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Freedom in the World 2015 - Nagorno-Karabakh

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 5.0

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 5

OVERVIEW

The year featured an increase in cross-border violence between Nagorno-Karabakh and Azerbaijan. Although the total number of casualties in 2014 was contested, at least twenty deaths were confirmed by the end of August, following a peak in violence earlier in the month. In November, Azerbaijani forces opened fire on a Karabakh military helicopter, killing three Karabakh servicemen. Authorities in Baku claimed that the aircraft had attempted to attack Azerbaijani ground troops and enter Azerbaijan-controlled airspace, while Karabakh claimed that the helicopter was on a training mission in its own airspace.

The presidents of Armenia and Azerbaijan met several times throughout the year, including for peace talks mediated by Russian president Vladimir Putin in August. The increase in violence further complicated relations between the parties, with little progress made toward reaching a settlement or alleviating strained regional relations.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 12 / 40

A. Electoral Process: 4 / 12

Nagorno-Karabakh has enjoyed de facto independence from Azerbaijan since 1994 and retains close political, economic, and military ties with Armenia. None of Karabakh's elections have been considered valid by the international community, which does not recognize the territory's independence.

The president is directly elected for up to two five-year terms and appoints the prime minister. Of the unicameral National Assembly's 33 members, 11 are elected through the single-mandate constituencies

and 22 by party list. This proportion was established through amendments to the electoral code in October 2014. There is an electoral threshold of 5 percent for political parties, while electoral coalitions must reach 7 percent.

President Bako Sahakyan, the incumbent since 2007, was reelected in July 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 – achieving international recognition of Nagorno-Karabakh's independence – though Balasanyan also called for social justice and accused the government of allowing corruption and fiscal mismanagement. Balasanyan claimed that administrative resources were misused to aid Sahakyan during the campaign.

The presidential contest was considered an improvement over the 2010 parliamentary elections, in which no genuine opposition candidates participated. Administrative resources were used to support the progovernment candidates, and the election commission was uniformly composed of progovernment officials. The balloting was swept by the three parties of the ruling coalition. Free Motherland (Azat Hayrenik), the party of Prime Minister Ara Harutyunyan, won 14 of the 33 seats, followed by the Democratic Party of Artsakh (AZhK) with 10 and the Armenian Revolutionary Federation (ARF)-Dashnaksutyun with 6. The remaining seats were captured by Free Motherland loyalists with no formal party affiliation. Parliamentary speaker Ashot Ghulyan was reelected to his post.

B. Political Pluralism and Participation: 5 / 16

The three main political parties are Free Motherland, AZhK, and ARF-Dashnaksutyun, all of which support the government. Given the territory's uncertain status, dissent – including political opposition – is generally regarded as a sign of disloyalty and a security risk. As a consequence, opposition groups have either disappeared or been brought into the government over the past several years.

C. Functioning of Government: 3 / 12

The ability of Karabakh 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. An increase in the level of cross-border violence, in addition to escalated warnings from Baku, strained the functioning of domestic governance in 2014.

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

Civil Liberties: 18 / 60 (-1)

D. Freedom of Expression and Belief: 6 / 16

The territory officially remains under martial law, which imposes restrictions on civil liberties, including on media freedom. However, the authorities maintain that martial law provisions have not been enforced since 1995, a year after the cease-fire agreement with Azerbaijan was signed.

The government controls many of Nagorno-Karabakh's media outlets, and the public television station has 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.

The Voice of Talyshistan, a radio station launched in 2013 by the Yerevan State University and an Armenian nongovernmental organization (NGO), continued broadcasting in 2014. The station broadcasts

programs in Talysh, an Iranian language, from Nagorno-Karabakh into southeastern Azerbaijan, home to the country's minority Talysh population. Some Azerbaijani officials called the station a "provocation" meant to promote anti-Azerbaijani sentiments.

Most residents belong to the Armenian Apostolic Church, and the religious freedom of other groups is limited. A 2009 law banned religious activity by unregistered groups and proselytism by minority faiths, and made it more difficult for minority groups to register. Although at least three were subsequently registered, a Protestant group and the Jehovah's Witnesses were reportedly denied registration. Unregistered groups have been fined for their religious activities, and conscientious objectors have been jailed for refusing to serve in the Karabakh army.

