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AZERBAIJAN: GENDER-BASED REPRISALS AGAINST WOMEN MUST STOP

Women's voices in Azerbaijan are growing in strength. Women human rights defenders, including activists, journalists and lawyers are speaking out to hold to account those responsible for a range of human rights violations and to champion women's human rights, including their rights to freedom of expression and association.

However, their efforts have met with ever more intense and egregious reprisals. Women human rights defenders have faced threats, coercion, violations of their right to privacy and smear campaigns that are gender specific and target them as women. This type of gender-based violence and discrimination aims to silence their critical voices and discredit their work. It also seeks to punish them for speaking out as women.

Increasingly, much of this harassment and intimidation takes place online and the fact that perpetrators can remain anonymous intensifies survivors' sense of insecurity and distress. This "sexist, misogynist and degrading abuse"¹ against women who exercise their rights, reflects deeply entrenched patriarchal attitudes in Azerbaijani society whereby women can be castigated for voicing dissenting opinions or acting outside traditional gender roles.

Violence against women in Azerbaijan is perpetrated with almost total impunity. Generally, only cases resulting in severe consequences, such as grave physical injury or death, are referred to the police and courts. Intimidation, threats, and other forms of gender-based violence remain largely unreported due to stigma and survivors' fear of reprisals, including from members of their own family.

Azerbaijan has an obligation to prevent, investigate and punish violence against women and to provide adequate protection and effective legal measures and redress for survivors.² The Azerbaijani authorities must fully comply with their international commitments and should consider ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

¹ In 2016, the Committee of Ministers of the Council of Europe noted that: "Female journalists and other female media actors face specific gender-related dangers, including sexist, misogynist and degrading abuse; threats; intimidation; harassment and sexual aggression and violence. These violations are increasingly taking place online" (Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors (adopted by the Committee of Ministers on 13 April 2016 at the 1,253rd meeting of the Ministers' Deputies), para. 2).

² States are responsible for preventing and prosecuting gender-based violence by state actors (Committee on the Elimination of Discrimination against Women (CEDAW Committee), General Recommendation 35, paras 21 and 22) and have a "due diligence" obligation "to take all appropriate measures to prevent as well as to investigate, prosecute, punish and provide reparation for acts or omissions by non-state actors which result in gender-based violence against women" (CEDAW Committee, General Recommendation 19, para 9). See also CEDAW Committee General Recommendation 35, para 24(b).

– Azerbaijan and Russia are the only members of the Council of Europe who have neither signed nor ratified the Convention³ – in order to comprehensively tackle the violence blighting the lives of women in Azerbaijan.

CLAMPDOWN ON WOMEN'S FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

The recent rise in the number of reported cases of suicide by survivors of violence against women in Azerbaijan has prompted women activists to publicly protest and to call on the government to address the growing violence and become a party to the Istanbul Convention.

The authorities in Azerbaijan have repeatedly violated women activists' rights to freedom of expression and peaceful assembly by preventing them from voicing their concerns and gathering peacefully. For three years, since March 2019, women's rights groups have tried to stage a peaceful march on 8 March, International Women's Day (IWD). Each time, the authorities have responded with a severe clampdown. In the capital, Baku, the city authorities have repeatedly and arbitrarily denied organizers permission to gather peacefully, while the police have violently dispersed peaceful marches and detained demonstrators.

On 8 March 2021, police detained a group of women activists at the central Fountain Square in Baku even before they were able to start their planned march. More than 20 activists were taken to the police station and forced to sign explanatory notes before being released. Organizers had applied for a permit to stage the women's march several days earlier, but their application was arbitrarily rejected by the city authorities on the grounds that it would constitute a "public disturbance". The authorities also restricted public transport in the city specifically on that very day, citing public health reasons in the context of the COVID-19 pandemic.

