

Election Monitoring and Democracy
Studies Center



Report

ON VIOLATIONS OF
CIVIL, POLITICAL
AND SOCIAL RIGHTS
IN AZERBAIJAN

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Baku-2022

I. SUMMARY

Election Monitoring and Democracy Studies Center (EMDS) prepared this Report on the condition of civil, political and social rights in Azerbaijan based on violations reported by citizens through online complaints and on the monitoring of events all year long in 2021.

EMDS is a non-governmental organization operating in Azerbaijan to protect human rights, enhance the electoral system, increase citizen participation in governance and promote democratic institutions.

Previously recorded problems in the field of human rights protection in the Republic of Azerbaijan continued in 2021 and maintained their systematic nature.

Over the year, EMDS recorded 676 violations based on 580 facts. The majority of violations relate to the right to social security, the right to a fair trial, the right to healthcare, freedom of expression, the right to an adequate standard of living, and the right to freedom of assembly. In total, out of 676 recorded violations, 310 cases fall under the civil and political rights category, while 366 cases fall under the social and economic rights category.

The COVID-19 pandemic, one of the major factors affecting the Azerbaijani economy in 2021, has complicated social living conditions. In particular, bureaucratic hurdles appeared in the provision of social payments and other benefits to low-income families and occupied the ground of most of the complaints. At the same time, there was an issue of shortcomings of registration and disability assignment process of ex-combatants wounded in the 44-day war that took place between Armenia and Azerbaijan in 2020.

The number of political prisoners did not substantively decrease during the year, and the pardon issued earlier this year included only 39 political prisoners. Persons imprisoned on trumped-up and politically motivated charges staged hunger strikes and other acts of protests.

The executive and police authorities did not allow peaceful gatherings as a rule under various grounds, and interfered with peaceful assemblies, which often resulted in massive police violence, detention, and administrative penalties or arrest of participants.

Independent media and freedom of expression was kept under systemic duress throughout the year. Independent media outlets and professional journalists faced website hacks and account compromises because of their professional activities. The new Media Law, adopted at the end of the year, was considered as an attempt to restrict the activities of independent media outlets and journalists.

No amendments were made to the normative acts regulating the activities of civil society organizations, and the judgments of the European Court of Human Rights (ECtHR) declaring violations in the cases of human rights defenders arrested for political reasons in 2013-2014 lacked implementation.

II. INTRODUCTION

Election Monitoring and Democracy Studies Center (EMDS) is a non-governmental organization working for the improvement of the electoral system, civil society and democratic institutions in Azerbaijan. EMDS was established by founders and members of Election Monitoring Centre (EMC), the registration of which was annulled by the Khatai District Court of Baku on 14 May 2008 upon an illegal claim of the Ministry of Justice of the Republic of Azerbaijan.

EMDS (former EMC) has conducted monitoring of 15 elections in Azerbaijan since 2001 and has trained more than 14,000 citizens in 600 training sessions on election monitoring, providing them with legal-technical assistance for their accreditation in the election commissions.

EMDS is a member of European Network of the Election Monitoring Organizations (ENEMO), which brings together civil society organizations of the OSCE member states, Civil Society Forum of the Eastern Partnership countries, European Platform for Democratic Elections (EPDE) and Human Rights House in Azerbaijan.

Methodology

EMDS compiled this report based on violations reported by citizens through online complaints and on the monitoring of events all year long in 2021. Analysing allegations and opinions on violations of civil and political, as well as social and economic rights, EMDS sought to assess the condition of current human rights in Azerbaijan.

The report included statistics concerning several types of violations of civil and political, social and economic rights, as well as sample facts on these cases.

The statistical data included in the report was clarified and analysed by means of information collected from two principal sources:

a) Complaints reported by citizens

EMDS collected relevant information based on the complaints reported by citizens through the “Gözətçi” (*“The Watchdog”*)¹ human rights portal during the year in online form. To study such information, all complainants were contacted directly, and copies of various documents, videos,

¹For more information, please visit web site: www.gozetci.az

and photos were requested. In several cases, because the accuracy of the information was called into doubt, such complaints were not taken into account. It is noteworthy that after the dissemination of some complaints, upon the reaction and measures of relevant government agencies, they were partially or fully resolved.

b) Media monitoring of events

During the year, the EMDS Legal Assistance and Monitoring Group made several investigations to scrutinise the veracity of information of events disseminated on social and mass media platforms. At this stage, the LAMG sought to collect the opinions of the persons who disclosed the information, especially of the representatives and their lawyers, as well as asked for relevant official documents of legal disputes.

EMDS compiled this report pursuant to the methodology applied by international human rights organizations, as well as by the UN Human Rights Council, the Parliamentary Assembly of the Council of Europe (PACE) and the OSCE/ODIHR for human rights monitoring.

The report refers to media outlets such as Turan News Agency, AzerTac News Agency, Voice of America, RFE / RL, BBC Azerbaijan, Meydan TV, Toplum TV, as well as the web portals of the “Gozetchi” (Watchdog) and the European Court of Human Rights.

EMDS expresses its gratitude to the lawyers, human rights defenders, volunteers and advocates who assisted in the preparation of this document. EMDS also thanks reporter Ms. Fargana Novruzova for the photo used on the front page of the document.

III. POLITICAL ENVIRONMENT FOR THE PROTECTION OF HUMAN RIGHTS

The results of the 44-day war between Armenia and Azerbaijan in 2020 remained the principal topic of the political agenda. The implementation status of the post-war trilateral ceasefire agreement, the social status of the families of martyrs and wounded combatants, social support for war veterans and civilians affected by the war, demining operations and construction projects in liberated areas were the leading titles of political discussions.

The pardon decree signed by President Ilham Aliyev on March 17, 2021 on the occasion of Novruz holiday, enabled the release of 475 prisoners and the term of imprisonment for 98 convicts was reduced by half². The decree reduced the term of imprisonment of three life-sentenced prisoners to 25 years in prison. Among those released were also 39 political prisoners recognized as such by

² RFE / RL, (March 18, 2021) <https://bit.ly/3fxuSFh>

local human rights defenders. Thirty of these prisoners had been arrested in connection with the Nardaran events and three people in connection with the Ganja events. Five members of the Popular Front Party and one journalist were also among the released political prisoners.

