



On the situation of human rights in Azerbaijan

Quarterly Fact-Sheet

October-December 2020

Election Monitoring and Democracy Studies Center (EMDS) presents a quarterly Fact-Sheet based on information gathered from alternative and open sources on the human rights situation in Azerbaijan. EMDS is a non-governmental organization operating in Azerbaijan to promote human rights and democratic institutions.

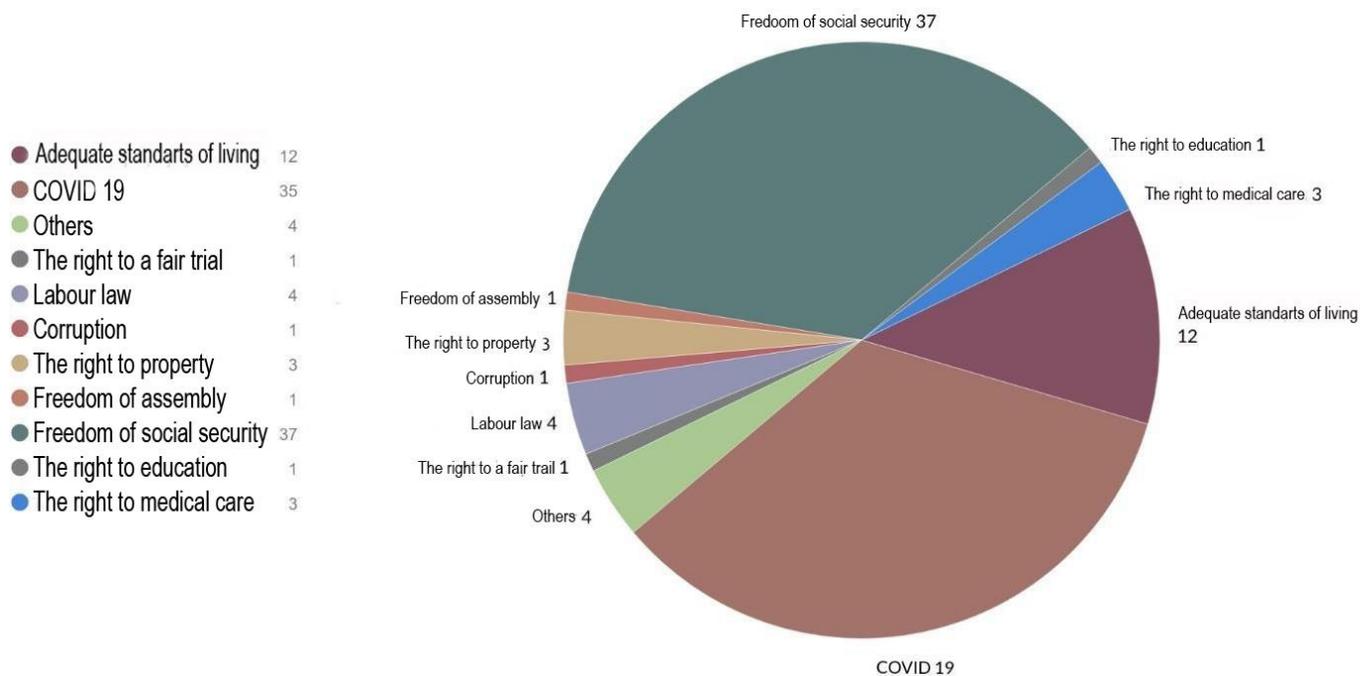
Quarterly Fact-Summary

During the fourth quarter of 2020, EMDS recorded a total of 102 human rights violations based on 66 facts collected as a result of monitoring human rights and investigating complaints from citizens in the country. In particular, violations of adequate living standards and the right to social security prevailed during the quarter. Of the human rights violations reported this quarter, 6 were civil and political rights and 67 were economic and social rights. Besides, 35 human rights violations were recorded during the quarter in connection with the COVID-19 pandemic.

