



# HUMAN RIGHTS IMPACT ASSESSMENT OF THE STATE RESPONSE TO Covid-19 IN AZERBAIJAN

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# Executive summary

As the world has been struck by the Covid-19 outbreak, posing a serious threat to public health, states have resorted to various extensive, unprecedented measures, which beg for their assessment from a human rights perspective. This report, prepared by International Partnership for Human Rights (IPHR) and Baku Human Rights Club (BHRC), examines the measures taken by Azerbaijan's government in response to the Covid-19 pandemic and the impact of these measures on the protection of human rights in Azerbaijan, including of those most vulnerable during the pandemic.

The first Covid-19 case in Azerbaijan was diagnosed on 28 February 2020. As of 27 July 2020, over 30.000 Covid-19 cases had been confirmed, with 417 deaths, more than 22.000 recoveries, and 6949 active cases. The government, having adopted a 'special quarantine regime' on 24 March 2020, severely restricted the freedom of movement of residents. The application of obligatory SMS approval system for residents wishing to leave their homes also gave rise to concerns about potential privacy violations. To manage the Covid-19 outbreak, at different periods of time, the government also temporarily imposed a 'tightened quarantine regime', under which residents of major cities were prohibited from leaving their homes unless there was an 'immediate danger to life and health'.

Special laws establishing administrative and criminal liability for violations of quarantine rules and for spreading allegedly false information causing threat to human life have been adopted. Concerns have been raised by human rights groups about the arbitrary and abusive application of these provisions against individuals who criticise the authorities, including in relation to their handling of the public health crisis. A number of journalists reporting on the Covid-19 crisis have been subjected to administrative detention, which has had as a strong chilling effect on freedom of expression and media freedom.

This period in Azerbaijan has been marked by growing persecution of the political opposition, in particular following accusations made by the President. In a speech held on 19 March 2020, the President accused the opposition of being a 'fifth column' and of spreading rumors and provocations, and said that because of this it 'will be necessary' to isolate its members. On 15 July 2020, after a rally held in Baku on the recent military escalations with Armenia led to a brief break-in to the parliament building by a small group of protesters, the President again accused the opposition of allegedly carrying out provocative actions aimed at disrupting public order. Both speeches were followed by multiple arrests of political opposition members, as well as by criminal charges against a number of such members.

This report focuses on the following human rights issues affected by the state's handling of the pandemic:

- Violations of the right to liberty, documenting multiple cases of arbitrary arrests and detention of opposition members, journalists, activists and human rights defenders;
- Police violence against ordinary citizens challenging strict quarantine measures or complaining about their dire social and economic situation caused by the pandemic;
- Violations of fair trial guarantees due to quarantine restrictions, in particular the right to have access to a lawyer being denied to detainees;
- Growing concerns about violations of the right to privacy relating to the introduction of an SMS verification system by police as the public has not been provided with any information on the use of the collected data and its further storage;

- Restrictions on the right to freedom of expression, including the right to impart information in particular, stemming from new legislation adopted in the context of pandemic, as well as the persecution of critical voices for their opinions and reporting;
- Restrictions on the right to freedom of assembly, including in relation to residents protesting the authorities' failure to provide them with the promised financial support;
- The impact of the government's Covid-19 response on health care and health workers, property and housing, and other economic and social rights of the population;
- Violations of the right to education, in particular of those living in rural areas where Internet connection and access to IT technologies is severely limited;
- The impact of the government's response to the Covid-19 pandemic on the most vulnerable groups, such as victims of domestic violence, the LGBTI community, prisoners, elderly people, and ethnic minority groups.

# Introduction

## Brief country information

Azerbaijan is the biggest country in the South Caucasus region, with around 10 million inhabitants, bordering Russia and Georgia to the north, Iran to the south, Armenia to the west and the Caspian Sea to the east. According to its Constitution, Azerbaijan is a secular democratic republic, with a strong presidential governing system. Its population consists of 96% Muslims, of which approximately 65% is Shia and 35% Sunni, with the remaining 4% shared among other religions. Since its independence from the Soviet Union, Azerbaijan is ruled by the Aliyev family, except for the first year of independence, when the country's leadership was in the hands of Abulfaz Elchibey, elected in generally fair and free elections in 1992. Power was seized by Heydar Aliyev, the former leader of the Azerbaijan Communist Party and the leader of the Committee for State Security (KGB) branch in Azerbaijan in 1993. A new Constitution adopted in 1995 further cemented a strong presidential system, establishing a legal and institutional framework in which the President is the head of the executive power, with only nominal independence of the judiciary and the legislative power. The election of Ilham Aliyev, the son of Heydar Aliyev, as president in 2003 has allowed the Aliyev family to maintain its rule in the country to date. In Azerbaijan's first post-Soviet parliamentary elections in 1995, which were described as not free and fair by independent observers, the Yeni Azerbaijan Party secured a majority of seats. This party, currently chaired by Ilham Aliyev, has remained the ruling party ever since.<sup>1</sup> In September 2016, Ilham Aliyev's wife Mehriban Aliyeva was appointed to the newly created position of Vice President of Azerbaijan.

Rich in oil and gas resources, Azerbaijan is yet to ensure strong economic and social welfare to its citizens. With the vast oil and gas resources managed under tight grip of the country's leadership, marked by widespread corruption and mismanagement allegations, many Azerbaijanis live in difficult social and economic conditions.<sup>2</sup> The monthly minimum salary is 250 AZN (approx. 130 EUR), with unemployment rate of 5% in 2019. Corruption is widely reported in the health sector and other public sectors, which further affects the population's ability to benefit from social welfare.<sup>3</sup>

1 Freedom House, Freedom in the World 2002, Azerbaijan <https://freedomhouse.org/report/freedom-world/2002/azerbaijan>

2 Azerbaijan is ranked 126th out of 180 countries in Corruption perception Index of Transparency International in 2019 <https://www.transparency.org/en/countries/azerbaijan>

3 <https://www.transparency.org/en/countries/azerbaijan#>

A member of the Council of Europe since 2001 and a party to multiple international human rights treaties, Azerbaijan stands out for its poor human rights record and increasingly authoritarian policies towards its critics. Its 2014 crackdown on civil society landed leading human rights defenders, activists and journalists in prison on trumped up charges, which the European Court of Human Rights has found to be retaliatory for their human rights work and activism.<sup>4</sup> The country's civil society has not been able to recover since then, due to highly restrictive NGO legislation, widely criticised by the international community, and other forms of repression such as disbarment of human rights lawyers, blocking of critical independent or opposition oriented websites, travel bans against journalists and activists, and the continuing persecution of political opposition members.

Against this background, Azerbaijan's handling of the Covid-19 pandemic has been marked by a widening crackdown on the political opposition and other critics through intimidation, arrest and detention, disproportionate use of force by police against those accused of violating quarantine measures, and little or no public scrutiny of the authorities' crisis response due to the limited information provided to the public and de facto censorship of criticism of the authorities' actions.

## Methodology

In order to respond to the unfolding human rights crisis across the former Soviet Union (FSU) region, IPHR devised a monitoring tool – an in-depth questionnaire covering civil political, social and economic rights which have potentially been affected by the restrictive measures introduced by the authorities to contain the spread of Covid-19. The monitoring tool provides a framework to assist local civil rights organisations in monitoring the ways in which the authorities respond to the crisis, so that core human rights, especially those of the most vulnerable are protected. The monitoring tool covers following areas on interest:

1. Emergency measures
2. Right to liberty and security and freedom of movement
3. Right to a fair trial
4. Prisons and other places of detention
5. Right to privacy
6. Freedom of assembly and association
7. Freedom of expression/access to information
8. Health care
9. Housing
10. Right to water
11. Economic and financial response
12. Right to education
13. Equality and non-discrimination
14. People living with disabilities
15. LGBTQI persons

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4 <https://hudoc.echr.coe.int/...>

16. Migrants, ethnic minority groups and xenophobia

17. Children, young and older people

Much of the information and data presented in this report has been provided by national focal points – local researchers working with IPHR and local civil society organizations with which IPHR has been collaborating for many years. While collecting the data we paid particular attention to rights violations that occurred exclusively in the context of restrictive measures and policies that were introduced by the local authorities in relation to the Covid-19 response.