At the end of the year, President Ilham Aliyev initiated an amnesty on the occasion of November 8 - Victory Day. On November 5, the Milli Majlis approved the bill³.

The Amnesty Act applied to the ex-combatants who took part in the war against Armenia and in other military operations to protect the territorial integrity and sovereignty of Azerbaijan, and a close relative of those killed or missing during the events. It also applied to persons who became disabled as a result of military provocations against the civilian population and to their close relatives and to persons convicted of crimes that do not pose a great public danger. According to some allegations, up to 15000 prisoners will be able to benefit from the Amnesty Act. However, the mentioned act applied to only two political prisoners.

Generally, neither the pardon nor the amnesty act has significantly reduced the number of political prisoners in the country. On the contrary, politically motivated prosecutions continued throughout the year, several activists were subjected to administrative arrests and criminal penalties resulting in imprisonment.

No political will was demonstrated with respect to the protection of the right to freedom of assembly and association nor to liberalization of the national legislation regarding the activities of civil society organizations in 2021.

At the end of the year, a new draft law "On Media" was submitted to the Milli Majlis. Despite objections to the bill's restrictive provisions on freedom of the media and expression, the bill was passed by parliament in its third reading on December 30.

Last year also marked the abuse by authorized bodies of the regulations of the quarantine regime during the Covid-19 pandemic in such a way that more than 60 government critics and activists were fined for administrative offenses.

IV. MONITORING RESULTS

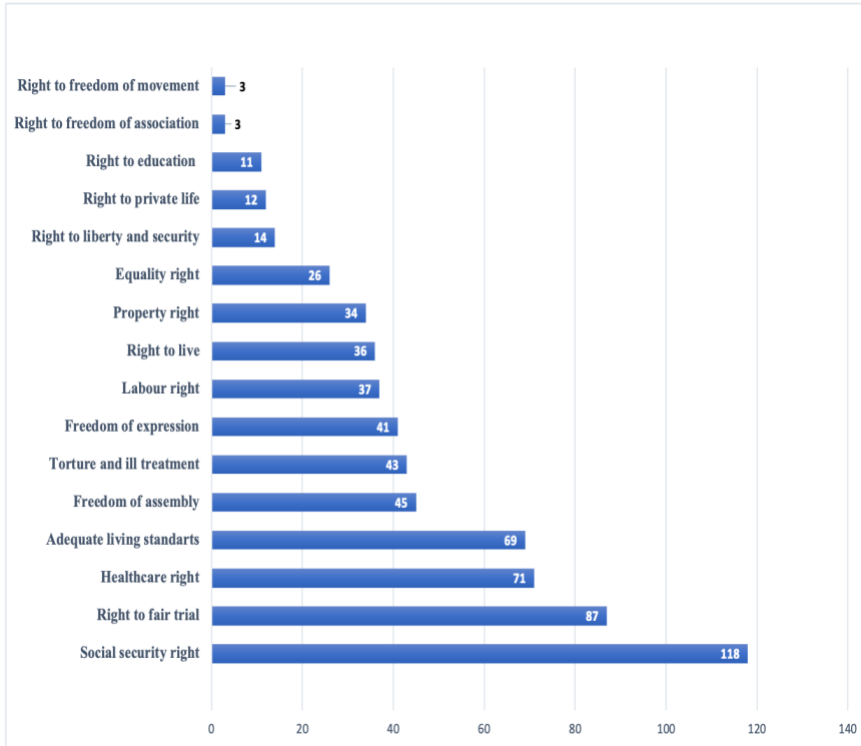
Since the human rights violations recorded by EMDS in the previous years also continued in 2021, it is possible to allege their systematic nature. Over the past two years, the COVID-19 pandemic not only harmed social-economic life in Azerbaijan but was also accompanied by a number of restrictions on political and social rights.

In 2021, EMDS recorded 676 violations based on 580 facts collected. Since in some cases, several violations derived from the same fact, the actual number of violations was greater than 676.

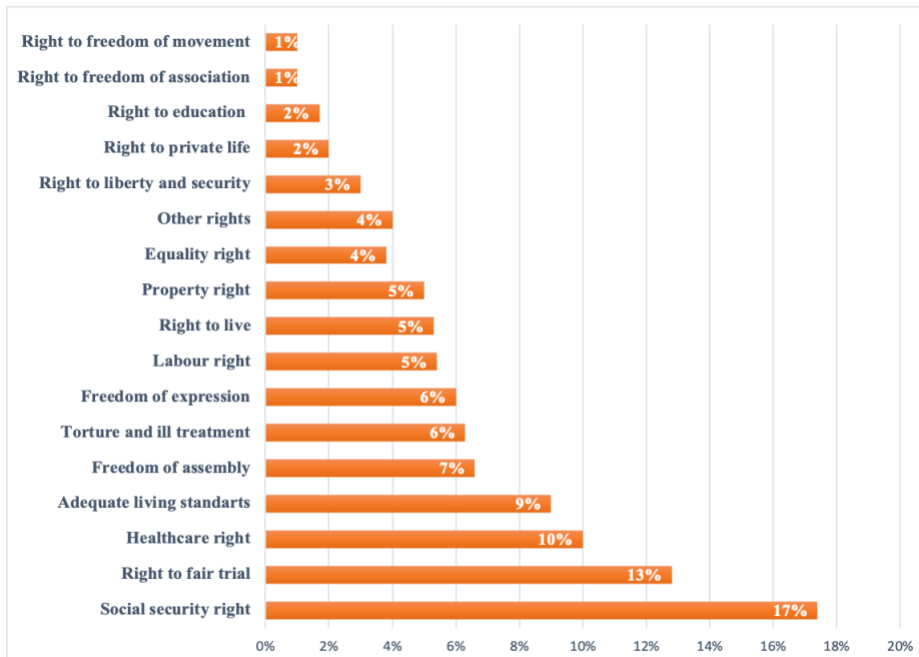
³ RFE / RL, (November 05, 2021) <https://bit.ly/3KhyauF>

As in previous years, the right to social security (118) and the right to a fair trial (87) occupied the majority of violations. In total, out of 676 violations, 310 cases fell under the civil and political rights category, while 366 of them fell under the social and economic rights category.

