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## Freedom in the World 2010 - 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.

### Overview

President Ilham Aliyev consolidated his authoritarian rule with a March 2009 referendum that eliminated presidential term limits. Also during the year, the government increased regulatory restrictions on civil society groups and implemented a ban on foreign radio broadcasts.

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. 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.

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, which ultimately allowed the ailing Aliyev to appoint his son, Ilham, to the premiership and facilitate a transfer of power within the Aliyev family. Opposition groups and the OSCE charged that the referendum was marred by fraud, intimidation of election monitors and officials, and an inflated voter-turnout figure of nearly 90 percent.

Heydar Aliyev collapsed during a live television broadcast in April 2003 and left Azerbaijan that summer to receive medical treatment abroad. In June, Prime Minister Ilham Aliyev was officially nominated as a presidential candidate for the October election, and the elder Aliyev withdrew his candidacy just two weeks before the vote.

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, while six other candidates received less than 4 percent each. According to OSCE observers, the vote was again tainted by widespread fraud. During violent clashes between security forces and demonstrators in Baku that month, 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 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 turnout in a decade. 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 March 2009, a constitutional amendment that removed term limits for the president reportedly passed a referendum with more than 90 percent of the vote, allowing Aliyev to run again in 2013.

International mediators have failed to make progress on negotiations for a final settlement of the dispute over Nagorno-Karabakh, a region of Azerbaijan that has 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, and a referendum held in March 2009 eliminated presidential term limits. Although the PACE indicated that the vote was "transparent, well organized, and held in a peaceful atmosphere," it criticized the lack of public debate on the issue in the media.

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 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. 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 pervasive in government and society. Officials reportedly made improvements in the business sector and raised awareness about the need to combat corruption in 2009, but 46 percent of respondents to a Transparency International (TI) survey said they or a member of their household had paid a bribe in the past year, and 62 percent assessed the government's anticorruption efforts as "ineffective." Azerbaijan was ranked 143 out of 180 countries surveyed in TI's 2009 Corruption Perceptions Index.

While 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 circulations, 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 limited advertising revenues and heavy fines or imprisonment of their staff. State-owned companies rarely if ever advertise in opposition newspapers.

As of January 1, 2009, foreign radio broadcasts – including the British Broadcasting Corporation (BBC), Radio Free Europe/Radio Liberty (RFE/RL), and Voice of America – were banned from Azerbaijan's airwaves. RFE/RL began broadcasting via satellite in April to bypass the ban. A number of media editors, including the editor of a progovernment newspaper, were jailed on charges of defamation during the year. The government also restricted freedom of speech on the internet. In November, two bloggers were sentenced to two and two and a half years in prison for a July incident in which they were apparently attacked by two men and then arrested for "hooliganism," while their attackers were set free. The bloggers had recently participated in online criticism of the government, including a satirical video in which a donkey holds a news conference.

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. A new law adopted in May 2009 required religious groups to reregister with the authorities and religious figures to be recertified. It also forbids foreign citizens from leading prayers.

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. Private and open discussion was limited in 2009. Authorities in the Naxcivan autonomous republic in 2009 banned the leaking of information to the media, leading to house arrests and threats aimed at those who have provided information to opposition newspapers. In March, the government banned a book depicting a gay relationship between an Armenian and an Azeri, claiming it was "against Azerbaijan's values."

The government restricts freedom of assembly, especially for opposition parties. Legal amendments enacted in 2009 require NGOs to register their grants with the authorities and foreign NGOs to reach agreements with the government before opening offices in the country. 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, with torture sometimes used to extract confessions. Prison conditions are severe, with many inmates suffering from overcrowding and inadequate medical care. In August 2009, a jailed editor died in a Baku prison after allegedly receiving 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 subject to restrictions on their place of residence and often live 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, and they remain underrepresented in government. Women hold 14 seats in the 125-seat parliament. Domestic violence is a problem, and there are no laws regarding spousal abuse. The country is believed to be a source and a transit point for the trafficking of women for prostitution. A 2005 law criminalized human trafficking, but the U.S. State Department's 2009 Trafficking in Persons Report kept Azerbaijan on the Tier 2 Watch List, citing only modest improvements.

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*\*Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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