The most remarkable event during the quarter was the 44-day Second Karabakh War. Thus, the declining number of human rights violations is the main reason for EMDS to focus on humanitarian law violations during the war. Unfortunately, this quarter's low human rights abuses do not signal a radical change in the country's human rights situation, unlike other quarters.

EMDS continued to monitor human rights during this quarter, especially during the 44-day Second Karabakh War, focusing on attacks by Armenian armed forces on Azerbaijani civilians and facilities in violation of international law and human rights violations against Azerbaijani prisoners of war.

EMDS COMPILED HUMAN RIGHTS VIOLATIONS RECORDED DURING THE QUARTER UNDER 15 CATEGORIES:



Civil and political rights:

During this quarter, the number of complaints about violations of civil and political rights was lower than in the previous quarter. Particularly, violations of property and freedom of assembly were high during the quarter.

The main violations of rights of property were on issues between citizens and insurance companies and that have not been resolved in courts.¹ The denial of permission and the creation of artificial barriers to citizens who are dissatisfied with the illegal actions of municipals and local executive authorities in the regions and who want to protest have led to violations of freedom of assembly.

Civil and political rights during the Karabakh war

On September 27, new fighting broke out with violation of the ceasefire on the line of contact in Nagorno-Karabakh and surrounding regions of the Republic of Azerbaijan occupied by the Armenian military forces. These battles ended on November 10 with a nine-item statement signed jointly by İlham Aliyev President of Azerbaijan, Vladimir Putin President of Russia, and Nicole Pashinian Prime Minister of Armenia.²

During 44 days, the Armenian side violated the rules of international humanitarian law and fired ballistic missiles at Tartar and other cities near the war zone of Azerbaijan, as well as Ganja, Barda, Mingachevir, Gabala, Siyazan, and other cities far from the war zone and fired heavy artillery shells at civilians and facilities in those cities using ballistic missiles. Ganja was shelled several times by the Armenian armed forces on October 4, 5, 8, 11, and 17. As a result, 26 civilians were killed and more than 120 were injured. Similarly, more than 20 civilians were killed in Barda on October 27 and 28.

On December 15, the human rights organization “HumanRightsWatch” published a report entitled "Armenia used 'cluster bombs' against Azerbaijan." According to the report, the use of cluster munitions violates the laws of war.³

Prosecutor General's Office of the Republic of Azerbaijan said in its latest report on Armenia's attacks and provocations against the Azerbaijani civilian population that 100 civilians have been killed and 416 wounded since September 27 as a result of attacks and provocations by the Armenian armed forces.⁴ Besides, as a result of heavy artillery and rocket fire by the Armenian army, 4,186 houses, 135 apartment buildings, and 548 civilian facilities fell into disrepair.⁵

However, by acceding to the Third Geneva Convention on the Treatment of Prisoners of War, Armenia has always committed itself to treating prisoners of war humanely, torture and other ill-treatment of detainees were also reported in the testimonies of returnees.⁶

Accordingly, the rights of Azerbaijani citizens to life, liberty, and security, non-torture, and humiliation, protected by the European Convention on Human Rights and the Constitution of the Republic of Azerbaijan, have been violated in various cases.

Social-economic rights

The right to social security:

In October-December 2020, 37 complaints of violations of social security rights were registered, which is 55% of the total number of complaints of violations of social-economic rights in this quarter. Unreasonable prolongation of pensions, artificial obstacles to the provision of targeted state social assistance were the basis for violations of the right to social security in this quarter⁷. Local executive authorities and municipalities and the Ministry of Labor and Social Protection of Population were the main targets of the complainants.

The government's social packages to protect vulnerable and defenseless groups during the pandemic have been re-applied to areas under strict quarantine. Numerous violations have been recorded in the acquisition of these social benefits by citizens.

