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Freedom Status: Not Free

Aggregate Score: 14/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 7/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report.

Quick Facts

Population: 9,800,000

Capital: Baku

GDP/capita: \$5,496

Press Freedom Status: Not Free

Net Freedom Status: Partly Free

OVERVIEW

In Azerbaijan's authoritarian government, power is heavily concentrated in the hands of President Ilham Aliyev, who has ruled the country since 2003. Corruption is rampant, and following years of persecution, formal political opposition is weak. The Aliyev regime has overseen an extensive crackdown on civil liberties in recent years, leaving little room for independent expression or activism in the country. Journalists, civil society leaders, human rights advocates, and religious leaders who are deemed threatening to the government routinely face harassment, detention, and violence.

Key Developments

- In a September referendum, voters approved a package of constitutional changes that were pushed through without meaningful parliamentary debate or public consultation; among other changes, the legislation widely expanded presidential powers.

- Opposition groups were prevented from campaigning against the changes, and security forces detained dozens of civil society leaders in an effort to disperse protests or discourage them from taking place.
- In January, security forces violently repressed protests against price hikes and growing unemployment.
- The government pardoned and released several high-profile political prisoners, but its repressive campaign against civil society and independent media continued apace, with a number of arrests and incidents of violence and harassment.

Executive Summary

The Aliyev regime continued to aggressively consolidate power at the expense of citizens' political rights and civil liberties. In a highly flawed September referendum, voters approved a set of 29 constitutional amendments that were proposed by Aliyev and rushed to the vote without meaningful parliamentary or public consultation. Authorities prevented opposition groups from campaigning against the proposals, and security forces rounded up dozens of activists during and in advance of protests against the changes. The vote itself was marred by electoral violations, including ballot stuffing. Among other things, the amendments extended the presidential term from five years to seven, empowered the president to dissolve the legislature and call elections, abolished the minimum age for presidential candidates, and lowered the age for parliamentary candidates to 18. Overall, the legislation further concentrated power within the president's office while eroding the country's already weak checks on executive authority. The age requirement changes led to speculation that Aliyev is grooming his son for succession.

While the release of several high-profile political prisoners during the year was welcomed by both the domestic and international communities, prospects of genuine change for civil liberties were dimmed by the government's unceasing repression of human rights defenders, opposition members, civil society activists, journalists, and religious communities. The amendments approved in September also imposed new limitations on civil rights, including freedom of assembly and land ownership.

Plunged into economic crisis following the drop in global oil prices in 2014, the government has made efforts to improve budgetary planning and economic policy during, but faced public discontent in 2016 due to rising prices and unemployment. In January, these concerns sparked protests across the country. Security forces swiftly dispersed them using tear gas and water cannons and detained dozens of participants.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 4 / 40 (-1)

A. Electoral Process 1 / 12

- A1. Is the head of government or other chief national authority elected through free and fair elections?
- A2. Are the national legislative representatives elected through free and fair elections?
- A3. Are the electoral laws and framework fair?

Azerbaijan's constitution provides for a strong presidency, and the 125-member Milli Majlis (National Assembly) exercises little or no independence from the executive branch.

Since the early 1990s, elections have been considered neither free nor fair by international observers. The 2013 presidential election, marred by widespread irregularities and electoral fraud, saw incumbent Aliyev – who succeeded his father, Heydar, in 2003 – reelected to a controversial third term in office. Parliamentary elections were held in 2015 amid an intensifying government campaign against criticism and dissent; the main opposition parties boycotted the vote. According to official results, the ruling Yeni Azerbaijan Party (YAP) won 71 seats, with 41 going to independent candidates who tend to support the ruling party, and the remaining 12 split among small progovernment parties.

Constitutional amendments approved in a referendum in September 2016 empowered the president to dissolve the Milli Majlis in certain situations, call snap presidential elections, and appoint multiple vice presidents. The amendments also extended presidential terms from five years to seven; term limits had already been eliminated in a 2009 referendum. The changes also included the removal of age requirements for presidential candidates and the lowering of the minimum age for parliamentary candidates to 18 years, leading some analysts to warn that Aliyev could be setting the stage for his 19-year-old son to enter the political arena.

