

**Flygtningenævnets baggrundsmateriale**

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| <b>Bilagsnr.:</b>               | <b>62</b>                           |
| Land:                           | Aserbajdsjan                        |
| Kilde:                          | Freedom House                       |
| Titel:                          | "Freedom in the world - Azerbaijan" |
| Udgivet:                        | 1. juni 2007                        |
| Optaget på baggrundsmaterialet: | 4. februar 2008                     |



## Freedom in the World - ↓ Azerbaijan (2007)

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**Population:**  
8,500,000

**Capital:**  
Baku

**Political Rights Score: 6**  
**Civil Liberties Score: 5**  
**Status: Not Free**

**Trend Arrow**

Azerbaijan received a downward trend arrow due to a decline in press freedom, including President Aliyev's increasingly tight grip on the media.

### Overview

**In a year that saw Azerbaijan's oil output surge, questions arose concerning the ability of the country's political system to effectively manage this new wealth. With little progress on judicial reform—and increased pressure on news media—the institutional accountability needed for sound management of billions of dollars in public funds was not apparent. Meanwhile, Azerbaijan's leadership obtained long-sought-for recognition from the United States, with a presidential meeting between George W. Bush and Ilham Aliyev at the White House in April 2006.**

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After enjoying a brief period of independence from 1918 to 1920, Azerbaijan entered the Soviet Union in 1922 as part of the Transcaucasian Soviet Federal Republic and 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 elections, Aliyev was credited with receiving nearly 99 percent of the vote. Azerbaijan's first post-Soviet parliamentary elections, held in November 1995, saw five leading opposition parties and some 600 independent candidates barred from the vote in which Aliyev's Yeni Azerbaijan Party (YAP) won the most seats. In October 1998, Aliyev was chosen president with more than 70 percent of the vote in an election marred by irregularities.

In November 2000, the ruling YAP captured the majority of seats in the parliamentary election. 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 and a strong progovernment bias in state-run media. Despite widespread criticism of the elections, 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 sorely in need of political reform. The decision to approve Azerbaijan's application was widely criticized by international human rights groups.

An August 2002 national referendum led to the adoption of a series of constitutional amendments, some of which critics charged would further strengthen the ruling party's grip on power. One controversial amendment stipulated that the prime minister become president if the head of state resigns or is incapacitated. Critics charged that the aging and ailing Aliyev would appoint his son, Ilham, prime minister 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 inflated voter-turnout figures 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. Aliyev 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, Aliyev's son, Ilham, who had assumed the position of prime minister, was officially nominated as a presidential candidate, and the elder Aliyev withdrew his candidacy in favor of his son's on October 2, 2003.

In the 2003 presidential ballot, final election results released by the Central Election Commission 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 marred by widespread fraud. During violent clashes between security forces and demonstrators in Baku in October, in which at least one person was reportedly killed and several hundred were injured, 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 election results. Heydar Aliyev, who had long dominated the country's political life, died in December 2003.

Over the course of 2004 and 2005, Ilham Aliyev sought to consolidate his position among the country's ruling elite. In the immediate run-up to the November 2005 parliamentary election, a number of former and current senior officials were detained in response to what the regime claimed was a coup attempt. However, another school of thought suggests that the detentions were a move on the president's part to further consolidate control over the country's political elites.

Less than half of all registered voters cast ballots in the November 2005 election, the lowest voter turnout in a decade. More than 2,000 candidates registered for the 125 constituencies. However, about a fourth of these candidates ultimately withdrew, in some cases because of intimidation, leaving 1,550 to take part on election day. The elections resulted in the opposition's capturing 10 of 125 seats in the Milli Majlis (National Assembly), with a substantial majority going to the ruling YAP and its allies. The results of the elections were contested by the opposition, which organized a number of rallies in the country's capital.

