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Freedom in the World 2011 - Azerbaijan

Capital: Baku

Population: 8,781,000

Political Rights Score: 6 *

Civil Liberties Score: 5 *

Status: Not Free

Explanatory Note

The numerical ratings and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report.

Overview

The ruling Yeni Azerbaijan Party dominated deeply flawed parliamentary elections held in November 2010, demonstrating President Ilham Aliyev's increased authoritarian control over the country's institutions and political life. Although two jailed bloggers were released later that month under strong international pressure, the government maintained its harsh suppression of media freedom during the year.

After a short 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 the first post-Soviet parliamentary elections in 1995, allowing Aliyev's Yeni Azerbaijan Party (YAP) to win the most seats. In 1998, Aliyev was reelected with more than 70 percent of the vote in balloting that was marred by irregularities, and the YAP won fraudulent parliamentary polls in 2000.

A 2002 referendum approved a series of constitutional amendments, some of which critics said would 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. The change was seen as a possible means for the ailing Aliyev to transfer power to his son, Ilham Aliyev. Opposition groups and the Organization for Security and Cooperation in Europe (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.

Heydar Aliyev collapsed during a live television broadcast in April 2003 and left Azerbaijan that summer to receive medical treatment abroad. In June, Prime Minister Ilham Aliyev was officially nominated as a candidate for the October presidential election, and the elder Aliyev withdrew his candidacy just two weeks before the vote.

Final election results showed Ilham Aliyev defeating seven challengers with nearly 77 percent of the ballots. His closest rival, opposition Musavat Party leader Isa Gambar, received only 14 percent, while six other candidates received less than 4 percent each. According to OSCE observers, the vote was again 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. The authorities then unleashed a crackdown against the opposition in which more than 600 people were detained. Among those arrested were 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 2005 parliamentary elections, the lowest voter turnout in a decade. 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 capital.

Aliyev easily won a second term in the October 2008 presidential election, taking 89 percent of the vote amid 75 percent turnout, according to official results. Most of the political opposition chose to boycott the poll, citing barriers to meaningful media access and the overwhelming influence of administrative resources deployed by the YAP. In March 2009, a constitutional amendment that removed presidential term limits reportedly passed a referendum with more than 90 percent of the vote, allowing Aliyev to run again in 2013.

The November 2010 parliamentary elections followed the established trend of increasing manipulation, and the YAP emerged with 71 seats, up from 61 in the 2005 polls. The remainder went to 41 independents and 10 minor parties, none of which garnered more than three seats.

International mediators have failed to make progress on negotiations for a final settlement on the disputed territory of Nagorno-Karabakh, a region of Azerbaijan that has been ruled by ethnic Armenian separatists since the early 1990s. No country or international organization recognizes 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. The president and members of parliament serve five-year terms, and a 2009 referendum eliminated presidential term limits.

Elections since the early 1990s have been considered neither free nor fair by international observers. As with previous votes, the 2010 parliamentary balloting featured the abuse of state administrative resources, including news media, to ensure the dominance of the YAP. The OSCE also cited voter intimidation and the improper disqualification of some opposition candidates.

Corruption is widespread, and wealth from the country's massive oil exports creates ever

greater opportunities for graft. Because critical institutions, including the news media and judiciary, are largely subservient to the president and ruling party, government officials are rarely held accountable for what are considered to be widespread corrupt practices among the country's ruling elite. A freedom of information law was enacted in 2005, but the government has taken little action to implement its provisions and increase transparency at public institutions.

While Azerbaijan's constitution guarantees freedom of speech and the press, the authorities severely limit press freedom in practice. Broadcast media are the main source of information for the vast majority of the population, and privately owned television stations with national reach generally reflect progovernment views. 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. Independent and opposition newspapers struggle financially in the face of limited advertising revenues and heavy fines or imprisonment of their staff. State-owned companies rarely if ever advertise in opposition newspapers. In 2009, authorities in the Naxcivan autonomous republic banned the leaking of information to the media, leading to house arrests and threats aimed at those who had supplied opposition newspapers with information. Also that year, Azerbaijani authorities banned local radio broadcasts of key international news services, including the British Broadcasting Corporation (BBC), Radio Free Europe/Radio Liberty (RFE/RL), and Voice of America.

Journalists are threatened and assaulted with impunity, and several high-profile reporters and editors remained behind bars for defamation and other offenses in 2010. Among them was newspaper editor Eynulla Fatullayev, who was jailed on a variety of dubious charges in 2007 and began a hunger strike in October 2010. In November 2010, bloggers Emin Milli and Adnan Hajizade were released by a Baku appeals court after more than a year in prison and an international campaign on their behalf. They had been sentenced for "hooliganism" over an incident in which two men attacked them in a restaurant as part of an apparent frame-up; the bloggers had recently participated in online criticism of the government, including a satirical video in which a donkey holds a news conference. The government does not typically restrict internet access, but it has repeatedly blocked some websites featuring opposition views and intimidated the online community through its harsh treatment of Milli and Hajizade.

The government restricts the activities of "nontraditional" minority religious groups – those other than Islam, Orthodox Christianity, and Judaism – through burdensome registration requirements and interference in the importation and distribution of printed religious materials. A 2009 law required religious groups to reregister with the authorities and religious figures to be recertified. It also barred foreign citizens from leading prayers.

The authorities generally do not restrict academic freedom. However, some students and faculty have experienced political pressure, including reported threats to lower the grades of students who participate in opposition political activity. Some professors and teachers have said they were dismissed because of their membership in opposition parties or for political activity during campaign periods.

The government restricts freedom of assembly, especially for opposition parties. Legal amendments enacted in 2009 require nongovernmental organizations (NGOs) to register their grants with the authorities and foreign NGOs to reach agreements with the government before opening offices in the country. NGOs must register with the Ministry of Justice to function as legal entities, and the process has been described as cumbersome and nontransparent. 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. 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 common; torture is sometimes used to extract confessions. Prison conditions are severe, with many inmates suffering from overcrowding and inadequate medical care. In August 2009, the former editor of an ethnic minority newspaper died in prison after allegedly receiving poor medical treatment.

In November 2010, the European Court of Human Rights (ECHR) rebuked the Azerbaijani government for the arrests of former economic development minister Farhad Aliyev and former National Academy of Sciences president Eldar Salayev in connection with a suspected coup plot in 2005. The ECHR found that the authorities had violated their rights to liberty and security and the presumption of innocence, and ordered the government to pay compensation.

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 were displaced by the war in Nagorno-Karabakh in the early 1990s remain subject to restrictions on their place of residence and often live in dreadful conditions.

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

Traditional societal norms and poor economic conditions restrict women's professional roles, and they remain underrepresented in government. Women hold 20 seats in the newly elected parliament. Domestic violence is a problem, and there are no laws regarding spousal abuse. The country is believed to be a source, transit point, and destination for the trafficking of women for prostitution. A 2005 law criminalized human trafficking, but the U.S. State Department's 2010 Trafficking in Persons Report placed Azerbaijan on its Tier 2 Watch List for the third consecutive year.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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