The legitimacy of the September referendum was undermined by a lack of public and parliamentary consultation, restrictions on opposition campaigning, harassment of opposition members, and electoral fraud. Neither the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) nor the OSCE Parliamentary Assembly sent observers. A small mission deployed by the Parliamentary Assembly of the Council of Europe (PACE) applauded the transparency of proceedings, but several local and international rights groups heavily criticized the PACE report and questioned the observers' reliability. Several human rights groups had also questioned the independence of the PACE observers who reported that the 2015 parliamentary elections met international standards; three of that delegation's members subsequently issued a dissenting opinion.

The electoral laws and framework do not ensure the free and fair conduct of elections. The nomination process for members of electoral commissions places the bodies under the influence of the ruling party, and commission members have been known to unlawfully interfere with the election process and obstruct the activities of observers. Complaints of electoral violations do not receive adequate or impartial treatment by the commissions or the judiciary.

B. Political Pluralism and Participation 2 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

The political environment in Azerbaijan is neither pluralistic nor competitive, and mechanisms for public participation in political processes are limited. YAP has dominated national politics since its founding in 1995, and nominal opposition groups and independents in the parliament tend to support the government.

Amendments to the electoral code in 2009 limited candidates' access to public campaign funding and reduced the official campaign period from 28 to 22 days. Changes made to laws on freedom

of assembly and association in 2012, 2013, and 2016 further restricted candidates' ability to organize and hold rallies. The political opposition has virtually no access to coverage on television, which remains the most popular news source in Azerbaijan.

In the lead-up to the September 2016 constitutional referendum, limitations on opposition parties' freedoms of association and assembly were intensified. The UN Special Rapporteur on the situation of human rights defenders, in a statement issued days before the vote, documented at least 45 cases in which authorities arrested, detained, or issued warnings to human rights defenders and others before a peaceful rally organized by the National Council of Democratic Forces, a coalition of opposition groups.

Opposition politicians and party officials are subject to arbitrary arrest on dubious charges as well as physical violence and other forms of intimidation, and have also reported widespread targeting of their relatives, some of whom have faced job dismissal and harassment by police. Ilgar Mammadov, leader of the Republican Alternative (REAL) movement, remained behind bars at year's end on politically motivated charges of involvement in mass disorder, in breach of a 2014 European Court of Human Rights decision calling for his release.

Some members of the opposition youth movement NIDA (Exclamation), behind bars since their arrest in 2013 in connection with antigovernment protests, were released as part of a presidential pardon in March, but other opposition activists, including from NIDA and REAL, were rounded up in May, August, and September.

The dominance of the ruling party limits the freedom of political parties to represent a diversity of interests and views, and there are no meaningful mechanisms to promote representation of minorities.

C. Functioning of Government 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

The head of government and national legislative representatives are not elected in a free or fair manner. Aliyev and the YAP determine and implement the policies of the government with little opposition. The 2016 constitutional changes increased presidential power at the expense of parliamentary sovereignty.

Corruption is widespread and pervasive. 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. Investigative reports published by foreign media in recent years have revealed evidence that Aliyev and his family control prodigious private assets, including monopolies in the Azerbaijani economy's most lucrative sectors, and had even benefitted financially from the currency devaluation in 2015.

Despite the lack of safeguards against systemic corruption, the establishment of one-stop public service centers and investment in e-government services in recent years may have contributed to improved public perceptions regarding petty corruption.

Under legislation passed in 2012, companies can keep their organizational structures and ownership secret, which severely limits journalists' ability to uncover corruption. Although public officials are nominally required to submit financial disclosure reports, disclosure procedures and

compliance remain unclear, and the reports are not publicly accessible. In 2015, the Extractive Industries Transparency Initiative (EITI), an international platform that promotes good governance and transparency in resource-rich countries, demoted Azerbaijan from membership to candidate status due to noncompliance with EITI human rights standards. The country retained this downgraded status following the EITI's October 2016 review. In May, the Open Government Partnership (OGP) Steering Committee suspended Azerbaijan's participation for one year due to concerns about threats to civil society.

