



Azerbaijan

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 31, 2003

Azerbaijan is a republic with a presidential form of government. The Government is dominated by incumbent President Heydar Aliyev, who was reelected in October 1998 in a controversial election marred by numerous, serious irregularities. The Constitution provides for a division of powers between a strong presidency and a national assembly (Milli Majlis) with the power to approve the budget and impeach the President. Milli Majlis elections in 2000, 2001, and during the year featured similar irregularities, and as a result some domestic groups regarded it as illegitimate. Opposition members made up only a small minority of the Milli Majlis's 125 deputies. A referendum on constitutional amendments took place in August, but was marred by widespread irregularities, including voter list fraud and ballot box stuffing. The Constitution provides for an independent judiciary; however, the judiciary did not function independently of the executive branch and was corrupt and inefficient.

The Ministries of Internal Affairs and National Security were responsible for internal security and report directly to the President. Members of the security forces committed numerous human rights abuses.

The Government continued to affirm its commitment to development of a market economy, but economic reform continued to be slow. According to official figures, the population was approximately 8 million, but an estimated 2 million of this number lived and worked outside the country. Widespread corruption and patronage reduced competition, and the slow pace of reform limited economic development outside the oil and gas sector, which accounted for more than 90 percent of the country's export revenues. Despite the privatization of 98 percent of the country's farmland, commercial agriculture remained weak, and subsistence farming dominated the rural economy. Foreign aid was an important source of national income. A growing moneyed class has emerged in Baku, and poverty nationwide has decreased, but 49 percent of the population still lived below the poverty level.

The Government's human rights record remained poor. The Government continued to restrict citizens' ability to change their government peacefully. Police tortured and beat persons in custody and used excessive force to extract confessions. Arbitrary arrest and detention continued to be a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a few cases. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Lengthy pretrial detention was a problem. The Government continued to hold a number of political prisoners. The Government infringed on citizens' privacy rights.

The Government continued to restrict freedom of speech and of the press, and the press faced continued harassment during the year, despite measures to improve the economic viability of the media. Government officials sued journalists for defamation. As a result, journalists sometimes practiced self-censorship. The Government largely controlled radio and television, the primary source of information for most of the population. The Government restricted freedom of assembly and forcibly dispersed some demonstrations held without a permit; police shot and killed one protestor. The Government continued to restrict freedom of association by refusing to register some political parties and harassing domestic human rights activists and nongovernmental organizations (NGOs). There were restrictions and abuses of religious freedom, and harassment of some "non-traditional" religious groups by lower-level and local government officials continued. Violence against women remained a problem. Discrimination against women and certain ethnic minorities were problems. The Government limited some worker rights. Trafficking in persons was a problem. Azerbaijan was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

A cease-fire in effect since 1994 continued to contain the conflict with Armenia over Nagorno-Karabakh; however, minor outbreaks of fighting occurred and resulted in the deaths of civilians as well as combatants. Armenian forces continued to occupy an estimated 16 percent of Azerbaijan's territory (including Nagorno-Karabakh); this fact continued to dominate the country's national politics, weaken state institutions, and undermine democratic and economic development. The Government does not exercise any control over developments in the territories occupied by Armenian forces, and little verifiable information exists on the human rights situation there. Approximately 800,000 Azerbaijani refugees and internally displaced persons (IDPs) left or were forced from their homes in the occupied territories and Armenia.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents; however, in June police shot and killed Alihasan Agayev during a protest in Nardaran (see Section 2.b.). Some prison inmates and detainees died, in part as a result of mistreatment by law enforcement personnel and harsh prison conditions. Suspects in these cases were not prosecuted (see Section 1.c.).

On April 18, the General Prosecutor's office summoned Beylar Kuliyeu to testify in the murder case of Rovshan Aliyev, former Chief of the Criminal Division of the Prosecutor's Office. According to press reports and local human rights activists, Kuliyeu was sentenced to 10 days' imprisonment for resisting arrest. When he was brought to the General Prosecutor's office on April 19 to give testimony, Kuliyeu jumped out a window to his death (see Section 1.c.). No investigation was conducted.

The trial of one of the police officers allegedly involved in the 2001 death of Ilgar Javadov was ongoing at year's end.

In September 2001, the Baku city prosecutor's office opened a criminal case against Suleyman Agayev, former chief of the 17th police office of Baku's Narimanov District, in connection with the 1994 killing of Djamal Aliyev, leader of the Industrial Union. During the year, Agayev was arrested, tried, and convicted. An investigation into the killing of a senior Chechen military commander by unknown assailants in May 2001 remained open at year's end.

Cease-fire violations by both sides in the conflict with Armenia over Nagorno-Karabakh occasionally resulted in deaths and injuries to both civilians and soldiers. During the year, there were five dead and 28 injured.

A number of deaths occurred among army conscripts during the year. Hazing of the victims was suspected. According to press reports, 15 army conscripts died during the year. In 2001 a total of 20 army conscripts died, 13 of which were confirmed to be suicides. Defense Minister Safar Abiyev stated that all of the previous year's deaths would be investigated fully. By year's end, no information on the investigations into these deaths was available.

b. Disappearance

There were no reports of politically motivated disappearances.

The International Committee of the Red Cross (ICRC) repeatedly urged the Azerbaijani and Armenian Governments to provide information on the fate of those missing in action since the fighting over Nagorno-Karabakh began. Since the early 1990s, the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani citizens allegedly held by Armenia. The Government estimated the number to be closer to 5,000.

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

The Criminal Code enacted in September 2000 prohibits such practices, and provides for up to 10 years' imprisonment for violators; however, there were credible reports that prison guards continued to torture inmates and that both prison guards and police used excessive force to extract confessions. Police beat prisoners during arrest, interrogation, and pretrial detention.

Human rights activists reported that police tortured Beylar Kuliyeu while in police custody in an attempt to obtain false testimony (see Section 1.a.).

After the clashes in June in Nardaran between protesters and police, Haji Jubrail Alizade was detained; Alizade's lawyer alleged that Alizade was beaten after his arrest. According to a report by the Independent Public Commission (a joint initiative of several NGOs) investigating the Nardaran events, the police beat several persons, including some of those they took into custody.