Azerbaijan's leadership has pledged to advance a democratic reform program but has been slow to do so in practice. Critical to this effort is the authorities' lackluster performance in the sphere of judicial reform. Apart from a promising but limited

reform measure to improve the selection of judges, the overall judicial infrastructure remains weak and the administration of justice is often capricious and subject to widespread corruption. The weak state of the judicial system and the news media, among other important institutional weaknesses, raises concerns that there are insufficient institutional checks to ensure the sound management of the country's growing energy wealth.

The country presents a particularly important test case as a pivot for many of the issues currently challenging Western policy makers; it is a secular Muslim country of eight million in the strategically important Transcaucasus region with the Caspian Sea, a key pathway to South-Central Asia to the east, Russia to the north, and Iran to the south. Azerbaijan's oil wealth, predicted to balloon in the coming years, furthers the extent to which the country presents a unique and complex foreign policy challenge for Western countries. The United States granted President Aliyev the long-sought opportunity to meet with President Bush at the White House in April 2006, where the two men addressed energy and security issues. This generated some controversy as human rights and democracy groups questioned whether the country's democratic track record merited a White House meeting.

A settlement for the disputed territory of Nagorno-Karabakh, over which Armenia and Azerbaijan fought in the early 1990s, remained beyond reach in 2006. High-level talks occurred over the course of the year but did not achieve any breakthroughs. The region, which is formally part of Azerbaijan, is now predominantly ethnically Armenian and effectively under Armenian control. The self-described Nagorno Karabakh Republic is not recognized by any international organization or country, including Armenia.

### **Political Rights and Civil Liberties**

Azerbaijan is not an electoral democracy. The country's constitution provides for a strong presidency, and the country's Parliament, the 125-member Milli Majlis, exercises little independence from the executive branch. Presidential and parliamentary terms are five years.

The 1993, 1998, and 2003 presidential and 1995 and 2000 parliamentary elections were considered neither free nor fair by international observers. The 2005 parliamentary elections were likewise afflicted by extensive irregularities. The OSCE's Office for Democratic Institutions and Human Rights cited among the elections' shortcomings "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." President Ilham Aliyev issued two decrees, in May and October 2005, directing the administration of free and fair elections; these decrees effectively went unheeded.

Azerbaijan's main political parties include the New Azerbaijan Party (YAP), Azerbaijan National Independence Party (ANIP), Party of the Popular Front of Azerbaijan (PPFA), Azerbaijan Democratic Independence Party (ADIP), Musavat (Equality); Democratic Party of Azerbaijan (DPA), and Islamic Party.

Corruption is deeply entrenched throughout society, with government officials rarely held accountable for engaging in corrupt practices. The lack of judicial and parliamentary independence from the executive, among other institutional obstacles, creates an environment that enables corruption. The issue of corruption is increasingly important as Azerbaijan is enjoying enormous proceeds from the

country's burgeoning energy sector. The deep institutional corruption that afflicts Azerbaijan raises questions about the potential temptation of growing energy wealth and whether the current system can curb corruption on an even grander scale. Azerbaijan was ranked 130 out of 163 countries surveyed in Transparency International's 2006 Corruption Perceptions Index.

While Azerbaijan's constitution guarantees freedom of speech and the press, the authorities use a variety of tools to limit press freedom in practice. The broadcast media are the main source of information in the country. Of the 16 television stations, 4 broadcast to a national audience; all 4 of these have clear or likely links to the regime. Independent and opposition papers struggle financially in the face of low circulation, limited advertising revenues, and heavy fines or imprisonment of their staff. State businesses rarely if ever advertise in opposition newspapers. While there is some pluralism in the print media, it is irrelevant to the extent that newspapers have relatively low print runs, are not distributed regularly in rural areas, and are frequently too expensive for many people to purchase on a regular basis. The government does not restrict access to the internet, and internet cafes are plentiful in the country's capital, Baku.

The year 2006 saw a further decline in press freedom, including an increase in defamation suits against journalists. The OSCE media freedom representative, Miklos Haraszti, emphasized the corrosive impact of criminalizing defamation during a meeting with Aliyev in October 2006. Haraszti noted that despite a March 2005 directive from Aliyev to officials to stop defamation claims, such suits increased over the course of 2006. Haraszti also cited the case of Sakit Zahidov, a satirical writer whose works appeared in the daily *Azadliq*, who was arrested and convicted on what many believe to be contrived charges.

