U.S. DEPARTMENT of STATE

Azerbaijan

Country Reports on Human Rights Practices - 2007
Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Azerbaijan is a republic of approximately 8.1 million persons with a presidential form of government. The president dominated the executive, legislative, and judicial branches of government. Ilham Aliyev, the son of former president Heydar Aliyev, was elected president in 2003 in a ballot that did not meet international standards for a democratic election due to numerous, serious irregularities. The 2005 parliamentary elections, including rerun elections in 10 constituencies in May 2006, showed an improvement in some areas but did not meet a number of international standards. Although there were more than 50 political parties, the ruling Yeni Azerbaijan Party continued to dominate the political system. Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. The government did not exercise any control over developments in these territories. Civilian authorities generally maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The government's human rights record remained poor and worsened in some areas. The public's right to peacefully change the national legislature was restricted in the 2005 parliamentary elections, although there were some improvements in the period leading up to the elections and in the May 2006 parliamentary election reruns that took place in 10 parliamentary constituencies. Torture and beating of persons in police and military custody resulted in fourdeaths, and law enforcement officials acted with impunity. Prison conditions--despite continuing improvements in infrastructure--were generally harsh and 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 politically motivated reasons. Pervasive corruption in the judiciary and in law enforcement continued. Restrictions on freedom of assembly continued. Restrictions and pressure on the media and restrictions on political participation worsened. The government imposed restrictions on the activities of some unregistered Muslim and Christian groups. Cases of violence against women also were reported.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, human rights monitors reported four prisoners died in police and military custody due to alleged abuse and mistreatment.

On February 18, Imran Kamilov died at the Ministry of Defense's Unit 157, according to credible sources, after he was tortured by military officials. The government stated that Kamilov committed suicide by means of an automatic weapon.

On April 29, Yahya Aghayev died at the Ministry of Defense's Unit 275, according to credible sources, after he was beaten severely with blunt objects and tortured by military officials. The government opened a criminal investigation into Aghayev's death and, in connection with the case, convicted enlisted soldier Emin Abbasov and sentenced him to three years and six months' imprisonment. At year's end an investigation was ongoing into the alleged involvement of enlisted soldier Zakir Aliyev in Aghayev's torture.

On May 24, Vidadi Mirzayev died at the Ministry of Justice's medical facility, according to credible sources, after he was beaten and tortured while in the custody of the Jalilabad city police. The government did not release an official cause of death.

On June 7, Elchin Mammadov died at the Ministry of Defense's Unit 421, according to credible sources, after he was tortured by military officials and shot by a private citizen, Ariz Bakhshiyev. The government convicted Bakhshiyev of Mammadov's death and sentenced him to 11 years' imprisonment; however, the government did not investigate the allegations that Mammadov was tortured.

On November 18, Faina Kungurova died at the Ministry of Justice's Boyuk Shore medical facility. At the time of her death, Kungurova had been hospitalized for approximately one month, following a 10-day hunger strike in pretrial detention. The Justice Ministry conducted an autopsy and determined the official cause of death to be heart failure. Domestic human rights monitors raised concerns about the circumstances surrounding Kungurova's death; however, the head of an anti-torture nongovernmental organization (NGO) thoroughly investigated the case and reported that he found no signs of foul play in Kungurova's death. Domestic monitors considered Kungurova's arrest on charges of narcotics possession to have been politically motivated.

The authorities did not prosecute law enforcement officials implicated in the 2006 deaths of Namik Mammadov, Yuri Safaraliyev, and Alihuseyn Shaliyev because the government attributed these deaths to suicide.

After a six-month trial that received widespread publicity, on January 19, the Baku Court of Grave Crimes convicted former Ministry of Internal Affairs official Haji Mammadov and sentenced him to life in prison for crimes he committed as the head of a kidnapping, murder, and extortion ring within the Ministry of Internal Affairs, including ordering the kidnapping of 11 persons and killing of three persons since 1995. Nine members of Mammadov's gang received life sentences, and 15 others received sentences of between two and 15 years' imprisonment. The gang was charged under 50 articles of the criminal code, including kidnapping and manslaughter. The Court of Appeals upheld the first instance court's ruling on November 28. At year's end, the case was pending hearing by the Supreme Court.

There were no developments in the case of the 2005 killing of opposition journalist Elmar Huseynov.

The government reported 59 deaths of military conscripts during the year, which it attributed to a variety of diseases and injuries.

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 incidents along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. The Ministry of Foreign Affairs reported that during the year, three civilians were killed and three were injured along the line of contact.

According to the national agency for mine actions, landmines killed six persons and injured 14 others during the year. Two of the deceased and three of the injured persons were civilians. A domestic NGO, the Azerbaijan Campaign to Ban Landmines, reported that landmines killed 10 persons and injured 18 others during the year. Five of the deceased and eight of the injured persons were civilians.

b. Disappearance

During the year there was one report of a politically motivated kidnapping. On July 4, four unknown masked assailants kidnapped Ilham Narimanoglu, the head of the Nakhchivan branch of the opposition Whole Azerbaijan Union. Narimanoglu was held captive in a vehicle for approximately three hours and then released.

The International Committee of the Red Cross (ICRC) continued actively to process cases of missing persons in connection with the Nagorno-Karabakh conflict, and worked with the government to develop a consolidated list of missing persons. According to the ICRC, during the year the number of those confirmed missing increased from 4,176 to 4,416, including 3,398 military personnel and 1,015 civilians. The government reported that at year's end, prisoners of war, hostages, and missing persons totaled 4,354. The ICRC reported that it opened investigations into 229 new requests during the year. The ICRC continued to pay special attention to Prisoners of War and Civilian Internees (POW/CI) and conducted visits throughout the year to ensure their protection under international humanitarian law, often providing clothing, toiletries, and other assistance during these visits. The ICRC regularly facilitated the exchange of Red Cross messages between POW/CI and their families to reestablish lost contact, and on several occasions, paid transportation costs for families of missing persons to the ICRC office in Baku. Upon the request of and with full cooperation by the government, during the year the ICRC facilitated the transfer of four persons and repatriation of one person between Armenia and Azerbaijan.

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 that security forces beat detainees to extract confessions. Despite defendants' claims that testimony was obtained through torture or abuse, no cases involving such claims were dismissed. A domestic human rights monitor reported that security forces tortured 63 persons while in custody. Impunity remained a problem.

On September 20, local authorities in the Sadarak region of the exclave of Nakhchivan forcibly committed 71-year-old opposition Popular Front Party member Alasgar Ismayilov to a mental institution without a psychiatric evaluation. Human rights monitors reported that Ismayilov did not suffer from mental health problems. Ismayilov was released on October 4. At year's end an investigation into Ismayilov's complaint against the government was ongoing.

Between September 22 and 23, Ministry of National Security officials of the Sharur region of the exclave of Nakhchivan branch severely beat opposition newspaper reporter Hakimeldostu Mehdiyev. Mehdiyev suffered head injuries, a broken rib, and sustained extensive bruising to his arms and legs. Mehdiyev complained that authorities subjected his family to constant harassment, and at year's end, he remained in Baku after reportedly being threatened not to return to Nakhchivan. At year's end, the Nakhchivan authorities' investigation into Mehdiyev's allegations was ongoing.

In 2005 the media reported that officers of the Ministry of Internal Affairs organized crime unit repeatedly gave electric shocks to opposition Azerbaijan Democratic Party (ADP) deputy chairman and former political prisoner Natik Efendiyev while he was in detention. Following widespread attention from the press, local nongovernmental organizations (NGOs), and international observers, the ministry transferred Efendiyev from the organized crime unit to a local prison where he received medical treatment. In September 2006 he was sentenced to five years in prison.

According to the Ministry of Internal Affairs, authorities punished 207 officers for human rights abuses. The ministry stated that the government criminally prosecuted six police officers for these violations.

During the year the government did not punish interior ministry officials for police abuse, misconduct, and the excessive use of force at a 2005 peaceful opposition demonstration nor was any action expected. Viliyat Eyvazov, one of the senior officers allegedly involved in police abuse and misconduct in the aftermath of the 2003 presidential election, continued to serve as deputy minister of internal affairs following his 2005 promotion.

On January 11, the European Court of Human Rights ordered the government to pay opposition Azerbaijan Democratic Party Chair Sardar Jalaloglu $14,600 (10,000 euros) in damages and court expenses for mistreating Jalaloglu while he was in police custody in 2003, and for failing to properly investigate his allegations of mistreatment. As a result of the January ruling, in September the Supreme Court overturned the 2004 verdicts of the Nasimi District Court and the Court of Appeals sentencing Jalaloglu to three years in prison. Jalaloglu had been arrested in connection with a rally protesting the conduct and results of the 2003 presidential election, during which one person died and many were injured. Jalaloglu reported that police beat him with truncheons, tortured him, and threatened him with rape while he was in detention.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening despite continuing prison infrastructure improvements.

Overcrowding, inadequate nutrition, and poor medical care combined to make the spread of infectious diseases a serious problem. Despite recent improvements to prison infrastructure, prisons, generally Soviet-era facilities, did not meet international standards. In maximum-security facilities, authorities limited physical exercise for prisoners as well as visits by attorneys and family members. Some pretrial detainees were reportedly held in "separation cells," often located in basements, to conceal evidence of physical abuse and where food and sleep reportedly were denied to elicit confessions.

According to the Justice Ministry, three new detention facilities, built to meet international standards, were under construction in the regions of Sheki, Lankaran, and Nakhchivan, and a new prison and pretrial detention facility were under construction in Baku. The Ministry of Internal Affairs reported that new detention facilities were built at six police departments, and 14 detention facilities at police departments were renovated during the year. At year's end four new ministry detention facilities were under construction, and three were undergoing renovations.

Harsh prison conditions resulted in numerous deaths during the year; the Justice Ministry reported that 122 persons died in detention during the year, a 5.4 percent decrease from the number of deaths in detention in 2006. According to the ministry, 116 persons in detention died from natural causes, 96 of which occurred at medical facilities; three committed suicide; and three were killed by other prisoners. The Ministry of Internal Affairs reported two deaths at ministry detention facilities during the year, but stated that investigations were conducted, and the official cause of death in both instances was suicide. The ministry dismissed four police officers and took disciplinary action against seven police officers for negligence in connection with the deaths.