The IPHR team analysed dozens of cases of alleged rights violations reported by local civil society actors and independent media. Statistical data on prevalence of the disease and information about restrictive measures introduced in response to Covid-19 crisis has been obtained from official government sources. Information collected has been analysed against applicable regional (Council of Europe) and universal (United Nations) standards.

## COVID 19 in Azerbaijan and the state's response

**As of 27 July 2020, according to the official data, there were over 30.000 confirmed cases of Covid-19, with 417 deaths, 22684 recoveries, and 6949 active cases in Azerbaijan.<sup>5</sup>**

### Normative framework for the management of the pandemic and restrictive measures

On 30 January 2020, in preparation for the spread of the Covid-19 pandemic in the world, the Cabinet of Ministers announced the adoption of an 'Action Plan to prevent the spreading of a new corona disease in the Republic of Azerbaijan'. On 27 February 2020, Operational Headquarters under the Cabinet of Ministers, consisting of top officials of relevant government agencies and institutions, were established to monitor the situation and prevent the threat of the coronavirus disease in Azerbaijan through the adoption of preventive and urgent measures. A revised action plan was also adopted.<sup>6</sup> On 28 February 2020, the Cabinet of Ministers adopted decision No. 73-1 "On the Rules for quarantine-organization, prevention and other necessary measures in case of the threat of the emergence or spread of infectious, parasitic and mass non-communicable diseases."<sup>7</sup> These two executive decrees appear to form the normative basis for the government's response to the pandemic. However, according to local human rights groups, neither of the documents have been made available to the public to date, in violation of domestic law requiring decisions of the Cabinet of Ministers to be published within 72 hours of adoption. This raises concerns about the public's ability to effectively scrutinise the government's actions.

On 28 February 2020, the first Covid-19 case was diagnosed in Azerbaijan, with a few more the following day. All these cases involved individuals who arrived from Iran, as a result of which the border with Iran was closed for two weeks. Soon after, temporary border closures with Georgia, Russia and Turkey were put in place. As of 5 April 2020, entry to and exit from the territory of Azerbaijan by land and air was

5 [www.koronavirusinfo.az](http://www.koronavirusinfo.az)

6 <https://cabmin.gov.az/az/article/788/>; <https://cabmin.gov.az/az/article/680/>

7 <https://cabmin.gov.az/az/document/4363/>

suspended, except for cargo transportation. The suspension remains in force until 1 August 2020, after which it will be reviewed.<sup>8</sup>

In accordance with the government's action plan, the first measures were introduced on 3 March 2020 to suspend the activities of all educational institutions in the country. On 14 March 2020, the government implemented further measures, including the suspension of all mass events in the country; the suspension of activities in indoor public places such as cinemas, theatres and gyms; the prohibition of wedding parties and mourning ceremonies (except for funerals); limited and strictly defined working hours for restaurants, cafes and bars; prohibitions on visiting patients in medical institutions; limitations on business trips abroad; and a ban on leaving the country without official permission for state officials and health workers.

## 'Special quarantine regime'

On 24 March 2020, as the number of Covid-19 cases continued to grow, a 'special quarantine regime' was introduced by the Cabinet of Ministers. This regime was extended repeatedly, most recently through 31 August 2020.<sup>9</sup> Its introduction was based on the Law on Sanitary and Epidemiological Safety, which allows the government to apply special labour, education, movement, transportation conditions and regimes in response to the threat of the emergence or spread of infectious, parasitic, mass non-communicable diseases.<sup>10</sup> However, at the same time, there are questions about the legal status of the regime as it is not defined in any domestic law and falls outside the scope of the Constitution and the relevant laws on emergency situations. Unlike in the case of emergency situations, this special regime introduced by a decree of the Cabinet of Ministers is not subject to parliamentary supervision or constitutional review.

Under the special quarantine regime, the government enforced a series of restrictions on the freedom of movement and assembly of residents. Among these were restrictions on entering and exiting certain areas, including the capital Baku; the suspension of public transportation; a ban for people over 65 to leave their homes; and a prohibition of gatherings of more than 10 people in public places (later reduced to groups of five people). The government also issued a recommendation to observe a two-meter social distancing rule and only allowed shops and facilities considered essential to remain open. The Ministry of Internal Affairs was charged with ensuring compliance with these regulations.

Starting on 4 April 2020, an SMS notification system was introduced for all residents wishing to leave their homes, except for those working in health, social, retail, transport and certain other sectors (who were given special permits). In their SMS messages, residents were required to provide the serial number of their ID card or temporary or permanent residence permit, as well as the relevant code indicating the reason for leaving their homes. Residents were only allowed to leave their homes once a day for up to two hours, in the following cases:

- in cases of urgent medical necessity and scheduled medical appointment,
- for purchase of food and other daily necessities such as medicine, use of banking or postal services, and
- for attending the funeral of a close relative.

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8 <https://cabmin.gov.az/az/article/900/>

9 [http://e-qanun.az/framework/45155\\_](http://e-qanun.az/framework/45155_)[http://e-qanun.az/framework/45337\\_](http://e-qanun.az/framework/45337_)<https://cabmin.gov.az/az/article/942/>

10 Article 25 of the Law on Sanitary and Epidemiological Safety, adopted in 1992

Residents were not allowed to leave their homes before receiving a positive response to their SMS messages. An exemption to this rule was applied in cases of imminent danger to life and health, and if a person was summoned to court or law enforcement agencies. It remains unclear if the SMS notification scheme enabled mobile phone tracking. However, according to official reports,<sup>11</sup> the SMS notifications were automatically transferred to the police to verify if a person had the permission to leave his/her home. Failure to comply with this rule was subject to administrative and criminal responsibility, similarly to violations of other quarantine requirements and measures (discussed in the following section below). This rule remained in place until 4 May in some regions and until 18 May in Baku.

On 1 May 2020, the Cabinet of Ministers adopted 'Rules of quarantine control and isolation in case of airborne infectious diseases in the territory of the Azerbaijan Republic' setting out specific rules to be applied during the quarantine, such as isolation, self-isolation, placement of individuals in quarantine places and others.<sup>12</sup> An amended version of this regulation, adopted on 9 June 2020 stipulates that individuals who fail to abide by the rules set out in it will be held liable under administrative and criminal law.<sup>13</sup>

On 31 May, some of the restrictions introduced under the special quarantine regime were eased or lifted, such as by allowing shopping malls to reopen and restaurants and cafes to resume on-site service under certain conditions. However, most restrictions remained in force. A new compulsory requirement to wear face masks in public was introduced on 29 May, along with the existing requirement to maintain social distancing of 1,5-2 meters.<sup>14</sup>

## 'Tightened quarantine regime'

In early June 2020, as the lifting of some restrictions led to a growing number of Covid-19 cases, the Cabinet of Ministers introduced two two-day long tightened quarantine regimes, also known as 'full lockdowns'. Under these regimes, residents in a number of major cities and districts were prohibited from leaving their homes unless there was an 'immediate danger to life and health'. The first such lockdown, which lasted from 6 to 8 June 2020, was imposed in the cities of Baku, Sumgait, Ganja, and Lankaran, as well as in the Absheron region. The second one was enforced on 14-16 June in Baku, Sumgayit, Ganja, Lankaran, Absheron, Salyan, Kurdamir, Yekhlakh and Ismayilli regions.<sup>15</sup>

A similar lockdown was imposed in the period 21 June–6 July, whereby residents of the cities of Baku, Sumgayit, Lankaran, Yevlakh, Masalli and Jalilabad cities, as well as the Absheron district were only allowed to leave their homes for shopping food and medicine, or for medical reasons and only after receiving an SMS confirmation.<sup>16</sup> Permission to leave one's home was limited to two hours a day. This tightened regulation was further extended until 5 August 2020.<sup>17</sup>

Additional rules introduced on 12 June 2020 required those who tested positive for the Coronavirus and displayed mild symptoms to self-isolate at home and commit to being tracked through a mobile tracking application, which enables authorities to verify that users are at their place of residence.<sup>18</sup>

11 <https://www.digital.gov.az/az/media/press/8103-sms-icaze-sisteminin-fealiyyeti-16-inzibati-erazide-davam-edecek>

12 <http://e-qanun.az/framework/44995>

13 <http://e-qanun.az/framework/45170>

14 <http://e-qanun.az/framework/45105>

15 <http://e-qanun.az/framework/45127> and <http://e-qanun.az/framework/45156>

16 <https://cabmin.gov.az/az/document/4517/>

17 <https://cabmin.gov.az/az/article/942/>

18 <https://contact.az/ext/news/2020/6/free/Social/en/124858.htm> ; <http://e-qanun.az/framework/45178>

## Administrative and criminal liability for the failure to comply with quarantine rules

In order to enforce the new regulations adopted in response to the Covid-19 pandemic, a number of amendments to domestic legislation have been made to establish both administrative and criminal liability for violations of quarantine measures and other related regulations.