HARASSMENT OF WOMEN HUMAN RIGHTS DEFENDERS

Organizers of the 2021 IWD march told Amnesty International that they have faced a coordinated campaign of harassment in retaliation for their activism and their attempts to organize a peaceful event to demand greater respect for women's rights.

Gulnara Mehdiyeva, one of the main organizers, told Amnesty International that prior to the IWD march, in late February 2021, recordings of her private conversations, including ones where she discussed psychological difficulties, were posted on social media. The ensuing smear campaign depicted her as "mentally unstable", claiming, among other things, that she was responsible for inciting a recent victim of domestic abuse she was supporting to commit suicide. She told Amnesty International that she believes the smear campaign against her was instigated and coordinated by the Azerbaijani authorities in retaliation for her women's rights activism. According to Gulnara Mehdiyeva, her email accounts, communication apps and social media accounts were hacked shortly after she co-organized and took part in the 2020 IWD march, which was dispersed by the police.

Another organizer of the IWD march in Baku, Narmin Shahmarzade, was subjected to similar harassment. On 9 March 2021, her Facebook profile was hacked and private photos and messages from her Facebook account were posted online, along with fabricated personal conversations on Messenger chat and pornographic content. After she managed to regain control and secure her Facebook account, hackers created a channel under her name on Telegram where intimate photos and pornographic content were disseminated.

³ On 19 March, the President of Turkey issued a decree annulling Turkey's ratification of the Istanbul Convention. See 'Turkey: Targeting of LGBTI people to justify quitting convention on combating violence against women is dangerous', <https://www.amnesty.org/en/latest/news/2021/03/turkey-targeting-of-lgbti-people-to-justify-quitting-convention-on-combating-violence-against-women-is-dangerous/>

She reported that there were several attempts to hack her Facebook account a few days before the planned IWD march in 2021.⁴

Rabiyya Mammadova, another activist involved in the IWD march, reported that police forced her to get out of her taxi as she was on her way to the march and took her to the police department, where she was beaten by police officers. In a video posted by Rabiyya Mammadova after the incident, some bruising was visible on her face.⁵

Other women human rights defenders, including journalists and lawyers, who raise their voices against injustice and defend human rights also face harassment and smear campaigns of a sexual nature in retaliation.

On 9 March 2021, journalist Fatima Movlamli had her private pictures and videos shared on the same Telegram channels that targeted the IWD march organizers. Fatima Movlamli, who is an outspoken critic of the Azerbaijani government, had also been targeted in 2019 when intimate photos and videos of her in bed were shared on a fake Facebook page created under her name.

On 5 March 2021, Shahla Humbatova, a human rights defender and one of the few remaining women lawyers in Azerbaijan,⁶ was disbarred in retaliation for her work representing political prisoners and voicing concerns about torture, forced confessions and unfair trials. A court approved the decision by the Azerbaijani Bar Association (ABA) to suspend her legal licence and bar her from representing clients in court on account of her failure to pay Bar membership fees for eight months. According to Shahla Humbatova, she had never been notified by the Bar about any outstanding payments and only found out about it when the ABA referred her case to the court. She paid the fees arrears immediately and before the court hearing and no payments were outstanding at the time she was disbarred.

Since October 2020, journalist Arzu Geybullayeva has faced repeated social media attacks, including death threats, for her views and comments on the conflict in Nagorno-Karabakh. The online smear campaign has depicted her as “a traitor, a whore and someone who deserves to be shot in public as a lesson to others”. Arzu Geybullayeva told Amnesty International that she faced a barrage of online harassment after a photo of her practising Yoga was shared on an online men’s forum with a comment that she was intentionally disrespecting the fallen soldiers by “spreading her legs” at the time they were being commemorated. As a result of relentless harassment, Arzu Geybullayeva was forced to temporarily deactivate her Facebook and Twitter accounts. She is currently living in exile, unable to visit her home in Azerbaijan due to security concerns.