The Government did not hold most members of the police accountable for their actions.

The Government forcibly disrupted some demonstrations and in some cases beat protesters (see Section 2.b.). Police at times beat and harassed members of certain religious groups (see Section 2.c.).

There were unconfirmed reports that official corruption facilitated trafficking in persons (see Section 6.f.).

Conditions in prisons, which were managed by the Ministry of Justice, remained harsh and sometimes life threatening. Deaths of inmates occurred, in part due to these harsh conditions and in some cases due to mistreatment by prison guards (see Section 1.a.). Overcrowding and poor medical care combined to make the spread of infectious diseases, including

tuberculosis (TB), a serious problem. TB continued to be the main cause of death in prisons. By year's end, approximately 841 detainees were undergoing treatment for TB, according to the ICRC. Due to the absence of systematic screening of the prison population, patients often started treatment when they were already seriously ill. There were widespread and credible reports that the authorities have withheld medical treatment from selected inmates, especially political prisoners.

Prisoners had to rely on their families to provide food and medicine, and bribes generally were required for families to gain access to imprisoned relatives. The authorities severely limited opportunities for exercise and visits by lawyers and family members of prisoners in maximum security prisons. Some prisoners were kept in "separation cells" often located in basements, in which prisoners reportedly were denied food and sleep in order to elicit confessions from them with no physical evidence of abuse. Men and women were held in separate prison facilities. There were separate facilities for juveniles and adults, and pretrial detainees and convicts were held separately.

Since June 2000, the ICRC has had access to all prisons, and its agreement with the Government on access to all places and to all detainees both sentenced and unsentenced recently was extended. The ICRC has had access to prisoners of war (POWs) as well as civilians held in relation to the conflict over Nagorno-Karabakh.

Foreign observers regularly received permission to enter maximum security prisons for meetings with alleged political prisoners. However, some domestic human rights organizations complained that the authorities restricted their access to prisons during the year. The Human Rights Center of Azerbaijan (HRCA), a local NGO, regained access to jails in 2001, and it conducted several human rights seminars for law enforcement officers. The HRCA reported that the situation in the prison system had improved slightly as a result of monitoring efforts and suggestions made by NGOs and international organizations.

d. Arbitrary Arrest, Detention or Exile

The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention was a problem. The authorities often arbitrarily arrested and detained persons without legal warrants. The Constitution states that persons detained, arrested, or accused of a crime should be advised immediately about their rights, reasons for arrest, and the institution of criminal proceedings against them; however, the authorities often did not inform detainees of the charges against them. The Constitution provides for access to a lawyer from the time of detention; however, access to lawyers was poor, especially outside of Baku. The authorities often withheld information from detainees' family members. Frequently days passed before relatives were able to obtain information, and family members did not enjoy the right of visitation. Bail commonly was denied, and lengthy pretrial detention was a serious problem.

Members of opposition parties and their families were more likely to experience arbitrary arrest and detention than other citizens. Police detained opposition party activists after demonstrations on March 23 and October 5. During the year, Musavat Party reported that 200 of its members were detained for short periods (3 to 15 days). The two nephews of exiled former Milli Majlis speaker and Azerbaijan Democratic Party (ADP) leader Rasul Guliyev were convicted of embezzlement and weapons possession and sentenced to jail in 2001. Police also harassed several other Guliyev relatives and ADP figures. The Organizational Secretary of the ADP Hesret Rustamov was arrested on March 23 for 15 days and on October 1 for 10 days. On June 14, the General Secretary of the ADP Sardar Jalaloglu was detained for 5 days.

Police forcibly disrupted unsanctioned protests and briefly detained participants throughout the year (see Section 2.b.). In Nardaran on September 20, police arrested village elder Jabrail Alizade for alleged involvement in the June events, setting off a new wave of protests (see Sections 1.c. and 2.b.). Since then the Court of Appeal has turned down Alizade's appeal to have the charges overturned, raising issues of unlawful detention for Alizade and those arrested earlier. At a December 25 preliminary hearing, the court extended the detention of 18 Nardaran defendants, pending a trial scheduled to begin in early January 2003. At year's end, 15 Nardaran prisoners were in physical custody, and 3 were released on their own recognizance but were expected to appear in court to be tried with the others.

Chechens residing in the country reported that police arbitrarily detained them (see Section 2.d.).

During the year, a total of eight POWs were released, four from Azerbaijan and four from Armenia.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of a Fair and Public Trial

The Constitution provides for an independent judiciary; however, in practice judges did not function independently of the executive branch, and the judiciary widely was believed to be corrupt and inefficient. Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

Cases at the district court level were tried before a panel consisting of one judge and two lay assessors. Judges presided over and directed trials. The President appointed Supreme and Constitutional Court judges, who then were subject to confirmation by the Milli Majlis. The President appointed lower level judges without confirmation. Qualifying exams for

judges were administered as part of a judicial reform effort; however, credible allegations persisted that judgeships were bought and sold. Low salaries for judges and lawyers increased the incentives for bribe taking and undermined the rule of law.

The Government organized prosecutors into offices at the district, municipal, and republic level. They ultimately were responsible to the Minister of Justice, were appointed by the President, and were confirmed by the Milli Majlis.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidential personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights, such as a suspect's right to legal counsel and to be informed immediately of his legal rights and of the charges against him (see Section 1.d.). During trial, defendants were allowed to confront witnesses and present evidence. The court was required to appoint an attorney for indigent defendants. Defendants and prosecutors had the right of appeal, and foreign and domestic observers generally were allowed to attend trials. Although the Constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' prerogatives outweighed those of the defense. The Law on Advocates and Advocate Activity signed by President Aliyev in 2001 was expected to reform the legal profession; however, it had not been implemented by year's end. The law limits representation in criminal cases to members of state-controlled Collegium and therefore restricts the public's access to legal representation.

The Constitution prohibits the use of illegally obtained evidence; however, investigations often relied on obtaining confessions rather than gathering evidence against suspects, and no judge has dismissed a case based on a prisoner's claim of having been abused (see Section 1.c.). Judges frequently sent cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases either might be dropped or closed, occasionally without informing either the court or the defendant.

