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Freedom in the World 2018 - Nagorno-Karabakh

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Freedom Status: Partly Free

Aggregate Score: 30 (0 = Least Free, 100 = Most Free)

Freedom Rating: 5.0 (1 = Most Free, 7 = Least Free)

Political Rights: 5 (1 = Most Free, 7 = Least Free)

Civil Liberties: 5 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 150,000

OVERVIEW

Nagorno-Karabakh, also known as Artsakh, has enjoyed de facto independence from Azerbaijan since 1994, when it reached a cease-fire agreement with Azerbaijani forces following a six-year war, though its independence is not internationally recognized. The territory's population is mostly ethnic Armenian, and it retains close political, economic, and military ties with Armenia. The tense security situation, with regular cease-fire violations and an ongoing threat of war, has had a negative effect on political rights and civil liberties and provided authorities with a pretext to consolidate their own power.

Key Developments in 2017:

- Exchanges of fire across the Line of Contact (LoC) continued during the year, resulting in small numbers of fatalities on both sides.
- In February, referendum voters overwhelmingly approved constitutional changes that replaced the territory's semipresidential system with a fully presidential structure, combining the roles of head of state and head of government. Some irregularities were reported.
- Despite earlier assurances that an extension of incumbent president Bako Sahakyan's tenure was not on the agenda, the parliament voted in July to retain him as president for a transitional three-year period, after which the terms of the president and parliament would be concurrent under the revised constitution.

POLITICAL RIGHTS: 12 / 40 (-3)**A. ELECTORAL PROCESS: 4 / 12 (-2)****A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4 (-1)**

Under the constitutional system in place at the beginning of 2017, the president was directly elected for up to two five-year terms and appointed the prime minister. President 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.

In accordance with changes to the constitution that were approved in a February 2017 referendum, the parliament was obliged to elect a transitional president who would hold office until the expiration of the current parliament's term, so that the presidential and parliamentary terms would be concurrent after 2020. Sahakyan, whose second term was coming to an end, was elected as transitional president in July with 28 votes in the 33-seat chamber, far more than the two-thirds majority required to win in the first round. He defeated Eduard Agabekyan, leader of the opposition party Movement 88.

Under the new constitution, the president was both head of state and head of government, with full authority to appoint and dismiss cabinet members. After Sahakyan was inaugurated in September, the office of prime minister was abolished.

Score Change: The score declined from 2 to 1 due to constitutional changes that permitted incumbent president Bako Sahakyan to serve beyond the two-term limit through an indirect election by the parliament.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

Of the unicameral National Assembly's 33 members, 11 are elected through single-mandate constituencies and 22 by party list. The most recent parliamentary elections were held in 2015. Seven parties participated, and five passed the threshold to gain seats. The 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), both part of Free Motherland's ruling coalition, won seven and six seats, respectively. Two opposition parties gained representation: Movement 88 took three seats, while National Revival captured one. An independent candidate won the remaining seat.

International observers reported that the elections were an improvement over the 2010 vote, which was marred by the absence of opposition candidates and the use of state resources to support progovernment candidates. Political parties reported minor intimidation during the campaign process.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4 (-1)

Amendments passed in 2014 led to some improvements to the electoral code. Among other changes, the number of parliamentary seats under the proportional system increased, and the vote threshold for representation decreased to 5 percent for political parties and 7 percent for electoral coalitions, allowing for broader political participation.

However, the constitutional referendum of February 2017 was criticized by opposition groups as a means to consolidate the power of the governing parties and extend the tenure of President Sahakyan beyond the constitutional limit of two five-year terms. With his indirect election as transitional president in July, Sahakyan effectively gained greater authority without a direct mandate from voters, and he would apparently be able to seek two more full terms after 2020. Supporters of the constitutional changes argued that a stronger presidency was necessary in light of Nagorno-Karabakh's security situation.

The election commission reported that 87.6 percent of referendum participants endorsed the changes, with turnout at 76.5 percent. Opposition groups and some civil society activists complained that state resources were used to promote the referendum, and observers noted suspicious results in some areas, with one of the 11 districts reporting 99 or 100 percent figures for both turnout and "yes" votes in most of its polling locations.

Score Change: The score declined from 2 to 1 due to the constitutional referendum, which featured some irregularities and established procedures that allowed the incumbent president to increase his powers without a fresh mandate from voters.

