

## Azerbaijan: Human rights situation

Azerbaijan is considered by many international NGOs to be an authoritarian country in which civil and political rights are severely restricted and frequently violated. The EU may soon be ready to agree on a Strategic Modernisation Partnership with Azerbaijan. Nevertheless, the Council and the EP have stressed deep concerns about the persecution of human-rights defenders in the country.

### Current situation

According to the watchdog [Freedom House](#), Azerbaijan is not a real democracy but a totalitarian state in which human rights are brutally limited and constantly violated. Political power is concentrated completely in the hands of President [Ilham Aliyev](#) and the ruling party, the [New Azerbaijan Party](#), which is under his direct control. The Azerbaijani president and his party dominate the domestic political scene through exerting control over the government, parliament and local authorities. The president also commands the army and controls key economic sectors (in particular the strategic energy sector). According to [reports](#) by international and European observers, the last parliamentary elections held in 2010 were rigged in favour of the ruling party, as were the 2013 [presidential elections](#) won by Ilham Aliyev with 84.54% of votes. Political opposition is small, fragmented and has marginal influence on the political scene as a result of [government repression](#).

As detailed in the 2014 Human Rights Watch (HRW) [world report](#), and documents from other NGOs such as [Amnesty International](#) (AI), restrictions on [freedom of expression](#), including [intimidation](#) and [arrest of journalists and human rights activists](#) are frequent. [Media](#) are mostly state-controlled and their [freedom](#) severely restricted. Azerbaijan is ranked 160th out of 180 countries in the 2014 Reporters without Borders (RSF) [press freedom index](#). Anti-government [protests](#) have been seriously curtailed by the authorities. Other grave human rights problems highlighted in the HRW report include a [corrupt justice system](#), frequent cases of [arbitrary arrest](#), detention, [torture](#), ill-treatment of prisoners, [obstruction](#) of civil society organisations, and [discrimination](#) against sexual and racial minorities as well as persons with disabilities. Azerbaijan's [conflict](#) with Armenia over [Nagorno-Karabakh](#) remains the main [obstacle](#) to increasing stability and prosperity in the region. In addition, the Autonomous Republic of [Nakhchivan](#) has been described by RSF as a '[laboratory of repression](#)' in which repressive methods are tested, before being applied more widely in the rest of Azerbaijan.

### Ratification of UN Conventions

Despite its poor human rights records, Azerbaijan, a UN member since 1992, has [ratified](#) a series of international conventions, including: the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Covenant on Civil and Political Rights, and its Second Optional Protocol aiming to abolish the death penalty; the Convention on the Elimination of all Forms of Discrimination against Women; the International Convention on the Elimination of all Forms of Racial Discrimination; the Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; the Convention on the Rights of the Child, and its Optional Protocols on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities. While Azerbaijan signed the Convention for the Protection of all Persons from Enforced Disappearance in 2007, it has not yet ratified it.

### Council of Europe

Azerbaijan became the 43rd member state of the Council of Europe (CoE) on 25 January 2001. Since 15 April 2002, it has been a party to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Council of Europe's most important legal instrument in the sphere of human rights protection. In

2013 the European Court of Human Rights delivered eight judgments on violation of the ECHR by Azerbaijan. A Council of Europe Parliamentary Assembly [resolution](#), adopted on 23 January 2013, on 'the honouring of obligations and commitments by Azerbaijan' underlines that the restrictive application or violation of laws has resulted in growing concerns about the rule of law and respect for human rights. From May to November 2014 Azerbaijan holds the six-month [chairmanship](#) of the Council of Europe's Committee of Ministers. According to the [Economist](#), this undermines the CoE's credibility.

#### *Human Rights House in Azerbaijan*

The idea of establishing a [Human Rights House in Baku](#) (HRH) as an international branch of the [Human Rights House Foundation](#) (HRHF) was launched in 2003. The Human Rights House Azerbaijan was registered as an international branch of the HRHF in 2007, and officially opened in 2009. Its mandate was to protect, empower and support local [human rights organisations](#) such as the Association for the Protection of Women's Rights, the Azerbaijan Human Rights Centre, the Azerbaijan Lawyers Association, the Institute for Reporters' Freedom and Safety, the Legal Education Society, the Media Rights Institute, the Society for Humanitarian Research, and the Women's Association for Rational Development. In accordance with an order of the Azerbaijani [Ministry of Justice](#) of 10 March 2011, Human Rights House Azerbaijan was obliged to put all its activities in Azerbaijan on hold until an agreement with the authorities could be reached. Three years later, Human Rights House Azerbaijan is still closed.

In [May 2011](#) the EP condemned the Azerbaijani authorities for the growing frequency of harassment, attacks and violence against civil society and social network activists, and journalists, as well as the closure of the Human Rights House. In December 2012 Azerbaijani President Aliyev was named by the [Organised Crime and Corruption Reporting Project](#) (OCCRP) as 'organised crime and [corruption person of the year](#)'.

## **Azerbaijan and the EU**

[Relations](#) between the Republic of Azerbaijan and Europe are guided by the [Partnership and Cooperation Agreement](#) (PCA) which entered into force in 1999. Its Article 71 indicates that both parties will cooperate on all questions relevant to the protection of human rights and fundamental freedoms. There are no human rights clauses as such, but if either party considers that the other party has failed to fulfil its obligations it may take appropriate measures. Before doing so, it has to supply the [Cooperation Council](#) (bringing together representatives of the EU and Azerbaijan at ministerial level) with all relevant information, with a view to seeking a solution acceptable to both parties. In taking such measures, the party concerned must give priority to those which 'least disturb the functioning' of the PCA. The EU has yet to take any such action in respect of Azerbaijan under the PCA.

In 2004 the EU broadened its engagement with Azerbaijan through the [European Neighbourhood Policy](#) (ENP), followed in 2006 by the adoption of an ENP [Action Plan](#) prioritising stronger human rights protection, fundamental freedoms and the rule of law. In May 2009, a further step was taken with participation of Azerbaijan in the [Eastern Partnership](#) (EaP). Negotiations with Azerbaijan on an Association Agreement (AA) started in 2010. However, given some hesitation from the Azerbaijani side, under pressure from neighbours such as Russia, a [Strategic Modernisation Partnership](#) between the EU and Azerbaijan could be adopted by the end of 2014, instead of the AA. On [8 September 2014](#), outgoing Enlargement and European Neighbourhood Policy Commissioner, Štefan Füle, reaffirmed the EU's commitment to promoting democracy and human rights, through providing €3 million to support Azerbaijani [civil society](#) in 2014 and 2015.

#### *Recent EU statements on Azerbaijan*

In three statements issued during July and August 2014 on the sentencing of [Hasan Huseynli](#) and the arrests of Leyla Yunus and Rasul Jafarov – all human-rights defenders – the EU urged the Azerbaijani authorities to reassess their restrictive policy towards civil society with a view to facilitating an open and inclusive national discourse in line with international standards.

During the September 2014 plenary, the EP adopted an urgent [human rights resolution](#) on the persecution of human-rights defenders in Azerbaijan, condemning the arrest and detention of Leyla Yunus, a nominee for the Parliament's 2014 [Sakharov Prize](#), as well as Arif Yunus, Rasul Jafarov, Intigam Aliyev and Hasan Huseyni. The EP stressed that full respect for human rights, democratic principles, fundamental freedoms and the rule of law lies at the heart of the framework for cooperation within the Eastern Partnership.