gender-based violence and trafficking in persons in the Caucasus region.

Sexual Harassment: While the law prohibits sexual harassment, the government rarely enforced the prohibition. The State Committee for Family, Women, and Children Affairs worked extensively on women's issues.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children. Information was accessible so families and individuals could make reproductive decisions free from discrimination, coercion, and violence. Contraception was widely available, but demographic surveys showed low levels of use. Skilled attendance during childbirth was accessible, as was prenatal care and essential obstetric and postpartum care. Women and men had equal access to the diagnosis and treatment for sexually transmitted infections. Patriarchal norms, based on cultural, historical, and socioeconomic factors, in some cases limited women's reproductive rights.

Discrimination: Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and lagging economic development in the country's rural regions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions. A local NGO reported that women's average salaries were approximately 70 percent of men's average salaries.

Children

Birth registration: Citizenship is derived by birth within the country or from one's parents. Registration at birth happened routinely for births occurring in hospitals or clinics. However, among some of those born at home (for example, Romani families or those suffering from economic deprivation), registration sometimes did not occur and statelessness for the children was a problem. The Ministry of Internal Affairs and the Ministry of Justice made progress during the year in registering undocumented children after identifying them as a population vulnerable to trafficking.

Education: The law requires the government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children. 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 male children and kept girls to work in the home. Some poor families forced their children to work or beg rather than attend school. A Baku NGO working with street children reported that boys and girls engaged in street begging and prostitution. The French news service Agence France Presse reported that some parents kept their daughters out of public schools in response to the ban on the hijab in elementary and secondary schools that was announced by the minister of education in December 2010.

Child Abuse: During the year the Ministry of Internal Affairs reported the receipt of three counts of rape involving underage victims; four counts of sexual violence against minors; 112 counts of statutory rape; and two counts of immoral acts against minors. There were reports that children were trafficked for sexual exploitation and begging. Statutory rape is defined as “the sexual relations or other actions of sexual nature, committed by a person who has reached 18, with a person who has not reached 16” and is punishable by up to three years' imprisonment.

Child Marriage: NGOs reported that the number of early marriages continued to increase. Girls who married under the terms of religious marriage contracts (kabin or kabin-nama) were of particular concern, as these evade governmental oversight and do not entitle the wife to recognition of her status in case of divorce. The Social Union of Solidarity among Women reported numerous instances in which men moved to Russia for work, leaving their underage wives in Azerbaijan.

A joint study conducted in 2011 by the Azerbaijan State Committee on Family, Woman, and Children; the International Center for Social Studies and UNICEF

examined the increasing incidence of child marriage and found that 59 percent of respondents were convinced that the local population approved of child marriage while 22 percent believed that the local population disapproved. Although the report described difficulties in obtaining an accurate estimate of early marriages, it cited the growing number of children delivered by mothers who were between the ages of 15 and 17 as indirect evidence of earlier marriages. According to the study, between 1990 and 2004, the number of children born to women without registered marriages rose from 2.6 percent to 20.3 percent.

According to newspaper reports, in November the parliament amended the age of consent law to state that a girl can marry at the age of 18 and with the local authority's permission, at the age of 17. The law further states that a boy can marry at the age of 18. In 2002 the Caucasus Muslim Board issued a fitva (fatwa) that defined 18 as the marriage age, but the fitva failed to have much effect on kabin religious marriage contracts.

Sexual Exploitation of Children: Pornography is prohibited by law, and its production, distribution, or advertisement is punishable by three years' imprisonment. The recruitment of minors for the purpose of prostitution (involving a minor in immoral acts) is punishable by a sentence of three to five years, although the presence of such aggravating factors as violence could increase the potential sentence to five to eight years. During the year the Ministry of Internal Affairs reported one count involving the illegal distribution of pornographic materials and two involving the recruitment of minors for prostitution

Displaced Children: A large number of refugee and IDP children lived in substandard conditions. In some cases these children were unable to attend school. During the year the government reported that it spent 320-400 million manat (\$400-\$500 million) on assistance to IDPs, primarily for housing, health care, and education. The government stated that it spent 3.6 billion manat (\$4.5 billion) on assistance to IDPs during the previous five years.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no credible reports of anti-Semitic acts against the country's Jewish community, which numbered between 15,000 and 20,000 individuals.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not enforce these provisions effectively. Employment discrimination remained a problem. A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There were no laws mandating access to public or other buildings, information, or communications for persons with disabilities, and most buildings were not accessible.