Tuberculosis (TB) remained the primary cause of death in prisons; the government reported 778 prisoners and detainees received treatment for TB. The ICRC positively assessed the government's pilot program, established in April, which treated 778 prisoners for multidrug-resistant TB (MDR-TB) during the year. According to the ICRC, the prison hospitals' MDR-TB wards were state of the art and well ventilated, with indirect ultraviolet lights. MDR-TB patients were separated according to strain, with two to three patients per room, and fed four times per day. The ICRC reported that the government's active case finding and passive case finding efforts were effective in screening inmates for TB. The ICRC reported that 44 inmates died of the disease during the year.

The government reported that the other main causes of death among prisoners and detainees were myocardial infarction, cardiovascular collapse, kidney failure, cirrhosis of the liver, diabetes, stroke, and various forms of cancer.

In 2006 a reconstituted joint government-human rights community prison-monitoring group resumed functioning. The group was disbanded following the 2005 dismissal of the deputy minister of justice for prisons on allegations of accepting bribes for awarding prison renovation contracts.

The government permitted prison visits by international and local humanitarian and human rights groups. The ICRC also had unobstructed access to prisoners of war and to civilians held in connection with the conflict over Nagorno-Karabakh.

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 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.

Law enforcement corruption was a problem. Police often levied spurious, informal fines for traffic and other minor violations and extracted protection money from local residents. In 2005 and again in 2006, traffic police officers received substantial pay raises to counter corruption; nevertheless, the low wages of other law enforcement officials continued to contribute to police corruption. The Ministry of Internal Affairs reported that during the year it punished 43 police officers for corruption. The Ministry of Justice reported that during the year, 38 employees of the penitentiary service were convicted of crimes related to corruption. In addition, the ministry dismissed 17 employees for reasons related to corruption.

Security forces acted with impunity, and in most cases the government took little or no disciplinary action. During the year, however, the government reported that it took action against 207 police officers for human rights violations. The government reported that it criminally prosecuted six officers, dismissed 55 officers from the Ministry of Internal Affairs police forces, removed 21 officers from their positions, and administratively disciplined two others.

Arrest and Detention

The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights and reason for arrest and accorded due process of law; however, the government did not respect these provisions in practice. Arbitrary arrest, often on spurious charges of resisting the police, remained a problem throughout the year.

The law allows police to detain and question individuals for 24 hours without a warrant; in practice police detained individuals for several days, sometimes weeks, without a warrant. In other instances, the prosecutor general issued ex post facto warrants.

Judges, acting at the instruction of the Prosecutor General's Office or of other executive branch officials, sentenced detainees to jail within hours of their arrest without providing access to a lawyer.

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 provided for by law, indigent detainees did not have access to lawyers. Authorities often restricted family member visits and withheld information about detainees; frequently days passed before families could obtain any information about detained relatives. There was no formal, functioning bail system; however, individuals were sometimes permitted to vouch for detainees, enabling their conditional release during pretrial investigation. At times politically sensitive suspects were held incommunicado for several hours and sometimes days while in police custody.

On September 11, police detained 14 members of the independent Dalga (Wave) youth movement near a metro station in downtown Baku as they gathered to deliver their condolences to the U.S. Embassy on the anniversary of the 2001 terrorist attacks. The youths were released after several hours.

On November 29, police detained six members of the Dalga youth movement on Baku's seaside promenade. The group had gathered on bicycles to stage an event calling attention to the city's traffic problems and encouraging citizens to consider alternative modes of transportation. The youth were released after approximately six hours.

Lengthy pretrial detention of up to 18 months was a serious problem. The prosecutor general routinely extended the permitted, initial three-month pretrial detention period in successive increments of several months until the government completed an investigation.

In 2005 security forces arrested approximately 300 opposition party activists, including up to 20 parliamentary candidates, in connection with the anticipated return to Baku of exiled ADP leader Rasul Guliyev. Shortly thereafter, in October, the Ministry of National Security arrested presidential aide Akif Muradverdiyev, Minister of Health Ali Insanov, Minister of Economic Development Farhad Aliyev, former finance minister Fikrat Yusifov, business leaders Fikrat Sadigov and Rafiq Aliyev, and others, including Ministry of Economic Development official Alihuseyn Shaliyev, for allegedly attempting to foment a coup d'etat in connection with Guliyev's failed October return. The law permits individuals charged with fomenting a coup to be held in pretrial detention for up to 18 months if the Prosecutor General's Office states to a court that continued detention is justified for the investigation. Farhad Aliyev, his brother, former AzPetrol Chairman Rafig Aliyev, and former Ministry of Economic Development official Gadir Huseynov were detained for the full 18 months.

In 2005 government agents arrested prominent academic and Guliyev friend Eldar Salayev for allegedly planning to carry out the coup. The National Security Ministry released Salayev from detention on account of his age and poor health, although the charges against him continued to stand.

In 2005 several progovernment television channels broadcast a videotape of ministry of national security detainees Yusifov, Insanov, Muradverdiyev, and Sadigov testifying to their role in the plot to overthrow the government. Yusifov, a former finance minister whose testimony dominated the broadcast, described himself as the financial middleman in exiled opposition leader Guliyev's network of support within the government and business community. Yusifov confessed that Aliyev, Insanov, Sadigov, and others gave him money, which he turned over to Salayev, who was tasked with financing the opposition's activities. In November 2005 authorities released Fikrat Sadiqov, former head of a state-owned chemical company, on the condition he notify police before traveling outside of Baku.

NGOs and lawyers for several of the accused reported that some of the detainees did not have access to appropriate medical care. They also said that the government denied the detainees' due process rights, inappropriately prolonged the pretrial detention period, and denied some detainees the right to visits by their families.

On March 17, Member of Parliament Hussein Abdullayev was arrested on charges of battery and hooliganism after engaging in a physical altercation with another parliamentarian during a March 16 session on the prime minister's annual report on government performance. Prior to the altercation, Abdullayev had criticized the prime minister's report. It was unclear whether parliament voted to strip Abdullayev's immunity before or after his arrest. Abdullayev's lawyer reported that, although only one other individual was involved, Abdullayev was charged with assaulting two individuals, which changed the gravity of the crime and made it possible for Abdullayev to lose his parliamentary seat. The other individual was not arrested for his participation in the altercation, although in the television coverage of the incident, he appeared to have initiated the scuffle. Abdullayev was detained for two months during the police investigation and released on May 18 after receiving a two-year suspended sentence. After his release, Abdullayev complained that authorities subjected him and his family to harassment.

Other parts of this report contain information related to this section; see sections 1.e. and 2.b.

Amnesty

During the year President Aliyev pardoned 219 prisoners, including between 13 and 16 persons whom local human rights activists considered political prisoners. On May 8, parliament passed an act granting amnesty to 9,000 persons who had been convicted of petty crimes. Human rights monitors did not consider any of these individuals to be political prisoners.

Other parts of this report contain information related to this subsection; see section 2.a.

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 was corrupt and inefficient.

The executive branch exerts a strong influence over the judiciary. The president appoints Supreme Court, Appellate Court, and Constitutional Court judges (subject to parliamentary confirmation) and lower court judges (without parliamentary confirmation).

Judges' salaries steadily increased over several years; nevertheless, there continued to be credible allegations that judges routinely accepted bribes. There were also credible reports that judges and prosecutors took instruction from the Presidential Administration and the Justice Ministry, particularly in cases of interest to international observers.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District courts try the majority of cases. The Supreme Court may not act as the court of first instance. Either one judge or a three-judge panel presides over first-hearing trials at the district court or the Court of Grave Crimes, while a panel of three or more judges hears cases at the Court of Appeals and the Supreme Court. The constitution provides all citizens with the right to appeal to the Constitutional Court. Citizens also have the right to appeal to the European Court of Human Rights, and they exercised this right frequently.

In 2005 the Justice Ministry approved an international NGO to train judges on compliance with election law; the program continued during the year.

In January 2006 the government conducted judicial recruitment examinations for the purpose of selecting qualified judges to fill vacancies in the judiciary. International observers reported that the examinations complied with international standards, resulting in the selection of 55 new judges, who were appointed by the president on July 31.

Trial Procedures

The law provides for public trials except in cases involving state, commercial, or professional secrets or matters involving confidential, personal, or family matters. While the law provides for the presumption of innocence in criminal cases, the right to review evidence, a defendant's rights to confront witnesses and present evidence at trial, a court-approved attorney for indigent defendants, and appeal for defendants and prosecutors, these provisions were generally not respected in practice.

Jury trials were not used. Foreign and domestic observers usually were allowed to attend trials. 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 for conflict of interest or if a defendant requests a change of counsel.

The law limits representation in criminal cases to members of a government-controlled collegium of lawyers (bar association), thereby restricting the public's access to legal representation of choice. The collegium reserves the right to remove lawyers from criminal cases and sometimes did so for reasons that observers believed were questionable. The law allows all licensed lawyers to join the collegium automatically. However, some provisions in the law left open the possibility that the collegium could refuse a fully qualified lawyer for failing to meet other, unspecified requirements. During the year the collegium held three bar examinations. Some domestic monitors reported that the exams continued to be problematic.

The constitution prohibits the use of illegally obtained evidence; however, despite some defendants' claims that testimony was obtained through torture or abuse, no cases based on claims of abuse were dismissed, and there was no independent forensic investigator to determine the occurrence of abuse. Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts were likely to end 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 the evidence presented was not sufficient to convict a defendant, judges could and did return cases to the prosecutor for additional investigation, in effect giving the prosecution a "second chance" for a conviction.

Some domestic and international observers considered the 2005 arrests of former minister of health Ali Insanov, former minister of economic development Farhad Aliyev, and otherson charges of coup plotting and subsequently corruption, to be politically motivated. Although the government detained them, in part, on coup plotting charges-–in some cases for the full 18-month pretrial detention period permitted by law-–the government prosecuted and convicted them on charges related to corruption. As of year's end, none of the persons arrested in the case had been tried for coup plotting. There were numerous due process violations during the trial proceedings.