New amendments to the Code of Administrative Offences adopted on 17 March 2020 introduced fines of 100-200 AZN (approx. 50-100 EUR) for individuals and 1500-2000 AZN (approx. 780-1040 EUR) for officials, or administrative detention for up to one month for violating 'anti-epidemic, sanitary-hygienic, and quarantine regimes'. For legal entities, fines of 2000-5000 AZN (approx. 1040- 2600 EUR) were foreseen.<sup>19</sup> This provision was further amended on 2 June 2020 to introduce fines of 50 AZN (approx. 25 EUR) for individuals, of 100 AZN (approx. 50 EUR) for state officials and of 200 AZN (approx. 105 EUR) for legal entities for failing to comply with the requirement to wear a protective face mask.<sup>20</sup>

On 17 March 2020, the Criminal Code was amended to introduce criminal liability for committing the aforementioned violations and causing the spread of a contagious disease or creating a real threat of this. This crime is punishable by a fine of 2500-5000 AZN (approx. 1300-2600 EUR), or restriction of freedom for up to three years, or imprisonment for up to three years. When the prohibited acts cause death or other serious consequences due to carelessness, the crime is punishable by imprisonment for three to five years.<sup>21</sup>

On 17 March 2020, the Parliament also passed amendments to the Code on Administrative Offences, which increased penalties for violating anti-epidemic, sanitary-hygienic and quarantine regimes and introduced the new offence of spreading false information that threatens to harm human life and health and causes significant property damage.<sup>22</sup> The penalties for the new offense included fines of 100-200 AZN (approx. 50-100 EUR) for individuals and 1500-2000 AZN (approx. 780-1040 EUR) for officials, or administrative detention of up to one month, while legal entities may be fined 2000- 5000 AZN (approx. 1300-2600 EUR). In conjunction with the amendments made to the Code on Administrative Offences, the Law "On Information, Informatisation and Information Protection" was amended to prohibit the dissemination of false information that threatens to harm human life and health; causes significant property damage; mass violation of public safety; disruption of vital facilities, or financial, transport, communications, industrial, energy or social infrastructure facilities; or leads to other socially dangerous consequences.<sup>23</sup>

The new provisions setting out liability for violations of quarantine rules are problematic as they do not specify the circumstances in which they are to be applied, such as the nature of the offence, the circumstances characterising the offender, the degree of his or her guilt, or mitigating and aggravating circumstances to be taken into consideration. This results in wide discretion for law enforcement agencies in interpreting and applying the new rules, and raises issues of proportionality of the sanctions. For example, in practice, many individuals were fined 100 AZN (approx. 50 EUR) for alleged violations of the Code of Administrative Offences regardless of the circumstances of each case. According to official information, only during the period 1 April–13 April 2020, traffic police officers fined 16,483 road users

19 Article 211 of the Code on Administrative Offences <http://e-qanun.az/framework/44785>

20 Article 211 of the Code on Administrative Offences, <http://e-qanun.az/framework/45088>

21 Article 139 of the Criminal Code <http://e-qanun.az/framework/44784>

22 Article 211 of the Code of Administrative Offences <http://e-qanun.az/framework/44785>

23 <http://e-qanun.az/framework/44788>

100 AZN for violating anti-epidemic regime, sanitary-hygienic and quarantine regimes under Article 211 of the Code of Administrative Offenses.<sup>24</sup> Furthermore, on 7 July 2020, a domestic court ruled that the police obtained the right to issue fines for quarantine related offences only as of 14 April 2020, meaning that all fines issued before this date were deemed groundless.

In another case of concern, on 3 June 2020, Baku residents Tatyana Ulankina, Ramin Bakhishov, Allahverdi Imanguliyev, Shirzad Shirzadov and Taleh Bakhshiyev were detained in Baku Metro for allegedly attempting to resist the lawful demands of police officers with respect to complying with the special quarantine regime. A criminal case was launched under Articles 139-1 (violation of anti-epidemic, sanitary-hygienic or quarantine regimes in connection with the threat of spreading a disease or the actual spread of a disease) and 221 (hooliganism) of the Criminal Code. A video from the metro train that appeared on social media showed that there was a minor dispute between one person and two police officers over the wearing of a protective face mask, which the person claimed he had and the others joined in to support him.<sup>25</sup>

On 21 July 2020, the Ministry of Internal Affairs published information, according to which administrative measures had been taken against 195,000 people for violating the rules of the special quarantine regime during the period 1 April – 20 July 2020.<sup>26</sup> According to the Ministry, 788 people were detained and 193,560 were fined, out of whom 17,820 people were fined for not wearing medical masks.

## Impact on human rights

As countries across the world are involved in efforts to protect the public from the Covid-19 pandemic, the authorities in Azerbaijan will also go into history for using the pandemic as a pretext to continue their harassment of opposition groups and further clamp down on critical voices and the expression of public dissatisfaction about the government's policies and actions. The leadership of the country adopted such an approach from the outset of the crisis. In his annual Novruz speech on 19 March 2020, President Ilham Aliyev warned that 'traitors' and representatives of the 'fifth column' who spread rumours and provocations will not be tolerated and said that the isolation of representatives of the fifth column will become a 'historical necessity' in case a state of emergency has to be declared in the country.<sup>27</sup> Although a state of emergency has not been declared, the 'special quarantine regime' and the measures enforced under it de facto amount to a state of emergency. Following the president's speech, there was a growing number of cases of harassment of journalists, political opposition members and online critics of the Government's handling of the crisis. On 15 July 2020, when commenting on a rally held outside the parliament building in Baku the previous day to protest military escalations with Armenia and the brief occupation of the parliament building in relation to this, President Aliyev accused the opposition of being a 'provocative group' seeking to disrupt public order.<sup>28</sup> He called the opposition the fifth column, saying it was 'worse than Armenians' and that 'this cannot continue'. Following this, a new wave of arrests of opposition members ensued.

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24 <https://dyp.gov.az/?/az/news/view/733/>

25 <https://www.moderator.az/news/328311.html>

26 <https://report.az/daxili-siyaset/karantine-emel-etmeyen-193-minden-artiq-sexs-mesuliyete-celb-edilib/>

27 [https://azertag.az/en/xeber/Message\\_of\\_congratulation\\_of\\_President\\_Ilham\\_Aliyev\\_to\\_the\\_people\\_of\\_Azerbaijan\\_on\\_the\\_occasion\\_of\\_Novruz\\_holiday\\_VIDEO-1444323?\\_...](https://azertag.az/en/xeber/Message_of_congratulation_of_President_Ilham_Aliyev_to_the_people_of_Azerbaijan_on_the_occasion_of_Novruz_holiday_VIDEO-1444323?_...)

28 <https://oc-media.org/azerbaijani-opposition-hit-with-new-arrests-following-aliyev-speech/>

Growing police violence against residents, who are suspected of violating quarantine rules or who protest these rules or the difficult socio-economic situation that has resulted from the quarantine measures, has been observed across the country during the pandemic.

This chapter of the report documents various human rights violations observed in Azerbaijan since the beginning of the Covid-19 pandemic, as well as the heavy social and economic impact that the government's response to the pandemic has had on various groups of society.