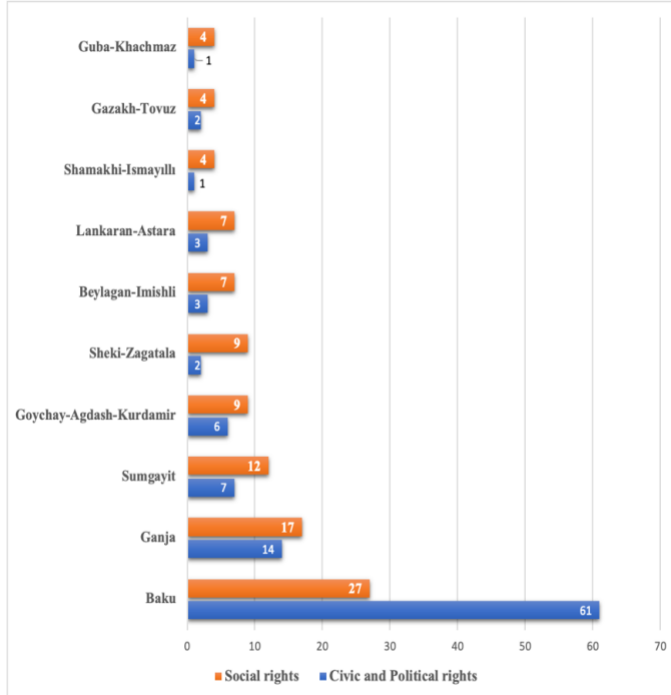
Ratio of violations in figures:



Ratio of violations in percent:

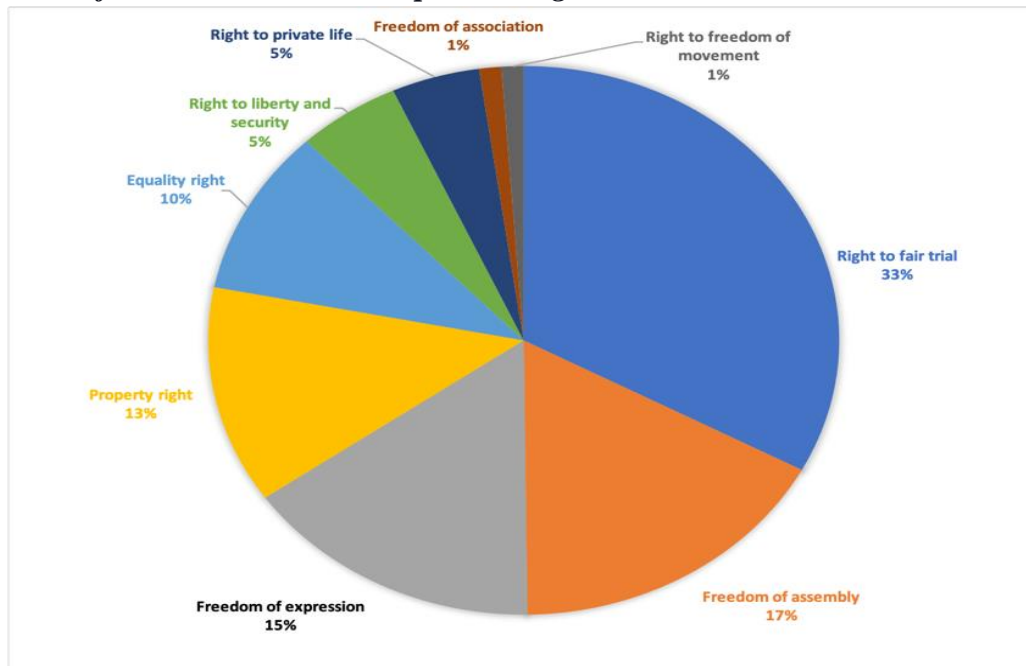


The classification of violations by regions shows that the largest number of violations of civil and political rights were registered in large cities such as Baku, Ganja and Sumgayit. EMDS explains this trend by the fact that as a result of internal migration, the population is concentrated in larger cities, and that political events are held mainly in large cities.



4.2. Civil and political rights

Ratio of violations on civil and political rights:



a) The right to a fair trial

The report found 87 cases of the violation of the right to a fair trial.

Violations of the right to a fair trial were reported in the form of violations of procedural law, such as failure of the applicant's or his/her representation in the proceedings, lack of open court hearing, acceptance and assessment of evidence, equality of arms, the principle of contest and justification of court decisions.

Social activists and opposition members, who were highly critical of the government on social media and attended protests, as well as journalists, were brought under groundless charges upon formal court hearings. Such politically motivated charges were related to Article 206 (drug possession), Article 211 (violation of quarantine regulations), Article 510 (minor hooliganism), Article 535 (disobedience to a lawful order by police officer) of the Code of Administrative Offenses and Article 234 (illegal drug trafficking) of the Criminal Code of the Azerbaijan Republic.

One of the politically motivated arrests was applied in respect to Razi Humbatov, a member of the Muslim Unity movement, who shared critical views of the government on his Facebook account. On July 9, he was charged with an offense under Article 234.4.3 (illegal drug trafficking) of the Criminal Code, and was arrested by the decision of the Narimanov District Court of Baku.⁴

b) Freedom of expression

The report includes 41 cases related to freedom of expression.

Violations of freedom of expression mostly appeared in the form of summoning citizens to police stations because of their opinions and comments shared on social media, followed by the application of political-psychological pressure and administrative detention, forcing them to delete the critical comments, etc.

On April 15, Aslan Gurbanov, a blogger arrested by the State Security Service (SSS) in July 2020, was sentenced to seven years in prison by the Baku Court on Grave Crimes. Gurbanov was found guilty under Articles 281 (public appeals directed against the state) and 283.1 (excitation of national, racial or religious hostility) of the Criminal Code. However, Gurbanov's relatives and defenders state that he was arrested for sharing songs, poems and thoughts of Talysh authors and for promoting Talysh heroes, Talysh language, and literature.