In February the Court of Grave Crimes tried former minister Insanov on charges of public corruption and embezzlement. After a two-month trial, the court sentenced Insanov to 11 years in prison. Although court officials prevented some journalists' access to early trial sessions, the problem was quickly resolved, and the trial remained open.

In May the Court of Grave Crimes tried former minister Aliyev and 18 codefendants on a range of charges related to corruption. After a five-month trial, the court sentenced Aliyev to 10 years in prison. His codefendants received sentences ranging from one year of probation to nine years' imprisonment. Court officials often barred international observers and some of Aliyev's family members from the courtroom. Court officials' failure to use microphones in the courtroom also hindered monitoring. Although court officials prevented some journalists' access to early trial sessions, most were subsequently allowed to attend. Aliyev's lawyers alleged that the government at times denied Aliyev access to his doctor and appropriate medical treatment while imprisoned.

In the period preceding the 2005 parliamentary elections, judges often sentenced to jail opposition members arrested for participating in unauthorized political rallies within hours of their detention and without a fair trial.

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. At year's end NGO activists maintained that the government held between 36 and 60 political prisoners. As was the case in 2006, at year's end three political prisoners arrested in connection with the 2003 presidential election and listed in the Council of Europe's experts report remained incarcerated: Elchin Amiraslanov, Safa Poladov, and Arif Kazimov.

Some considered the 2005 arrests of individuals on charges of plotting a coup and subsequently corruption, to be politically motivated.

In September 2006 Natik Efendiyev, an Azerbaijan Democratic Party deputy chairman charged with aiding and abetting the alleged coup plot, was tried on charges of stockpiling weapons. After a two-day trial, the Baku Court of Grave Crimes convicted Efendiyev and sentenced him to five years in prison. No domestic or international human rights monitors were present at the trial because of its sudden occurrence and remote location. Efendiyev reportedly was tortured in pretrial detention.

Domestic and international observers considered the imprisonment of three opposition youth group leaders to be politically motivated. In 2005 Ruslan Bashirli, Said Nuriyev, and Ramin Tagiyev, activists from the opposition youth group Yeni Fikir, were arrested and charged with treason. In a widely broadcast videotape shown by state-operated television station AzTV in 2005, Bashirli was shown taking money from and conspiring with Georgian and alleged Armenian citizens to foment revolution in the country. International and domestic observers doubted the credibility of the evidence against the three activists and suspected a case of entrapment to intimidate and

embarrass the opposition. The Court of Grave Crimes tried the three activists in 2006 in a trial that did not meet minimum international standards for due process.

In July 2006 the court sentenced Bashirli to five years in prison, Tagiyev to four years in prison, and Nuriyev to a suspended three-year sentence because of a preexisting health condition. In September 2006 an appellate court upheld the lower court's verdict but reduced Tagiyev's sentence to three years. On March 19, Nuriyev was pardoned by presidential decree. On August 18, the Supreme Court upheld the appellate court's verdict on Bashirli and Tagiyev's prison sentences.

On December 28, Musavat Party member Pirali Orujev was pardoned by presidential decree. He had been arrested in 2005 and in September 2006 was sentenced to four years' imprisonment for allegedly conspiring to kill two progovernment figures. Some NGOs raised concerns about the fairness of his trial and considered his imprisonment to be politically motivated.

There were no reliable estimates of the number of political detainees. Most political detainees received sentences of between 10 and 15 days in jail, often described as "administrative detention" sentences.

The government generally permitted unrestricted access to political prisoners by international humanitarian organizations.

Other parts of this report contain information related to this subsection; see sections 1.e., Trial Procedures, 2.a, 3, and 5.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial jury in civil matters; however domestic and international observers assessed that in practice, juries often were not independent and impartial. District courts have jurisdiction over civil matters in their first hearing; appeals are addressed by the Court of Appeals and then the Supreme Court. Citizens have the right to bring lawsuits seeking damages for, or cessation of, human rights violations. The European Convention on the Protection of Human Rights and Fundamental Freedoms took effect in 2002, giving citizens the right to appeal to the European Court of Human Rights after exhausting domestic appeals.

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

The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications; in practice the government restricted privacy rights.

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

Police continued to intimidate and harass family members of suspected criminals. Human rights monitors reported that officials denied family members the right to visit those detained in connection with an alleged coup plot.

During the year domestic human rights monitors reported concerns about the lack of due process and respect for the rule of law in a number of cases related to property rights.

Section 2 Respect for Civil Liberties, Including:

a. 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 took actions that limited media independence. The media freedom environment significantly deteriorated during the year.

Although opposition parties continued to publish newspapers, and human rights activists were able to conduct their work without fear of reprisal, the government penalized criticism from some sources.

A number of journalists who criticized government officials in the course of their work were subjected to criminal prosecution and/or civil lawsuits, some resulting in prison sentences and large fines. Journalists also were subject to harassment, threats, and acts of physical violence that appeared to be connected to their criticism of the government or specific public officials.

The Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) described the situation of the independent media in the country as "grave" in his November 15 report to the OSCE's Permanent Council.

A large number of opposition and independent media outlets operated during the year. The print media expressed a wide variety of views on government policies. However, most broadcast media adhered to a progovernment line in their news coverage.

There were several pro-opposition newspapers and magazines, and a few independent newspapers and magazines. There were 21 television and 10 radio stations. There also were several national state newspapers and numerous newspapers funded by city or district level officials. In contrast to progovernment newspapers, the distribution of many opposition newspapers was limited to the capital, and their circulation was low. Although many opposition and government-run newspapers reduced circulation in 2006, some increased circulation during the year, including prominent opposition newspapers *Yeni Musavat* and *Azadliq*.

Some private television channels broadcast the views of both government and opposition officials, but their programs were not available in all parts of the country. ANS TV, a popular channel regarded as independent, provided relatively balanced news coverage, although opposition political party leaders complained that no television stations covered their activities. In November 2006 the National Television and Radio Council (NTRC) ordered ANS to stop broadcasting on grounds that the channel had failed to comply with national media law and regulations, a charge that ANS disputed. Citing the appeals of prominent citizens, and of the human rights ombudswoman, the NTRC reversed its decision in December 2006 and allowed ANS to resume broadcasting. On April 26, the NTRC granted ANS a six-year broadcast license.

There were no restrictions on systems to receive satellite broadcasts by foreign stations, but the NTRC continued to impose a general requirement that local, private television and radio stations not re-broadcast entire news programs of foreign origin. Radio Free Europe/Radio Liberty, BBC, and other foreign stations were not subject to this requirement.

Arrest, harassment, intimidation, and violence against individual journalists continued.

Domestic and international observers considered the conviction and imprisonment of eight journalists during the year, and that of one journalist remaining in prison from 2006, to be politically motivated. Five of these journalists were released by presidential pardon in December, and two were released following the appellate courts' decisions to overturn their verdicts. The other two journalists remained in prison at year's end. Another journalist remained in pretrial detention at year's end; international and domestic observers considered his arrest to be politically motivated.

On January 9, a Baku court convicted *Nota Bene* newspaper journalist Faramaz Allahverdiyev on charges of libel and sentenced him to two years' imprisonment. The

charges were the result of a lawsuit filed by Minister of Internal Affairs Ramil Usubov. Allahverdiyev reportedly suffered from an intestinal hernia, and according to local human rights activists, his health remained critical in detention. In December Allahverdiyev underwent surgery at a government medical facility. Allahverdiyev was released by presidential pardon in December.

On May 4, a Baku court convicted *Sanat* newspaper journalist Rafig Taghi and Editor-in-Chief Samir Sadagatoglu on charges of inciting religious hatred. Taghi was sentenced to three years' imprisonment and Sadagatoglu to four. Taghi had written an article, published in November 2006, arguing that Islamic values had prevented the country from integrating into Europe. Taghi and Sadagatoglu were released by presidential pardon in December.

On May 16, a Baku court convicted *Mukhalifet* newspaper journalist Yashar Aghazade and Editor-in-Chief Rovshan Kabirli on charges of libel, and sentenced them each to 30 months' imprisonment. The charges were the result of a libel lawsuit filed by Member of Parliament Jalal Aliyev. Aghazade and Kabirli were released by presidential pardon in December.

On July 24, police arrested opposition *Bizim Yol* newspaper correspondent Mushvig Huseynov on charges of accepting a bribe from a Ministry of Labor and Social Protection employee. The exchange was captured on video and broadcast on national television. Huseynov's defense attorneys maintained that the incident was a set-up and declared Huseynov innocent. Some domestic observers considered Huseynov's arrest to be politically motivated, while others believed him to be guilty. Huseynov reportedly suffered from tuberculosis. He remained in pretrial detention at year's end.

On October 30, the Baku Court of Grave Crimes sentenced the already-jailed editor-in-chief of *Realny Azerbaijan* and *Gundelik Azerbaijan,* Eynulla Fatullayev, to eight-and-a-half years' imprisonment on charges of supporting terrorism, inciting ethnic hatred, and tax evasion. These charges were based on an article Fatullayev wrote criticizing the government's policy towards Iran and listing specific locations in the country as potential targets for an Iranian attack. The sentence included Fatullayev's previous libel conviction for an article he allegedly wrote purporting that government forces may have played a role in the 1992 events in Khojali. Fatullayev remained in prison at year's end. In October 2006 credible human rights monitors reported that unknown assailants kidnapped Fatullayev's father, Emin Fatullayev, and held him for three days. Fatullayev's father was released, reportedly after Fatullayev agreed to cease publishing both titles in October 2006. There were no developments in the kidnapping case during the year. Fatullayev started *Realny Azerbaijan* in 2005 after having worked at *The Monitor*, which ceased publication following the killing of its founder and editor. In 2004 unknown assailants physically attacked Fatullayev.

On November 6, a Baku court convicted *Ideal* newspaper Editor-in-Chief Nazim Guliyev of libel and sentenced him to 30 months' imprisonment. The libel charges were filed by a Ministry of Internal Affairs official. *Ideal* newspaper had a reputation for racketeering, and local observers believed that Guliyev had accepted and demanded bribes in exchange for printing or not printing articles. The Court of Appeals overturned the first instance court's ruling on December 26, and Guliyev was released from prison.