Care in facilities for persons with mental and other disabilities varied; some provided adequate care, while in others, qualified caregivers, equipment, and supplies were inadequate to maintain sanitary conditions and provide a proper diet.

The Ministries of Health and Labor and Social Welfare are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Some of the approximately 20,000 to 30,000 citizens of Armenian descent living in the country historically complained of discrimination in employment, housing, and the provision of social services. Citizens who were ethnic Armenians often concealed their ethnicity by legally changing the ethnic designation in their passports. There were no reports of violence against Armenians during the year.

Some groups reported sporadic incidents of discrimination, restrictions on their ability to teach in their native languages, and harassment by local authorities. These groups included Talysh in the south, Lezghi in the north, Meskhetian Turks,

and Kurds displaced from the regions controlled by Armenia-supported Nagorno-Karabakh separatists.

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

Numerous incidents of police brutality against individuals based on sexual orientation occurred, according to a local NGO. Authorities did not investigate or punish those responsible for such acts, and victims often were unwilling to file complaints due to fear of social stigma. A local NGO reported 80 police raids directed at the lesbian, gay, bisexual and transgender (LGBT) community during the year.

Members of the LGBT community continued to refuse to lodge formal complaints with law enforcement bodies out of fear of reprisal or retaliatory persecution.

One NGO worked on LGBT issues in the country. This NGO worked to prevent the spread of HIV/AIDS and provided legal advice, psychological assistance, and outreach activities. The NGO reported no official harassment of its work. There were no attempts to organize gay pride marches during the year, but there was a small private gathering on May 17 to commemorate the International Day Against Homophobia.

There was societal prejudice against LGBT persons. While dismissing an employee for reasons related to sexual orientation is illegal, LGBT individuals reported that employers found other reasons to dismiss them. Discrimination in access to health care was also a problem. LGBT persons reported that police often broke up their gatherings and blackmailed them into giving the police money.

Other Societal Violence or Discrimination

There were no reports of societal violence or discriminations against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for freedom of association, including the right to form labor unions. Uniformed military and police are prohibited from joining unions. The

law also prohibits managerial staff from joining unions, but managers in government industries often had union dues automatically deducted from their paychecks. The law allows unions to conduct their activities without government interference. The law provides most workers with the right to strike. 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, railway, and air traffic control workers. Striking workers who disrupt public transportation could be sentenced to up to three years in prison. The law prohibits retribution against strikers, such as dismissal or replacement. The law provides workers with the right to bargain collectively; however, unions could not effectively negotiate wage levels and working conditions because government-appointed boards ran major state-owned firms and set wages for all government employees. The law does not prohibit trade unions from carrying out political activities. Restrictions on trade unions' associating with or receiving finances from political parties exist, although this provision was not uniformly enforced.

Although the labor law applied to all workers and enterprises, the government could negotiate bilateral agreements that effectively exempted multinational enterprises from national labor laws. For example, production-sharing agreements (PSAs) between the government and multinational energy enterprises did not provide for employee participation in a trade union. Labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under PSAs were not union members, although there were exceptions. Workers employed by British Petroleum were unionized, but the situation was worse in other multinational corporations, especially companies with third-country subcontractors.

The Azerbaijani Trade Union Confederation (ATUC) is the only trade union confederation in the country. Although ATUC was registered as an independent organization, some workers considered it closely aligned with the government.