⁴ Gozetchi, (9 July 2021) <https://bit.ly/3tgG4hA>

On March 19, Shahin Hajiyev, a member of the Azerbaijani Popular Front Party, was sentenced to 30 days of administrative detention by the decision of the Kapaz District Court.⁵ According to the party representatives, Hajiyev's detention was related to the critical comments shared by him on Facebook.

Violations of freedom of expression did not pass by artists, they also experienced violations of freedom of expression regularly, and in some cases, were taken to police stations. On July 16, actor Elmin Badalov was detained by police and taken to the 27th Police Station for performing a street play called "Seventh Room" in the Winter Park. He was detained for about 3 hours and then released.

On October 6, blogger and activist Anar Abdulla was summoned by police and detained for 15 days over his thoughts shared on Facebook. He stated that he had been beaten at the police station⁶.

On December 30, the new draft law "On Media " was adopted by the parliament in the third reading. Some experts and independent media representatives stressed that the bill was aimed at keeping Internet media under control in Azerbaijan.

One of the key points of the law was related to journalists' registration and issuance of a single type journalistic card reserved only for the journalists included in the Media Register. The requirements for the registration include illegitimate obligations, such as higher education, three years of work experience, legal capacity, and no previous convictions for serious or particularly serious crimes. The law also addresses issues aimed at the seduction of journalists, granting several privileges or in other ways which are incompatible with the professional ethics of journalists⁷.

It is worth noting that despite the calls of civil society organizations, the bill was not submitted to the Venice Commission of the Council of Europe for expertise, and was adopted without consideration of the opinions of local experts too.

c) Political prisoners

Although the pardon decree signed by the President in March 2021 enabled the release of 39 political prisoners, the total number of political prisoners in the country did not decrease significantly. For example, on June 4, the Union for the Freedom of Political Prisoners published a new list of political prisoners arrested and facing politically-motivated charges. The 121 people named in the updated list are grouped under different categories:

- ***"Arrested over Ganja events" - 45 people;***

On July 3, 2018, the then head of the Ganja city executive power Elmar Valiyev was assassinated. Ganja resident Yunis Safarov wounded him and his bodyguard. Hereon on July 10, unknown

⁵ Gozetchi, (21 march 2021) <https://bit.ly/3t95ePe>

⁶ Caucasian Knot, (7 october 2021) <https://bit.ly/3fA1e29>

⁷ Turan, (16 december 2021) <https://bit.ly/33u5bTF>

individuals staged a protest in front of the Ganja administration building and several riots broke out in the city that day. Two high-ranking police officers were killed during the riots. This accident led to mass arrests. According to statements of human rights defenders, even those who did not take part in the riots were unjustifiably sentenced to criminal penalties.

- ***"Arrested over Tartar events" - 27 people;***

In 2017, four state institutions issued a joint statement stating that a criminal case had been launched against a group of servicemen for spying for Armenia. After some time, 27 people were arrested.

On December 18, the Prosecutor General's Office, the Ministry of Internal Affairs, and the State Security Service issued a joint statement recognizing illegal actions of some servicemen in the army in 2017 (known as the "Tartar case"). They stated that an investigation group had been set up in connection with the Tartar case and that a re-investigation would be conducted.⁸

- ***"Nardaran case and members of the Muslim Unity Movement" - 19 people;***

Religious activists, especially Tale Bagirzadeh and members of the Muslim Unity Movement who were active critics of the Azerbaijani Government's religious policy over the past few years, came under increasing pressure and persecution in the forms of dozens of arrests with brutal torture the most serious charge.

- ***Detained over the rally held in support of the Tovuz battles – 3 people;***

On July 14-15, 2020, thousands of citizens in Baku organized a rally to protest the death of high-ranking servicemen, including Major General Polad Hashimov, in the Tovuz region of the Armenian-Azerbaijani border with the demand of starting war. Several people were detained after the dispersal of the meeting by police, and 36 people were involved in the criminal investigation.⁹ Among the accused were 15 members of the Popular Front Party.

During the court trials, except three people, others were sentenced to conditional arrest. On June 22, the Baku Court of Appeal sentenced the third group of people arrested in connection with an incident that occurred during a rally on July 14, 2020. According to the verdict, each of the APFP activists was sentenced to 2 years and 10 months of conditional arrest with a probation period of 2.5 years. The trials in connection with this case were over¹⁰.

It should be noted that human rights defenders do not share a common position on prisoners sentenced to life imprisonment. At present, 14 people who were members of various armed groups in 1993-1995, including the former Special Police Unit (famous OMON group), are currently under life imprisonment.

⁸ Turan, (5 January 2021) <https://bit.ly/3qD3V9F>

⁹ <https://bit.ly/3GFEUjE>

¹⁰ Gozetchi, (24 August 2021) <https://bit.ly/3GfVK8G>

The number of journalists and bloggers imprisoned on politically motivated charges is seven, and the number of political prisoners who are members of opposition parties and movements is seven.

On October 8, the Baku Court of Grave Crimes sentenced Niyamaddin Ahmadov, a member of the Popular Front Party and former bodyguard of party chairman Ali Karimli, to 13 years in prison. According to the verdict, Ahmadov was found guilty under Articles 214-1 (financing of terrorism), 281 (preparation for public incitements against the state), and 233-1 (acquisition and possession of items not allowed by law).¹¹

On October 8, Fuad Ahmadli, a public activist detained before Niyamaddin Ahmadov's hearing, was taken to the 22nd police station and brought before the court seven hours later. The activist was arrested for 30 days by the decision of the Nasimi District Court under Article 510 (petty hooliganism) of the Code of Administrative Offenses.¹²

On October 15, APFP member Elkhan Aliyev was detained by police, and on October 16, a protocol was drawn up against him under Article 535 (disobedience to the police) of the Code of Administrative Offenses, and the public activist was sentenced to 20 days of administrative detention by the decision of the Khatai District Court.¹³

On November 5, the Milli Majlis approved the Amnesty bill initiated by the President on the occasion of November 8- Victory Day and determined the scope of persons to whom the act will apply. Since the Amnesty Act failed to concern neither Saleh Rustamov nor other political prisoners, he launched a hunger strike in jail on November 6 that lasted for 41 days. Rustamov was sentenced to 7 years and 3 months in prison in 2019 upon the decision of the Baku Court on Grave Crimes. He was accused of illegally financing the Popular Front Party of Azerbaijan and money laundering.