## The right to liberty

### PERSECUTION OF OPPOSITION MEMBERS, JOURNALISTS AND OTHER CRITICS THROUGH ARRESTS, DETENTION AND OTHER JUDICIAL HARASSMENT

During the Covid-19 pandemic, the Azerbaijani government has stepped up pressure on political rivals and critical voices and harassed individuals who have publicly criticised its handling of the Covid-19 crisis in the country. Since March 2020, dozens of members of opposition political parties, journalists and activists have been subjected to various administrative and criminal charges, detained and sentenced to prison terms, administrative detention or threatened with such punishment in police stations. Among these cases are the following ones:<sup>29</sup>

- On 21 March 2020, Samir Babayev, a member of the opposition Muslim Unity Movement, was detained while distributing medical masks and information brochures about Covid-19 outside a central metro station in Baku and was subsequently sentenced to administrative detention for one month.
- On 22 March 2020, three days after the President's Novruz speech, Tofiq Yagublu, a member of the National Council and the opposition Musavat Party, was detained in relation to what appeared to be a fabricated car incident. He was accused of attacking a couple in a car with a screwdriver. The next day, he was charged with hooliganism (Article 221.3 of the Criminal Code) and placed in pre-trial detention for three months. In court, Yagublu pleaded not guilty and said his arrest was politically motivated. On 19 June, his pre-trial detention was extended by two more months. Tofiq Yagublu is a former political prisoner: he was arrested in 2013 and sentenced on bogus charges of instigating violence, but released following a presidential pardon in 2016. In November 2015, the European Court of Human Rights found his detention illegal.<sup>30</sup>
- On 31 March 2020, human rights defender Elchin Mammadli was detained and his home was searched. He was subsequently accused of possessing stolen jewelry, which Mammadli believes police placed in his home when searching it. The same day, a court sanctioned his pre-trial detention for three months. Mammadli has argued that the charges are linked to his human rights work as he was detained only days after publishing a critical report on the human rights situation in Azerbaijan. If convicted, he will face imprisonment for two to five years.
- In April 2020, Zamin Salayev, a member of the Azerbaijan Popular Front Party (APFP) and an activist of the party's Salyan district branch, was convicted of slander and insult (Articles 147.2 and 148 of the Criminal Code) and sentenced to two years and three months in prison. On 10 January 2020, a video was shared on YouTube showing Salayev arguing with police officer Hamza Azizov, whom he accused of raping a woman in the Salyan district. Azizov did not deny the accusation but told Salayev

29 Cases of journalists are covered in the section 'Impact on freedom of expression' below

30 Yagublu v Azerbaijan, Appl. No. 31709/13, 5 November 2011, available at <http://hudoc.echr.coe.int/eng?i=001-158506>

that the political activist had no right to question him on this matter because the woman's relatives did not file a complaint. Salayev was arrested and charged on the basis of a complaint from this police officer.

- On 16 May 2020, APFP activist Niyamaddin Ahmadov, who is also the bodyguard of party leader Ali Karimli, was charged with financing terrorism (Article 214-1 of the Criminal Code) and placed in pre-trial detention for four months. The investigation body accused Ahmadov of receiving money from another opposition member based abroad for the purpose of financing terrorism. In court, Ahmadov denied the accusation, saying that the person who sent him money from abroad did so in order to repay his debt. Previously, on 15 April, Ahmadov had been detained for violating the quarantine regime and sentenced to 30 days of administrative detention.
- On 25 May 2020, activist Fuad Ismayilov was arrested and placed in pre-trial detention for two months on charges of drug possession (Article 206 of the Code of Administrative Offences). Ismayilov became well known for exposing fraud in the early parliamentary elections held on 9 February 2020. As an advisory member of the precinct election commission in the 32<sup>nd</sup> Surakhani third constituency, he posted a video documenting election violations at this precinct, following which he was forcefully removed from the precinct by police officers. After the election, he wrote "Phew, Mazi!" on the wall of the building opposite the Central Election Commission (CEC), thus protesting against CEC Head Mazahir Panahov because of the latter's refusal to consider complaints of fraud during the election.
- On 25 May 2020, Sabirabad District Court sentenced Faig Amirli, who is assistant to the head of the APFP, to 15 days' administrative detention after finding him guilty of petty hooliganism (Article 510 of the Code of Administrative Offences). The previous month, on 8 April, he had been sentenced to 30 days' administrative detention on charges of violating the quarantine regime. He considers his detention politically motivated.
- On 16-24 July 2020, APFP members Asif Yusifli, Seymur Ahmadov, Bakhtiyar Imanov, Ramid Naghiyev, Ismayil Hasanov, Ayaz Maharramli, Baba Suleymanov, Jeyhun Novruzov, Mahabbat Naghiyev, Elvin Mammadov, and Telman Seyfullayev were arrested by the police. They were charged under Criminal Code Articles 186.2.1 (deliberate destruction or damage of property that causes serious harm to the victim), 233 (organisation of action promoting infringement of the social order or active participation in such actions) and 315.1 (resistance or the use of violence against a representative of the authorities) in relation to a rally that took place in front of the Parliament on 14 July 2020. Nasimi District Court sanctioned their pre-trial detention for three months as the criminal investigation continued. During the spontaneous and overall peaceful rally on 14 July, which mobilised more than ten thousand people in support of military operations with neighbouring Armenia, a small group of people entered the parliament building and damaged a police car, prompting a forceful response from riot police. The rally was dispersed with water cannons and pepper gas shortly after this. APFP claims that the authorities are using the incident that took place during the rally to justify persecution of its members.
- On 16 July 2020, Mahammad Imanli, an APFP member, and Mehdi Ibrahimov, son of Deputy APFP Chair Mammad Ibrahim, were arrested by the police and accused of violating anti-epidemic, sanitary-hygienic or quarantine regimes when there is a real threat that a disease may spread or it is actually spreading (under Criminal Code Article 139-1). The charges related to their participation in the 14 July rally. On 20 July 2020, Nasimi District Court ruled to place both of them in pre-trial detention for three months.
- On 24 July 2020, APFP Deputy Chair Fuad Gahramanli was arrested on charges initiated under Criminal Code Article 278 (which penalises the violent seizure of power and violent change of the constitutional system of the state). Nasimi District Court placed him in three months' pre-trial detention.

## The prohibition of ill-treatment: police violence against ordinary citizens

On 6 June 2020, during the first enhanced quarantine regime in Baku, the detention of a resident accused of violating the quarantine rules prompted protests by his neighbours. Some of the other residents of his apartment building, outside of which the detention took place, threw garbage on the police officers who carried out the detention through the windows of their apartments.<sup>31</sup> Two days later, on 8 June 2020, the Yasamal police department, together with Special Riot Police Regiments, conducted an operation in the Yasamal district of Baku and detained at least a dozen residents allegedly involved in the incident on 6 June. Publicly available video footages show police forcibly entering private apartments in the early morning and detaining individuals in their homes, with some of them being forcibly apprehended naked and without being given any opportunity to put on clothes.<sup>32</sup> Some of the detainees reported being slapped and insulted by the police.<sup>33</sup>

Most of the detainees were handed administrative detention sentences ranging from 10 to 30 days on charges of deliberately disobeying the orders of police. Some of them appealed their detention to Baku Appeal Court; however, their appeals were dismissed.

One of the detainees, Elvin Suleymanov, who was released in the evening of 8 June, told the Meydan.TV news website that he and other detainees had been ill-treated by police. During the interview, injuries were clearly visible on his head, face, ears and other parts of his body.<sup>34</sup> Lawyer Javad Javadov requested the Office of the Prosecutor General to launch an investigation into the ill-treatment allegations. Three days later, on 11 June 2020, the Presidium of the Azerbaijan Bar Association issued a warning to Javadov for allegedly 'forming the wrong public opinion' about the 8 June events because he had shared online the interview with his client, in which the latter alleged ill-treatment in police custody.<sup>35</sup>

The 8 June incident caused an outcry on social media. Excessive use of force is a systematic problem within Azerbaijan's law enforcement system. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the CoE (CPT) concluded in 2018 that 'torture and other forms of physical ill-treatment by the police and other law enforcement agencies, corruption in the whole law enforcement system and impunity remain systemic and endemic'.<sup>36</sup>

## Fair trial guarantees

On 19 March 2020, in light of the pandemic, the Supreme Court recommended domestic courts to temporarily postpone all court proceedings except for cases where urgent consideration was necessary, such as cases involving issues of administrative detention, the application or extension of restrictive measures, or measures to secure a claim, among others. Administrative courts were advised to conduct proceedings without oral hearings. Court proceedings in civil and commercial disputes were to be

31 <https://www.youtube.com/watch?v=8HfHkVxXqwE>

32 <https://www.youtube.com/watch?v=IWivPc2HHmg>

33 <https://www.facebook.com/watch/?v=257957358750431>; <https://www.facebook.com/watch/?v=576925239877190>

34 <https://www.youtube.com/watch?v=tFXk91jr9kA>; <https://www.facebook.com/photo?fbid=3797006826983152&set=pcb.3797013910315777>

35 <https://barassociation.az/news/580>

36 <https://www.coe.int/en/web/cpt/-/azerbaijan-torture-impunity-and-corruption-highlighted-in-new-anti-torture-committee-publications>

conducted through the Electronic Court Information System. All courts resumed their regular activities on 18 May 2020.