Following the flawed presidential election in 2003, the Council of Europe, of which Azerbaijan is a member, adopted a resolution demanding that the government of Azerbaijan immediately implement a series of measures that included the creation of public service television to allow political parties to better communicate with the country's citizens. In August 2005, Azerbaijan's first public service broadcasting channel (iTV) took to the airwaves. The channel's creation shortly in advance of the November 2005 election minimized its impact on the election process. The opposition was afforded some television airtime during the election campaign, but overall news coverage was slanted toward the ruling YAP party and its candidates. In 2006, iTV's content became increasingly friendly toward the regime, which raised questions about the nascent broadcaster's ability to add an independent voice to an otherwise closed national broadcast landscape. The last weeks of 2006 saw a concerted effort to hinder the remaining few outlets that provide independent information to mass audiences. These measures included a decision by the National Television and Radio Broadcasting Council requiring Azerbaijani broadcast companies to acquire a license to re-broadcast programs from such news sources as the British Broadcasting Corporation and Radio Free Europe/Radio Liberty. A campaign to knock off the air ANS, a broadcast enterprise that has been able to take a somewhat independent line, punctuated a year that saw a spike in defamation suits against journalists as well as other forms of harassment of news professionals.

The government restricts some religious activities of members of "nontraditional" minority religious groups through burdensome registration requirements and interference in the importation and distribution of printed religious materials.

Islam, Russian Orthodoxy, and Judaism are considered traditional religions, and their members can generally worship freely.

The government generally does not restrict academic freedom. However, some faculty and students have experienced political pressure, including reported threats to lower the grades of students participating in opposition political activity. After the October 2003 election and in advance of the 2005 parliamentary poll, some professors and teachers said that they were dismissed because of their membership in opposition parties.

The government often restricts freedom of assembly, especially for political parties critical of the government. 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. A week before the 2005 parliamentary elections, Azerbaijan lifted a ban on NGOs receiving more than 30 percent of their funding from foreign sources to serve as election monitors. 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. In 2005 the government instituted judicial exams as part of the selection process for new judges. Judicial selection and the examination process have been monitored by a number of international NGOs and outside observers, and this early effort is recognized as a step in the right direction. Prison conditions are reportedly severe, with many inmates suffering from overcrowding and inadequate medical care.

Farhad Aliyev, the former minister of Economic Development, and his brother, Rafik, a businessman, have remained in prison since they were accused in November 2005 of being among alleged coup plotters arrested in advance of that year's parliamentary elections. In May 2006, Andreas Gross and Andreas Herkel, rapporteurs of the Monitoring Committee of the Council of Europe's Parliamentary Assembly, were denied permission to visit Farhad Aliyev, as well as other prisoners whose detention has a political dimension, including Ruslan Bashirli and Ramin Tagiyev, activists in the youth organization Yeni Fikir, and Natig Efendiyev, the Democratic Party's deputy chairman. An application was submitted against the government of Azerbaijan in September 2006 in the European Court of Human Rights in Strasbourg, France, on behalf of the imprisoned Aliyev brothers. Some members of ethnic minority groups, including the small Armenian population, have complained of discrimination in areas including education, employment, and housing. Hundreds of thousands of ethnic Azeris who fled the war in Nagorno-Karabakh have been prevented by the Armenian government from returning to their homes and remain in Azerbaijan, often living in dreadful conditions.

Significant parts of the economy are in the hands of a corrupt elite, which severely limits equality of opportunity. In a system with few institutional checks on graft, the rapid growth of the energy sector has offered considerable opportunities for corruption. Supporters of the political opposition face job discrimination, demotion,

or 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. In 2004, Azerbaijan adopted a new national program to combat human trafficking. Azerbaijan is believed to be both a country of origin and a transit point for the trafficking of women for prostitution.