It should be noted that on January 30, 2020, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on "Reported cases of political prisoners in Azerbaijan" calling on the Government to address the systemic issue of political prisoners in the country. The document includes pressure on NGO leaders, human rights defenders, political activists, journalists, bloggers and lawyers, and expresses serious concern over obstacles to the functioning of democratic institutions in the country. PACE called on Azerbaijan to release or to grant a new trial to those prisoners who are regarded as 'political prisoners' by human rights protection organizations.¹⁴ However, in the two years since the adoption of this resolution, the government has not shown any political will to improve the situation on political prisoner issues.

¹¹ Turan, (8 October 2021) <https://bit.ly/3GEX7hn>

¹² İPD, (8 October 2021) <https://bit.ly/3GR0eCE>

¹³ Turan, (15 October 2021) <https://bit.ly/32eXwrS>

¹⁴ <https://bit.ly/3fxCW90>

d) Freedom of assembly

During 2021, 45 cases of violation of freedom of assembly were recorded and investigated.

Freedom of assembly was violated mainly by local executive authorities' bans on peaceful protests and by dispersive actions of the police at gatherings.

The traditional rally of March 8 being held by the feminist activists each year on the occasion of International Women's Day was broken up by police, and some women activists were detained and released after being taken to a police station.

On July 8, a group of animal rights activists staged a protest in front of the Toplan Center for Stray Dog in Baku against the deliberate dog-killings. No one from the center's administration met with the protesters, but instead, police officers were called to the scene and violently dispersed the rally. On September 30, Saatli resident Elmaddin Ahmadov was sentenced to administrative detention. The first cause of his detention was Ahmadov's participation in the protests held by residents of Nabatakend, Cholpu, and Orta Mugan villages of the Saatli region against the deficit of water for irrigation.¹⁵

On October 13, a number of young activists of the NIDA and D18 Movement held a rally in front of the former office of the ruling Yeni Azerbaijan Party. Young activists protested against the arrest of the members of the Popular Front Party of Azerbaijan - Niyameddin Akhmadov and Fuad Akhmadli, as well as a reporter and activist Anar Abdullayev and other political prisoners. Protesters chanted slogans: "Down with the reaction! Long live the Republic!" The rally was broken up by police, participants were taken to a police station and ill-treated. Elmir Abbasov, one of the protesters, was sentenced to administrative detention.¹⁶

On December 1, another protest demanding freedom of political prisoner Saleh Rustamov in Baku's Fountain Square was brutally dispersed by police. The protestors chanted slogans of "Freedom for Saleh Rustamli!", "Do not kill Saleh, release him!" Police detained more than 30 protesters, including Elchin Teymurov for 25 days, Ilham Huseyn for 30 days, Sayyad Guliyev for 15 days, and Elkhan Aliyev for 20 days. They were found guilty of violating Article 211.1 of the Code of Administrative Offenses (violation of the anti-epidemic, sanitary-hygienic and quarantine regimes).¹⁷

On December 24 and 28, a group of journalists protested in front of the Milli Majlis building against the draft law on Media. The protesters stated that the bill contradicts the Constitution of

¹⁵ Gozetchi, (30 september 2021) <https://bit.ly/3q9ez7z>

¹⁶ Turan, (13 october 2021) <https://bit.ly/3rw079g>

¹⁷ Voice of America, (3 december 2021) <https://bit.ly/3Fdf7h0>

the Republic of Azerbaijan and the European Convention on Human Rights.¹⁸ The police interfered with the gathering and removed journalists from the area.

Generally, all rallies staged with social and political demands were marked by police intervention.

e) Torture and other cases of ill-treatment

During the year, 56 cases of ill-treatment were recorded.

The majority of those subjected to torture and ill-treatment were those that had been arrested or detained. Such violations were applied in the forms of beatings, insults, intentional grievous bodily harm, and psychological threats.

Ten members of the Popular Front Party (APFP) who were detained, reported to the public either personally or through their relatives about torture and ill-treatment that they had been subject to. One of them, Zamin Salayev, a member of the Popular Front Party, who is currently in prison, claimed that he was tortured on September 22 in jail no 17, where he was held. Salayev told his relatives that he had been beaten several times by the head of the jail, Shakir Ganiyev, being demanded to sign some papers on resigning his membership of the party.

On April 19, Shahin Hajiyev, a member of the Ganja branch of the Popular Front Party, claimed that after his release from administrative detention, he was forced to give a “frank confession” by unknown civilians and it was videotaped.¹⁹

On August 13, lawyer Joshgun Isgandarov, claimed that he had been beaten by police in the courtroom of the Shirvan Court of Appeal. The lawyer stated that on the same day, the Shirvan Court of Appeal was considering the criminal case of his client. At that time, the police who brought the detained person to court from the police department resorted to violence against the lawyer.²⁰

On October 7, public activist Bakhtiyar Hajiyev was detained and physically assaulted by police for photographing an empty street in Baku along which the motorcade of the President of the country was to follow.

During the year, participants in most of the rallies were subjected to police violence as well. Tofiq Yagublu, who was detained during a rally in defence of Saleh Rustamov held on December 1, was first taken to the police station no 39, and then placed back in a police car and dropped in a place some 30 kilometres from Baku. He reported being brutally beaten, tortured during his

¹⁸ Turan, (24 december 2021) <https://bit.ly/33wMMpb>

¹⁹ Gozetchi, (21 march 2021) <https://bit.ly/3t95ePe>

²⁰ Gozetchi, (13 august 2021) <https://bit.ly/3r1qfIP>

detention, and filmed after his beating.²¹ Yagublu was interrogated at the Sabail District Prosecutor's Office on December 3, after he underwent a medical examination for determination of his injuries. However, on 12 January the General Prosecutor Office stated that the request to launch criminal proceedings on the basis of Tofiq Yagublu's claim was rejected as the details of his application were not confirmed during the investigation²².

a) The right to private life

Among the violations collected during the year, 12 cases were related to the violation of the right to private life.

