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2015 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 6.0

Civil Liberties (1 = best, 7 = worst): 6

Political Rights (1 = best, 7 = worst): 6

Trend Arrow: ↓

Azerbaijan received a downward trend arrow due to an intensified crackdown on dissent, including the imprisonment and abuse of human rights advocates and journalists.

Explanatory Note:

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

OVERVIEW

Although Azerbaijan held the rotating chairmanship of the Council of Europe's executive body from May to November, putting it in the international spotlight, the government intensified its already severe persecution of human rights activists, independent journalists, and opposition figures during the year. The charges used against them included treason, tax evasion, illegal business activity, and possession of illegal drugs or weapons. Even after a raft of presidential pardons in late December, human rights groups counted more than 90 political prisoners still behind bars.

Also during the year, the authorities forced the closure of the local offices of two U.S.-based nongovernmental organizations (NGOs) and U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL).

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 6 / 40

A. Electoral Process: 1 / 12

Azerbaijan's constitution provides for a strong presidency, and the 125-member Milli Majlis (National Assembly) exercises little or no independence from the executive branch. The president and members of parliament serve five-year terms; a 2009 referendum eliminated presidential term limits.

Elections since the early 1990s have been considered neither free nor fair by international observers. In the October 2013 presidential election, incumbent Ilham Aliyev – who had succeeded his father, Heydar Aliyev, in 2003 – won with 84.6 percent of the vote. Jamil Hasanli, who was nominated as a backup candidate by the opposition National Council of Democratic Forces, placed a distant second with 5.5 percent. The council, an umbrella organization formed that year to unite opposition factions and push for reform, had originally nominated well-known filmmaker Rustam Ibragimbekov, but his registration was rejected on the grounds that he had dual Russian-Azerbaijani citizenship.

The Organization for Security and Co-operation in Europe (OSCE) strongly criticized limits on the ability of legitimate presidential candidates to run for office, restrictions on freedom of expression and assembly, intimidation of voters, and fraud during voting and the vote-counting process. Meanwhile, a delegation from the European Parliament (EP) initially called the presidential election "free, fair and transparent." Some critics speculated that the positive assessment was the result of successful lobbying efforts on the part of the Azerbaijani government and European business interests in the country. The EP ultimately backed away from its own delegation's findings and supported the conclusions of the OSCE.

The most recent parliamentary elections, held in November 2010, followed the established trend of increasing manipulation, and the ruling New Azerbaijan Party (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. The opposition parties Musavat and Azerbaijan Popular Front lost representation. The next parliamentary elections are scheduled for 2015.

B. Political Pluralism and Participation: 3 / 16

The political environment in Azerbaijan is neither pluralistic nor competitive. President Aliyev's YAP has dominated the political playing field since its founding in 1995, and nominal opposition groups and independents that won representation in the 2010 parliamentary elections tend to support the government.

Amendments to the electoral code in 2009 limited candidates' access to public campaign funding and reduced the official campaign period from 28 to 22 days. Changes made to laws on freedom of assembly and NGOs in 2012 and 2013 further restricted candidates' ability to organize and hold rallies. The political opposition has virtually no access to coverage on television, which remains the most popular source for news and information in Azerbaijan. During the 2013 campaign period, television channels monitored by the OSCE devoted 92 percent of their election coverage to the incumbent. Regulators have interpreted a legal ban on partisan campaigning by the public broadcaster and foreign entities as a restriction on basic coverage of candidates by public or foreign media.

Opposition politicians are subject to arbitrary arrests on dubious charges as well as physical violence and other forms of intimidation. Tofiq Yaqublu, deputy chairman of the Musavat party, and Ilqar Mammadov, leader of the Republican Alternative (REAL) movement, were sentenced in March 2014 to five and seven years in prison, respectively. They were accused of having organized or participated in "mass disorders" in the town of Ismayilli in early 2013, though the prosecution was widely seen as politicized. In May 2014, eight activists with the opposition youth movement NIDA (Exclamation) were sentenced to between six and eight years in prison on

charges including hooliganism and drug possession, having been arrested in March 2013 during antigovernment protests. By year's end, four of the activists had been pardoned and released.

The necessary mechanisms to promote political representation of minorities in Azerbaijan are largely absent.

C. Functioning of Government: 2 / 12

Corruption is widespread, and wealth from the country's massive oil and gas exports creates ever greater opportunities for graft. Because critical institutions, including the media and judiciary, are largely subservient to the president and ruling party, government officials are rarely held accountable for corruption. Several investigative reports published by foreign media in early 2012 revealed evidence that President Aliyev and his immediate family controlled prodigious private assets, including monopolies in the economy's most lucrative sectors. In response, the president in July 2012 signed a series of legal amendments that allowed companies' organizational structures and ownership to remain secret, significantly limiting journalists' ability to uncover corruption. Azerbaijan was ranked 126 of 175 countries and territories surveyed in Transparency International's 2014 Corruptions Perception Index.

Despite the lack of safeguards against systemic corruption, the establishment of one-stop public service centers and e-government services in recent years may have contributed to improved public perceptions regarding petty corruption.

Civil Liberties: 14 / 60 (-2)

D. Freedom of Expression and Belief: 4 / 16

While the constitution guarantees freedom of the press, the authorities severely restrict the media in practice. Broadcast media generally reflect progovernment views. Most television stations are controlled by the government, which also controls approval of broadcast licenses. Although there is more pluralism in the print media, some 80 percent of newspapers are owned by the state, and circulation and readership are relatively small. Independent and opposition papers struggle financially and have faced heavy fines and imprisonment of their staff. State-owned companies rarely if ever advertise in such papers. Local radio broadcasts of key international news services, including the BBC, RFE/RL, and Voice of America, have been banned since 2009, though they are available via shortwave and online for those with connections.