In the cases of administrative detention and criminal proceedings reported above, the political opposition members, activists, journalists and human rights defenders concerned were granted timely access to courts. However, they reported being denied effective judicial oversight of the deprivation of their liberty. The domestic courts baldly upheld the position of the police or the prosecution and failed to effectively address the defence arguments. In a pre-existing pattern, the judiciary failed to play an effective role in guaranteeing fair trial rights to those detained during the Covid-19 pandemic.

Some of the detainees reported that their right to have access to a lawyer, a key element of fair trial guarantees, was denied or restricted. For example, on 11 April 2020, lawyer Nemat Karimli was not allowed to meet with APFP member and activist Agil Humbatov, who was placed in Psychiatric Hospital No. 1 in the Mashtaga settlement of Baku. In another case, on 27 April 2020, lawyer Elchin Sadigov was not allowed to meet his client Zamin Salayev, another APFP member who was being held in the Baku Pre-Trial Detention Center, although he provided all the necessary documents for such a visit to be authorised.

In administrative detention cases, the affected individuals are often brought before the court without the presence of a lawyer of their own choosing, which results in that they are denied effective legal representation. Recent cases in which this problem has been seen include those of APFP members arrested in relation to the rally held in front of the parliament on 14 July 2020, as well as the journalists arrested in April 2020 (see relevant sections of the report for further details on these cases).

## **The right to privacy**

As discussed above, during the Covid-19 quarantines, the authorities enforced an SMS verification system for citizens wishing to leave their homes. This system raises serious privacy concerns.

Under the SMS verification system, everyone wishing to leave their homes for up to two hours on permissible grounds, including for buying groceries or medicine, or for obtaining medical services, must notify the police and obtain permission before leaving. This system was first enforced on 5 April-15 May and again starting from 21 June, and most recently extended through 5 August. The official purpose of the system is to manage the spread of Covid-19 by limiting the movement of residents. However, the public was not provided with any information as to how the data gathered through the SMS notification system will be used and managed. No information on the legal regulations relating to such data collection was published, nor was any information provided on how this data will be stored or dealt with once the purpose of the SMS verification system has been achieved. Government critics fear that the system can be used to track their location and eventually restrict their liberty or otherwise retaliate against them because of their criticism.

Although the introduction of an SMS verification system serves a legitimate purpose to protect public health, the authorities must ensure that it is implemented in compliance with the requirements of the rule of law, democratic principles and human rights guarantees. It is particularly troubling that this measure was introduced based on a decree issued by the executive, without any parliamentary oversight.

It was reported that during the first period, on 5 April–18 May 2020, citizens sent a total of 36,184,000 SMS to obtain permission to leave their homes.<sup>37</sup>

## The right to freedom of expression, including the right to impart information

Freedom of expression has remained under serious pressure in Azerbaijan during the pandemic. Azerbaijan is notorious for its highly repressive environment for journalists and media outlets despite its constitutional and international obligations to protect and promote freedom of expression in the country. It was ranked 166<sup>th</sup> out of 180 countries in Reporters Without Borders' 2019 World Press Freedom Index.

On 17 March 2020, in the context of the fight against disinformation related to the Covid-19 pandemic, the Parliament adopted amendments to the Law on Information, Informatisation, and Protection of Information. These amendments prohibited the publication of 'false information' that results in damage to the life and health of people; significant property damage; mass violations of public security; or disruption of the activities of vital objects, or financial, transport, communication, industrial, energy or social infrastructure, or that risks causing 'other socially dangerous consequences'.<sup>38</sup> The new provisions oblige the owners of internet information resources to prevent the publication of such information online. The Parliament further approved administrative penalties for the distribution of such information, including fines of 500-1500 AZN (about 250-750 EUR), or one-month administrative detention for individuals, and fines of 1500-2500 AZN (about 750-1250 EUR) for legal entities. The Code of Administrative Offences was amended accordingly, with a new provision being introduced to establish liability for this offense (Article 388-1).<sup>39</sup> According to official information, at the time of writing, 10 people had been placed under administrative detention, 18 people had been fined and 127 people had been warned for allegedly spreading false information on social networks since the enactment of the new provisions.<sup>40</sup>

Although it is important to counter misinformation during the Covid-19 pandemic, vaguely worded provisions such as those introduced in Azerbaijan that fail to define key concepts and explain what constitutes 'false information' or information 'dangerous to the public' raise serious free speech concerns. Because of their vague wording, these provisions lend themselves to arbitrary and abusive implementation against those who criticise the authorities for their handling of the pandemic. The new legislation is likely to have a chilling effect on the expression of opinions on social networks, where open discussions on issues of public interest mainly take place in Azerbaijan. The new amendments drew criticism from the OSCE Representative on Freedom of the Media who stated that the new provisions 'should not impede the work of journalists and their ability to report on the pandemic'.<sup>41</sup>

On 2 April 2020, the Cabinet of Ministers announced that representatives of mass media would be exempted from the limitations of people's movement introduced during the special quarantine (see more on this regime in the relevant section above) and allowed to move around freely on the basis of service cards or certificates of employment.<sup>42</sup> The Cabinet of Ministers later stated that this privilege

37 [https://apa.az/az/sosial\\_xeberler/SMS-icazsi-alanlarin-v-icazee-govazda-qeydiyyatdan-kecnlrin-sayi-aciqlanib-587187](https://apa.az/az/sosial_xeberler/SMS-icazsi-alanlarin-v-icazee-govazda-qeydiyyatdan-kecnlrin-sayi-aciqlanib-587187)

38 <http://e-qanun.az/framework/44788>

39 <http://e-qanun.az/framework/44785>

40 <https://lent.az/news/345588>

41 <https://www.rferl.org/a/azerbaijan-s-coronavirus-disinformation-law-could-curb-press-freedom-osce-says/30509266.html>

42 <https://cabmin.gov.az/az/document/4364/>

would only be granted to individuals who had service contracts with media outlets, although this condition was not mentioned in the decision adopted by the Cabinet. This application of the exemptions to the restrictions on freedom of movement effectively prevented freelance journalists and independent reporters and bloggers from collecting and imparting information to the public during this period.<sup>43</sup> It is up to individual journalists to choose whether they work based on employment contracts or as freelance reporters, and the authorities should enable them to carry out their professional activities without hindrance in both cases and ensure that they do not face undue restrictions or obstacles when collecting, preparing and disseminating information as part of their work. The selective application of the exemptions to the restrictions on freedom of movement is of particular concern since many independent journalists and reporters, who are critical of the authorities and their policies, work on a freelance basis in Azerbaijan in a context in which independent and opposition media outlets have long been under severe pressure by the authorities and prevented from operating effectively. Thus, the selective application of the exemptions resulted in unjustified and discriminatory restrictions on the professional activities of this group of journalists, in violation of the Constitution of Azerbaijan and international human rights treaties signed by Azerbaijan, such as the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

Journalists reporting on issues of public interest, including those related to the pandemic, are often subjected to administrative and criminal charges, threats of prosecution and other types of harassment. At the time of writing, four journalists (Araz Guliyev, Elchin Ismayilli, Ziya Asadli and Polad Aslanov) remained in prison after being convicted in relation to their critical reporting.

