

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	68
Land:	Aserbajdsjan
Kilde:	Freedom House
Titel:	"Freedom in the World - Azerbaijan (2008)"
Udgivet:	1. juli 2008
Optaget på baggrundsmaterialet:	12. september 2008



Freedom in the World - ↓ Azerbaijan (2008)

Capital:
Baku

Population:
8,600,000

Political Rights Score: 6
Civil Liberties Score: 5
Status: Not Free

Trend Arrow

Azerbaijan received a downward trend arrow due to significantly intensified pressure on the news media by the authorities, and especially the use of criminal libel suits to silence critics.

Overview

The authorities intensified their pressure on the media in 2007, in part by pursuing libel and defamation cases against independent journalists. The government also allowed the country's promising freedom of information law to languish, missing an important opportunity to make public affairs more transparent.

After a brief period of independence from 1918 to 1920, Azerbaijan was occupied by Soviet forces and formally entered the Soviet Union in 1922 as part of the Transcaucasian Soviet Federated Socialist Republic. It became a separate Soviet republic in 1936. Following a referendum in 1991, Azerbaijan declared independence from the disintegrating Soviet Union.

In 1992, Abulfaz Elchibey, leader of the nationalist opposition Azerbaijan Popular Front, was elected president in a generally free and fair vote. A military coup one year later ousted him from power and installed the former first secretary of the Azerbaijan Communist Party, Heydar Aliyev, in his place. In the October 1993 presidential election, Aliyev was credited with receiving nearly 99 percent of the vote. Five leading opposition parties and some 600 independent candidates were barred from Azerbaijan's first post-Soviet parliamentary elections, held in November 1995, allowing Aliyev's Yeni Azerbaijan Party (YAP) to win the most seats. In October 1998, Aliyev was reelected with more than 70 percent of the vote in balloting that was marred by irregularities.

The ruling YAP captured the majority of seats in the November 2000 parliamentary elections. The Azerbaijan Popular Front and the Communist Party came in a distant second and third, respectively. International monitors from the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe cited widespread electoral fraud, including the stuffing of ballot boxes. However, the Council of Europe approved Azerbaijan's application for membership just days after the vote, in an apparent effort to encourage engagement with a country that sorely needed political reform.

An August 2002 referendum approved the adoption of a series of constitutional amendments, some of which critics said would further strengthen the ruling party's grip on power. One amendment stipulated that the prime minister would become president if the head of state resigned or was incapacitated. That ultimately

allowed the ailing Aliyev to appoint his son, Ilham, to the premiership in order to facilitate a transfer of power within the Aliyev family. Opposition groups and the OSCE charged that the referendum was marred by fraud, including ballot-box stuffing, intimidation of election monitors and officials, and an inflated voter-turnout figure of nearly 90 percent.

In the months preceding the October 2003 presidential election, the political environment was marked by uncertainty over Heydar Aliyev's declining health and its implications for his reelection bid. He collapsed during a live television broadcast in April and left Azerbaijan that summer to receive medical treatment abroad. At the same time, government officials continued to deny that his health problems were serious, and he remained the official YAP candidate for the presidential election. In June, Prime Minister Ilham Aliyev was officially nominated as a presidential candidate, and the elder Aliyev withdrew his candidacy on October 2, 2003.

Final election results showed Ilham Aliyev defeating seven challengers with nearly 77 percent of the vote. His closest rival, opposition Musavat Party leader Isa Gambar, received only 14 percent of the vote, while six other candidates received less than 4 percent each. According to OSCE observers, the election was tainted by widespread fraud. During violent clashes between security forces and demonstrators in Baku in October, at least one person was reportedly killed and several hundred were injured, and the authorities unleashed a crackdown against the opposition in which more than 600 people were detained. Among those arrested were opposition party leaders and supporters who had not been directly involved in the preceding days' violence, along with many election officials who refused to certify fraudulent results. Heydar Aliyev died in December 2003.