Civil Liberties 10 / 60 (-1)

D. Freedom of Expression and Belief 2 / 16 (-1)

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

Constitutional guarantees for press freedom are routinely and systematically violated. Broadcast outlets generally reflect pro-government views. Most television stations are controlled by the government, which also controls approval of broadcast licenses. Although there is more pluralism in the print media, the majority of newspapers are owned by the state, and circulation and readership are small. Independent and opposition papers struggle financially and have faced heavy fines and other pressures as retaliation for critical coverage. Journalists are threatened, harassed, intimidated, and assaulted with impunity, and many have been detained or imprisoned on fabricated charges. An increasing number of journalists face travel bans.

In July, following a coup attempt in Turkey, the National Television and Radio Council (NTRC) terminated the license of the private, progovernment television channel ANS after it ran a preview of an interview with Muslim cleric Fethullah Gülen. The NTRC claimed that the content was damaging to Azerbaijan's strategic relations with Turkey and constituted "terrorist propaganda." The Gülen-linked *Zaman-Azerbaijan* newspaper and its website were also shut down. In September, *Azadliq* suspended operations after its state-run publishing house terminated the newspaper's contract due to outstanding debts. Local radio broadcasts of international news services, including the British Broadcasting Corporation (BBC) and Voice of America (VOA), have been banned since 2009, though they are available online. The authorities shuttered the Baku office of Radio Free Europe/Radio Liberty (RFE/RL) in 2014. During two separate periods in November and December 2016, the websites of RFE/RL and VOA were not accessible inside Azerbaijan; as of late December, the website of the independent online media outlet Meydan TV was also blocked.

The few critical outlets that are still able to disseminate information in the country – including Meydan TV, which operates from Germany – face constant pressure and risk. Authorities opened a criminal investigation into Meydan TV in April on charges that include illegal entrepreneurship, tax evasion, and abuse of power. Throughout the year, representatives of Meydan TV and other critical outlets reported that contributors and family members in Azerbaijan received death threats and were subject to interrogations and arbitrary detentions.

Defamation remains a criminal offense. In November, legislators expanded an existing ban on insulting the president to include online content, and made it illegal to disseminate libelous or insulting content using false user information or accounts.

Five journalists were released from prison in 2016. Hilal Mammadov, Tofiq Yaqublu, and Parviz Hashimli were released following a presidential pardon in March, the same day as a court commuted *Zerkalo* journalist Rauf Mirkadirov's sentence. In May, a court conditionally released investigative journalist Khadija Ismayilova. Nevertheless, a number of other media professionals were detained, arrested, or convicted in politically motivated cases during the year. According to the Committee to Protect Journalists, there were five journalists behind bars as of December, though local source gave higher estimates.

The government restricts the practice of minority and "nontraditional" religions and denominations, largely through burdensome registration requirements and interference with the importation and distribution of printed religious materials. Among other restrictive laws, a 2011 measure prescribed prison sentences for leaders of unsanctioned religious services. A number of mosques have been closed in recent years, ostensibly for registration or safety violations. Dozens of individuals faced legal repercussions due to their beliefs in 2016.

More than a dozen members of the Muslim Unity Movement, a conservative Shiite group, went on trial in August for charges including conspiracy to overthrow the government. In 2015, police had raided the conservative Shiite town of Nardaran and rounded up over 70 people, including members of the group, in an operation that left at least four residents and two officers dead. A number of defendants in the case have claimed that their confessions were obtained through torture.

Several meetings of Jehovah's Witnesses were raided during the year, and its members of continued to be detained for allegedly violating state restrictions on the practice of religion.