B. POLITICAL PLURALISM AND PARTICIPATION: 5 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

There are few formal restrictions on the freedom to form and join political parties, but the political landscape is constrained in practice. Given the territory's contested status, open dissent and vigorous competition are often regarded as signs of disloyalty or even as a security risk.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4 (-1)

The leading political parties tend to form broad coalitions and co-opt potential rivals, leaving little room for genuine opposition. In the 2015 parliamentary elections, opposition parties won just four seats, though this represented an improvement. President Sahakyan appointed Balasanyan, his challenger in the 2012 election, as secretary of Nagorno-Karabakh's security council in November 2016. In another example of co-optation, the president named his 2007 opponent, Masis Mayilyan, as foreign minister in September 2017. Sahakyan's easy election as transitional president, with 28 votes from the 32 lawmakers present, illustrated the extent of political cohesion even regarding a de facto breach of term limits.

Score Change: The score declined from 2 to 1 due to a pattern in which all major parties band together in a governing coalition and use government appointments to draw in possible opposition figures.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

Politics in Nagorno-Karabakh are heavily influenced by the leadership in Armenia and by the threat of military aggression from Azerbaijan.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

The population is almost entirely ethnic Armenian as a result of wartime displacement, and the constitution mandates a policy of preserving the Armenian character of the territory, partly by granting citizenship to ethnic Armenians who choose to reside there.

Women have equal political rights, but social constraints limit their participation in practice, and they are poorly represented in leadership positions. While the 2014 electoral code requires parties to ensure a minimum of 22 percent female representation on candidate lists, only five women hold seats in the parliament.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The ability of locally elected 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. The constitution calls for close cooperation with Armenia on political, economic, and military policy.

C2. Are safeguards against official corruption strong and effective? 1 / 4

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

C3. Does the government operate with openness and transparency? 1 / 4

A freedom of information law was adopted in 2004, but the government operates with little transparency in practice. Key decisions are negotiated by political actors, with few meaningful opportunities for public input.

CIVIL LIBERTIES: 18 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16

D1. Are there free and independent media? 1 / 4

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.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

The constitution guarantees religious freedom but allows for restrictions in the name of security, public order, and other state interests. The charter also recognizes the Armenian Apostolic Church

as the "national church" of the Armenian people. The religious freedom of other groups is limited in practice. A 2009 law banned religious activity by unregistered groups and proselytism by minority faiths, and made it more difficult for minority groups to register.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Schools and universities are subject to political influence and pressure to avoid dissenting views on sensitive topics, particularly those related to the territory's status and security. Educators engage in a degree of self-censorship on such issues.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Private discussion is generally open and free, though expression of dissent may be inhibited somewhat by the prevailing nationalist sentiment in politics and society.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Protests are relatively rare in practice, and the authorities have blocked gatherings and demonstrations that they deem to be threats to public order, including events planned by Armenian opposition activists. Protests supporting the territory's diplomatic and security interests, or addressing specific economic grievances, are more likely to be tolerated.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Freedom of association is limited. The few NGOs that are active in the territory suffer from poor funding and competition from government-organized groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade unions are allowed to organize, but in practice they are weak and relatively inactive, with little practical ability to assert workers' interests. There is political and social pressure to avoid major labor disputes that might harm national solidarity.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

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.

F2. Does due process prevail in civil and criminal matters? 1 / 4

The constitution guarantees basic due process rights, but police and the courts do not always uphold them in practice. The human rights ombudsman received a dozen complaints regarding the right to a fair trial during 2017, up from five the previous year. Outspoken political dissidents are subject to harassment by the authorities.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

The security of the population is affected by regular incidents of violence along the cease-fire line. Soldiers as well as civilians on both sides are killed or injured each year, and casualties continued to be reported during 2017, particularly in the spring and summer.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The constitution guarantees equal rights for women and bans discrimination based on gender, ethnicity, religion, and other categories. However, women are underrepresented in the public and private sectors and remain exposed to discrimination in practice. Only men are subject to military conscription. To preserve the Armenian character of the territory, state policies promote Armenian language and culture and encourage ethnic Armenians to migrate to Nagorno-Karabakh, partly through housing and other subsidies.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Freedom of movement within Nagorno-Karabakh and travel around the territory are hindered by its ambiguous legal and diplomatic status, the instability of the cease-fire, and the presence of land mines, which continue to cause deaths and injuries.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Most major economic activity is tightly controlled by the government or a small group of powerful elites with political connections. The property rights of displaced Azerbaijanis have yet to be adequately addressed.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Men and women have equal legal rights with respect to marriage and divorce, though the constitution defines marriage as a union between a man and a woman, precluding same-sex marriage. The government offers material incentives to encourage couples to have children, with the goal of repopulating the territory. Domestic violence is common and not effectively prosecuted.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Employment opportunities remain scarce and are mostly confined to the state sector or state-subsidized businesses.

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