US-based Azerbaijani journalist Sevinj Osmangizi was also the target of a smear campaign in which she was accused of being a traitor for exposing corruption in Azerbaijan. Pro-government media outlets accused her of not fulfilling traditional gender roles and vilified her as a bad mother and a bad wife for leaving her husband and taking their two children out of the country.⁷ In 2019, after audio recordings of her private phone conversations were aired by pro-government media outlets she received threats that private pictures and

⁴ OC Media, ‘Hackers target prominent Azerbaijani feminist with pornography’, 11 March 2021, <https://oc-media.org/hackers-target-prominent-azerbaijani-feminist-with-pornography/>

⁵ Facebook post, <https://www.facebook.com/100011595757113/videos/1277432055986641/>
See also, OC Media, ‘Baku Police detain women on International Women’s Day’, 8 March 2021, <https://oc-media.org/baku-police-detain-women-on-international-womens-day/>

⁶ Other cases include arbitrary procedures to disbar Irada Javadova in 2018 and the temporary suspension of Shafiga Naghiyeva’s licence to practise in 2016. For more information, see European Human Rights Advocacy Centre (EHRAC), *Azerbaijani human rights lawyers who have been disbarred, suspended or criminally prosecuted*, February 2020, <http://ehrac.org.uk/wp-content/uploads/2020/01/List-of-disbarred-lawyers-in-Azerbaijan-Feb-2020.pdf>

⁷ Osservatorio Balcani e Caucaso Transeuropa, ‘The face of a traitor’ <https://www.balcanicaucaso.org/eng/Areas/Azerbaijan/The-face-of-a-traitor-206679>

videos of her would also be posted online if she did not deactivate her YouTube channel. She believes she has been the victim of illegal hacking and surveillance by the authorities.⁸

One of the most high-profile cases of gender-based harassment against female journalists was that of Khadija Ismaylova. In 2012 she was blackmailed using footage of a sexual nature secretly filmed inside her apartment. She was threatened that these would be made public if she did not stop her work as a journalist. When she refused to comply, the recordings were published online. The ensuing smear campaign vilified her for having an intimate relationship as an unmarried woman and led her brother to threaten to kill her for “dishonouring” the family.⁹ In 2014-2015 Khadija Ismaylova spent one and a half years in prison on trumped-up charges. The European Court of Human Rights recently issued three separate judgments in her case, finding Azerbaijan guilty of her unlawful arrest,¹⁰ “flagrant and extraordinarily intense invasion of her private life”¹¹ and failing to conduct an effective investigation into violations against her.¹²

TARGETING WOMEN RELATIVES AND PARTNERS OF POLITICAL ACTIVISTS

The Azerbaijani authorities, or their proxies, often intimidate and punish their critics by targeting women associated with them. This type of harassment specifically targets women on the basis of their gender and the stigma associated with failing to abide by traditional gender roles. For example, violations of women’s right to privacy have been weaponized to blackmail political opponents and smear campaigns attacking women on the basis of their gender have been used to try to silence critical voices.

Gunel Hasanli, the daughter of a prominent Azerbaijani opposition politician, was the latest in a series of women attacked for their links with government critics. On 28 March 2021, a video featuring her in intimate scenes and filmed using hidden cameras was posted on Facebook and disseminated on social media. Her father, Jamal Hasanli, who is Chair of the alliance of opposition parties (National Council of Democratic Forces) and a former opposition presidential candidate, alleges that the Azerbaijani authorities ordered the filming and dissemination of the video in order to intimidate him into abandoning political opposition.¹³

On 15 March 2021, activist Rustam Ismayilbeyli reported that intimate photos of him and his girlfriend were posted on a Telegram channel. He had previously received a threat from a fake Facebook profile that personal information about his girlfriend would be published if he did not stop his activism and involvement in student protests. Although this Telegram channel was closed on 16 March, several other channels disseminated the same photos and videos.