According to the national legislation, it is not allowed to collect, store, use or disseminate information about one's private life without consent. However, there were violations of the right to private life mainly of those holding critical opinions and exercising public activities.

On July 19, the Organized Crime and Corruption Research Project (OCCRP) released a new investigation on the phone spying applied against journalists and other public activists in Azerbaijan. According to the evidence collected, Azerbaijan had been utilizing a spy program called Pegasus of NSO Group, manufacturers of Israel's cyber-tracking devices. Pegasus infects iPhones and Android devices, allowing operators to leak messages, photos, and emails, record calls, and secretly activate microphones. More than 200 people's names were identified in the list of spyware victims²³.

On March 28, intimate videos of National Council Chair Jamil Hasanli's daughter, Gunel Hasanli were shared on social media platforms, as well as via telegram channels. Assessing the incident as a political order, Gunel Hasanli appealed to the prosecutor's office about the interference into her private life.²⁴ However a month later, Gunel Hasanli expressed her dissatisfaction with the quality of the investigation carried out by law enforcement agencies and stated that all her complaints remained unaddressed.

On March 9, the Facebook account of public activist Narmin Shahmarzadeh was compromised and her correspondence and other information were disseminated²⁵.

Sevinj Sadigova, arrested journalist Afgan Sadigov's spouse, stated that on March 30, State Security Service officers blackmailed her into disseminating her intimate footage.²⁶

²¹ Turan (1 December 2021), https://turaz.az/ext/news/2021/12/free/politics_news/en/10068.htm

²² AzerTac (12 January 2022), <https://rb.gy/gctskv>

²³ BBC (19 July 2021) <https://bbc.in/3qDkcLL>

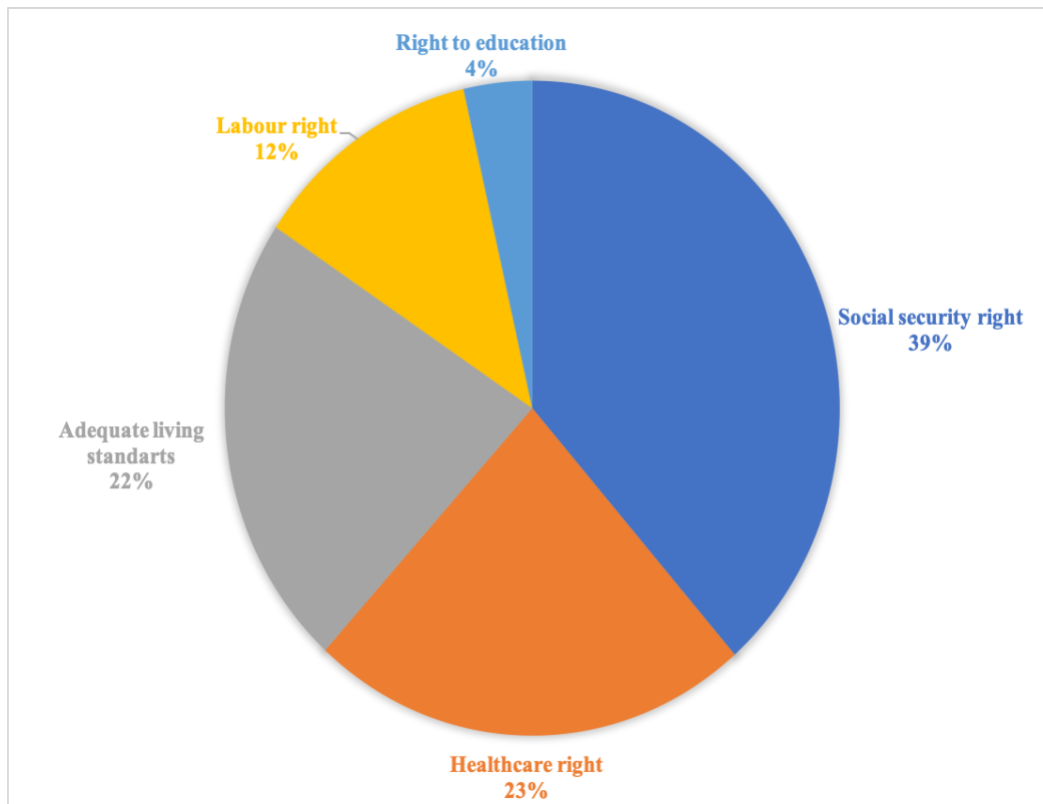
²⁴ Eurasianet (31 March 2021) <https://bit.ly/3nAO9Kk>

²⁵ Turan, (12 March 2021) <https://bit.ly/3GGTAz5>

²⁶ Gozetchi, (9 march 2021) <https://bit.ly/3tBeYCl>

4.2. Social-economic rights

Ratio of violations on social-economic rights:



a) Social security rights

Throughout the year, 118 violations of the right to social security were recorded.

Moreover, complaints associated with the violation of the right to social security were mainly related to the rejection of disability assignment applications by the State Agency for Medical-Social Expertise and Rehabilitation under the Ministry of Labor and Social Protection.

In addition, such violations also concerned the fact that the low-income families who applied for targeted social assistance were rejected for various reasons, and in some cases merely due to bureaucratic hurdles or bribery. For example, on February 2, Sevinj Hasanova, a resident of Ganja, applied to the Medical-Social Expertise and Rehabilitation Subsystem for targeted social assistance but was rejected. Hasanova appealed to the Call Center of the Ministry of Labor and Social Protection concerning the issue. The ministry representative confirmed that the reasons for

the refusal were groundless and there was no impediment to the social assistance to be granted in her case.²⁷

It should be noted that the main instance for such complaints of social security was the local executive authorities and the Ministry of Labor and Social Protection of Population.

b) Adequate living standards

Throughout the year, 77 cases of violations of adequate living standards were investigated.