Less than half of all registered voters cast ballots in the November 2005 parliamentary elections, the lowest voter turnout in a decade. More than 2,000 candidates registered for the 125 constituencies, but about a fourth of them ultimately withdrew, in some cases because of intimidation, leaving 1,550 to take part on election day. The opposition captured just 10 of 125 seats in the Milli Majlis (National Assembly), with a substantial majority going to the ruling YAP and its allies. The results were contested by the opposition, which organized a number of rallies in the country's capital.

In April 2006, U.S. president George W. Bush hosted President Aliyev at the White House, with Azerbaijan's importance to U.S. security and energy interests apparently overriding the objections of human rights and democracy activists who opposed the meeting.

International mediators in 2007 failed to make progress toward a final settlement for the disputed territory of Nagorno-Karabakh, a region of Azerbaijan that had been ruled by ethnic Armenian separatists since the early 1990s. No country or international organization recognized Nagorno-Karabakh's self-proclaimed independence.

Political Rights and Civil Liberties

Azerbaijan is not an electoral democracy. The country's constitution provides for a strong presidency, and the parliament, the 125-member Milli Majlis, exercises little or no independence from the executive branch. Presidential and parliamentary terms are five years.

Elections since the early 1990s have been considered neither free nor fair by international observers. The most recent parliamentary elections, in 2005, were likewise afflicted by extensive irregularities. The OSCE's Office for Democratic Institutions and Human Rights reported the "interference of local authorities, disproportionate use of force to thwart rallies, arbitrary detentions, restrictive interpretations of campaign provisions and an unbalanced composition of election commissions."

Corruption is a major obstacle, with government officials rarely held accountable for corrupt practices. Nontransparent administrative structures, along with a lack of judicial and parliamentary independence from the executive and other institutional obstacles, create an environment that enables corruption. Corruption is also deeply entrenched in society, and by a number of measures it is increasing as the vast proceeds from the country's burgeoning energy industry flow into the government's coffers, creating new and more expansive opportunities for graft. Azerbaijan was ranked 150 out of 179 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.

An extensive report issued in 2007 by the Media Rights Institute in Azerbaijan identified major shortfalls in the implementation of the country's December 2005 freedom of information law, finding that the government had taken no steps to establish or finance information-services departments within state agencies as called for in the legislation.

While Azerbaijan's constitution guarantees freedom of speech and the press, the authorities use a variety of tools to limit press freedom in practice. The broadcast media are the main source of information in the country. Of the 16 television stations, four broadcast to a national audience, and all four have clear or likely links to the regime. Independent and opposition newspapers struggle financially in the face of low circulation, limited advertising revenues, and heavy fines or imprisonment of their staff. State businesses rarely if ever advertise in opposition newspapers. While there is some pluralism in the print media, newspapers have relatively small print runs, are not distributed regularly in rural areas, and are frequently too expensive for many people to purchase.

In a bid to meet Council of Europe demands following the flawed 2003 presidential election, Azerbaijan launched its first public service broadcasting channel, iTV, in August 2005. The channel was not created in time to significantly affect the November 2005 elections, and although the opposition was afforded some television airtime during the campaign, overall news coverage was slanted toward the YAP. Since 2005, iTV's content has grown increasingly regime-friendly.

In the last weeks of 2006, the authorities mounted a concerted effort to hinder the few remaining outlets providing independent information to mass audiences. These measures included a decision by the National Television and Radio Broadcasting Council requiring domestic companies to obtain a license to rebroadcast programs from such news sources as the BBC and Radio Free Europe/Radio Liberty (RFE/RL). A campaign to silence the relatively independent media company ANS ultimately led RFE/RL and the BBC to find different frequencies on which to broadcast in 2007.