The Government continued to hold a number of political prisoners. Some local NGOs reported that the Government held approximately 200 to 300 political prisoners, although others claimed the number was much higher. Estimates of the number of prisoners varied and were inconsistent as to the definition of a political prisoner. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government. During the year, President Aliyev issued three pardons that resulted in the release of more than 236 prisoners and reduced sentences for ten others. Some of the individuals released were included on lists of political prisoners developed by NGOs and the Council of Europe.

In May authorities detained Faina Kunqurova, an active member of the Azerbaijan Democratic Party (ADP), and charged her with hooliganism. She subsequently was convicted and was in the midst of a three-year sentence at year's end.

At year's end, Jan Mirza-Mirzoyev, former First Deputy Director of the Baku Supreme Naval College who publicly had been critical of the Minister of Defense, remained in jail after an unsuccessful appeal in May. In 2001 Mirzoyev had been convicted and sentenced to eight years for murder in a trial that foreign and domestic observers believed did not establish his guilt.

In response to discussions with the Council of Europe on political prisoner problems, the authorities initiated retrials of three figures accused of plotting against the Government in the early 1990s; all three remained in detention at year's end. The retrial of Isgender Hamidov, a former Minister of Internal Affairs, began in May; he had been convicted and sentenced to 14 years' imprisonment in 1994 for appropriating state property. The retrial of former Defense Minister Rahim Gaziyeu also started in May; he had been convicted and sentenced to death in 1995 for abuse of power in war conditions, large-scale embezzlement of state properties, and illegal storage and possession of weapons. The retrial of Alikram Humbatov, who was convicted and sentenced to life in 1994 for attempting to establish a separatist Talysh Republic in southeastern Azerbaijan, began in June. Authorities rejected repeated appeals by the defendants, foreign embassies, and international organizations to move these retrials from Gobustan prison, where observer access was difficult, to Baku, but foreign and domestic observers were not otherwise hindered in attending these trials.

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

The Constitution prohibits arbitrary invasions of privacy; however, the Government restricted privacy rights in practice. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in the prevention of a crime; however, it was believed widely that the Ministry of National Security and other security entities monitored telephones and Internet traffic, especially those of foreigners and prominent political and business figures. The Constitution allows searches of residences only with a court order or in cases provided by law; however, the authorities often conducted searches without warrants. Police continued to intimidate and harass family members of suspects, particularly those belonging to opposition parties (see Section 3).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and it specifically outlaws press censorship; however, the Government restricted these rights in practice. There was lively public debate and criticism of government policies in a

variety of areas, and direct criticism of President Aliyev was common. A large number of opposition and independent media outlets functioned during the year; however, the press faced continued pressure from the Government during the year. Although during the first few months of the year there were some improvements in media freedom, in the fall government officials brought a large number of lawsuits against the media. Harassment of journalists and libel suits created an atmosphere in which editors and journalists exercised self-censorship. In a December 2001 meeting with opposition and independent media representatives, President Aliyev acknowledged government mistakes and promised to correct them. Subsequently, tariffs and import taxes on newsprint were reduced or abolished, access to government printing houses improved, libel suits by government officials were retracted, and long-withheld broadcasting licenses were issued to regional independent television stations. However, government officials brought 18 new libel suits against independent and opposition newspapers in the closing months of the year.

Most newspapers were printed in government publishing houses. Private advertisers were intimidated and harassed into removing their advertisements from some independent and opposition publications, forcing them to subsist on newsstand sales alone and adding to the financial pressures on newspapers that do not benefit from government financial support. The finances of most independent and opposition papers were precarious, and they had increasing problems meeting their wage and tax payment obligations. Responding to the newspapers' financial difficulties, President Aliyev issued a decree in late 2001 that froze newspaper debts to the state-owned printing house until 2003.

Government-run and independent kiosks distributed government, opposition, and independent publications throughout the year. However, independent and opposition newspapers only sporadically were available in regions outside of Baku. A number of editors continued to report that government-run kiosks refused to carry their newspapers, or claimed to have sold all received copies while actually retaining many unsold copies in stock, leading some newspapers to depend on independent distributors. Gaya, the country's largest independent distributor, reported continued government harassment. The company's manager complained that some of its most profitable newsstands had been torn down arbitrarily in Baku and in regional cities in an effort to run the company out of business. By the end of October, when authorities closed the company's newsstand in the northern city of Sheki, Gaya had only 37 newsstands, of the 55 that it had at one time throughout the country. As a result, there were no independent newsstands in Nakhchevan and other parts of the country.

Government-controlled radio and television were the main sources of information for much of the population. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Privately run television channels broadcast views of both government and opposition officials, but their programs were not available in all parts of the country. According to Internews, there were no new television stations licensed during the year; three license requests were pending at year's end. In Ganja one new local television station (Alternative TV) was opened during the year, through the restoration of a previously shut-down local TV channel that made use of the previously issued license. Radio was oriented largely to entertainment, but one independent station broadcast programs on political topics. Radio Free Europe/Radio Liberty and the Voice of America operated without restriction, and there were no restrictions on reception of foreign stations via satellite.

Persons convicted under current libel laws, which are found in both the civil and the Criminal Codes, may be subject to fines and up to 3 years' imprisonment. Several government officials dropped their libel cases against newspapers following the President's December 2001 meeting with independent and opposition journalists. However, President Aliyev's brother, Jalal Aliyev, subsequently launched a libel suit against the opposition Yeni Musavat newspaper, the country's largest circulation daily, that he claimed insulted his dignity. The case was abandoned after the trial began. According to the Committee for the Protection of Journalists (RUH), during the year 17 government officials and 9 politicians brought libel suits against newspapers. During the year, a total of 38 libel suits were brought against newspapers; 13 of them were against Yeni Musavat.

Two high-ranking Ministry of Defense officers brought a successful suit against Monitor magazine for printing an article about the lack of food, poor hygienic conditions, and hazing in the military. Monitor has appealed the judgement. Several times throughout its 5-year existence, Monitor has suspended its publication because publishing houses would not print it. During the year, Monitor was published and was available for purchase, although some distribution companies would not sell it.