Defamation remains a criminal offense punishable by exorbitant fines and imprisonment, and the law was amended in 2013 to specifically include online content and commentary. Journalists are threatened and assaulted with impunity, and several have been jailed on fabricated charges of drug trafficking, weapons possession, ethnic hatred, high treason, and hooliganism, among other offenses. Many are convicted and face long jail sentences.

A series of such arrests and harsh sentences was reported during 2014. Parviz Hasimli of the news website Moderator and the opposition daily *Bizim Yol* was sentenced in May to eight years in prison for illegal weapons possession, and blogger Omar Mammadov was sentenced to five years in July on similarly dubious drug charges. In August, Seymour Hazi of the opposition paper *Azadliq* was arrested on suspicion of hooliganism. In the year's most highly publicized case, investigative journalist Khadija Ismayilova of RFE/RL was ordered into pretrial detention in December as part of a case in which she was accused of encouraging a man to commit suicide. She had already faced years of intense harassment and trumped-up criminal charges as a result of her reporting. Later the same month, RFE/RL's offices in Azerbaijan were raided and closed, and the service's local journalists and other employees were subjected to searches and interrogations.

The government restricts the practice of "nontraditional" minority religions – those other than Islam, Orthodox Christianity, and Judaism – largely through burdensome registration requirements and interference with the importation and distribution of printed religious materials. Among other restrictive laws, a 2011 measure prescribed multiyear prison sentences for leaders of unsanctioned religious services. A number of mosques have been closed in recent years, ostensibly for registration or safety violations. In 2014, the authorities took a number of steps to curb the Islamic movement led by U.S.-based Turkish scholar Fethullah Gülen, including the closure of private schools linked to the group.

The authorities have linked academic freedom to political activity in recent years. Some professors and teachers have reported being dismissed for links to opposition groups, and students have faced expulsion and other punishments for similar reasons.

E. Associational and Organizational Rights: 1 / 12 (-1)

The government restricts freedom of assembly. New legal amendments increasing fines for organizing and participating in unauthorized protests came into effect in January 2013, and changes adopted in May of that year extended the maximum periods of administrative detention for certain assembly-related offenses. Dozens of people were arrested in connection with a wave of antigovernment protests that broke out in Ismayilli and Baku in early 2013.

Other legislation passed during 2013 requires NGOs to register all grants and donations with the Ministry of Justice, and to inform authorities of all donations over \$250; those that fail to acquire proper registration are prohibited from opening or maintaining bank accounts. The rules have been used to put pressure on both local and foreign organizations. During 2014, the authorities froze the bank accounts of two U.S.-based NGOs, IREX and the National Democratic Institute (NDI), and raided the offices of IREX in September, forcing both groups to close their operations in the country. Transparency International also experienced difficulty accessing funds in Azerbaijan. Statements by government officials during the year accused foreign-funded NGOs of undermining political stability.

A number of prominent rights activists were jailed or attacked in 2014 as part of the broader crackdown. Anar Mammadli, head of the Election Monitoring and Democracy Studies Center, was sentenced to five and a half years in prison in May for alleged financial crimes. Hasan Huseynli, head of an educational charity, was sentenced to six years in prison in July for a stabbing incident that he said was fabricated. Leyla Yunus, director of the Institute for Peace and Democracy, and her husband were charged the same month with treason and fraud, and both were subsequently put in pretrial detention. In August, activist Rasul Jafarov was arrested on suspicion of financial crimes, legal expert Intigam Aliyev was detained on similar charges, and activist and former journalist Ilgar Nasibov was severely beaten by unknown attackers.

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 dominated by state-owned enterprises.

F. Rule of Law: 3 / 16 (-1)

The judiciary is corrupt, inefficient, and subservient to the executive branch. Arbitrary arrests 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.

The opposition figures, journalists, and civil society activists who were arrested or sentenced during 2014 reported a variety of due process violations, evidence that was allegedly fabricated or withheld from the defense, and abuse in custody. Leyla Yunus, for example, reported suffering psychological and physical abuse in jail, and her health worsened as chronic illnesses were left untreated.

Some members of ethnic minority groups, including the small ethnic Armenian population, have complained of discrimination in areas including education, employment, and housing. Although same-sex sexual activity is not a criminal offense, antidiscrimination laws do not specifically protect LGBT (lesbian, gay, bisexual, and transgender) people, who reportedly face police harassment and other forms of bias or abuse.

G. Personal Autonomy and Individual Rights: 6 / 16

The government has increasingly restricted freedom of movement, particularly foreign travel, for opposition politicians and civil society activists. Free choice of residence and property rights are affected by government-backed development projects that often entail forced evictions, unlawful expropriations, and demolitions with little or no notice.

Traditional societal norms and poor economic conditions restrict women's professional roles, and they remain underrepresented in government. Women hold 19 seats in the parliament. Domestic violence is a problem, and the country is believed to be a source, transit point, and destination for the trafficking of women for prostitution. The U.S. State Department's 2014 *Trafficking in Persons Report* raised Azerbaijan from its Tier 2 Watch List to a Tier 2 ranking due to modest improvements in legislation and victim-protection efforts.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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