

**Flygtningenævnets baggrundsmateriale**

|                                 |                                              |
|---------------------------------|----------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>245</b>                                   |
| Land:                           | Armenien                                     |
| Kilde:                          | Freedom House                                |
| Titel:                          | Freedom in the World 2016 – Nagorno-Karabakh |
| Udgivet:                        | 18. august 2016                              |
| Optaget på baggrundsmaterialet: | 31. oktober 2016                             |



## Freedom in the World 2016 - Nagorno-Karabakh

Publisher [Freedom House](#)

Publication Date 18 August 2016

Cite as Freedom House, *Freedom in the World 2016 - Nagorno-Karabakh*, 18 August 2016, available at: <http://www.refworld.org/docid/57bc4f2fe.html> [accessed 13 September 2016]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Freedom Status: Partly Free

Aggregate Score: 33

Freedom Rating: 5.0

Political Rights: 5

Civil Liberties: 5

### Quick Facts

**Capital:** Stepanakert

**Population:** 146,600

**GDP/capita:** N/A

**Press Freedom Status:** N/A

**Net Freedom Status:** N/A

### OVERVIEW

In May 2015, Nagorno-Karabakh held parliamentary elections, with observers noting significant improvements in comparison with the 2010 polls – in particular, fairer conduct and the participation of a broader array of parties. Unlike in 2010, two opposition groups, Movement 88 and National Revival, gained seats in the legislature.

Cross-border clashes between Nagorno-Karabakh and Azerbaijan continued during the year, with a higher number of violent incidents than in past years. Reports that both sides used mortars and other heavy weaponry drew international condemnation and concern about the state of the 1994 cease-fire agreement. Negotiation efforts, led by the Organization for Security and Co-operation in Europe (OSCE) Minsk Group, continued during the year; the body is co-chaired by France, Russia, and the United States.

### POLITICAL RIGHTS AND CIVIL LIBERTIES

**Political Rights:** 15 / 40 (+3)

*A. Electoral Process:* 6 / 12 (+2)

Nagorno-Karabakh has enjoyed de facto independence from Azerbaijan since 1994 and retains close political, economic, and military ties with Armenia. None of Karabakh's elections have been considered valid by the international community, which does not recognize the territory's independence.

The president is directly elected for up to two five-year terms and appoints the prime minister. Of the unicameral National Assembly's 33 members, 11 are elected through single-mandate constituencies and 22 by party list.

President Bako Sahakyan, the incumbent since 2007, was reelected in 2012 with 66.7 percent of the vote. His main opponent, former deputy defense minister Vitaly Balasanyan, received 32.5 percent. The two main candidates had nearly identical foreign-policy goals – primarily, achieving international recognition of Nagorno-Karabakh's independence – though Balasanyan also focused on social justice and accused the government of tolerating corruption and fiscal mismanagement. Balasanyan claimed that administrative resources were misused to aid Sahakyan during the campaign.

The most recent parliamentary elections were held in May 2015. Seven parties participated in the vote, and five passed the threshold to gain seats. Prime Minister Arayik Harutyunyan's Free Motherland (Azat Hayrenik) party maintained its dominant position in the legislature, winning 15 seats. The Armenian Revolutionary Federation (ARF)-Dashnaktsutyun and the Democratic Party of Artsakh (AZhK), part of Free Motherland's ruling coalition, gained seven and six seats, respectively. Two opposition parties gained representation – Movement 88 gained three seats, while National Revival captured one. An independent candidate won the remaining seat.

International observers reported that the elections were a notable improvement over the 2010 vote, which was marred by the absence of opposition candidates and the use of state resources to support progovernment candidates. The vote was conducted in a timely and peaceful manner, and political parties only reported minor intimidation during the campaign process.

Amendments passed in 2014 led to some improvements to the electoral code. The number of parliamentary seats under the proportional system increased, and the electoral threshold decreased to 5 percent for political parties and 7 percent for electoral coalitions. The changes also required a minimum 22 percent female representation on party lists, although implementation remained unclear. The amendments were considered a positive step in providing a legal framework for broader political participation.

