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Freedom in the World 2009 - Azerbaijan

Capital: Baku

Population: 8,700,000

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.

Trend Arrow ↓

Azerbaijan received a downward trend arrow due to the increasing monopolization of power by President Ilham Aliyev and the ruling Yeni Azerbaijan Party, as reflected in a flawed presidential election in October and measures to eliminate presidential term limits.

Overview

President Ilham Aliyev and the ruling Yeni Azerbaijan Party further marginalized the political opposition and other institutions of democratic accountability in 2008. The government's fierce suppression of media freedom was integral to Aliyev's victory in a controlled presidential election in October. In December, the parliament approved a constitutional change that would eliminate presidential term limits, clearing the way for a referendum on the issue. Meanwhile, the country's energy wealth continued to swell state coffers, stunting other sectors of the economy and permitting the government to postpone meaningful institutional reforms.

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 Azerbaijan's 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.

The ruling YAP captured the majority of seats in the 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.

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. 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 just two weeks before the election.

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 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 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 December, the parliament rapidly passed a draft constitutional amendment that would remove presidential term limits, and the Constitutional Court cleared the measure for approval in a referendum to be held in 2009.

In a July 2008 speech to Azerbaijan's ambassadorial corps, Aliyev warned international organizations not to criticize his government's reform efforts. Many observers saw the speech as a sign that Azerbaijan's abundant energy wealth was enabling it to adopt a more recalcitrant attitude toward domestic reforms and foreign scrutiny.

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 had 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. While presidents are currently subject to a two-term limit, a constitutional change approved by the parliament in December 2008 would lift that barrier if finalized in a referendum, expected to be held in 2009.

Elections since the early 1990s have been considered neither free nor fair by international observers. The most recent parliamentary elections, in 2005, were afflicted by extensive irregularities. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) cited 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."

The 2008 presidential election, though largely peaceful, was no exception to this pattern. A joint statement from the OSCE, the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament observed that the poll "did not reflect all the principles of a meaningful and pluralistic democratic election." The OSCE's monitoring report noted a number of problems, including "a lack of robust competition, a lack of vibrant political discourse, and a restrictive media environment." President Ilham Aliyev said he would not campaign personally, but he reportedly stepped up his official activities and opened a number of infrastructure projects during the campaign period, garnering extensive coverage from the biased media. The OSCE also noted that public officials and YAP operatives worked cooperatively to mobilize support and increase turnout.

Corruption is rampant, and by many accounts it has grown as wealth from the country's massive oil exports creates even greater opportunities for graft. Given the weakness and dependence of critical institutions, government officials are rarely held accountable for corrupt practices. Azerbaijan was ranked 158 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. 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.

Though 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 low circulation, limited advertising revenues, and heavy fines or imprisonment of their staff. State-owned companies rarely if ever advertise in opposition newspapers. Journalists are threatened and assaulted with impunity, and five reporters and editors remained behind bars in 2008, according to the Committee to Protect Journalists, with charges ranging from libel and defamation to tax evasion and drug trafficking. Among those imprisoned were Eynulla Fatullayev, Sakit Zakhidov, and Genimet Zakhidov. The government does not typically restrict internet access, but it has repeatedly blocked some websites featuring opposition views.

The ruling YAP's dominance of mass media gave it an overwhelming advantage in the 2008 election campaign. The OSCE found that most television stations displayed a clear bias in favor of the incumbent, noting that even one of the better performers, public broadcaster ITV, gave Aliyev three times as much coverage as all six challengers combined. State-funded AzTV reportedly devoted 94 percent of its political and election coverage to the ruling authorities.

In November 2008, the authorities announced their intention to discontinue 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. The National Television and Radio Council indicated that international broadcasts on frequencies controlled by the government would no longer be permitted as of 2009.

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 adherents can for the most part 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. 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. 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. 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 commonplace, with torture sometimes used to extract confessions. Prison conditions are severe, with many inmates suffering from overcrowding and inadequate medical care.

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 in Azerbaijan, often living 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. Domestic violence is a problem, and there are no laws regarding spousal abuse. The country is believed to be a country of origin and a transit point for the trafficking of women for prostitution. A 2005 law criminalized human trafficking, but the U.S. State Department's 2008 Trafficking in Persons Report placed Azerbaijan on its Tier 2 Watch List, citing a decline in enforcement and other shortcomings.