In practice there were some restrictions on the right to form unions and conduct union activities. Most unions were not independent. The overwhelming majority of them remained tightly linked to the government, with the exception of some journalists' unions. Both local and international NGOs claimed that workers in most industries were largely unaware of their rights and afraid of retribution if they initiated complaints. This was especially true for workers in the public sector.

Collective bargaining agreements were often treated as formalities and not enforced. ATUC reported that at the start of the year it represented 1,600,000 members in 26 spheres. ATUC only has access to those organizations that are members. If a firm is not a member of ATUC, responsibility falls to the Ministry of Labor and Social Protection. During the year ATUC stated that it helped 235 persons appeal their dismissal from work, including 87 from a private oil company. In addition 109 organizations joined ATUC and 171 left it, the latter because they went out of business. During the year ATUC received approximately 159,000 appeals and resolved 109,000. Each year ATUC signs a tripartite agreement with the Council of Ministers and the Confederation of Enterprises. 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. A quarter of the dues collected for the oil workers' union were officially withheld by employers for "administrative costs" associated with running the union. Moreover, a complete lack of transparency made it impossible to tell exactly how dues were spent. Unions and their members had no recourse to investigate withheld funds.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 65,000 workers, whose union dues (2 percent of each worker's salary) were automatically deducted from their paychecks.

There were reports of antiunion discrimination by foreign companies operating in Baku. For example, ATUC reported that management at McDonalds actively discouraged its workforce of 140 employees from unionizing. ATUC stated that court cases over such discrimination continued. Labor NGOs reported that multinational energy companies and their subcontractors often discouraged union membership by their employees. For many multinational companies, the absence of union membership rights in the PSAs facilitated this behavior.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor, except in circumstances of war or in the execution of a court's decision under the supervision of a government agency.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health. There were few complaints of abuses of child labor laws. Two local NGOs stated that the drastic decline in cotton production reduced the number of children working in this sector. In addition the government, accompanied by an NGO, investigated and found no children working in the cotton fields. Children were reportedly trafficked for begging.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15; children age 14 may work in family businesses or, with parental consent, in daytime after-school jobs that pose no hazard to their health. Children under 16 may not work more than 24 hours per week; children between the ages of 16 and 17 may not work more than 36 hours per week. The law prohibits employing children under 18 in difficult and hazardous work conditions and identifies specific work and industries from which children are barred, including work with toxic substances and underground, at night, in mines, in night clubs, bars, casinos or other businesses that serve alcohol. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. The unit responsible was working on becoming more effective.

d. Acceptable Conditions of Work

The government raised the national minimum wage to 93.50 manat (\$117) per month on December 1. The government defined the 2011 poverty line, on average, to be 95 manat per month (\$119), adjusting the level for certain categories to 102 manat (\$128) for able-bodied persons, 72 manat (\$90) for pensioners, and 76 manat (\$95) per child.

The law provides for a 40-hour workweek; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods, which are determined by labor contracts and collective agreements. It was not known whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. However, most individuals worked part-time in the informal economy, where the government did not enforce contracts or labor laws.

The law provides equal rights to foreign and domestic workers. However, local human rights groups, including the Oil Workers Rights Defense Council, maintained that employers, particularly foreign oil companies, did not always treat

foreign and domestic workers equally. Domestic employees of foreign oil companies often received lower pay and worked without contracts or health care.

While the law sets health and safety standards, government inspection of working conditions was weak and ineffective, and standards were widely ignored. ATUC monitored compliance with labor and trade regulations, including safety and health conditions. The Ministry of Labor Inspectorate reported conducting 4,657 inspections during the year.

According to the Oil Workers Rights Defense Council, an NGO dedicated to protecting worker rights in the oil sector, during the year there were 23 deaths (an increase from 10 in 2010) and 22 complaints of on-the-job injuries. There were also complaints of failure to pay allowances.

ATUC reported that industrial deaths totaled 97 during the year, with 26 of them in construction. Only one of the 26 construction deaths occurred in an ATUC-affiliated construction firm. Of the 97 workers killed, 37 were employed as ATUC members.