In 2007, the government intensified its pressure on the media, including using libel and defamation statutes to penalize journalists critical of the authorities. In April

2007, Eynulla Fatullayev, editor of the newspapers *Realni Azerbaijan* and *Gundelik Azerbaijan*, was convicted of criminal libel and insult and sentenced to 30 months in prison. Fatullayev was known for his reporting on issues of official corruption. Rovshan Kabrili, editor of *Mukhalifat* (Opposition), and a reporter from that newspaper, Yashgar Agazade, received 30-month prison sentences in a separate libel case.

Some 1,500 prisoners were amnestied and released by the government in May 2007. Few of those released were politically sensitive cases or those viewed as political prisoners. President Aliiev pardoned more than 100 prisoners in late December. Five of these included imprisoned journalists. Not included in this group were the high-profile journalist cases of Eynulla Fatullayev, Sakit Zahidov, and Ganimat Zahidov.

The authorities take a benign view toward the internet, and generally do not interfere with internet access. There are exceptions, however. In 2006, the government repeatedly blocked the foreign-hosted website www.tinsobhbeti.com, which offers satirical opposition views. The opposition website www.susmayag.biz was blocked in January 2007, after it launched a signature drive to protest the government's price hikes for energy and utilities. One of the site's founders, Bakhtiyar Hajiiev, was sentenced to 12 days in jail for sending SMS messages calling on citizens to protest the price increases.

The government restricts the activities of "nontraditional" minority religious groups through burdensome registration requirements and interference in the importation and distribution of printed religious materials. Islam, Russian Orthodox Christianity, and Judaism are considered traditional religions, and their members can generally worship freely.

The authorities generally do not restrict academic freedom. However, some faculty and students have experienced political pressure, including reported threats to lower the grades of students who participate in opposition political activity. After the October 2003 election and in advance of the 2005 parliamentary poll, some professors and teachers said they were dismissed because of their membership in opposition parties.

The government restricts freedom of assembly, especially for political parties critical of the government. Registration with the Ministry of Justice is required for a nongovernmental organization (NGO) to function as a legal entity, and the registration process has been described as cumbersome and nontransparent. A week before the 2005 parliamentary elections, Azerbaijan lifted a ban that had prevented NGOs that received more than 30 percent of their funding from foreign sources from serving as election monitors. The lifting of this rule will be put to the test in the run-up to the next presidential election, which is due to take place by October 2008. Although the law permits the formation of trade unions and the right to strike, the majority of trade unions remain closely affiliated with the government, and most major industries are state owned.

The judiciary is corrupt, inefficient, and subservient to the executive branch, which hobbles hopes of tackling graft. Arbitrary arrest and detention are common, particularly for members of the political opposition. Detainees are often held for long periods before trial, and their access to lawyers is restricted. Police abuse of suspects during arrest and interrogation reportedly remains commonplace, with

torture sometimes used to extract confessions. Prison conditions are reportedly severe, with many inmates suffering from overcrowding and inadequate medical care.

In September 2007, Alesker Ismaylov, a prominent member of Popular Front Party in Nakhichevan, was arrested, interrogated, and placed in a local psychiatric facility. His detention apparently came after he filed complaints about his neighbor, the local police chief. Ismaylov was transferred to a psychiatric facility in Baku after 10 days and was released in October following a public outcry.

Some members of ethnic minority groups, including the small ethnic Armenian population, have complained of discrimination in areas including education, employment, and housing. Hundreds of thousands of ethnic Azeris who fled the war in Nagorno-Karabakh remain in Azerbaijan, often living in dreadful conditions.

Significant parts of the economy are in the hands of a corrupt elite, which severely limits equality of opportunity. Supporters of the political opposition face job discrimination, demotion, or dismissal.

Traditional societal norms and poor economic conditions restrict women's professional roles. Domestic violence is a problem, and there are no laws regarding spousal abuse. In 2004, Azerbaijan adopted a new national program to combat human trafficking. Azerbaijan is believed to be both a country of origin and a transit point for the trafficking of women for prostitution.