In June the Milli Majlis passed a Law on TV and Radio that responded to Council of Europe and other requests to establish an independent regulatory body. However, the new law failed to ensure transparency in licensing or independence from state organs, and it established content requirements for programs and advertisements. According to the law, the President appoints all members to the regulatory body, thus limiting its independence.

Television and radio stations continued to require a license to operate, and the Government used this requirement in the past to prevent several independent stations from broadcasting; however, this was not a problem during the year.

On August 24, the 1998 Law on State Secrets was amended, by Presidential Decree, to strengthen provisions requiring journalists to submit articles that might touch on state secrets to a commission for review prior to publication, and requiring them to disclose their sources in such cases. Journalists protested and foreign embassies and international organizations also expressed concerns. In September the Government amended the law so that it no longer required journalists to reveal

their sources.

Violence against journalists also took place during the year. RUH reported more than 90 incidents of physical attacks and/or harassment against journalists. After attacks against journalists in 2001, Minister of Interior Ramil Usubov pledged an investigation, but it remained pending at year's end. In most cases, perpetrators of violence against journalists remained unpunished.

Rauf Arifoglu, the editor-in-chief of Yeni Musavat newspaper, was arrested in 2000 for alleged involvement in an airline hijacking. He was released several days later, but the charges only were dropped in October.

All Internet providers in the country were required to have formal links with the Ministry of Communications. A number of Internet service providers and vendors existed, and Internet access cost less than \$1 (4,800 manats) per hour. Usage grew, particularly in Baku, which had a number of Internet cafes. Internet usage was less common in other parts of the country, but there were increasing numbers of Internet centers and cafes in some other cities. Many observers believed that the Government monitored Internet traffic, especially that of foreign businesses, opposition leaders, and intellectuals (see Section 1.f.).

The Government did not restrict academic freedom. Several professors with tenure were active in opposition parties.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right on occasion. By law citizens are permitted to assemble, associate with others, and organize demonstrations, processions, and pickets (demonstrations with less than 50 participants), "provided that they notify respective governmental bodies in advance." A permit was required to stage a demonstration or picket and normally could be acquired from local government authorities (such as the mayor's office in Baku or the local executive authority in other cities) in advance of the event. However, while both sanctioned and unsanctioned protests took place throughout the year, the Government denied permission for some assemblies and in some cases forcibly disrupted protests.

Seven large-scale demonstrations took place in Baku during the year. The "United Opposition Movement" organized rallies in Baku on March 23, April 27, and May 23. At these rallies, demonstrators numbering up to several thousand demanded the President's resignation and free and fair elections. There were reports that police beat demonstrators, causing injuries, and police arrested several persons. In the autumn the opposition worked together to organize four more rallies, on September 14, October 5, October 27, and November 24. According to the organizers, these demonstrations attracted from 20 to 50,000 persons, and in addition to calling for the President's resignation and free and fair elections, protestors demanded freedom for Nagorno-Karabakh. Independent observers estimated substantially fewer participants in these demonstrations than organizers claimed.

The authorities occasionally prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. The authorities cited security considerations to ban larger demonstrations in the city center throughout the year.

Permits to hold demonstrations outside the capital area seldom were granted. Authorities harassed opposition party members when they tried to meet with supporters outside Baku.

On May 7, in the Baku area village of Nardaran, there was a public protest demanding the replacement of the government-appointed head of the village council with a local citizen. On June 3, the district procurator invited eight of the Nardaran elders to a meeting with representatives from the village council to discuss their demands; when the elders arrived, the authorities arrested them. That evening Nardaran residents held a protest that police dispersed, in which civilians armed with stones clashed with police armed with firearms. The clash resulted in one civilian death, reportedly dozens of civilian and police injuries, damage to public property, and multiple arrests both during the day and subsequently (see Sections 1.a., 1.c., and 1.d.). On September 20, police arrested village elder Jabrail Alizade for alleged involvement in the June events, setting off a new wave of protests.

The Constitution provides for freedom of association; however, the Government continued to restrict this right. A number of provisions enabled the Government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register in order to function normally. Registration was necessary for an organization to rent property, to open a bank account, and generally to act as a legal entity. Vague, cumbersome, and nontransparent registration regulations resulted in long delays and inaction that in effect limited citizens' right to association.

According to the Ministry of Justice, as of October there were 38 registered political parties, some of which were affiliated with or supported the President's party. At least 23 registered parties were considered opposition parties. During the year, opposition political parties faced harassment from the authorities and were evicted from their headquarters (see Section 3). Unregistered political parties continued to function openly. Members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters' initiative group." Members of unregistered parties may run for the Milli Majlis.

c. Freedom of Religion

The Constitution provides that persons of all faiths may choose and practice their religion without restrictions; however, there were some abuses and restrictions. The Law on Religion expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there were exceptions, including cases where the activity of a religious group "threatens public order and stability." Some officials at times discriminated against members of minority religions. In October the Organization for Security and Cooperation in Europe/Organization for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Government jointly sponsored a conference on religious freedom and combating terrorism in Baku.

The most common restriction on religious freedom resulted from the requirement in the Law on Religion that religious organizations register with the Government. The State Committee for Work with Religious Associations (SCWRA), which replaced the Department of Religious Affairs in June 2001, assumed responsibility for registering religious groups from the Ministry of Justice. Registration enabled a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Lack of registration exposed groups to charges that they were illegal and made it more difficult, but not impossible, for a religious group to function. The process was burdensome, and there were frequent, lengthy delays in obtaining registration. Religious groups may appeal registration denials to the courts. In January an evangelical Lutheran Church in Baku finally was registered after a 2-year struggle that developed in part due to a battle for leadership in the church community.

By year's end, several religious groups continued to report that they had not been registered; however, this did not prevent them from functioning. Other churches, including Baku International Fellowship and Greater Grace Baptist Church, remained unregistered after months of applying. Unregistered groups were more vulnerable to attacks and closures by local authorities.

Some officials at times discriminated against members of minority religions. There have been small congregations of Evangelical Lutherans, Roman Catholics, Baptists, Molokans (old-believers in the Russian Orthodox Church), Seventh-Day Adventists, and Baha'is in the country for more than 100 years. In the last 10 years, a number of new religious groups that were considered "foreign" or "non-traditional" have been established. These include Pentecostal and Evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There were some reports of government harassment of these non-traditional groups.