The authorities have long linked academic freedom to political activity. Some educators have reported being dismissed for links to opposition groups, and students have faced expulsion and other punishments for similar reasons. In July, the Education Ministry announced that Baku's Qafqaz University, founded by Gülenists, would be closed and that its management would be transferred to the state-run Baku Higher Oil School. The contracts of fifty Turkish academics from the institution were not renewed.

Law enforcement bodies are suspected of monitoring private telephone and online communications – particularly of activists, political figures, and foreign nationals – without judicial oversight. The escalation of government persecution of critics and their families has undermined the assumption of privacy and eroded the openness of private discussion.

E. Associational and Organizational Rights 1 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The government restricts freedom of assembly. Legal amendments increasing fines for organizing or participating in unauthorized protests came into effect in 2013, and changes adopted later that year extended the maximum periods of administrative detention for certain assembly-related offenses. Under the amendments approved in the September 2016 referendum, the right to free assembly is contingent on not violating "public order and morals."

Amid the rising prices and unemployment that have characterized Azerbaijan's economic crisis since the 2014 drop in oil prices, a wave of protests erupted across six regions in January. In Fizuli and Quba, security forces dispersed demonstrators using tear gas and water cannons. Scores of people were detained.

In September, opposition groups obtained authorization to hold rallies against the constitutional referendum. Police intervened during one rally in Baku, making a number of arrests. Security forces rounded up dozens of activists, opposition party members, and journalists in the days before the demonstrations in order to discourage participation.

Regressive laws require nongovernmental organizations (NGOs) to register all grants and donations with the Ministry of Justice, and to inform authorities of all donations over \$250. The rules have been used to pressure both local and foreign organizations, many of which have suspended operations when their bank accounts were frozen or their offices raided and closed.

In March, a number of civil society activists received presidential pardons. Local activists linked the amnesty to the Aliyev's attendance at the Nuclear Security Summit in the United States two weeks later. In his post-mission statement in September 2016, the UN special rapporteur on the situation of human rights defenders condemned the widespread persecution of both international and Azerbaijani NGOs, calling the situation for civil society a "total crisis."

Although the law permits the formation of trade unions and the right to strike, the majority of unions remain closely affiliated with the government, and most major industries are dominated by state-owned enterprises.

F. Rule of Law 2 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

The judiciary is corrupt, inefficient, and subservient to the executive. The pattern of presidential pardons for political prisoners followed by more arrests is one example of the arbitrary nature of the judicial system. A local coalition of NGOs estimated that there were 118 political prisoners in the country as of late November 2016. Arbitrary arrest and detention are common, and detainees are often held for long periods before trial. Opposition figures, journalists, and activists who were arrested or sentenced in recent years have reported many due process violations, including restricted access to legal counsel, fabrication and withholding of evidence, and physical abuse.

Medical care in prisons is generally inadequate, and overcrowding is common. The European Court of Human Rights ruled in June that the state's failure to provide human rights defenders Leyla and Arif Yunus with adequate medical care in prison constituted inhuman or degrading treatment. Torture is sometimes used to extract confessions.

Some members of ethnic minority groups have complained of discrimination in areas including education, employment, and housing. Although same-sex sexual activity is not a criminal offense, antidiscrimination laws do not specifically protect LGBT (lesbian, gay, bisexual, and transgender) people, who have reported harassment and other forms of bias or abuse, including violence.

G. Personal Autonomy and Individual Rights 5 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political

parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

The government has increasingly restricted freedom of movement, particularly foreign travel, for opposition politicians, journalists, and civil society activists. Courts denied several appeals by such individuals against their travel bans in 2016.

Property rights and free choice of residence are affected by government-backed development projects that often entail forced evictions, unlawful expropriations, and demolitions with little or no notice. The authorities often violate the right of individuals to receive adequate compensation for expropriated property. The constitutional changes approved in September include a provision allowing the right to land ownership to be restricted in the interests of social justice and the effective use of the land.

Traditional societal norms and poor economic conditions restrict women's professional roles, and they remain underrepresented in both national and local government. Domestic violence remains a problem, and Azerbaijan is a source, transit point, and destination for men, women, and children subjected to forced labor and sex trafficking.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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