Recent cases of harassment of independent journalists include:

- On 6 February 2020, Elchin Hasanov, a journalist working in Mingachevir city, was detained by the police and taken to Mingachevir City Police Department. He was detained for filming the meeting of Aydin Mirzazadeh, a parliamentary candidate of the ruling New Azerbaijan Party (NAP), with voters in Mingachevir House of Culture. The journalist was first removed from the meeting hall without any clear grounds and was thereafter detained by the police. He was released only after giving an explanation to the police.
- On 11 February 2020, Mustafa Hajibeyli, editor of the website "bastainfo.az", was detained and physically attacked by police officers when covering a protest held in front of the Central Election Commission (CEC) in Baku. The editor said he was detained and taken to a police car, in which three people punched and kicked him in the face. He was released the same day.
- On 14 March 2020, a criminal case was opened against Tazakhan Miralamli, who works for the Azadlig newspaper, under Article 221 (hooliganism) of the Criminal Code. The case against him was opened on the basis of a complaint filed by Ata Abdullayev, who identifies himself as a video blogger and is known to be close to the government. Abdullayev claimed that the journalist had punched him during a visit to the Khojaly monument on 26 February. On 19 June 2020, Khatai District Court of Baku sentenced Tazahan Miralamli to one year of restricted freedom, a sentence that entails court-imposed restrictions on his freedom of movement. The court ordered Mirlamli to wear an electronic bracelet and prohibited him from leaving his place of residence from 23:00 to 07:00.
- On 18 March 2020, a group of people demanding the release of Mubariz Mansimov, a business person arrested in Turkey, held a rally in front of the Turkish Embassy in Baku. The police dispersed the demonstrators and attacked several journalists who were reporting on the gathering and confiscated or damaged their equipment. RFE/RL journalist Ramin Deko and freelancer journalist

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43 <http://www.turan.az/ext/news/2020/4/free/Interview/en/123392.htm>

Tabriz Mirzayev were among those attacked. Journalist Nurlan Gahamanov was also subjected to police pressure for his reporting in relation to the rally. The journalists filed complaints with the Ministry of Internal Affairs about the illegal actions of the police.

- In April 2020, journalists Ibrahim Vazirov, Mirsahib Rahiloghlu, Elgun Gencimsoy and Natig Izbatov were apprehended by the police and sentenced to administrative detention ranging from 20 to 30 days. All of them have been critical of the authorities during the pandemic and reported on the difficulties faced by residents at this time.<sup>44, 45</sup>
- On 19 April 2020, journalist Teymur Karimov interviewed Popular Front Party Chair Ali Karimli in his apartment. When leaving his house following the interview, he noticed being held under surveillance by unknown men. Later the same day, he was contacted by an unknown man who said he had a story to share. However, when Karimov arrived to the man's house, he was confronted and physically attacked by four men, who took his laptop and the SD card containing the interview with Ali Karimli and broke his camera. He believes that the incident was related to his interview with Ali Karimli, whose Internet and phone connections were cut off for several days at the time in what appeared to be an attempt to prevent the party leader from appearing in the media or on social media.

## Freedom of assembly

During the period when the quarantine regime was in force (see more above in the relevant section), several peaceful protests took place. Mostly of them were about social issues in the country:

- On 4 May 2020, a group of local residents gathered in front of the office of Bilasuvar District Administration, protesting the fact that they had not received the promised social assistance from the authorities. The protesters attempted to enter the building but police prevented them from doing so. Several people were detained and injured during the protest.<sup>46</sup> Two of them were faced criminal charges of hooliganism and resisting or using force against a government official, while five others were charged with minor hooliganism.<sup>47</sup>
- Residents of Garadirnagh village of Barda district held a protest on 16 May 2020 against the detention of three people who had expressed dissatisfaction with the transfer of part of the land allocated to the villagers to the authorities. According to the residents, 40 hectares pasture allocated to them by the state had been illegally re-appropriated by the authorities. The police was called to the area and 14 protesters were detained.
- On 29 May, the police detained more than 50 people who planned to hold a flash mob in connection with International Children's Day celebrated on 1 June. According to official information, criminal charges were initiated against the organiser of the event, Akbar Rahmanov, while 50 people were fined under Article 211 of the Code of Administrative Offences.<sup>48</sup>

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44 <https://yenisabah.az/azerbaycanda-jurnalist-hebs-olundu>

45 <https://oc-media.org/azerbaijan-arrests-journalists-for-violating-guarantine/>

46 <http://www.contact.az/ext/news/2020/5/free/Social/az/123787.htm>

47 <https://mia.gov.az/?/az/news/view/1453/>

48 <https://gozetci.az/flesmob-təskilatcisi-barəsində-cinayət-isi-acilib/>

## Health care and health workers

In Azerbaijan, the dissemination of information related to Covid-19 is the responsibility of the Operational Headquarters established under the Cabinet of Ministers to manage the pandemic in the country. The Headquarters is the only source of information on the situation in medical institutions and the health care system during this period, with no alternative, independent information on these matters being available in the public domain. The Headquarters reported that medical institutions have been provided with sufficient personal protective gear and medical equipment needed for the diagnosis and treatment of Covid-19 patients. According to unofficial information provided by health workers, as of 27 July 2020, 35 medical professionals had died as a result of Covid-19 in Azerbaijan.

On 19 March 2020, President Ilham Aliyev announced the creation of the Fund to Support the Fight Against the Coronavirus to increase the effectiveness of the measures taken in this context and to ensure material support to medical workers providing relevant services. Using resources generated from the state budget, this fund was to be used for remunerating and providing material assistance to medical workers; improving the infrastructure and material and technical capacity of medical institutions; establishing specialised medical institutions; control and monitoring; financing medical research; training medical experts; awareness-raising and education; and other measures taken in the fight against the Coronavirus. According to information made public, close to 114,000,000 AZN (over 56,000,000 EUR) have been allocated for the Fund.<sup>49</sup>

On 7 April 2020, President Aliyev issued an order allocating funds for the construction of six modular hospitals with 200 beds each for the purpose of meeting the growing demand for medical assistance during the Covid-19 pandemic and effectively organising the treatment of infected patients.<sup>50</sup>

At the beginning of the pandemic, the government promised that it would strengthen health workers' social and economic protection, including by raising the salaries of health workers involved in the fight against Covid-19.<sup>51</sup> According to the government decision on the issue, that salaries of the following medical workers would be increased:

- employees carrying out preventive medical measures (their salaries would be increased to three times the official monthly salary);
- medical workers providing emergency medical services, as well as laboratory workers engaged in the examination of biological material, including employees of the Forensic Medical Expertise, the Pathological Anatomy Association, and the Azerbaijan Institute of Food Safety (their salaries would be increased to four times the official monthly salary);
- employees providing inpatient medical services (their salaries would be increased to five times the official monthly salary).

This temporary arrangement was to be applied from 1 March to 1 June 2020.

A month later, as some health workers protested the government's failure to keep its promises, the government stated that the original information had been misunderstood and that it related to payments

49 <http://covid19fund.gov.az/en/donation>

50 <https://apa.az/en/social-news/AZN-14.8-mln.-allocated-for-the-installation-of-6-modular-hospitals-for-coronavirus-in-Azerbaijan-317400>

51 <http://www.aztv.az/az/news/6145/azerbaycanda-bu-tibb-iscilerinin-maasi-bes-defe-artirildi>

for overtime at work.<sup>52</sup> Since the government did not live up to its initial promise, health workers in Lankaran district hospital and in Aghash Central Hospital held protests.<sup>53, 54</sup>

## Property and housing

The government's urbanization and 'beautification' process of Baku continued during the quarantine period. The demolition of allegedly dilapidated houses started in 2016, under the Cabinet of Ministers' decision No. 86 of 25 February 2016. More than a dozen residential buildings have been demolished since then.<sup>55</sup>

On 11 March 2020, the Baku City Administration issued an order for the demolition of a number of residential buildings located in the Narimanov district of Baku (at the intersection of Tabriz and Hasanoglu streets), saying that these have been deemed unfit for living in and spoil the city view. In accordance with this order, it is expected that a total of eight residential buildings, currently occupied by more than 300 people, will be demolished and replaced by new buildings. The order did not contain any temporary suspension provisions for the quarantine period.<sup>56</sup>