In many instances, abuses by officials reflected the popular prejudice against conversion to Christianity and other nontraditional religions (see Section 5).

There was official concern regarding "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity. In May government authorities sentenced several members of the religious extremist group Hizb-ut-Tahrir to 6 to 7 years' imprisonment for allegedly planning terrorist attacks against targets that included the U.S. Embassy. There also were reports that the Government closed down Muslim groups and organizations allegedly having ties with terrorists. In November security forces detained Imam Kazim Aliyev of Juma Mosque in Ganja on charges of preparing a coup d'etat.

The law prohibits foreigners from proselytizing, and the Government enforced this provision. In April Baku police arrested Nina Koptseva, a Russian citizen and member of the evangelical Christian Greater Grace Church, along with two others on a busy Baku street. Koptseva was charged with propagating Christianity and deported to Russia; she and the church deny the charge. The Jehovah's Witnesses have had difficulties in holding large meetings in Baku. In September they planned a convention for 500 people, and obtained official permission. Circumstances required them to change their venue; as a result, they received a letter from the SCWRA saying that they had broken the law by changing their plans without notifying SCWRA and by allowing unaccompanied minors to attend.

Some local officials continued to prevent women from wearing the headscarves. Early in the year, students at Baku State University and the Baku Medical Institute reportedly were instructed to refrain from wearing headscarves to class. However, according to the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM), the issue was resolved satisfactorily and ceased to be a problem.

Importation of religious materials was restricted. In December SCWRA denied a Baku bookstore permission to import 400 religious books on the grounds that the store was not a "religious organization." SCWRA officials told foreign diplomats that they had blocked the import of Islamic literature that did not accord with Azerbaijani values. In November government officials permitted the import of 3,000 religious books by the Evangelical Christian Baptist Church in Baku, after refusing permission for 6 months. In July 2001, the SCWRA assisted a Baku bookstore in securing permission for a shipment of English-language evangelical literature that the Department of Religious Affairs had delayed numerous times.

Sporadic violations of religious freedom by some officials continued during the year. In the northern city of Khachmaz, there were numerous reports that local policemen regularly and severely beat Muslim worshippers, who denied any wrongdoing and complained to government authorities. Police also called in some family members of the accused for questioning. Also during the year, some Muslim worshippers in Ganja and Khachmaz reportedly were arrested and beaten

as suspected Wahhabis with links to terrorism.

The most serious case of harassment of a religious group by the Government involved the ethnic Azeri "Love" Baptist Church. In 2001 SCWRA initiated legal proceedings to liquidate the church following accusations its pastor insulted Muslim fasting traditions in a sermon during the holy month of Ramadan. The church lost its case in April in court proceedings international observers described as biased. Its appeal--a 15-minute court procedure during which judges reportedly prevented lawyers for the church from speaking--was unsuccessful and an even shorter hearing before the Supreme Court in October upheld the lower court verdicts. Church representatives said they would continue to meet until they are arrested or forcibly dispersed. DEVAMM reported that an Adventist family in Nakhchevan was harassed by local authorities, who barred three of their children from attending school, and attempted to deport the family to Baku.

During the year, several newspapers and television broadcasts depicted non-traditional religious groups as a threat to the identity of the nation. Some of these attacks extended to humanitarian organizations operating in the country that were linked to foreign religious organizations.

Hostility also existed toward foreign (mostly Iranian and "Wahhabist") Muslim missionary activity, which partly was viewed as seeking to spread political Islam and thus a threat to stability and peace.

Ethnic Azerbaijanis have fled areas of Azerbaijan controlled by ethnic Armenians, and mosques in this area that had not already been destroyed did not function. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remained closed. As a consequence, the estimated 10,000 to 30,000 Armenians who remained in the country were unable to attend their traditional places of worship.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The Constitution provides for these rights; however, at times, the Government limited freedom of movement. The internal residence regime from the Soviet system ("propiska") still was imposed on IDPs--i.e., those forced from their homes following the Armenian occupation of western areas of the country--who were required to register with the authorities and could reside only in approved locations. A passport was required for travel abroad. There were no exit visa requirements.

Residents of border areas in both Azerbaijan and Iran traveled across the border without visas. Draft-age men had to obtain documents from military officials before they could travel abroad, and some restrictions were placed on military personnel with access to national security information.

The number of refugees and IDPs from the Nagorno-Karabakh conflict was approximately 800,000; 200,000 of these were refugees, and more than 600,000 were IDPs. There were credible reports that Armenians, including ethnic Armenian immigrants from the Middle East and elsewhere, had settled in parts of Nagorno-Karabakh and possibly other Azerbaijani territories occupied by Armenian forces. Approximately 10,000 to 30,000 Armenians, almost exclusively persons of mixed descent or mixed marriages, remained in Azerbaijan (in addition to Armenians residing in occupied territories). While official government policy allowed ethnic Armenians to travel, low-level officials seeking bribes have harassed citizens of Armenian ethnicity who sought to obtain passports. The Armenian Government continued to prevent the hundreds of thousands of Azerbaijanis who were forced out of their homes in occupied territories from returning.

The Government depends on international assistance to care for refugees and IDPs. The Government transferred \$39 million (188.8 billion manats) from the country's oil fund to the country's IDP and Refugees Committee to improve the social and economic conditions of refugees and IDPs. Of that total, \$550,000 (2.7 billion manats) was provided monthly to IDPs for food. The Government provided individual IDPs \$5 (25,000 manat) per family member per month for food and 6 liters of fuel per family per month. The Government also provided sugar, rice, sunflower oil, and oil to each IDP in camps in the regions where international NGOs no longer provided assistance. International assistance to the refugee and IDP population continued to decline. Approximately 60-70,000 IDPs continued to live in camps at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care.

A law that provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1962 Protocol was passed in 2001; however, no mechanism for its implementation had been created by year's end. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Such organizations reported full and unrestricted access to the refugee population. The issue of the provision of first asylum did not arise during the year, and there were no procedures for granting first asylum.