On November 11, police arrested *Azadliq* newspaper editor-in-chief Ganimat Zahid on charges of hooliganism and inflicting minor bodily harm. The charges were a result of a complaint filed by private citizen Vusal Hasanov, alleging that Zahid engaged in a physical altercation with him, after Hasanov reportedly attempted to defend a woman who accused Zahid of insulting her. Zahid maintained that he was innocent and that the incident was a set-up. At year's end the government had concluded its investigation, and Zahid remained in pretrial detention as his case pending hearing by the Yasamal district court.

On December 6, a Nakhchivan City court convicted Radio Free Europe/Radio Liberty correspondent Ilgar Nasibov of libel and sentenced him to three months' imprisonment. The libel charges reportedly were based on an e-mail message Nasibov had sent to a government Web site, complaining about Nakhchivan police officers' treatment of journalists during the eviction of a popular market. On December 10, the Nakhchivan Court of Appeals overturned the first instance court's ruling, and Nasibov was released from prison. Also on December 10, a Nakhchivan City court convicted Nasibov of libel on separate charges and sentenced him to one year of probation. The charges were based on an article published in *Azadliq* newspaper in 2006, which detailed alleged activities of the Kurdish Workers' Party (PKK) in Nakhchivan. Both Nasibov and the editors of *Azadliq* newspaper denied that he ever wrote an article for the newspaper.

Publication of the Russian-language weekly newsmagazine *Realny Azerbaijan and its Azerbaijani-language sister publication Gundelik Azerbaijan* was suspended in May when Ministry of Emergency Situations' officials closed the newsmagazines' offices, claiming that the building had structural deficiencies. Officials confiscated office equipment and did not return it. At year's end, publication of both newspapers remained suspended.

In October 2006 the Baku Court of Grave Crimes convicted prominent political satirist Mirza Zahidov (also known as Mirza Sakit or Sakit Zahidov) of drug possession and sentenced him to three years in prison. The Court of Appeals and the Supreme Court upheld the sentence. Human rights activists doubted the credibility of the charges against Zahidov and considered them to be politically motivated. At year's end Zahidov remained in prison.

During the year there were at least two reports of physical attacks on journalists in connection with their professional activities.

On April 20, *Gundelik Azerbaijan* newsmagazine reporter Uzeyir Jafarov was attacked by two unidentified assailants near the newsmagazine's office. Jafarov was struck repeatedly on the head with a metal object, and he reported that his assailants intended to stab him with a knife, but were prevented by the arrival of two of Jafarov's coworkers. The attack took place several hours after the newspaper's Editor-in-chief, Eynulla Fatullayev, was convicted of libel and sentenced to 30 months' imprisonment. Jafarov publicly identified a police officer as one of his assailants, whom he said he recognized from Fatullayev's trial.Jafarov filed a complaint against the Yasamal District Prosecutor's Office and the Yasamal District Police Department, and the preliminary hearing took place on December 27. Authorities had not charged any suspects in connection with the attack by year's end.

On September 28, *Impulse* newspaper reporter Suheyla Gambarova was beaten by Ministry of Justice court bailiffs while investigating reports of a forced eviction. Gambarova was hospitalized and diagnosed with hemorrhaging of the brain, short-term memory loss, and a broken nose. She also reportedly developed spinal injuries and impaired vision as a result of the beating. At year's end the government's investigation into the incident remained ongoing.

In March 2006, unknown assailants kidnapped opposition *Azadliq* newspaper journalist Fikret Huseynli and attacked him with a knife. No one had been charged or arrested in connection with the incident at year's end.

In May 2006, unknown assailants took Bahaddin Haziyev, editor in chief of the opposition *Bizim Yol newspaper*, to a lake near Baku, ran over his legs with a car, and reportedly threatened to kill his family if he did not stop writing articles critical of the government. Haziyev sustained serious injuries. Authorities had not charged any suspects in connection with the attack by year's end.

In December 2006, four unidentified assailants attacked opposition Azadliq newspaper journalist Nijat Huseynov near a bus stop close to his home. Huseynov was hospitalized. Authorities had not charged any suspects in connection with the attack by year's end.

There were no developments during the year in the 2005 killing of the founder and editor of *The Monitor*, Elmar Huseynov, by unknown assailants. The government characterized the killing as a terrorist act meant to destabilize the regime and opened an investigation into the case. Some human rights activists described the killing as a warning to those critical of the government, a suggestion that officials vehemently rejected. In 2005 press reports stated that the government's investigation identified two Georgian citizens, Tahir Khubanov and Teymuraz Aliyev, as suspects.

As in 2006, there were fewer reports than in previous years that police beat journalists covering opposition rallies or other events because authorities permitted few opposition political rallies during the year. In 2005 police officers beat some journalists and detained and released others covering opposition rallies connected with the parliamentary elections.

A state regulatory agency, the NTRC, was responsible for issuing broadcast licenses and monitoring broadcasts. The Justice Ministry must register a corporation, such

as a television station operating company, for it to have legal existence.

After resolving a legal dispute related to rebroadcasting, in December 2006 the NTRC assigned Voice of America and Radio Free Europe/Radio Liberty their own FM radio frequencies. Voice of America resumed broadcasting on state television on January 1. In November 2006 the NTRC ordered ANS Television and Radio to stop broadcasting, stating that ANS had 11 violations of the national media law and NTRC regulations. ANS disputed the NTRC's claim, and company officials said that ANS complied with all of the NTRC's regulatory orders during the year. Citing the appeals of prominent citizens, the NTRC reversed its decision in December 2006 and allowed ANS to resume broadcasting. ANS was required to compete in an open tender for its broadcast frequency, and, on April 26, the NTRC granted ANS a six-year broadcast license.

In the months preceding the 2005 parliamentary elections, opposition politicians consistently had free, unrestricted access to state television airtime and paid, unrestricted access to private television time, although news coverage was heavily skewed in favor of the ruling New Azerbaijan Party. While the election code includes free media access requirements, the government restricted the opposition's access to a state television channel during the 72-hour period following the attempted return of exiled opposition leader Rasul Guliyev.

Although pro-opposition journalists openly criticized government officials, a combination of intimidation and a desire not to alienate potential advertisers led most independent journalists and editors to practice some degree of self-censorship.

Libel is a criminal offense; the law allows for large fines and up to three years' imprisonment. The government intimidated and harassed the media, primarily through defamation suits, prohibitively high court fines for libel, and measures that hampered printing and distribution of independent newspapers and magazines. The number of defamation suits threatening the financial viability of the print media continued to increase during the year, and public officials continued to file libel lawsuits against journalists. Domestic media monitors reported that public officials filed 81 libel lawsuits during the year, a steep increase from the seven libel lawsuits reported in 2006 and the 11 libel lawsuits reported in 2005. Human rights activists believed that public officials used libel suits to prevent the publication of embarrassing or incriminating information. Government officials publicly stated that the accusations leveled by journalists were unfounded and slanderous and pointed to journalists' unprofessional behavior as the cause of the high number of defamation suits. In conferences in July and November, Presidential Administration official Ali Hasanov stated that decriminalizing defamation would lead those subjected to libel and slander to pursue other means of resolution, and that more journalists might find themselves "victims of assault."

Most newspapers and magazines were printed in government publishing houses or on private printing presses owned by individuals close to the government. The majority of independent and opposition newspapers remained in a precarious financial position; they continued to have problems paying wages, taxes, and periodic court fines.

The government prohibited some state libraries from subscribing to opposition newspapers. The government also continued to prohibit state businesses from buying advertising in opposition newspapers and pressured private business to do the same.

Baku-based journalists reported that authorities in the exclave of Nakhchivan continued to block distribution of opposition newspapers.

As in the previous year, the government tightened enforcement on unregistered, independent newspaper vendors who mainly distributed opposition newspapers, stating that the illegal vendors created traffic hazards on city streets.

Continuing a trend from 2005, Gaya, the country's largest independent newspaper distributor, reopened some of its 20 newsstands in Baku that were torn down in 2002 by the Baku mayor's office. However, some of the newsstands remained in the custody of the Baku municipal authorities.

Other parts of this report contain information related to this section; see section 3.

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 was no evidence to support the widely held belief that the government monitored Internet traffic of foreign businesses and opposition leaders. However, in January, there were credible reports that authorities blocked public Internet access to a Web site containing a petition regarding utility price increases. On January 13, police arrested the creator of the Web site, Bakhtiyar Hajiyev, at a downtown Internet cafe. After brief questioning at the Ministry of Internal Affairs, police took Hajiyev to the Narimanov district court, where a judge sentenced him to 12 days' detention for resisting arrest. A Baku appellate court overturned the lower court's decision and released Hajiyev on January 15.

Domestic observers reported that on several occasions during the year, the government temporarily blocked public Internet access to a Web site popular for lampooning the president. Access to the Internet was limited to urban centers due to lack of infrastructure.

Academic Freedom and Cultural Events

The government on occasion restricted academic freedom.Some domestic observers raised concerns about the government's selection of participants for state-sponsored study abroad programs; the government stated that its selection process was transparent and political affiliation was not a factor. The opposition Musavat Party continued to report that since 1993, 37 opposition members had been fired from positions as teachers in state educational institutions. The party also reported that in 2006, Baku State University officials did not allow the party chairman's wife to defend her doctoral dissertation, reportedly because of her husband's political affiliation. Youth movement representatives reported that only members of the ruling party youth movement were permitted to organize events on university campuses. Members of opposition youth movement organizations reported that they were more likely to experience harassment by university officials and receive expulsion threats than other students. Domestic observers reported that some students believed they would be expelled if they were to become politically active.