## Other social and economic rights

On 19 March 2020, President Aliyev issued an order that provided for measures to reduce the negative impact of Covid-19 on the economy, macroeconomic stability, employment and businesses.<sup>57</sup> One billion AZN (approx. 524 million EUR) were allocated for measures aimed at reducing the negative impact of Covid-19 on businesses. In addition to supporting businesses, the government allocated 400 million AZN (approx. 208 million EUR) to social protection of the economically most vulnerable citizens. On 9 April, as part of the social package, the government announced that it would pay 190 AZN (99 EUR) as a lump-sum assistance to those in need. According to the government, 200,000 unemployed citizens received this allowance in April-May, with the aim being to support a total of 600,000 people. Payments were also made in June 2020. Among those who received one-time 190 AZN payments, 55% were men and 45% women. Out of the recipients, 25% were residents of Baku, 4% of Sumgayit, 3% of Ganja, and 68% of other regions of the country. In terms of age, 8% of the recipients were under 20 years old, 42% were 20-30 years old, 25% 30-40 years old, 14% 40-50 years old, and 11% over 50 years old.<sup>58</sup>

Social protection measures also included the creation of 50,000 paid public jobs, the increase of the monthly preferential electricity consumption limit for citizens by 100 kilowatts per hour in April and May, the allocation of 40 million AZN (approx. 21 million EUR) for the education of students from low-income families and 280 million AZN (approx. 146 million EUR) for transportation of vital importance.

The government's scheme for the provision of emergency assistance to the most vulnerable during the Coronavirus crisis faced a number of implementation problems, with thousands of eligible recipients

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52 <https://www.bbc.com/azeri/azerbaijan-52211790>

53 <https://www.youtube.com/watch?v=ZAJkpAAFTYo> and [https://www.youtube.com/watch?time\\_continue=1&v=3np-JMZNlCY&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=1&v=3np-JMZNlCY&feature=emb_logo)

54 <https://gozetc.az/report/?item=1983>

55 [http://qlobal.az/202002261627-abdin-ferzeliyev-prezidentin-gsterisine-niye-emel-etmir-video/#.Xtb8iy-cY\\_V](http://qlobal.az/202002261627-abdin-ferzeliyev-prezidentin-gsterisine-niye-emel-etmir-video/#.Xtb8iy-cY_V)

56 <https://bizimxeber.az/xeber/bakida-bu-binalar-sklecek--serencam/4663>

57 <http://e-qanun.az/framework/44791>

58 <http://scial.gov.az/3428>

complaining about being unable to access funds.<sup>59</sup> Many people faced technical problems when trying to register for support on the official website. Others reported having their claims rejected for apparently spurious reasons or on grounds other than those officially set out.

## The right to education

After the introduction of the special quarantine regime in Azerbaijan, schools and universities were required to adjust to the new conditions and continue their educational programs online. The Ministry of Education used its website, two public TV channels, YouTube, Facebook, Zoom and other platforms to deliver daily educational programs for schools. Public universities mostly used the Zoom application for this purpose.<sup>60</sup>

Schools faced serious technical difficulties during the practical implementation of these new programs. Many teachers, especially in rural areas, have little knowledge of technology or internet use. In addition, internet coverage is not always available in rural areas. The online educational regime required obtaining a mobile internet package, at an additional fee, which lead to both financial and other difficulties for teachers and students in such areas.<sup>61</sup> Although the government requested one of the main mobile operators, Azercell to provide discounted mobile internet packages to teachers, this service was not provided to students. This unequal treatment of teachers and students particularly affected economically disadvantaged families.<sup>62</sup>

## The situation of the most vulnerable groups

### VICTIMS OF DOMESTIC VIOLENCE

During the quarantine period, domestic violence cases increased in Azerbaijan, similar to in other countries across the world in connection with the Covid-19 pandemic. On 16 May 2020, the State Committee for Family, Women and Children Issues confirmed this trend. Its Head of Legal Department Taliya Ibrahimova said that the Committee had received 73 appeals, most of which were related to domestic violence, in the first four months of 2020.<sup>63</sup>

The Baku-based Clean World Organisation, which runs a shelter for domestic violence victims, received calls from 14 women who reported being subjected to violence at home.<sup>64</sup> It also reported at least four femicide cases in April 2020.<sup>65</sup>

In reality, the number of cases of domestic violence is likely to have been much higher than the quoted figures would suggest as many victims do not report their experiences to the police or other institutions.

59 <https://iwpr.net/global-voices/azerbaijan-citizens-struggle-access-Covid-19>

60 <http://www.serqqapisi.az/index.php/humanitar/elm-v-t-hsil/23437-taehsil-sahaesindae-onlayn-taedbirlaer-kedzhirilir.html> and <https://edu.gov.az/az/page/9/18125>

61 <https://aztehsil.com/news/11709-virtual-mektebin-real-problemleri-pandemiyadan-acq-ders.html>

62 <https://aztehsil.com/news/11709-virtual-mektebin-real-problemleri-pandemiyadan-acq-ders.html>

63 <http://www.kaspi.az/az/pandemiya-dvrunde-aile-munaqiselerinin-sayinda-qismen-artim-musahide-edilir>

64 <https://www.meydan.tv/az/article/meiset-zorakiligi-pandemiyasi/?ref=search>

65 <https://mikroskopmedia.com/2020/05/06/karantin-dovrunde-azerbaycanda-meiset-zorakiligi-hallari-ne-qeder-artib/>

The strict quarantine regime, limiting citizens' ability to leave their home to two hours per day with the authorisation of the authorities, made it difficult for victims of domestic violence to seek the necessary assistance. Furthermore, there is a shortage of shelters, particularly in rural areas. Throughout Azerbaijan, a country inhabited by around 10 million people, only three women's shelters operate, assisting and accommodating women in need.<sup>66</sup>

## LGBTQI PERSONS

Since 2015, Azerbaijan ranks last among 49 European countries in the Rainbow Europe rankings published annually by ILGA-Europe.<sup>67</sup> The ranking is based on an assessment of the human rights situation of LGBTQI persons in each country. State persecution escalated in particular in 2017 as over 80 LGBTQI persons were detained in a series of violent police raids, placed in administrative detention in appalling conditions, and subjected to ill-treatment in custody. The victims were not able to effectively challenge the abusive treatment they faced in domestic courts, resulting in impunity for responsible police officers. All detainees reported being interrogated and harassed on the grounds of their sexual orientation, in the wider context of prevailing anti-LGBTQI policies in Azerbaijan.

During the Covid-19 quarantine period, a video published on social media showed participants in a video conference held on 14 May by the National Council, consisting of members of opposition political parties, making homophobic statements. The participants discussed the US-based and openly gay Azerbaijani journalist, Ismayil Jalilov, who has been critical of the National Council, and made homophobic insults against LGBT people and the journalist in particular.<sup>68</sup> In the video, National Council member Gultakin Hajibeyli, who is a former member of the parliament and the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe (PACE), referred to gays as "nasty" and said that "since the number one priority of the West is the rights of these minorities, they are compassionate towards them." Another member of the National Council, Rafiq Namaflı said he regretted that "Hitler did not kill gays at the time". Following an outcry on social media networks, Hajibeyli issued a public apology and Namaflı announced his resignation from the National Council.

On 19 May 2020, a young man who identified himself as gay reported to the media that he had been subjected to increased pressure from his parents because of his sexual orientation during the Covid-19 lockdown.<sup>69</sup> He also reported that a friend in the military service was harassed and bullied by other soldiers due to his sexual orientation.

On 22 May 2020, Equality Azerbaijan, a non-profit organisation promoting LGBT rights, reported an attack on LGBTQ individuals in Baku. According to the group, Seymour Nazar was harassed and physically attacked by a man who was passing by as Seymour was hugging a homosexual friend in the street.<sup>70</sup> When he reported the incident to the police, the police officer who interrogated him kept asking inappropriate harassing questions such as: 'How close are you to your friend?', 'Why is your skin as thin as that of a girl?'. The police officer eventually said that the authorities would not be able to do anything about the attack unless they identify the attacker within 10 days.