#### *B. Political Pluralism and Participation: 6 / 16 (+1)*

The three main political parties are Free Motherland and its allies, AZhK and ARF-Dashnaktsutyun. Given the territory's uncertain status, dissent and opposition have generally been regarded as signs of disloyalty and a security risk. As a consequence, opposition groups have often become inactive or been absorbed into the government; no true opposition candidates participated in the 2010 legislative elections. The May 2015 elections, however, featured genuine opposition participation, with two parties – Movement 88 and National Revival – gaining a total of four seats in the new legislature.

#### *C. Functioning of Government: 3 / 12*

The ability of Karabakh officials to set and implement government policies is limited in practice by security threats along the cease-fire line, warnings from Baku, and the dominant role played by the Armenian government and other regional actors. Spikes in the level of cross-border violence in 2015, in addition to escalated verbal hostility from Baku, strained the functioning of domestic governance. Though cease-fire violations have become increasingly common in recent years, the

scale of violence in 2015 was among the highest recorded since 1994, when the cease-fire agreement was signed.

Nagorno-Karabakh continues to suffer from significant corruption, particularly in the construction industry; officials practice favoritism in filling civil service positions.

### **Civil Liberties:** 18 / 60

#### *D. Freedom of Expression and Belief:* 6 / 16

The territory officially remains under martial law, which imposes restrictions on civil liberties, including on media freedom. However, the authorities maintain that martial law provisions have not been enforced since 1995, a year after the cease-fire agreement with Azerbaijan was signed.

The government controls many of Nagorno-Karabakh's media outlets, and the public television and radio stations have no local competition. Most journalists practice self-censorship, particularly on subjects related to the peace process. The internet penetration rate is low but expanding, and social media platforms are increasingly used by the public and by government officials for the dissemination and discussion of news.

The Voice of Talyshistan, a radio station launched in 2013 by the Yerevan State University and an Armenian nongovernmental organization (NGO), continued to broadcast in 2015. The station provides programming in Talysh, an Iranian language, from Nagorno-Karabakh into southeastern Azerbaijan, home to the country's minority Talysh population. Some Azerbaijani officials have called the station a "provocation" meant to promote anti-Azerbaijani sentiments.

Most residents of Karabakh belong to the Armenian Apostolic Church, and the religious freedom of other groups is limited. A 2009 law banned religious activity by unregistered groups and proselytism by minority faiths, and made it more difficult for minority groups to register. Although at least three minority groups subsequently gained legal status, officials reportedly denied registration to a Protestant group and the Jehovah's Witnesses.

#### *E. Associational and Organizational Rights:* 3 / 12

Freedom of assembly is formally restricted under martial law provisions. Freedom of association is also limited, but trade unions are allowed to organize. The few NGOs that are active in the territory suffer from poor funding and competition from government-organized groups.

In 2014, more than 150 Karabakh residents held a demonstration outside of President Sahakyan's residence during a visit by James Warlick, the U.S. co-chair of the Minsk Group. The demonstrators voiced opposition to Warlick's recent proposal on a conflict settlement for Karabakh that, among other things, suggested returning some disputed territory to Azerbaijan. Also in 2014, residents of Stepanakert organized protests against a planned increase in public transportation fares, submitting a formal appeal to the mayor. Both local authorities and Prime Minister Harutyunyan held meetings with the protesters, and although the fare increase was not reversed, the Karabakh government announced plans to subsidize transportation costs for students and low-income residents.

In January 2015, Karabakh police assaulted several dozen members of an Armenian opposition group who were trying to cross into the territory. The group, the Founding Parliament, had reportedly planned a rally in Karabakh in order to publicize its antigovernment efforts in Armenia. Karabakh officials justified the incident by alleging that the group members had provoked the police, and claiming that the planned rally would have disturbed public order.

*F. Rule of Law: 4 / 12*

The judiciary is not independent in practice, and the courts are influenced by the executive branch as well as by powerful political, economic, and criminal groups.

A 2011 amnesty law released or commuted the sentences of up to 20 percent of the prison population. The law applied to inmates who had fought in the war with Azerbaijan or had family killed in the conflict. The amnesty also stipulated the closure of at least 60 percent of pending criminal cases and the release of suspects from pretrial detention.