In May 2006 approximately 50 students from Azerbaijan Independent University (AIU) went on a hunger strike to protest the Education Ministry's suspension of further matriculation at AIU and 17 other academic institutions. Ministry officials said the suspension was part of ongoing efforts to root out systemic corruption in the education system. However, some analysts believed the ministry was attempting to stifle competition against the government's premier academic institution, Baku State University. In response to widespread media attention, the ministry permitted fourth-year students at AIU to graduate and third-year students to transfer to other institutions but cancelled enrollment of the first- and second-year students. A group of the first- and second-year students sued the ministry over the revocation of their matriculation status. Claiming that the lawsuit was proceeding too slowly, approximately 100 to 150 of the first- and second-year students resumed their hunger strike in December in the Musavat office while awaiting a court decision. The strike ended when Musavat officials decided not to continue providing a space for the strikers. In September the court ruled that the Ministry of Education was not liable for damages related to AIU's closure, but ordered AIU to reimburse the students for tuition fees.

In 2005 the government expelled four students from Baku State University, the State Economic University, and the Pedagogical University for political activities in support of opposition parties. One expelled student, Turan Aliyev, began a hunger strike at the end of 2005 and was joined by three opposition youth activists in protest of the universities' expulsions. In January 2006 the minister of education intervened after local human rights activists drew public attention to the students' case and ordered the students' reinstatement. However, two of the students, Turan Aliyev and Namik Faziyev, reported that university administrators continued to refuse to grant them letters of enrollment that would allow them to return to class.

There were no reports of government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government severely restricted this right in practice. Although the constitution stipulates that groups may peacefully assemble with prior notification of relevant government bodies, the government continued to interpret this as a requirement for advanced permission from the Baku mayor's office. In addition, since October 2006, the government has required all sanctioned rallies to be held at seven designated locations far removed from the city center, a stipulation most political parties and NGOs found unacceptable. The government often denied opposition political parties and independent NGOs' requests to hold political rallies. However, the government periodically allowed other unauthorized rallies to take place.

On January 26, police detained 15 opposition party members attempting to hold an unsanctioned protest in front of the State Property Committee's office. The group was detained for several hours and released.

On June 14, police detained four journalists attempting to hold an unsanctioned protest at a downtown Baku park. Domestic observers reported that police used inappropriate force to disperse the crowd, resulting in nine persons sustaining minor injuries. The four detainees were released after an hour.

On September 26, November 14, and November 16, police detained members of the Dalga youth movement attempting to hold unsanctioned protests. The youth gathered to protest corruption in the education system, pollution, and the destruction of Baku's historic old city. In each instance, the youth were released within several hours.

On December 14, police detained 15 youth movement members attempting to hold an unsanctioned protest near Fountain Square, a high-profile downtown Baku location. The group distributed copies of *Azadliq* newspaper, chanted "freedom," and called for the release of detained *Azadliq* editor-in-chief Ganimat Zahid. The youths were released after nearly two hours.

The opposition Azerbaijan National Independence Party reported that police detained party members attempting to hold unsanctioned protests on seven occasions during the year. The party protested a variety of issues, including price increases and the treatment of ethnic Azeris in Iran. In four instances, police released the detainees after several hours, and in three instances, detainees were released after paying fines.

During the preelection period in 2005, the government partially restored the right to freedom of assembly, allowing limited political rallies in predetermined sites approved by local authorities. While breaking up several unsanctioned rallies, police beat participants and journalists covering the rallies and arrested participants. Following the 2005 parliamentary elections, security forces violently dispersed a peaceful, sanctioned opposition rally of 7,000 supporters protesting the election's conduct. Police struck protesters with truncheons, destroyed the organizers' platform, and used water cannons to remove protesters from the square. Opposition officials reported that 90 persons were seriously injured, four were taken to city emergency rooms in critical condition, and 67 others sustained minor bruises. The government arrested 57 persons for "hooliganism" and "public disorder;" within hours of the arrests, courts sentenced 27 detainees to jail for 10 to 15 days. No police officials were held accountable for the excessive use of force.

Domestic human rights monitors expressed concern that at the Police Academy graduation ceremony on July 2, President Aliyev stated that "not a single police officer" would be punished for actions taken while breaking up several post-elections rallies in 2005 because the police had prevented "illegal criminal actions." In the same speech, the president stated that law enforcement agencies would "be in harmony" with European Union standards within the next five years.

Other parts of this report contain information related to this section; see section 1.d.

Freedom of Association

The law provides for freedom of association, although in practice the government's restriction of this right worsened during the year. A number of provisions allowed 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 (SCWRA). 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 effectively limited citizens' right to associate.

The government continued to use a 2003 requirement for all existing NGOs to reregister with the Justice Ministry to delay or deny registration to some previously registered groups, often citing the failure of applicants to follow proper procedures. During the year the ministry registered 361 NGOs. However, the ministry did not provide information on the total number of NGO applications received or the number of NGO applications rejected during the year.

On July 27, President Aliyev issued a decree announcing a new government initiative regarding NGOs, including a provision for future state financing of NGOs which was outlined in a December 13 presidential decree. The plan included many of the international donor community's recommendations. As of year's end, the fund was not yet active.

In 2005 the OSCE issued a report on NGO registration, identifying problems and offering recommendations. Its conclusions noted that the government procedurally evaded NGO registration by taking an excessive amount of time to discover shortcomings, which unduly prolonged processing times for NGO registration applications. While the report noted many of the shortcomings in applications cited by authorities were valid, most of them were correctable during the registration process and should not have been grounds for final rejection.

c. Freedom of Religion

The constitution and law provide for freedom of religion; however, there were some abuses and restrictions in practice. Although the law expressly prohibits the government from interfering in the religious activities of any individual or group, there are exceptions, including cases where the activity of a religious group threatens public order and stability. The generally amicable relationship among religious groups in society contributed to religious freedom. Most religious groups met without government interference.

A number of legal provisions enable the government to regulate religious groups, including a requirement that religious organizations, including individual congregations of a denomination, be registered by the government. Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA. The SCWRA and its chairman have broad powers over registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law.

Registered Muslim organizations are subordinate to the CMB, a Soviet-era entity that appoints Muslim clerics to mosques, periodically monitors sermons, and organizes annual hajj pilgrimages. Some local Muslim believers were critical of the CMB's and the SCWRA's role in registering and regulating their communities.

The SCWRA continued to delay or deny registration to some Protestant Christian groups, including two Baptist and two Assembly of God churches. The overall registration process appeared to be improving, although several groups complained that the SCWRA or local officials selectively made the application process difficult or impossible and that authorities sometimes failed to rule on registration applications in a timely manner.

During the year, the SCWRA registered 50 new groups, all of which were Islamic and rejected two applications. There were 611 total registered religious communities in the country. Some groups reported that SCWRA employees tried to interfere in the internal workings of their organizations during the registration process.

A variety of religious communities complained that the authorities periodically and selectively harassed registered and unregistered religious groups. There were several instances of police disrupting the religious services of Muslim groups, Seventh-Day Adventists, Jehovah's Witnesses, and some Protestants. There were also some reports of police intimidating representatives of these groups. While some of these religious communities were registered, the government and the communities often disagreed whether a smaller group or branch congregation associated with the larger registered religious community needed to be registered. Local law enforcement authorities occasionally monitored religious services, and some observant Christians and Muslims were singled out for searches or questioning by law enforcement officers.

On May 20, police raided the meeting of a Baptist community in Aliabad and detained the pastor, Zaur Balaev. The church consisted of members of the local Georgian-speaking Ingilo minority. Officials claimed the pastor resisted the police; local Baptists strongly disputed this assertion. Balaev was sentenced in July to two years' imprisonment; the Court of Appeals upheld the verdict. At year's end, Balaev remained in prison, and his case was pending review by the Supreme Court.

On June 20, policemen in the Ganja region disrupted a Jehovah's Witness meeting at a private residence. The attendees were briefly detained and questioned. On September 20, police in the city of Sumgayit disrupted a Jehovah's Witness meeting at a private residence. One participant was briefly detained.

0n December 8, Baku police disrupted a gathering of approximately 20 Seventh Day Adventists at a private residence and arrested eight individuals. Police charged the detainees with conducting an illegal gathering, and released them after several hours.

In May authorities banned the use of loudspeakers at mosques for announcing the Islamic call to prayer. Authorities claimed that the volume was disturbing the elderly, sick, and children. The authorities reversed this decision later in May, in part because of domestic opposition to the policy. The press reported that a similar ban was imposed later in the year in the Zaqatala region.

In the latter part of the year, the government tightened controls on a variety of Islamic activities, including reportedly pressuring television stations not to run religious programming, banning stores from selling religious literature at metro stations, and closing down several madrasas to review their curricula. During the year there were multiple reports of authorities detaining alleged Islamic radicals or shaving their beards. In 2006 the government outlawed several Islamic humanitarian organizations because of credible reports about connections to terrorist activities.

In 2006 the Jehovah's Witnesses reported that authorities regularly interfered with their ability to rent public halls for religious assemblies and on occasion fined or detained and beat individuals for meeting in private homes. Local television stations also aired "raids" of religious meetings for "exposes" of religious groups. In December 2006 police accompanied by a television crew raided a gathering of Jehovah's Witnesses in Baku. Police detained and released most participants, but deported six foreigners.

The law expressly prohibits religious proselytizing by foreigners, and officials enforced this strictly. Police detained several Muslims during the year, accusing them of spreading radical Islamic doctrines. Government officials stated that foreign missionaries were seeking to disrupt Azerbaijan's tradition of religious tolerance and that some mosques were under foreign influence. On July 16, authorities in the Kachmaz region deported two Jehovah's Witnesses from the Russian Federation who were accused of proselytizing.

Women are prohibited by law from wearing headscarves in photos for official documents. There is no law against females wearing headscarves in governmental or educational institutions, but some local officials discouraged Muslim women from wearing headscarves at schools. Religiously observant women reported that they were also discouraged from applying for government jobs. In September the rector of the Azerbaijani Teachers Institute sought to prohibit veiled students from entering the classroom. The rector and veiled students later reached a compromise. In November 2006, after an NGO sued the university in court, Sumgayit University officials changed a university policy that previously prohibited students from wearing headscarves.

The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, authorities also appeared to selectively restrict individuals from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remained burdensome, but religious organizations reported that the SCWRA appeared to be handling requests more effectively.