E. Associational and Organizational Rights: 3 / 12

Freedom of assembly is formally restricted under martial law provisions. Freedom of association is also limited, but trade unions are allowed to organize. The few NGOs that are active in the territory suffer from poor funding and competition from government-organized groups.

In May 2014, more than 150 Karabakh residents held a demonstration outside of President Sahakyan's residence during a visit by James Warlick, the co-chair of the Minsk Group, which facilitates settlement negotiations on behalf of the Organization for Security and Co-operation in Europe (OSCE). The demonstrators voiced opposition to Warlick's recent proposal on a conflict settlement for Karabakh that, among other things, suggested returning some disputed territory to Azerbaijan. In September, residents of Stepanakert organized protests against a planned increase in public transportation fares, submitting a formal appeal to the mayor. Both local authorities and Prime Minister Harutyunyan held meetings with the protesters, and although the fare increase was not reversed, the Karabakh government announced plans to subsidize transportation costs for students and low-income residents in 2015.

F. Rule of Law: 4 / 12 (-1)

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.

A 2011 amnesty law released or commuted the sentences of up to 20 percent of the prison population. The law applied to inmates who had fought in the 1991-94 war or had family killed in the conflict. The amnesty also stipulated the closure of at least 60 percent of pending criminal cases and the release of suspects from pretrial detention.

The security of the population is affected by regular incidents of violence along the cease-fire line. Hundreds or thousands of cease-fire violations are reported each month, and soldiers on both sides are killed or injured each year. The incidence of cross-border violence between Nagorno-Karabakh and Azerbaijan rose significantly in 2014, with the combined number of casualties surpassing that of recent years. The downing of a Karabakh military helicopter in November caused alarm from both domestic and international observers, marking the first time in at least 20 years that a military aircraft had been shot down in the territory. The incident followed a series of cease-fire violations that, according to estimates by international watchdogs, led to the highest number of casualties in a single year since the signing of the cease-fire in 1994. No significant progress was made in peace negotiations, including in mediation led by the Minsk Group, and observers expressed concern about the possibility of cross-border clashes continuing or intensifying.

Baku's rapid military buildup has also contributed to escalating tensions in recent years. Azerbaijan's defense budget reached \$3.75 billion in 2014, and authorities in October announced plans to increase the budget to \$4.8 billion in 2015 – far above Armenia's total state budget, which in 2014 stood at \$3.2

million. The Azerbaijani government has repeatedly threatened to consider a military solution to the conflict.

In December 2014, two Azerbaijani citizens were convicted on charges stemming from the murder of a Karabakh civilian youth, including illegal border crossing, kidnapping, and weapons possession; one man received a life sentence, while the other was sentenced to 22 years in prison. Azerbaijani authorities repeatedly denounced the trial, requesting that the men be released. Karabakh declined to treat the men as prisoners of war on grounds that their actions had targeted a civilian.

In July, two Karabakh residents were sentenced to 11 and 9 years in prison, respectively, for attempting to assassinate Vitaly Balasanyan in 2013.

G. Personal Autonomy and Individual Rights: 5 / 16

The majority of Azeris who fled the territory during the separatist conflict continue to live in poor conditions in Azerbaijan, despite Baku's increased efforts to provide new housing in recent years. The freedom of movement within Nagorno-Karabakh and travel around the territory are hindered by the larger geopolitical situation, the instability of the cease-fire, and the presence of land mines, which cause deaths and injuries each year. According to the International Committee of the Red Cross, at least 50,000 antipersonnel mines were laid during the war. In many cases, records of minefield locations were lost or never created.

Since 2012, more than 100 ethnic Armenians from Syria have settled in Nagorno-Karabakh. The Karabakh government has launched programs to provide housing and aid to those who choose to stay in the territory; the first homes constructed for Syrian Armenian settlers were finished in March 2014 in the Kashatagh region.

A small group of powerful elites control major industries and economic activity, limiting opportunities for most residents. However, the government has instituted a number of economic rehabilitation projects in recent years.

Men and women have equal legal status, though women are underrepresented in government and the private sector. Women are not subject to military conscription. The government administers material incentives to encourage couples to have children, with the goal of repopulating the territory. Couples receive several hundred dollars when they marry and additional money for the birth of each child.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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