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66 <https://eurasianet.org/living-with-fear-azerbajians-domestic-abuse-victims-have-nowhere-to-flee>

67 <https://rainbow-europe.org>

68 <https://www.bbc.com/azeri/azerbaijan-52670797>

69 <https://anews.az/az/olan-sevgilisini-esgerliye-gnderen-azerbaycanli-homoseksualin-heyatindan-teferratlar-video/>

70 <https://www.facebook.com/EqualityAzerbaijan/posts/707578140058188>

On 18 June 2020, 28-year old, transgender sex worker Aysu Mammadli was stabbed to death by her client in the client's apartment. It was reported that the client refused to provide Mammadli with the promised payment after learning about her sexual identity. The client claimed that he resorted to self-defence during an argument about the payment. However, the fact that Mammadli was stabbed 11 times raised doubts about this argument. Local LGBTQI groups also raised concerns about the effectiveness of the investigation into the murder given the prevalence of anti-LGBTQI views and policies in the country.

The day after Mammadli's murder, local LGBTQI activists reported another case in which a transgender sex worker had been stabbed in Baku.

## PRISONERS

Individuals in detention facilities and prisons are at particular risk during the Covid-19 period. Publicly available information about the situation in closed institutions in Azerbaijan is very limited due to the lack of access to such facilities for public monitoring and civil society groups. The only available information is that published by the authorities.

On 12 May 2020, the Ministry of Justice announced that 33 prisoners had been diagnosed with Covid-19 in Azerbaijan and transferred to a special treatment centre.<sup>71</sup> It also noted that strict precautionary measures had been taken to manage the situation, without providing any further details.<sup>72</sup> On 10 July 2020, the Presidential Administration announced that 11 prisoners in prison No. 12, five prisoners in prison No. 14, and two prisoners in prison No. 4 had been diagnosed with Covid-19.<sup>73</sup>

The Azerbaijani National Preventive Mechanism, coordinated by the Ombudsman's Office, has had access to closed institutions also during the Covid-19 pandemic. However, it has not published any Covid-19 related reports on the situation in prisons. Human rights defender Samir Kazimli expressed concern that an appeal he submitted to the Ombudsman on behalf of imprisoned opposition politician Tofiq Yagublu, who was denied asthma related treatment and not allowed to receive clothes from his family, was not addressed within the 10 days required by domestic law. The Office eventually responded that Yagublu had been given clothes by the prison and that it was not possible to visit the prison due to quarantine.<sup>74</sup>

In March 2020, the Ministry of Justice prohibited detainees and prisoners from meeting with their relatives and receiving clothes, food, and other necessary items from them due to the pandemic. Many families reported having no information about the situation of their relatives in prisons at this time. Other families reported that prisoners were not provided with sufficient quantities of soap and other hygiene products, which raised concerns about the detainees' ability to take preventive measures against the spread of the virus. Lawyers reported being allowed to communicate with their clients only through a protective glass, using a phone.<sup>75</sup> This significantly reduced opportunities for confidential lawyer-client communication. In addition, lawyers argued that using these phones may potentially – in the absence of adequate sanitary measures - contribute to the spread of Covid-19 among prisoners since they used the same phone.<sup>75</sup>

71 <https://interfax.az/view/802084/az>

72 <https://www.bbc.com/azeri/azerbaijan-52638420>

73 <https://www.amerikaninsesi.org/a/cəzaçəkmə-müəssisələrində-18-məhkum-koronavirusa-yoluxub-/5497588.html>

74 <https://gozetc.az/ombudsman-huquq-mudafiəçisinin-tofiq-yaqublunun-isi-ilə-bağli-sorgusuna-məhəl-qoymur/>

75 <https://yenisabah.az/agir-cinayət-toretmeyən-məhkumlar-serti-ceza-ile-azadlığa-buraxılmadı>

On 6 April 2020, President Ilham Aliyev pardoned 176 prisoners who required special care because they were at heightened risk of Covid-19 due to their age and health condition.<sup>76</sup> On 30 April 2020, the Ministry of Justice announced that another 300 prisoners had been released on parole due to the risk of Covid-19,<sup>77</sup> and on 7 July 2020, it reported that another 1000 prisoners had been released on parole on these grounds.<sup>78</sup> Local experts argued that the authorities should release wider groups of prisoners in light of the overcrowding problem in prisons in Azerbaijan. According to a report published by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2018, many detention facilities and prisons in the country are overcrowded and poorly ventilated.<sup>79</sup> Human rights groups further expressed their concern that many activists and political opposition members were detained during the pandemic with no consideration of the health risks to which they were exposed. In July 2020, a group of civil society representatives appealed to the president to expand the categories of convicts to be released on pardon in relation to the pandemic.<sup>80</sup>

## ELDERLY PEOPLE

As part of the special quarantine regime, the government prohibited people over 65 from leaving their homes. The government announced that those who live alone would be provided with food and medicine, in line with the Law on Social Services. The Ministry of Labour and Social Protection of the Population announced that in order to access such services, citizens over the age of 65 and living alone must register by calling the Call Center 142 of the Ministry.<sup>81</sup> Various voluntary campaigns have been organised both by public institutions and citizen initiatives to assist elderly people in the context of the pandemic. According to official statistics, nearly 300.000 Azerbaijanis are between 65-69 and 420.000 are 70 and older.<sup>82</sup>

## ETHNIC MINORITY GROUPS

Yevlakh district, which is located around 265 km west of Baku and widely populated by Roma people, was placed under a special quarantine regime due to the high rate of Covid-19 cases there. This led to serious restrictions on the movement of the residents of the district.<sup>83</sup> On 19 April 2020, a group of Romani residents protesting against these restrictions and the authorities' failure to provide them with financial support clashed with police forces present at the scene.<sup>84</sup> As a result, the Yevlakh District Prosecutor's Office launched a criminal case under Articles 221 (hooliganism) and 315 (resistance to or use of force against a government official) of the Criminal Code and arrested 20 people. No further information is available on the case of the detainees, and if they have been provided with legal assistance and granted other fair trial rights.

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76 <https://az.trend.az/azerbaijan/society/3219315.html>; Presidential order available at <http://e-qanun.az/framework/44847>

77 <https://video.azertag.az/video/92599>

78 <https://apa.az/az/hadise/Pandemiya-dovrund-1000-nfrdk-mhkum-vaxtindan-vvl-srti-azadliga-buraxilib-595390>

79 <https://rm.coe.int/16808c5e46>

80 <https://smdtaz.org/wp-content/uploads/2020/07/Petition.pdf>

81 <https://its.gov.az/bloq/65-yasdan-yuxari-sexslere-evlerinde-sosial-meiset-xidmetleri-gosterilecek>

82 <https://www.stat.gov.az/source/demography/>

83 <https://apa.az/en/accidents-incidents-news/Entrance-and-exit-to-%22Gypsies-estates%22-of-Azerbaijan%27s-Yevlakh-restricted-321162>

84 <https://www.bbc.com/azeri/azerbaijan-52754551>

# Recommendations to the government of Azerbaijan

- Ensure full transparency on the Covid-19 situation in the country and the measures taken by the authorities in response to it.
- Ensure that human rights are respected in the context of the pandemic and that any restrictions imposed are strictly proportionate and necessary, in line with the international human rights standards.
- Stop using administrative detention as a sanction against those found to have violated the quarantine regime, in order to protect their health and safety.
- Release all those detained and imprisoned for their political views or their criticism of the authorities during the quarantine regime and put an end to such retaliatory practices.
- Ensure that the provisions of national legislation that envisage administrative and criminal liability for violations relating to regulations introduced during the pandemic are not applied in an arbitrary and punitive manner.
- Effectively investigate police actions involving the use of force against residents and hold police officers who exceeded their powers to account.
- Release more prisoners to reduce overcrowding and ensure safer conditions in prisons, and ensure that those who remain in detention and prison facilities are able to practice social distancing and have access to the necessary means of protection, such as soap and face masks.
- Enhance rapid response to complaints filed by domestic violence victims and ensure their physical protection and psychological well-being.
- Ensure that medical professionals are equipped with the necessary protective gear so that they can carry out their work safely.
- Publish full information on the provision of social assistance to citizens in need during the pandemic to make it possible to assess the allocation of support and ensure that it has been allocated on a fair and equal basis.
- Consider annulling or reducing 18% VAT tax for e-commerce and other digital and tech-oriented businesses and startup companies, including social enterprises.