A variety of Muslim and Christian groups continued to report that government ministries restricted and delayed the import of religious literature, although in other instances, the SCWRA facilitated the import of such literature. During the year there were multiple episodes of police confiscating allegedly radical Islamic literature in several areas of the country. Some Christian organizations also complained that the SCWRA was unwilling to allow some materials to be brought into Azerbaijan, even after going through the formal approval process.

A 2005 Supreme Court ruling continued to stand, stipulating that while the country remained in a state of war, the military service requirement superseded an individual's constitutional entitlement to alternative service due to religious beliefs and, absent implementing regulations, the military was not obligated to provide alternative service. On October 4, a court sentenced Samir Huseynov, a Jehovah's Witness and conscientious objector, to 10 months' imprisonment for refusing to fulfill his mandatory military service. In July 2006 a court sentenced Mushfig Mammedov, a Jehovah's Witness and conscientious objector, to six months' imprisonment for not fulfilling his mandatory military service requirement. At year's end, the case was pending hearing by the Supreme Court. Domestic human rights monitors criticized the government's failure to develop a civilian alternative military service option. In communication with Jehovah's Witnesses, government officials reportedly criticized the community's position on military service as "defeatist" and "contradicting public morality" because of the unresolved conflict over Nagorno-Karabakh.

Societal Abuses and Discrimination

There were an estimated 15,000 Jews in the country, the vast majority located in Baku. Incidents of prejudice and discrimination against Jews were rare, and in the few instances of anti-Semitic activity the government responded quickly. There was popular prejudice against Muslims who converted to nonIslamic faiths and groups that proselytized, particularly evangelical Christian and missionary groups. The government appeared to encourage such social stigmatization through orchestrated exposes and raids of nontraditional groups.

The government actively undertook programs to encourage religious tolerance. The SCWRA convened leaders of various religious communities on several occasions to resolve disputes in private and provided forums for visiting officials to discuss religious issues with religious figures. During the year the SCWRA organized several seminars, conferences, and regional meetings on religious freedom and tolerance. For example, in April the government cohosted with the Organization of the Islamic Conference a major international conference on the role of the media in promoting religious tolerance.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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, although at times the government limited freedom of movement, particularly for internally displaced persons (IDPs). The law requires men of draft age to register with military officials before traveling abroad; 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.

The law prohibits forced exile, and the government did not employ it.

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. According to the International Organization for Migration (IOM), some Armenians of mixed descent reported to a local NGO that they had problems with officials in the passport and registration department when applying for identification cards; applicants who applied with Azerbaijani surnames encountered no problems except for having to pay bribes.

Since his 2004 conviction for participating in post election demonstrations in 2003, the government prevented the imam of the Juma Mosque (shut down by the authorities since 2004), Ilgar Ibrahimoglu, from traveling outside the country, including to several meetings of the UN and the OSCE, where he was to be an official NGO participant.

Since 2006 the government prevented the foreign travel of Popular Front Party (PFP) Chairman Ali Kerimli by refusing to renew his passport, citing an outstanding civil complaint against him from 1994. The government had renewed Kerimli's passport on several occasions in the intervening years without objection. Kerimli filed an appeal on the decision, which was rejected by the first instance and appellate courts. At year's end Kerimli's case was pending hearing by the Supreme Court.

Internally Displaced Persons

IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called "propiska" system, a carryover from the Soviet era, was imposed mainly on persons forced from their homes after ethnic Armenian separatists took control of Nagorno-Karabakh and adjacent territories in the western part of Azerbaijan. The government asserted that registration was needed to keep track of IDPs to provide them with assistance.

According to the government, there were 686,586 IDPs in the country; the vast majority fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict.

The government reported that during the year, 60 international and 32 domestic humanitarian organizations, and 13 non-bank credit unions implemented projects independent of the government related to refugees and IDPs, spending a total of $29.1 million (25 million AZN). According to the government, it also allocated $179.2 million (154.1 million AZN) from the country's oil fund to improve living conditions for IDPs and refugees. During the year the government completed the construction of new settlements for refugees and IDPs, fulfilling President Aliyev's promise to eliminate all tent camps by 2007, as stated in a 2004 decree. The government constructed 13 new settlements with 3,469 houses during the year, in which 14,086 refugees and IDPs lived. Since 2001 the government has constructed 56 settlements with 15,821 houses for refugees and IDPs, as well as 108 secondary schools, four music schools, 34 kindergartens, four hospitals, 38 medical centers, 30 community clubs, and 30 communications centers.

The State IDP and Refugee Committee's estimated expenditures were $174.5 million (150.1 million AZN). IDPs received monthly food subsidies of approximately $10.50 (nine AZN) from the government.

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to some refugees through the refugee status determination department. While the department progressed in many ways, improvement was offset by a series of court rulings on refugee status decisions that rejected all appeals of negative asylum decisions. In practice the government provided some protection against "refoulement," the return of persons to a country where there is reason to believe they faced persecution. During the year 2,509 persons were recognized by the UN High Commissioner for Refugees (UNHCR) as refugees or asylum seekers, and 431 additional individuals were recognized as persons of concern. Over 70 percent of the 171 asylum seekers recognized by the UNCHR were from Afghanistan. The government received 134 applications for refugee status, denied 100 persons, and granted refugee status to 11 persons. At year's end 23 cases remained under consideration. The government did not provide any notable assistance to government and/or UNHCR-recognized refugees or asylum seekers.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR, however, considered the government's forced return to Turkey in October of a Turkish citizen of Kurdish ethnicity as contrary to the country's obligations under the 1951 UN convention and a clear violation of the principle of non-refoulement. UNHCR also considered the March imprisonment of an Iranian citizen for illegal entry as a breach of Article Five of the 1999 Refugee Law, which stipulates non-amenability of illegal entry for those seeking asylum.

Over 90 percent of the 2,338 refugees registered and recognized by the UNHCR in the country were Chechens from Russia. The government does not recognize Chechens or Afghans as refugees as established under the 1951 convention, and it did not accept asylum applications from Chechens or Afghans. As a result, the UNHCR continued to carry out all protection and assistance functions for Chechens and Afghans in the country.

Despite UNHCR recognition of many Chechens and Afghans as refugees, the laws on residence, registration, and the status of refugees and IDPs did not apply to Chechens and Afghans. They were required to register with the police and were not entitled to residence permits. Chechens have been permitted to enter the country visa-free since the 2005 implementation of a new bilateral passport system with Russia. However, most Chechens could not afford the associated costs to acquire passports. The UNHCR reported no instances of arbitrary arrest or forced return of Chechens, but stated that 70 Chechens voluntarily repatriated during the year.

According to the UNHCR, 254 Chechens sought and were granted protection during the year, a slight decrease from previous years. All refugee children registered with the UNHCR were allowed to attend public schools. However, because Chechens and Afghans do not have legal resident status in the country, they were not permitted access to public medical services. The UNHCR provided basic medical assistance through the support of foreign donors.

During the year 157 Afghans arrived and registered with the UNHCR during the year, an increase from previous years. The UNCHR reported a total of 124 asylum seekers, 108 refugees, and 411 persons of concern from Afghanistan. During the year Afghans complained of police visits to their homes, with the implied threat of deportation. There were no reports of forced return of Afghans.

The government had no legal mechanism to provide temporary protection to individuals who do not qualify as refugees under the 1951 convention and the 1967 protocol. However, the government accepted the UNHCR identification card issued to Chechens and Afghans.

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, many persons could not obtain the documentation required for the application, and therefore remained formally unrecognized.

According to the UNCHR, there were an estimated 2,078 stateless persons residing in the country. The vast majority of these persons were ethnic Azeris from Georgia and Iran. There were also a number of de facto stateless persons, among them Meskhetian Turks, whose status was not formally recognized and who did not possess a stateless certificate.

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, parliament's independence was minimal, and it exercised little legislative initiative independent of the executive branch.

Elections and Political Participation

The government held national parliamentary elections in 2005. The OSCE's final assessment concluded that the elections did not meet a number of the country's OSCE commitments and Council of Europe standards for democratic elections. The OSCE concluded that the May 2006 rerun elections in 10 out of the country's 125 parliamentary constituencies showed some improvement over the 2005 elections. However, the OSCE noted continuing problems, including in the composition of election commissions, interference by local authorities in the electoral process, the voting, counting, and tabulation processes, and the election grievance process. There were numerous credible reports that local officials interfered with the campaign process to the benefit of progovernment candidates in the 2005 elections and the May 2006 partial rerun elections. The government generally respected the legal provisions of the election code. Candidates were able to hold numerous town hall meetings with voters, although police disrupted some gatherings.

In 2005 a presidential decree reversed a ban on election observation by NGOs receiving financial support from international sources. The change had no impact on the 2005 parliamentary elections, as all observers were required to have registered in advance; however, domestic election observers were generally able to register as individuals. There were an estimated 3,000 individual observers affiliated with NGOs for the parliamentary elections.

Voting in the 2005 elections was more orderly and transparent than in previous national elections, although there were some irregularities. The OSCE-led observation mission assessed as positive 87 percent of the more than 2,500 polling stations it visited during the vote. However, in some instances, observers reported unauthorized persons, such as police officers, in the polling station during the voting. Observers also witnessed candidates or candidate representatives attempting to influence voter choices and ballot box stuffing in one-third of the polling stations visited as well as family (group) voting in one-fifth of the polling stations visited.

Fraud and major irregularities marred the vote counting and tabulation process. International observers assessed the ballot counting process as bad or very bad in 43 percent of polling stations observed, reporting that election precinct officials refused to count ballots in front of them and attempted to complete official tabulation protocols behind closed doors. In one precinct, observers witnessed election commission members taking instructions from an unidentified person in the polling station's basement. Precinct-level voting results were not posted in 54 percent of the counts observed.

Opposition parties reported that, on several occasions in the run-up to the 2005 parliamentary elections, police officers preemptively detained members of the political opposition to prevent their participation in planned but unsanctioned political rallies on grounds that they were suspected of planning to incite civil unrest. Within hours of the detentions, judges sentenced the individuals to jail on those grounds.