On 15 February 2021, opposition activist Mahammad Mirzali, who lives in France, was blackmailed using an intimate video of his sister. An anonymous social media account sent him a video of intimate footage taken in

⁸ Amnesty International, ‘Azerbaijan: Investigate allegations of harassment, intimidation and threats against journalist’, 17 May 2019, <https://www.amnesty.org/download/Documents/EUR5503852019ENGLISH.pdf>

⁹ Amnesty International, ‘Podcast: Khadija Ismaylova, blackmailed and imprisoned for investigating corruption’, 18 May 2020, <https://www.amnesty.org.uk/podcast-in-their-own-words-khadija-ismaylova-journalist-azerbaijan>

¹⁰ European Court of Human Rights, *Case of Khadija Ismaylova v. Azerbaijan*, judgment, 25 August 2020, <https://hudoc.echr.coe.int/spa#%7B%22itemid%22:%5B%22001-201340%22%5D%7D>

¹¹ European Court of Human Rights, *Case of Khadija Ismaylova v. Azerbaijan*, judgment, 10 January 2019, <https://www.courthousenews.com/wp-content/uploads/2019/01/ISMAYILOVA-AZERBAIJAN.pdf>

¹² Amnesty International, ‘Azerbaijan: European Court ruling provides some justice for journalist who faced sex tape ordeal’, 10 January 2019, <https://www.amnesty.org/en/latest/news/2019/01/azerbaijan-european-court-ruling-provides-some-justice-for-journalist-who-faced-sex-tape-ordeal/>

¹³ Facebook post by Jamil Hasanli: <https://www.facebook.com/cemil.hasanli/posts/3850098701734834>

his sister's bedroom and threatened to publish it if he did not stop criticizing the authorities. On 5 March, the video was posted on several Telegram channels and sent to relatives. Mahammad Mirzali's sister attempted suicide following the attack on her privacy but was saved by a family member. On 14 March, Mahammad Mirzali was attacked and repeatedly stabbed by an unknown assailant in France.¹⁴

In July 2020, Amina Rustamzade, wife of activist and former prisoner of conscience Ilkin Rustamzade, also attempted suicide as a result of ongoing pressure and repeated threats to expose her private life. In April 2020, Amina Rustamzade was the target of a smear campaign and intimate photos, her name and telephone number were published online. Intimate photos and contact details were also uploaded on websites advertising escort services. The attack came shortly after her husband had received an anonymous threat that he and his family would be targeted if he did not take down a petition calling on the government to help people affected by the COVID-19 pandemic.¹⁵ This was followed by a message which threatened to expose Amina Rustamzade again unless her husband stopped his activism. Three days later, on 17 July, Amina Rustamzade attempted to take her own life.

CONCLUSION

Azerbaijan has an obligation under international human rights law to take all appropriate measures to prevent gender-based violence and other human rights violations against women, including violations of their right to privacy. The Azerbaijani authorities must conduct a prompt, impartial and effective investigation into each and every reported incident of such violence, as well as of instances of reported discrimination or harassment of women, in order to identify and bring to justice in fair proceedings anyone reasonably suspected of being culpable or complicit in such acts, whether they are private individuals or members of security services or other state officials.

Women who have suffered these violations should be provided with effective remedies and reparations including restitution, compensation, rehabilitation and guarantees of non-repetition.

Azerbaijan must ensure that every person's rights to freedom of expression and peaceful assembly are respected and that women are able to fully enjoy these rights, including in the form of women's marches.

¹⁴ Committee to Protect Journalist. 'Azerbaijani blogger Mahammad Mirzali stabbed at least 16 times in knife attack in France', 16 March 2021, <https://cpj.org/2021/03/exiled-azerbaijani-blogger-mahammad-mirzali-stabbed-at-least-16-times-in-knife-attack-in-france/>

¹⁵ Amnesty International, 'Urgent Action, Harassment of activist and family must stop', 9 April 2020, <https://www.amnesty.org/download/Documents/EUR5521222020ENGLISH.pdf>