During this quarter, about 30 complaints were received regarding the receipt of one-time social benefits for unemployed citizens. The main reasons for the complaints were the refusal of the authorities to provide citizens with a request for payment without giving a specific reason, or the failure to properly consider the appeal or complaint.

Adequate living standards

During the quarter, 12 complaints of violations of social-economic rights were related to non-compliance with adequate living standards. There were several problems with the electricity supply in the regions. Also, at a time when online services and distance education are predominant, mass Internet problems have caused protests. Besides, the provision of utilities in the newly established areas in the regions was very low⁸. It was noted that despite complaints to Azersu, Azerishig, and Azergaz, they remained unanswered and unresolved.

Right to health

During the fourth quarter of 2020, violations of the right to health also prevailed. War veterans complained that they did not receive adequate medical care⁹. During the COVID-19 period, the health care system's existing problems became more apparent, and medical services were not provided at a reasonable time or not provided absolutely. The services provided in the modular hospitals established in the regions were low¹⁰. Citizens face serious problems in obtaining free medicines.

Labor law

Some of the human rights violations recorded during the quarter were related to labor rights violations. The complaints were mainly related to non-compliance with the terms of the employment contract, non-payment of the final bill, as well as non-compliance with safety regulations. Deprivation of money allocated to soldiers also prevailed during the quarter among violations of labor rights¹¹.

¹ Gözetçi.az, 'Insurance company does not fulfill its obligations, (October 2020)

<http://gozetci.az/az/pozuntular/sigortasirk%c9%99ti-ohd%c9%99liyini-yerin%c9%99-yetirmir>

² President.az Ilham Aliyev spoke to the people ', (November 10, 2020), <https://president.az/articles/45924>

³ Mikroskop Media, 'HumanRightsWatch: Armenia used cluster bombs against Azerbaijan', (December 15, 2020), <https://mikroskopmedia.com/2020/12/15/human-rights-watch-ermenistan-azerbaycana-qarsi-klastr-bombalarindan-istifade-edib/>

⁴ The Prosecutor General's Office, 'Statistics of crimes against our civilian population as information of 07.12.1220', (7 December 2020), <https://genprosecutor.gov.az/az/post/3253>

⁵ Prosecutor General's Office, 'Statistics of crimes committed against our civilian population as information of 07.12.1220', (December 7, 2020), <https://genprosecutor.gov.az/az/post/3253>

⁶ AzerTaj, 'The Prosecutor General's Office: A criminal case has been launched on the fact of burning a serviceman of the Azerbaijani Army ', (January 6, 2020),

https://azertag.az/xeber/Bas_Prokurorluq_Azerbaycan_Ordusunun_herbi_qulluqchusunun_yandirilmesi_fakti_uzre_cinayet_isi_baslanib-1682237

⁷ Gözetçi.az, pension documents of the second group of disabled people are delayed, (October 2020),

<http://gozetci.az/az/pozuntular/ikincu-grup-%c9%99lilinin-pensiya-s%c9%99n%c9%99dl%c9%99ri-gecikdirilir/>

⁸ Gözetçi.az, Electricity problem in the new residential area, (October 2020),

<http://gozetci.az/az/pozuntular/yeni-yasayis-massivind%c9%99-isiq-problemi>

⁹ Gözetçi.az, 'Complaint of a veteran of the Patriotic War', (December 2020),

<http://gozetci.az/az/pozuntular/v%c9%99t%c9%99n-muharib%c9%99si-qazisinin-sikay%c9%99ti/>

¹⁰ Gözetçi.az, 'Crisis in Sheki, fights against coronavirus', (November 2020),

<http://gozetci.az/az/pozuntular/s%c9%99kid%c9%99-koronavirusla-mubariz%c9%99-agir-v%c9%99ziyy%c9%99t-alib/>

¹¹ Gözetçi, 'Unpaid war volunteer', (December 2020),

<http://gozetci.az/az/pozuntular/%c9%99m%c9%99k-haqqi-verilm%c9%99y%c9%99n-konullu/>

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