Following the 2005 elections, authorities acted to address some instances of election fraud by annulling results in some of the problematic precincts, dismissing some election commission members and a few local executive authorities, and prosecuting some officials for violating the electoral code. The Central Election Commission and Constitutional Court actions did not fully address reports of fraud and other irregularities or allay the concerns of the international community about the extent to which the results fully reflected the will of the people.

One opposition member refused to take her seat in protest of election fraud, and the government did not set a date for a by−election during the year.

The most recent presidential election was held in 2003 and formally brought Ilham Aliyev to power. This election failed to meet international standards for democratic elections due to a number of serious irregularities.

In October 2006 the authorities held partial municipal elections around the country. The opposition *Azadliq* bloc, comprised of the PFP, ADP, and Azerbaijan Liberal Party, boycotted the municipal elections, asserting that the composition of local election commissions made the elections inherently unfair. Some of these municipal elections were reruns of 2004 municipal elections, which election authorities cancelled because of widespread fraud and irregularities.

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. Opposition party members in the exclave of Nakhchivan reported instances of pressure by local officials to join the ruling party.

During the year opposition parties played a less active role in politics than in previous years. Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. For example, a prominent opposition politician reported several instances in which local authorities prevented her from meeting with private citizens during regional trips. Regional branch opposition party members reported that local authorities often took actions to prevent routine party activities, such as pressuring restaurant owners not to allow opposition parties to use their facilities for meetings and events. Opposition party members reported that police officers often dispersed small gatherings at tea houses and detained participants for questioning.

Domestic monitors reported that local authorities often took actions to prevent individuals from traveling to Baku to participate in rallies surrounding the 2005 elections, such as preemptively detaining opposition party members, closing train stations, and preventing busses from departing for Baku.

In November 2006 the Baku Economic Court ordered the eviction of the opposition PFP, the opposition-affiliated newspapers *Azadliq* and *Bizim Yol*, and the independent Turan News Agency from their headquarters in central Baku. The court ruled that the PFP and the affected media organizations were occupying a building illegally leased to them by the Baku mayor's office in 1992. Officials began implementing the eviction order immediately after the verdict. The opposition newspapers *Azadliq* and *Bizim Yol* completed the relocation after one week and resumed publication. The independent Turan News Agency relocated to a downtown Baku facility within three days of the eviction and resumed its full operations within a week. PFP members were denied access to party property for two months following the eviction. After leaving the temporary work space provided by the ADP, the PFP was unable to obtain permanent office space, complaining that landlords were afraid to rent to the party. At year's end the party continued to work out of members' private homes. The teacher's organization which was named by the court as the rightful tenant of the building previously occupied by the PFP and the media outlets reportedly never moved into the building. At year's end the building was under renovation for reported future use by the Chamber of Accounts, a governmental budgetary oversight body.

There were 14 women in the 125-seat parliament. Several women held senior government positions, including deputy speaker of parliament, several deputy ministers, and deputy chair of the Central Election Commission. There were no legal restrictions on the participation of women in politics, although traditional social norms limited women's political roles, and they were underrepresented in elective offices.

Ethnic minorities such as the Lezghins, Talysh, and Avars continued to serve in parliament and in government.

Government Corruption and Transparency

The law penalizes corruption by outlawing bribery; however, there was widespread public perception of corruption throughout all facets of society, including the civil service, government ministries, and the highest levels of government. The World Bank's worldwide governance indicators reflected that corruption was a severe problem. Criminal cases related to corruption were opened during the year, specifically on bribery charges; however, these cases had little or no impact on the prevalence of bribery and corruption in the country.

In July the government adopted its second National Strategy for Increasing Transparency and Combating Corruption that established a framework for increasing the accountability of government, cooperating with civil society and systematically monitoring and reporting on the implementation of anticorruption measures. In 2005

parliament passed an anticorruption law that required public officials to report annual income, sources of income, property owned, and financial liabilities. It also prohibited nepotism and limited giving gifts and direct or indirect financial benefits to public officials or third parties.

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

Other parts of this report contain information related to this subsection; see section 1.e.

Section 4 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 the government criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued to routinely deny or fail to register some human rights NGOs.

The major local human rights NGOs were the Association for the Protection of Women's Rights, the Bureau of Human Rights and Respect for the Law, the Azerbaijan Foundation of Democracy Development and Human Rights Protection, Azerbaijani Committee Against Torture, the Institute for Peace and Democracy, and the Human Rights Center of Azerbaijan. Most of the leading NGOs affiliated themselves with one of two independent, umbrella organizations: the Human Rights Federation or the Helsinki Citizens Assembly.

The government met with a variety of domestic NGO monitors. The Ministry of Justice formed a joint political prisoner review committee with several representatives of the human rights community in 2005. In 2005 the Ministry of Internal Affairs granted permission for the first time for an NGO to have immediate access to police and pretrial detention facilities; during the year the NGO continued to exercise this right without obstruction and reported on its findings.

Several NGOs reported that the government and police at times refused to protect them from so-called provocateurs who threatened, harassed, and attacked NGO activists and vandalized their property. Arzu Abdullayeva, director of the Helsinki Citizens Assembly, received several threats in connection with her leadership of an NGO delegation's fact-finding visit to Nagorno-Karabakh in July 2006.

The registration process for NGOs remained cumbersome and included requirements to register grants from foreign entities. NGO grants from foreign entities are subject to a social security tax of 22 percent on employee salaries, although grants from a few countries with bilateral agreements with the government were subject to only a 2 percent tax. NGO activists reported that these provisions inhibited their organizations' activities.

The government generally permitted visits by UN representatives and other international organizations such as the ICRC. International NGOs, such as Human Rights Watch and Reporters Without Borders, generally operated without government hindrance.

Citizens may appeal violations committed by the state or by individuals to the Ombudswoman for Human rights. The Office of the Ombudswoman reported that it had received 32,000 complaints since it was established in October 2002. No information was available at year's end regarding the complaints received during the year by the ombudswoman. The ombudswoman may refuse to accept cases of abuse that occurred over a year ago, anonymous complaints, and cases already being handled by the judiciary.

The Office of the Ombudswoman took the lead on implementation of the government's human rights action plan, outlined by President Aliyev in a December 2006 decree. At year's end, the ombudswoman reported that she had established a working group, including five subcommittees, to focus on the areas identified as priorities in the action plan. The ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats and domestic NGOs working on human rights, and submitted an annual report to parliament. Compared with previous years, the ombudswoman was more outspoken in her criticism of government actions, particularly on the imprisonment of journalists. However, local human rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the government.

The parliament and 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. The parliament's human rights body did not operate fully independently of government influence.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights without respect to gender, race, language, disability, or social status, but the government did not always respect these provisions or effectively enforce them. Violence and discrimination against women, trafficking of persons, and discrimination against ethnic Armenians were problems.

Women

The government stated that 86 rapes and attempted rapes were reported during the year, in connection with which the government criminally charged 66 persons. Most rape victims reportedly knew their assailants but did not report incidents out of fear and shame. Rape is illegal and carries a maximum 15-year prison sentence. 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; there are no laws on spousal abuse or specific laws on spousal rape.

There were no government-sponsored programs for victims of rape or domestic violence. In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance for women. During the year the center provided services to 2,781 women, and 3,113 women called the center's crisis hot line. The institute also published 42 articles on women's issues, and developed a short film on domestic violence, which was broadcast in the regions. Representatives of the institute regularly appeared on popular television talk shows to discuss women's issues.

Prostitution is an administrative offense rather than a crime and is punishable by a fine of up to $102 (88 AZN). Pimps and brothel owners may be sentenced to prison for up to six years. Prostitution was a serious problem, particularly in Baku.

The law did not directly prohibit sexual harassment.

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and poor economic conditions 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.

Children

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.

Public education was compulsory, free, and universal until the age of 17. The Ministry of Education reported 100 percent elementary school attendance, 97 percent middle school attendance, and 88 percent high school attendance in 2006; UNICEF reported the elementary school figure was approximately 88 percent. Figures on attendance during the year were not available at year's end. The highest level of education achieved by the majority of children was high school. In impoverished rural areas, large families 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 beg rather than attend school.

According to the Ministry of Internal Affairs, five cases of rape and 20 cases of sexual abuse of children were reported during the year.

Child marriage was not considered a significant problem, although evidence suggested it was growing, primarily in rural central and southern regions among poor families.

A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases these children were unable to attend school.

Trafficking in Persons

The criminal code prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

Azerbaijan was primarily a source and transit point for women, men, and children trafficked for sexual exploitation and forced labor. Central Asian, Russian, and local women and girls were trafficked from or through the country to the United Arab Emirates, Turkey, Iran, India, and Pakistan for exploitation in the sex industry. Men were trafficked to Russia for forced labor. Although there were no official reports of internal trafficking, domestic monitors reported a growing trend of internal trafficking of women for sexual exploitation, of men for forced labor in the construction industry, and of children for begging. During the year the government reported it identified 101 trafficking victims, one of which was a case of child trafficking. Traffickers generally targeted women.

Traffickers were either foreigners or ethnic Azerbaijanis who acted in loose concert with international networks. They approached victims directly and indirectly through friends and relatives, usually offering to arrange employment abroad. Traffickers also used deceptive newspaper advertisements offering false work abroad. Traffickers reportedly used forged documents to move victims. They also used fraudulent marriage proposals from men posing as Iranian businessmen to lure women into prostitution in neighboring Iran. Despite such fraud some families willingly married their daughters to wealthy Iranians without concern for the actual outcome.

During the year 85 persons were prosecuted under the law against trafficking in persons, and one person was convicted of document forgery in a trafficking-related case. Most trafficking-related crimes prosecuted during the year carried maximum penalties between five and 12 years' imprisonment, except for rape and sexual violence, which both carried maximum 15-year prison sentences. There also are specific criminal penalties for enslaving, raping, and forcing children into prostitution. During the year the government opened 88 criminal investigations resulting in 86 convictions of individuals charged with trafficking-related crimes. At year's end, 13 criminal investigations remained open.