The security of the population is affected by regular incidents of violence along the cease-fire line. Hundreds or thousands of cease-fire violations are reported each month, and soldiers as well as civilians on both sides are killed or injured each year. While conflicting reports of casualties given by Armenian, Azerbaijani, and Karabakh authorities remain difficult to reconcile, independent reports in 2015 widely indicated that the year was one of the deadliest on record since the 1994 cease-fire agreement, with the scale of cross-border violence between Nagorno-Karabakh and Azerbaijan reaching new heights. The Minsk Group confirmed that both sides used mortars and other heavy weapons around civilian areas for the first time since the end of the war. In December, Azerbaijani forces used tanks to shell across the border.

In December, the presidents of Armenia and Azerbaijan held a summit in Switzerland to discuss the conflict. Although they reaffirmed their commitment to the Minsk Group structure and to negotiations, no significant progress was made, and international observers remained concerned about the continuation or intensification of cross-border violence.

The Azerbaijani government has repeatedly threatened to consider a military solution to the conflict, and Baku's rapid military buildup, buoyed by oil revenue, has contributed to escalating tensions in recent years. Reports that Russia, a Minsk Group co-chair, continues to sell arms to Armenia and Azerbaijan have also led to unease. Moscow also provides military support to Armenia, where it maintains a base. In July, Russian officials extended a \$200 loan to Armenia for the modernization of its military.

In March 2015, a Karabakh appeals court upheld the 2014 convictions of two Azerbaijani citizens reportedly involved in the murder of a Karabakh civilian youth, with charges including illegal border crossing, kidnapping, and weapons possession. One of the defendants had received a life sentence, while the other had been sentenced to 22 years in prison. Azerbaijani authorities denounced the trial, requesting that the men be released. Karabakh declined to treat the men as prisoners of war on the grounds that their actions had targeted a civilian.

*G. Personal Autonomy and Individual Rights: 5 / 16*

The freedom of movement within Nagorno-Karabakh and travel around the territory are hindered by the larger geopolitical situation, the instability of the cease-fire, and the presence of land mines, which cause deaths and injuries each year. According to the International Committee of the Red Cross, at least 50,000 antipersonnel mines were laid during the war. In many cases, records of minefield locations were lost or never created. In 2015, efforts to clear mines continued, led largely by the HALO Trust, an international NGO.

Many Azeris who fled the territory during the separatist conflict continue to live in poor conditions in Azerbaijan, despite Baku's increased efforts to provide new housing in recent years. In June 2015, the European Court of Human Rights (ECHR) ruled in favor of Karabakh residents displaced as a result of the conflict. Ruling in two separate cases, the ECHR found that Armenia and Azerbaijan must create mechanisms for compensating displaced citizens and restoring their property rights, setting a precedent that could affect hundreds of similar cases.

Since 2012, more than 100 ethnic Armenians from Syria have settled in Nagorno-Karabakh. The Karabakh government has provided incentives – including housing and aid – for them to stay in the territory.

A small group of powerful elites control major industries and economic activity, limiting opportunities for most residents. However, the government has instituted a number of economic rehabilitation projects in recent years.

Men and women have equal legal status, though women are underrepresented in the public and private sectors and remain subject to discrimination. The 2014 electoral code amendments included a gender quota for party lists, but only five women captured seats in the 2015 parliamentary elections. Women are not subject to military conscription. The government administers material incentives to encourage couples to have children, with the goal of repopulating the territory. Couples receive several hundred dollars when they marry and additional funds the birth of each child.

Copyright notice: © Freedom House, Inc. · All Rights Reserved

## Search Refworld

|                                      |                                                     |
|--------------------------------------|-----------------------------------------------------|
| by keyword                           | <input type="text" value="Enter a word or phrase"/> |
| and / or country                     | <input type="text" value="All countries"/> ▼        |
| <input type="button" value="Clear"/> | <input type="button" value="Search"/>               |

[Advanced Search](#) | [Search Tips](#)

## Countries

- [Azerbaijan](#)

## Topics

- [Border conflict](#)
- [Democracy](#)
- [Elections](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of religion](#)
- [Peace process](#)
- [Rule of law / Due process / Procedural fairness](#)