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2013 Scores

Status: Not Free
Freedom Rating: 5.5
Civil Liberties: 5
Political Rights: 6

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 authorities in 2012 used violent tactics to disperse antigovernment rallies, detained more than 70 demonstrators and journalists, and filed dubious criminal charges against government critics. Also during the year, investigative reports by foreign media exposed the outsized wealth of the ruling Aliyev family, leading the president to sign legal amendments aimed at protecting the confidentiality of corporate structures and ownership. In August, the government pardoned a former soldier convicted of murdering an Armenian officer at a NATO training camp in Hungary in 2004, igniting anger in Armenia and nearly ending negotiations over the disputed territory of Nagorno-Karabakh. Separately, ahead of the Eurovision song contest in May, the government continued to forcibly evict Baku residents to make way for the construction of the contest venue.

After a short period of independence from 1918 to 1920, Azerbaijan was occupied by Soviet forces and formally entered the Soviet Union in 1922. Following a referendum in 1991, Azerbaijan declared independence from the disintegrating 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 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 New 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.

Prime Minister Ilham Aliyev, Heydar Aliyev's son, became a candidate in the October 2003 presidential election after his father fell ill in April. 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 14 percent. According to Organization for Security and Cooperation in Europe (OSCE) observers, the vote was again tainted by widespread fraud. After violent clashes between security forces and demonstrators in Baku in October, the authorities unleashed a crackdown in which more than 600 people were detained, including election officials who refused to certify fraudulent results. Heydar Aliyev died in December 2003.

The opposition captured just 10 of 125 seats amid low turnout in the 2005 parliamentary elections, 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 2008 presidential election, taking 89 percent of the vote amid 75 percent turnout, according to official results. Most of the opposition boycotted the poll, citing barriers to media access and the overwhelming administrative resources deployed by the YAP. In 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.

In March and April 2011, a series of antigovernment protests calling for democratic reforms were violently dispersed by authorities, and dozens of people – including well-known journalists, youth activists, and opposition members – were arrested on dubious charges. In 2012, authorities used similar tactics to suppress renewed protests and restrict freedom of expression. Two international events hosted in Baku, the Eurovision song contest in May and the Internet Governance Forum (IGF) in November, provided an opportunity for the state to bolster its international image without making any progress on reform.

No progress was made in 2012 toward a resolution of the dispute over Nagorno-Karabakh, a region of Azerbaijan that has been ruled by ethnic Armenian separatists since the early 1990s. Border skirmishes in June and the Azeri government's pardoning of convicted murderer Ramil Safarov in August nearly derailed negotiations with Armenia. Safarov had killed an Armenian officer with an ax in 2004 while receiving training at a NATO camp in Hungary, and Hungarian authorities agreed to extradite him to Azerbaijan in 2012, whereupon he was pardoned and given a hero's welcome. No country or international organization recognizes Nagorno-Karabakh's self-proclaimed independence.

Political Rights and Civil Liberties

Azerbaijan is not an electoral democracy. The 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, 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 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 Ilham Aliyev and his immediate family control prodigious private assets, including monopolies in the economy's most lucrative sectors. In response, the president in July signed a series of legal amendments that allow companies' organizational structures and ownership to remain secret, significantly limiting journalists' ability to uncover corruption.

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. While there is more pluralism in the print media, circulation and readership are relatively small. Some 80 percent of newspapers are owned by the state. 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. Those who supply information to opposition newspapers have at times been subject to threats and arrest. In early 2012, the state replaced kiosks owned by the private companies Qasid and Qaya, which distribute the independent newspapers *Yeni Musavat* and *Azadliq*, making it easier for authorities to block the dissemination of such media. 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, were banned in 2009.

Despite the government's pledge to decriminalize defamation in 2012, it remains a criminal offense punishable by exorbitant fines and imprisonment. Journalists are threatened and assaulted with impunity, and several have been jailed on fabricated charges of drug trafficking, ethnic hatred, high treason, and hooliganism, among other offenses. Executive Director Vugar Gonagov and Editor-in-Chief Zaur Guliyev, both at Khayal TV, were arrested in March 2012 and faced up to three and 10 years in prison, respectively, on charges of inciting mass disorder and abuse of office, having uploaded a video to YouTube that depicted the governor of Quba district insulting local residents. Newspaper editor Avaz Zeynalli has been in detention since October 2011 and could be sentenced to 10 years in prison if convicted of extortion and failure to implement a court decision. Journalists were among the more than 70 people detained during antigovernment protests surrounding the Eurovision song contest in May 2012, and they too risked lengthy prison sentences. Website editor Nijat Aliyev and youth activist Anar Aliyev were arrested that month after criticizing government abuses; the former was charged with drug possession and faced up to three years in prison if convicted.

Internet-based reporting and social networking have increased significantly in recent years as a means of sidestepping government censorship and mobilizing protesters. The government has repeatedly blocked some websites that feature opposition views and intimidated the online community through harsh treatment of critical bloggers. Authorities monitor the internet use of protest leaders, and online surveillance reportedly increased in 2012.

The government restricts the practice of "nontraditional" minority religions – those other than Islam, Orthodox Christianity, and Judaism – through burdensome registration requirements and interference with 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. A 2011 amendment to the law significantly increased fines for distribution of unapproved religious material and prescribed multiyear prison sentences for leaders of unsanctioned religious services. In Baku in October 2012, police arrested 72 people who were participating in a demonstration against the country's ban on

headscarves in secondary schools.

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.

The government restricts freedom of assembly, especially for opposition parties. The authorities unlawfully denied registration for public protests in March and April 2011 and May 2012, a number of which were violently dispersed. Dozens of protesters were arrested, many on false or trumped-up charges. Among them were several well-known youth activists and opposition figures. The president denounced such activists as "traitors" during a July 2012 cabinet meeting.

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. The rules have been used to put pressure on both local and foreign organizations. In 2012, NGOs were harassed by authorities for releasing reports that revealed human rights abuses. Some local freedom of expression groups were barred from the IGF and prohibited from distributing their materials. The U.S.-based National Democratic Institute was shut down in March 2011 but allowed to reopen the following September.

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. Protesters detained in 2012 reported ill-treatment in custody. Most were arrested arbitrarily and denied legal counsel in closed pretrial hearings.

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.

As part of a citywide redevelopment project, the government evicted many Baku residents in the summer of 2011, forcibly removing and illegally demolishing the homes of those who refused to be resettled. Evictions continued in 2012 to make way for the construction of Crystal Hall, the venue for the Eurovision contest. 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 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. A 2005 law criminalized human trafficking, but the U.S. State Department's 2012 Trafficking in Persons Report placed Azerbaijan on its Tier 2 Watch List for the fifth consecutive year.

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