Approximately 8,000 to 10,000 Chechens who fled from Russia resided in the country. UNHCR registered 9,009 asylum seekers/refugees during the year, 78 percent of whom were from Chechnya. According to UNHCR personnel, during the year, many Chechens complained of arbitrary detention and police harassment because of their undocumented status in

the country. Chechens may receive 3-month visas, but not residence permits. Chechen children generally were not allowed to attend public schools, and medical services were provided only on a fee-for-service basis. Chechens were extradited to Russia for alleged criminal offenses, but their status as refugees was unclear.

Approximately 1,000 Afghans who fled their country have registered with UNHCR and have lived in the country for many years.

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

The Constitution and the law allow citizens to change their government by peaceful means; however, the Government continued to restrict citizens' ability to do so by interfering in local and national elections. The country is a republic with a strong presidency and a legislature that the Constitution describes as independent. However, in practice the Milli Majlis's independence was minimal, and it exercised little legislative initiative independent of the executive.

The 1998 presidential election was an improvement over the 1995 Milli Majlis elections, especially in regard to reduced multiple voting and the presence of domestic observers; however, some domestic and international observers witnessed ballot box stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. The observed irregularities and lack of transparency in vote counting led to serious doubts regarding the accuracy of the official vote count in favor of President Aliyev.

By-elections held in November 2001 in Tovuz and Ajabedi to fill vacant Milli Majlis seats also were marred by election fraud and ballot box stuffing. As a result of objections by local observers, the results in three Tovuz polling stations were cancelled by the Central Election Commission. The April by-elections in Baku, Ganja, and Ali Baramli similarly were marred by voter list irregularities, multiple voting, and observer intimidation.

The November 2000 Milli Majlis elections showed some improvement over the 1998 presidential and 1999 municipal elections, according to OSCE/ODIHR; however, they did not meet international standards due to numerous serious irregularities. Only after international pressure did authorities allow all major parties, including some disqualified as a result of alleged falsifications in voter petitions, to run candidates for office. Some opposition candidates were harassed, and some were beaten or detained. Potential candidates reported that individuals who signed their petitions were asked by police to remove their names.

An election law passed prior to the November 2000 Milli Majlis elections incorporated most, but not all, OSCE/ODIHR recommendations. Among the most serious remaining flaws was a provision banning from vote monitoring domestic election monitoring groups that received funding from foreign sources. Individual parties and some NGOs were able to post their own monitors at the polls, but intimidation, harassment, and even arrests of the observers took place. International observers seriously doubted the accuracy of the election results because of ballot box stuffing, premarked ballots, and vote counting irregularities.

Serious voting irregularities marred the August 24 referendum on changes proposed by President Aliyev to the 1995 Constitution. International observers saw widespread irregularities, including voter list fraud, multiple voting, voter intimidation, and ballot box stuffing. The Government continued to restrict domestic nonpartisan observers. However, a series of televised roundtables, hosted by the OSCE and including government and opposition representatives, was held to educate the public on the issues of the referendum.

According to the Government, the amendments proposed in the referendum were designed to address a number of suggestions by the Council of Europe to democratize the country's political system--although the Government did not consult with the Council of Europe on the content of the referendum. Some of the amendments, such as the requirement that the President be elected by 50 percent plus one (rather than a two-thirds majority), could contribute to bringing the Government's practice into conformity with international standards and enhance democratization. However, two amendments were seriously criticized. One of the amendments proposed eliminating the proportional representation system required for 25 of the 125 seats in the Milli Majlis. NGOs and other groups alleged that this amendment could threaten opposition representation in Milli Majlis altogether. Another controversial amendment replaced the Chairman of the Milli Majlis with the Prime Minister in the line of succession to the presidency. Some domestic and international groups argued that this would make it easier for the President to pass on power to his preferred successor. The Government's claims of 95 to 96 percent approval of each of the eight clusters of constitutional amendments and 83.6 percent voter turnout were highly questionable. International election observers raised concerns with senior government officials and the Central Election Commission about the conduct of the referendum.

In December the Government made public its draft Unified Election Code (UEC), as required by the Council of Europe. The code seeks to combine four existing laws governing the conduct of elections and referenda in the country. The draft law contains some improvements, and the authorities discussed further changes with the international community, submitting a draft of the UEC for review by the International Foundation for Election Systems, the Council of Europe, and OSCE/ODHIR. However, the draft UEC does not change provisions in separate legislation on NGOs prohibiting domestic NGOs that receive foreign funding from observing elections. Major opposition parties boycotted the OSCE-sponsored (and televised)

roundtables in December to discuss the draft law.

There were no legal restrictions on women's participation in politics; however, traditional social norms limited women's roles in politics, and they were underrepresented in elective offices. The practice of "family voting," where men cast the votes of their wives and other female members of their families, persisted. There were 13 women in Milli Majlis and several women in senior government positions.

There were no restrictions on the participation of minorities in politics. Several Lezghins, Talysh, and Avars continued to serve in the Milli Majlis and Government.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some NGOs wholly independent of the Government were objective and effective conduits of information to local officials, the diplomatic community, and such international institutions as the Council of Europe. The Government maintained ties to some of the human rights NGOs and responded to inquiries. However, the Government occasionally criticized some human rights NGOs and activists, and the Ministry of Justice routinely denied or failed to register many groups, including human rights NGOs, although it did not try to restrict their activities (see Section 2.b.).

A law on NGOs, passed during the year, made registration a cumbersome process and was vague on the procedures for liquidation. The Government accused some human rights activists of working in the interests of foreign governments. The Government has alleged that some domestic activists provided inaccurate lists of political prisoners to visiting foreign government officials. The Government responded to an inquiry by the Independent Public Commission, a group of human rights NGOs, into the Nardaran violence in June by issuing, on October 22, an official warning to the NGO commission's forensic specialist, Ilqar Altay. The warning stated that he was interfering with the official investigation, and that his actions were punishable under Article 310 of the Criminal Code.

Human rights NGOs were moderately effective. A serious impediment to their effectiveness was the inability of local human rights activists to work together. During the year, several human rights activists publicly accused each other of collusion with the authorities, lack of independence, and even taking bribes.