The deputy minister of internal affairs was the national coordinator for government antitrafficking activities, monitoring relevant government bodies' efforts, and dealing with the NGO community. Government bodies involved in antitrafficking included the ministries of internal affairs, foreign affairs, justice, national security, and health; the prosecutor general; the state border guard; customs; and the State Committee on Family, Women's and Children's Issues. In August 2006 the president announced a restructuring of the ministry of internal affairs, which created a separate antitrafficking unit. During the year the government did not receive any requests to assist with extradition or international investigations of trafficking cases.

There was no evidence of official complicity in trafficking, but corruption in some government agencies facilitated trafficking.

The law provides protections for trafficking victims by relieving them from civil, administrative, and criminal responsibility for offenses committed under coercion, intimidation, or other trafficking conditions. The law also allows the use of pseudonyms to protect the identity of victims and provides for their assistance and shelter. The government did not systematically screen vulnerable population groups to identify trafficking victims.

There was no standardized mechanism to return trafficked women to the country. According to the IOM, some Azerbaijanis and third-country nationals who were either victims of trafficking or engaged in prostitution were deported to the country, primarily from Turkey. However, the government had no program to assist them.

The lack of a standardized victim referral network remained a problem. The government referred victims to a government-funded shelter, which provided victims with access to legal, medical, and psychological services. During the year 29 victims received assistance at the shelter, and the government referred nine others to state medical centers. The government also referred some victims to international organizations and domestic NGOs for further assistance. In 2006 the IOM conducted training for shelter volunteers and for volunteers to staff an NGO antitrafficking hot line, which had not opened at year's end.

During the year the government continued to implement its antitrafficking action plan.

Several NGOs, such as the Institute for Peace and Democracy's Women's Crisis Center and Clean World, and government bodies, such as the State Committee for Women's and Children's Issues, worked on antitrafficking activities. There were no government-sponsored antitrafficking public education campaigns.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and access to health care, or the provision of other state services, but discrimination in employment was a problem. It was commonly believed 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 are no laws mandating access to public or other buildings for persons with disabilities, and most buildings were not accessible.

Care in facilities for the mentally ill and persons with disabilities varied; some provided adequate care while others lacked qualified caregivers, equipment, and supplies to maintain sanitary conditions and provide a proper diet.

The ministries of health and labor and social welfare were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Some of the approximately 20,000 citizens of Armenian descent living in the country historically have complained of discrimination in employment, schooling, housing, the provision of social services, and other areas. Citizens who were ethnically Armenian often concealed their ethnicity by legally changing the ethnic designation in their passports.

Some groups reported sporadic incidents of discrimination, restrictions on the ability to teach in their native languages, and harassment by local authorities. These groups included Talysh in the south, Caucasian Lezghins in the north, displaced Meskhetian Turks, and displaced Kurds from the Lachin region, controlled by Armenia-supported Nagorno-Karabakh separatists.

On February 3, Ministry of National Security officials detained *Talysh Sedo* newspaper Editor-In-Chief Novruzali Mammadov; according to his lawyer, Mammadov was beaten while in custody. The officials released Mammadov on February 4; however police arrested him immediately thereafter, and a Baku court sentenced Mammadov to 15 days' administrative detention for resisting arrest. Mammadov's lawyer reported that Mammadov was detained at the Ministry of National Security rather than at a standard Ministry of Internal Affairs detention facility. On February 17, the government opened a case against Mammadov on charges of espionage. The espionage charges were dropped in September, at which time Mammadov remained in pretrial detention while the government investigated charges of high treason. *Talysh Sedo* was reported to be the country's only newspaper published in the Talysh language. Some domestic monitors considered Mammadov's arrest to have been related to his ethnicity and his cultural activities. Domestic Talysh organizations considered Mammadov's case an act of discrimination. Mammadov's trial at the Baku Court of Grave Crimes, which was closed to the public, began in December and was ongoing at year's end.

Other Societal Abuses and Discrimination

The government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against homosexuals.

According to the European Region of the International Lesbian and Gay Association's 2007 report, lesbians, gays, bisexuals, and transsexuals in the country were subjected to human rights abuses, discrimination, and social exclusion. The report characterized the community as "vulnerable and exposed to extortion by law enforcement officials," facing problems such as ridicule, forced bribes, abuse, and in some cases rape by law enforcement officials. The report noted that the community lived under a constant fear of being "outed" to family, friends, and colleagues.

Section 6 Worker Rights

a. The Right of Association

The law provides for freedom of association, including the right to form labor unions, but there were some restrictions on this right in practice. The overwhelming majority of labor unions remained tightly linked to the government, with the exception of the independent journalists' unions.

Uniformed military and police are prohibited from participating in unions, although civilians working in the interior and defense ministries were allowed to do so. The law also prohibits managerial staff from joining a union, but managers in government industries often had union dues automatically deducted from their paychecks.

By law, labor legislation applied to all workers and enterprises in the country; however, the government may negotiate bilateral agreements with multinational enterprises that effectively exempt such enterprises from national labor laws. For example, Production Sharing Agreements (PSAs) between the government and multinational energy enterprises signed in 1994 and in subsequent years do not provide for employee participation in a trade union. Some labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under the PSA arrangements were not union members, although there were exceptions. No new labor unions have been formed at these companies since 2005. In addition, during the year three major oil sector labor unions closed, which local NGOs reported was a result of pressure from the oil companies' management.These unions were comprised of midlevel employees of foreign and joint-venture companies involved in full-scale development of the Azeri-Chirab-Guneshli oil field.

In October 2006 parliament lifted the statutory prohibition on trade unions engaging in political activity.

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. As a result unions did not have resources to carry out their activities effectively. Unions had no recourse to investigate the withheld funds.

The Azerbaijani Trade Union Confederation (ATUC) had approximately 1.6 million members, including 28 labor federations in various industrial sectors. Although the ATUC was registered independently, some workers considered it closely aligned with the government.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 61,000 workers, whose union dues (2 percent of each worker's salary) were automatically deducted from their paychecks.

There were no reports of government antiunion discrimination; labor disputes were primarily handled by local courts, which, while not exhibiting antiunion discrimination, were widely considered corrupt. There were reports of antiunion discrimination by foreign companies operating in Baku. Labor NGOs reported that multinational energy companies and their subcontractors often discouraged union membership by their employees. For many multinational companies, this behavior was enabled by the absence of union membership rights in the PSAs. Domestic observers reported some acts of discrimination against local workers in multinational companies, such as different wages paid to foreign and local workers for the same jobs, the lack of formal contracts for some local workers, and different standards of housing for foreign and local workers along Baku-Tbilis-Ceyhan (BTC) pipeline construction sites.

b. The Right to Organize and Bargain Collectively

The law allows trade unions to conduct their activities without government interference; in practice most unions were not independent. The law also provides for collective bargaining agreements to set wages in state enterprises. In reality unions could not effectively negotiate such wage levels because government-appointed boards ran major state-owned firms and set wages for all government employees. In addition the Labor Ministry reported that during the year, the government continued to have limited success in addressing worker-related issues with foreign companies. For example, the ministry assisted 10,917 workers in establishing signed labor contracts with their employers.

The law provides most workers with the right to strike, and workers exercised this right. 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, and railway and air traffic control workers. Striking workers who disrupt public transportation can be sentenced up to three years' imprisonment. The law prohibits retribution against strikers such as dismissal or replacement.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution and law allow forced or compulsory labor under circumstances of war or in the execution of a court's decision under the supervision of a government agency, and some observers reported that there were infrequent occurrences of forced or compulsory labor, including trafficking in women, men, and children for sexual exploitation and forced labor.

d. 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, but there were few complaints of abuses of child labor laws. However, there were reports that children were trafficked for sexual exploitation.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15;14-year-old children may work in family businesses or at after-school jobs during the day that pose no hazard to their health with parental consent. Children under 16 may not work more than 24 hours per week;

children between 16 and 18 may not work more than 36 hours per week. The law prohibits employing children under 18 in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. However, the unit responsible is considered ineffective.

There were reports that some parents forced their children to beg.

e. Acceptable Conditions of Work

During the year the government raised the minimum monthly wage from $34 to $58 (50 AZN), the third raise in 18 months.The minimum wage was insufficient to provide a decent standard of living for a worker and family; it was about $16 (14 AZN) below the official poverty level of $74 (64 AZN) set by the government. The Ministry of Taxes, the Ministry of Labor, and the State Social Protection Fund legally share responsibility for enforcing the minimum wage. However, in practice the minimum wage was not effectively enforced.

The law provides for a 40-hour work week; 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 adequate premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. However, most individuals worked in the informal economy, where the government did not enforce contracts or labor laws.

The law sets health and safety standards; however, government inspections of working conditions were weak and ineffective, and standards were widely ignored. The ATUC also monitored compliance with labor and trade regulations, including safety and health conditions. During the year the ATUC reported that it inspected 743 enterprises and organizations and found 2,638 legal and technical violations. The ATUC stated that most violations were addressed, although it received 484 official complaints and approximately 3,000 unofficial complaints.

Following the August 28 collapse of a high-rise building in Baku, the Ministry of Labor and Social Protection increased the number of inspections of construction sites. According to the ministry, during the year the government inspected 151 construction sites in Baku, 30 in Sumgayit, and nine in Ganja. As a result the government suspended the activity of eight construction companies. The Ministry of Labor and Social Protection reported that during the year 71 persons died and 51 others were injured while working in construction sites.

Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment. According to the Oil Workers Rights Defense Council (ORDC), an NGO dedicated to protecting worker rights in the oil sector, 14 oil sector workers died in workplace accidents. Seven of the deceased were State Oil Company workers. The International Trade Union Confederation reported that the government's bilateral agreements with multinational corporations-–the contents of which were confidential--contributed to labor rights violations. On November 2, the Oil and Gas Workers' Union of Azerbaijan reached a new contract with the State Oil Company (SOCAR) that included greater social protections and health and safety commitments. Workplace accidents were also a problem in other sectors of the economy.

The law provides equal rights to foreign and domestic workers, although local human rights groups, including ORDC, maintained that disparities existed, particularly in foreign oil companies, where local workers were more likely to receive lower pay and work without contracts or health care.

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