The complaints in this area mainly concerned poor conditions of roads in villages and settlements outside the city, as well as shortages of drinking water, electricity, and gas supplies.

c) Healthcare rights

During the year, 77 cases were recorded on the basis of complaints related to healthcare rights.

Such cases include restrictions on the use of compulsory health insurance by citizens and on access to medicines that must be provided free of charge to certain patients. For example, Ella Gahramanova, a resident of Agstafa, in her complaint relating to the unlawful actions of the Agstafa District Hospital, stated that the number of free medicines provided for people with diabetes had been reduced, while the doctors explain it by supply deficiency in the hospitals.²⁸

Some detainees complained through their relatives that the quality of medical care in detention facilities was poor and that due pandemic measures were not taken. Among them, Polad Aslanov, who is being held in jail no 1, stated that despite suffering from cardiovascular disease, he was not provided with quality medical care and was not placed in the Central Hospital of the Penitentiary Service.²⁹

d) Labour rights

Complaints on violations of labour rights were mostly related to non-compliance with the terms of the employment contract, discrimination among employees, incomplete payment of wages, delays in monthly payments, as well as non-compliance with technical safety regulations.

In total, 37 cases concerning labor rights violations were recorded.

On May 6, healthcare personnel of Baku's Ambulance Stations no 7, 8, and 9 went on a strike and suspended work for several hours to protest against the suspension of additional pay in their salaries for the treatment of coronavirus patients. Doctors gathered in front of the station no 9 in

²⁷ Gozetchi, (12 april 2021) <https://bit.ly/3qju5hD>

²⁸ Gozetchi, (20 may 2021) <https://bit.ly/3zKNBq7>

²⁹ Gozetchi, (22 december 2021) <https://bit.ly/3FbMVLx>

Binagadi district in the evening on May 6, and in the morning on May 7 at the Baku City Emergency and Urgent Medical Aid Station. They stated that they were not given their additional pay for 3 months.³⁰

On June 6, employees of the Azerbaijan National Agency for Mine Action (ANAMA) expressed dissatisfaction with the harsh working conditions. They claimed that there were huge differences between the salaries of Azerbaijani and foreign citizens, despite the same workload and time spent. These differences concern different categories. The complainants added that the agency's administration did not address issues of compliance with the life safety regulations, but instead sent the miners to clean up areas that violated these requirements.³¹

e) The right to education

During the year, 11 violations of the right to education were recorded and investigated.

Violations under this category include school buildings unfit for functioning, especially lack of heating systems in schools, and restrictions on Internet access in some villages during distance education. For instance, due to the lack of internet connection in the villages of Varli and Yolustu of the Saatli region, pupils were not able to get involved in distance education. In January 2021, the villagers officially applied to the Saatli Telecommunication Center. However, the issues remained unaddressed and the villagers received no official response.³²

4.3. Execution of the judgments of the European Court of Human Rights

During 2021, the Committee of Ministers of the Council of Europe, based on the communication of the applicants, reviewed the status of the execution of the judgments made by the European Court of Human Rights.

a) The Namazov group of cases

In its 1406th meeting, the Committee of Ministers of the Council of Europe adopted a resolution on the Namazov group of cases³³. It is worth noting that the Namazov group of cases concern violations of Articles 6 (right to a fair trial), 8 (right to respect for private and family life) and 10 (freedom of expression) of the European Convention. Within the framework of the Namazov group of cases, the implementation of three ECtHR decisions on Azerbaijan (the cases of Elchin Namazov, Khalid Bagirov, Aslan Ismayilov against Azerbaijan) is being supervised. Each of the decisions is related to the expulsion of the aforementioned lawyers from the Azerbaijan Bar

³⁰ Gozetchi, (7 may 2021) <https://bit.ly/3JRPhTD>

³¹ Gozetchi, (6 june 2021) <https://bit.ly/3r6ekJO>

³² Gozetchi, (1 february 2021) <https://bit.ly/3q9rmHe>

³³ Namazov group work <https://bit.ly/3GxvJS9>

Association. The ECtHR ruled in favor of the applicants in these cases. The Committee further stressed that the late submission of information prevented extensive analysis of the case. The resolution stated that the investigation of the execution of these cases would be continued in the 1419th meeting of the Committee of Ministers (December 2021). In the Committee's 1419 meeting, the Government was encouraged to produce an action plan/report on the implementation of the group's case, and the Committee decided to continue investigation of the group's case in one of its next meetings in 2022.³⁴

b) The Mahmudov and Agazade group

In its 1411th meeting (September 14-16) the Committee adopted a resolution in the cases of the Mahmudov and Agazadeh group against Azerbaijan. In the circumstances of the Mahmudov and Agazadeh group of cases the Committee supervises the implementation of 4 ECHR decisions issued against Azerbaijan (the cases of Tagiyev and Huseynov against Azerbaijan, Fatullayev against Azerbaijan, Mahmudov and Agazadeh against Azerbaijan, Ali Hasanov against Azerbaijan). These decisions are related to the violation of the right to freedom of expression, and the application of criminal penalties for slander and insult.³⁵

The Committee, in its resolution with regard to this case, stressed that there were several problems in the implementation of the aforementioned judgment manifesting in an individual context.³⁶

According to the resolution, the Government has not yet taken any steps to annul criminal liability for defamation (Articles 147 and 148 of the Criminal Code). The Government was called on to provide statistics on the application of criminal penalties for slander and insult for the period of 2016-2020.

The document further noted that the Azerbaijani government was preparing a draft law on media. The committee encouraged the Government to cooperate with the Council of Europe to ensure that the recent law draft was in line with the requirements of the European Convention.

c) The Gafgaz Mammadov group of cases

With respect to the Gafgaz Mammadov group, the Committee stated there were unaddressed issues regarding the delay of payment for the cases included in this group - although compensation had been paid in 21 cases, five applicants were still awaiting compensation. This group case involved dispersal of a peaceful, authorized protest organized by the opposition that posed no danger to public order and numerous interferences with the applicants' right to freedom of assembly.

The Committee further noted that there were structural problems in both legislation and practice concerning the enjoyment of the right to freedom of assembly.