The local diplomatic community, the ICRC, and delegations from the Council of Europe enjoyed access to prisons and conducted meetings with inmates throughout the year (see Section 1.c.). In June Andreas Gross, one of the Rapporteurs for Azerbaijan at the Council of Europe, made a speech at the Council criticizing the Government for its actions in the village of Nardaran. The Government expressed its displeasure with Gross's criticism by complaining in both official and independent media about him. When Gross visited the country from July 16 to 22, representatives of higher levels of the Government refused to meet with him. State television ran a number of programs criticizing Gross and repeating rumors that he would be refused a visa to visit the country. He returned to the country during the August referendum, and relations since have improved between him and the Government.

In December 2001, the Milli Majlis passed legislation on the creation of an Ombudsman position, and the first Ombudsman was approved by the Milli Majlis during the year. Citizens of the country may appeal to the Ombudsman for violations of their human rights committed by state bodies or individuals. The Ombudsman may refuse to handle a case if it happened more than a year before it was submitted to the office. The Ombudsman also does not handle anonymous complaints and may not become involved in complaints that are being addressed by the judiciary branch. The Ombudsman traveled to many of the regions in the country to hear complaints and cooperated closely with the human rights activities of foreign embassies.

Both the Milli Majlis and the Ministry of Justice had human rights offices that heard complaints from citizens. The Ministry of Foreign Affairs has a human rights office under the direction of a Deputy Foreign Minister and conducted regular meetings with the diplomatic community.

The passage of the August referendum amended the Constitution to provide all citizens the right to appeal to the Constitutional Court. Citizens also have the right to appeal to the European Court of Human Rights.

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

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, language, social status, or membership in political parties, trade unions, or other public organizations; however, in the wake of the Nagorno-Karabakh conflict, there was widespread anti-Armenian sentiment in society.

Women

Violence against women, including domestic violence, continued to be a problem. In rural areas, women had no real recourse against assaults by their husbands or others; no laws exist regarding spousal abuse or spousal rape. There is a

law against rape, which makes rape punishable by up to 15 years in prison; however, many incidents went unreported because such subjects were taboo in society. According to the Society for the Defense of Women's Rights (SDWR) and the Ministry of Internal Affairs, there were 39 rapes and attempted rapes reported during the year. There were no government-sponsored or funded programs for victims of domestic violence. In 2001 the Institute for Peace and Democracy opened a women's crisis center in Baku to assist women on a variety of issues, including physical abuse.

Prostitution was a serious problem, particularly in Baku. The legal age of consent was 16. According to the Criminal Code, prostitution is not a crime, but a personal matter, and prostitutes cannot be criminally charged. However, pimps and brothel-owners are liable to criminal laws. Pornography is prohibited.

Trafficking in women was a problem (see Section 6.f.).

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem, and traditional social norms continued to restrict women's roles in the economy. Representation of women was significantly lower in the higher levels of the work force, and there were few women in leading business positions. The labor law prohibits pregnant women from working at night and pregnant women with children under 18 months of age from working more than 36 hours per week. According to the labor law, women are also prohibited from working underground.

There were 24 registered NGOs that addressed issues pertaining to women. The SDWR, one of the most active women's NGOs in the country, provided speech and communication training for women from all political parties.

Children

The Constitution and laws commit the Government to protect the rights of children to education and health care; however, difficult economic circumstances limited the Government's ability to carry out these commitments. Public education was compulsory, free, and universal until the age of 17. During the year, 86.7 percent of school-age children attended school. The Government provided minimum standards of health care for children, although the quality of medical care overall was very low.

The Criminal Code mandates severe penalties for crimes against children, and the young generally were treated with respect regardless of gender. There was no known societal pattern of abuse of children. A large number of refugee and IDP children lived in substandard conditions in refugee camps and public buildings (see Section 2.d.). In some cases, particularly among Chechen refugees, children were unable to attend school. Poverty at times compelled families to send their children to beg on the streets (see Section 6.c.).

Trafficking of children continued to be a problem (see Section 6.f.).

Persons with Disabilities

The law gives priority to persons with disabilities in obtaining housing, as well as discounts for public transport and pension supplements. The Government did not have the means to fulfill these commitments. There are no special provisions in the law mandating accessibility to public or other buildings for persons with disabilities, and such access was not a government priority.

National/Racial/Ethnic Minorities

Many indigenous ethnic groups live in the country. The Constitution provides for the right to maintain one's nationality and to speak, be educated, and carry out creative activity in one's mother tongue or any language, as desired. However, some groups have complained that the authorities restricted their ability to teach or print materials in indigenous languages. Separatist activities undertaken by Farsi-speaking Talysh in the south and Caucasian Lezghins in the north in the early 1990s engendered some suspicions in other citizens and fostered occasional discrimination. Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, also complained of discrimination. A senior government official was responsible for minority policy. Some members of other ethnic groups also complained credibly about discrimination. Preventing this discrimination was not a government priority.

Some Armenians and persons of mixed Armenian-Azerbaijani descent have complained about being unable to register their residences, find work, and get access to medical care and education due to their ethnicity. The approximately 10,000 to 30,000 citizens of Armenian descent complained of discrimination in employment, schooling, housing, and other areas. They also complained of discrimination and harassment at workplaces, and of the refusal of local government authorities to pay pensions. Most shielded their identity or tried to leave the country. Some changed their nationality, as reported in their passports. Armenian widows have had permits to live in Baku revoked. Some persons of mixed Armenian-Azerbaijani descent continued to occupy government positions. Public figures whose parents reportedly were of mixed-Armenian and Azerbaijani marriages, or had such marriages, were attacked publicly by colleagues in the press.

In the area of the country controlled by ethnic Armenian forces, the Armenians forced approximately 600,000 ethnic Azerbaijanis to flee their homes (see Section 2.d.). The regime that controlled these areas effectively banned them from all spheres of civil, political, and economic life.

Section 6. Worker Rights

a. The Right of Association

The Constitution provides for freedom of association, including the right to form labor unions; however, there were some limits on this right in practice. The Azerbaijani Labor Federation, which was close to the Government, claimed some 300,000 members. The semi-independent Azerbaijan Trade Union Confederation (ATUC) had 1.5 million members, of which approximately 800,000 were active. The overwhelming majority of labor unions still operated as they did under the Soviet system and remained tightly linked to the Government. Most major industries were state-owned. Police, customs, and military personnel were prohibited from forming unions. The law prohibits trade unions from engaging in political activity, but individual members of trade unions had no such restrictions.

In 1997 the State Oil Company (SOCAR) formed a progovernment union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former Independent Oil Workers Union without a vote by the union membership. It continued to operate without a vote by its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operated outside of established trade union structures and promoted the interests of workers in the petroleum sector.

According to the International Confederation of Trade Unions' (ICFTU's) Annual Survey of Violations of Trade Unions Rights during the year, one of the most serious problems facing unions in the country is that union dues rarely were transferred to them. As a consequence, the unions did not have the resources to carry out their activities effectively. The ATUC has listed approximately 40 enterprises in almost all sectors where dues have not been transferred.

There were reports of antiunion discrimination by foreign companies operating in Baku; however, there were no reports of government antiunion discrimination. Labor disputes were handled by local courts. The ATUC sometimes helped plaintiffs with lawyers and legal advice.

Unions were free to form federations and to affiliate with international bodies. In November 2000, the ATUC became a member of the ICFTU.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining agreements to set wages in state enterprises and a labor inspectorate continued to operate; however, these laws did not produce an effective system of collective bargaining between unions and enterprise management. Government-appointed boards ran the major state-owned firms and set wages. Unions did not effectively participate in determining wage levels. In a carryover from Soviet times, both management and workers were considered members of professional unions.

The Constitution provides for the right to strike, and there were no legal restrictions on this right. The law prohibits retribution against strikers. Some classes of workers, such as police, judges, or public transport workers, are prohibited from striking. During the year, there were several peaceful strikes to demand salary increases or payment of unpaid wages.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution allows forced or bonded labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person. Two departments in the General Prosecutor's office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) were responsible for enforcing the prohibition on forced or bonded labor.

According to Human Rights Watch, in some military units officers secretly used conscripts as unpaid laborers on construction projects. In July eight conscripts died in 1 week, from sunstroke (see Section 1.a.).

No constitutional provisions or laws specifically prohibit forced or bonded labor by children. There were reports that some parents forced their children to beg.

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

The minimum age for employment was 16 years. The law allows children ages 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. However, children at the age of 15 may work if the workplace's labor union does not object. There were no explicit restrictions on the kinds of labor that 15-year-old children may perform with union consent. The Ministry of Labor and Social Security had primary enforcement responsibility for child labor laws. With high adult unemployment, there were few, if any, complaints of abuses of child labor laws.

At year's end the Government had not ratified the International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The Government has set by decree the nationwide administrative minimum wage at \$5.00 (27,000 manats) per month. This wage was not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manats) per person. Most workers earned more than the minimum wage. Many relied on the safety net of the extended family. Many families relied on remittances from relatives working in Russia. Combinations of these and other strategies were the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek was 40 hours. There was a 1-hour lunch break per day and shorter breaks in the morning and afternoon. The Government attempted to enforce this law in the formal sector, but not in the informal sector where the majority of persons worked.

Health and safety standards existed but were ignored widely. Workers could not leave dangerous work conditions without fear of losing their jobs.

Foreign workers are protected under the law and enjoyed the same rights as citizens.

f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, although traffickers may be prosecuted under articles prohibiting forced prostitution and labor; trafficking in persons remained a problem. There were unconfirmed reports that corruption by officials facilitated trafficking.

Under the Criminal Code, the act of forcing an individual into prostitution carries a 10 to 15 year jail term, which is a harsher sentence than in the previous code. The Criminal Code provides severe penalties for people who enslave, rape, or coerce children into prostitution. The Criminal Code is not limited to citizens in Azerbaijan, but it has no extra-territorial effect. During the year, four persons whom international organizations consider to be traffickers were prosecuted under forgery laws in the Criminal Code. The Government, with the consent of the President, was formulating a national plan of action with the goal of amending their Criminal Code to include specific anti-Trafficking in Persons (TIP) legislation at year's end.

According to the International Organization for Migration (IOM), the country was primarily a country of origin and a transit point for trafficked women, men, and children. They were trafficked into northern Europe, particularly to the Netherlands and Germany, where many unsuccessfully sought asylum. Traffickers usually sent women to the United Arab Emirates (UAE), Iran, Turkey, or Western Europe, mainly Germany, to work as prostitutes. Women from Iran, Russia, and sometimes Iraq were transported through the country to the UAE, Europe, and occasionally the U.S. for the same purposes.

Traffickers generally targeted women; however, there also were cases in which men and children were victims of trafficking. Traffickers were either foreigners or ethnic Azerbaijanis who acted as middlemen for large trafficking syndicates headquartered abroad. Victims were approached directly and indirectly through friends and relatives. Traffickers also used newspaper advertisements offering false work abroad. According to the Society for the Defense of Women's Rights, draft-age men seeking to escape military service in 2000 were invited by local traffickers to work in the hotel industry in Turkey, but ended up in male brothels. Another NGO reported that families of young women had been approached by individuals claiming that visiting Iranian businessmen had seen their daughters and wished to marry them. Following parental permission for such marriages, the women were transported to Iran to work as prostitutes.

There was no evidence of government complicity in the facilitation of the trafficking of persons; however, NGOs suspected that lower-level civil servants accepted bribes from traffickers in exchange for turning a blind eye to their activities.

The Ministry of Internal Affairs, the Ministry of Labor and Social Protection, and the Border Guards were responsible for antitrafficking efforts. There were no government antitrafficking campaigns. There was no mechanism to return trafficked women to Azerbaijan, but the Government stated that it had in place a program to assist trafficked victims. There were no reports of deportations of Azerbaijani nationals back to Azerbaijan for trafficking or prostitution.

The IOM has conducted awareness campaigns and unveiled a study of trafficking in the country. Several NGOs and the State Committee for Women's Issues of the Azerbaijan Republic dealt with the problems of trafficking in women and prostitution.