³⁴ Mahmudov and Aghazada group work <https://bit.ly/3I3ISUs>

³⁵ See above

³⁶ Mammadli group work <https://bit.ly/3freHJs>

d) The Mammadli group of cases

In its resolution on the Mammadli group of cases, the Committee recalled the previous resolutions, including the interim resolution adopted in the 1369th meeting of the Committee (March 2020) and urged the authorities to take all necessary individual measures at their disposal in respect to each applicant without any further delay.³⁷

Note that in the Mammadli group of cases against Azerbaijan, 6 decisions of the ECtHR are being supervised. These decisions concern the cases of Anar Mammadli, Hasanov and others, Intigam Aliyev, Ibrahimov and Mammadov, Khadija Ismayilova, Arif and Leyla Yunus. These cases derive from the applicants' pre-trial detention and imprisonment in violation of Article 18 of the Convention for active political and social participation, criticism of the government, human rights and election monitoring activities.³⁸

On November 19, the Plenum of the Supreme Court acquitted former members of the NIDA Civic Movement Board - Rashad Akhundov, Zaur Gurbanli, Uzeyir Mammadli and Rashad Hasanov - of illegal arrest in 2013. However, the court did not acquit Ilkin Rustamzadeh and Shahin Novruzlu, who was arrested in 2013 on the same charges, along with four acquitted NIDA members.³⁹

Meanwhile, the fact remains that during 2021 the Committee's calls on the Supreme Court to acquit the other applicants in the Mammadli group - Anar Mammadli, Intigam Aliyev, Ibrahimov and Mammadov, Khadija Ismayilova, Arif and Leyla Yunus - were ignored.

V. CONCLUSIONS AND RECOMMENDATIONS

The scope of violations and complaints recorded by EMDS on social, civil and political rights in 2021 demonstrates that the political crisis in the field of human rights protection in Azerbaijan continues to deepen.

Observing the systemic nature of the violations in the following fields EMDS came to the following conclusions:

- During the coronavirus pandemic, the social security of low-income families became more difficult, and the availability of social benefits allocated to such families from the state budget was marked by bureaucratic obstructions. Social security standards of participants in the 2020 Karabakh war, especially wounded ex-combatants, were not enhanced. The

³⁷ See above

³⁸ See above

³⁹ Turan (19 November 2021), https://www.turan.az/ext/news/2021/11/free/politics_news/en/9679.htm/001

major of the complaints related to violation of social rights concerned the rejection decisions of the State Agency for Medical-Social Expertise and Rehabilitation Agency under the Ministry of Labour and Social Protection of Population. Moreover, numerous complaints concerning violations of labour rights of employees of state enterprises and state-funded projects were recorded, and it was found that the relevant government agencies did not take adequate measures to prevent such cases.

- Detention, harassment, and intimidation against political and social activists because of their critical views most often resulted in gross violations of freedom of expression and the right to freedom of assembly. At the end of the year, the Law on Media was submitted to the Milli Majlis and hurriedly adopted. The government did not submit the draft law to the Venice Commission of the Council of Europe for review, nor did the draft law include local experts' opinions.
- Politically motivated persecution and duress continued over the course of the year. All rallies demanding social and political rights faced police interference, which resulted in repeated violations of freedom of assembly.
- The right to a fair trial was not ensured during the investigation and trial of politically motivated administrative and criminal cases, and the findings of the investigating authorities in such cases were generally accepted without hesitation.
- Although there were numerous reports of torture and ill-treatment in police stations, detention facilities, and prisons during the year, the relevant government agencies consistently denied such allegations.
- No reformative actions in the judicial or legislative system were initiated in compliance with the judgments of the ECtHR and the recommendations made by the Committee of Ministers of the Council of Europe with respect to Azerbaijan for the group cases. On the contrary, political discrimination was observed in the payment of compensation to the victims.
- Limitations to the freedom of movement and assembly during the coronavirus pandemic regime were in some cases accompanied with the application of abusive restrictions in respect to political activists, such as administrative detention instead of pecuniary fines.
- Although approximately 42 political prisoners were released during 2021 based on the reports of international human rights protection organizations and the Resolution of January 30, 2020, adopted by the Parliamentary Assembly of the Council of Europe, there are still more than 100 political prisoners being kept in the prisons of the country.

EMDS presents the following recommendations for the state authority to enhance the protection of social, civil and political rights and to overcome the human rights crisis in the country:

- Mechanisms for operative and transparent investigation of applications related to the social-security rights of low-income families, war veterans, and disabled people should be improved;
- Existing social assistance programs providing social needs adequately during the coronavirus pandemic should be further enhanced and improper use of pandemic restrictions by the police in relation to public activists should be eliminated;
- Recommendations of the Committee of Ministers of the Council of Europe to strengthen the independence of the judiciary in Azerbaijan should be implemented;
- Execution of the judgments of the European Court of Human Rights should be ensured, the removal of those responsible for the relevant violations from the law enforcement and judicial systems should be carried out;
- The Government should demonstrate political will and take into account the resolutions of the Parliamentary Assembly of the Council of Europe and the reports of local human rights organizations on the political prisoner's issue in Azerbaijan;
- Complaints of citizens regarding torture and other ill-treatment should be investigated in a timely and transparent manner, and media representatives and human rights defenders should be provided with an opportunity of monitoring the situation in detention facilities;
- Provisions of the relevant ECtHR judgments on the protection of freedom of expression should be guaranteed, common persecution practice towards critical social media users should be put an end, and the recent law "On Media" should be improved in compliance with the Council of Europe and OSCE standards;
- Common practice of restricting peaceful protests of citizens relying on pandemic limitations should be eliminated, the law "On Freedom of Assembly" should be brought in compliance with the recommendations of the Venice Commission of the Council of Europe;
- Legal restriction of the activities of civil society organizations should be repealed from the "On the non-governmental organizations", "On state registration and state register of legal entities" and "On Grants" laws, and these normative acts should be improved based on relevant recommendations of the Venice Commission of the Council of Europe.

Contact information:

Phone: (+994 70) 340 34 34

E-mail: emc.az2001@gmail.com

Web: www.smdtaz.org

Twitter: [SMDT_EMDS](#)