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Freedom Status: Not Free

Aggregate Score: 16

Freedom Rating: 6.5

Political Rights: 7

Civil Liberties: 6

Rating Change:

Azerbaijan's political rights rating declined from 6 to 7 due to an intensified crackdown on criticism and dissent; widespread violations in connection with the November 1 parliamentary elections; and serious violations of the right to a fair trial.

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: 9,651,000

Capital: Baku

GDP/Capita: \$7,884.20

Press Freedom Status: Not Free

Net Freedom Status: Partly Free

OVERVIEW

President Ilham Aliyev and his Yeni Azerbaijan Party (YAP) escalated an aggressive campaign against criticism and opposition in 2015. Parliamentary elections in November took place amid unabated repression and with limited monitoring, as most international observer groups declined to cover the vote. International rights groups used the elections and the inaugural European Games, which Azerbaijan hosted in June, to draw global attention to the country's dismal human rights record. The government's crackdown on fundamental freedoms showed no sign of subsiding, however, and harassment, detention, and prosecution of opposition politicians, journalists, civil society activists, and their families continued during the year.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 5 / 40 (-1)

A. Electoral Process: 1 / 12

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. The president and members of parliament serve five-year terms; a 2009 referendum eliminated presidential term limits.

Elections since the early 1990s have been considered neither free nor fair by international observers. The 2013 presidential election saw incumbent Aliyev – who succeeded his father, Heydar Aliyev, in 2003 – reelected to a controversial third term in office, in a vote marred by widespread irregularities and electoral fraud.

Parliamentary elections were held in November 2015 amid an intensifying government campaign against criticism and dissent; the main opposition parties boycotted the vote. According to official results, the ruling 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. Several international election observers declined to send monitors. The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) canceled its mission, stating that restrictions placed by the government on the number of observers would make effective and credible observation impossible. The OSCE Parliamentary Assembly also canceled its mission, citing the restrictions placed on the OSCE/ODIHR. The European Parliament also declined to send a monitoring mission due to widespread human rights violations taking place in the country. Although the Parliamentary Assembly of the Council of Europe (PACE) sent a small monitoring mission that claimed the elections met international standards, several human rights groups questioned the delegation's independence, and three of its 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: 3 / 16

The political environment in Azerbaijan is neither pluralistic nor competitive. President Aliyev's 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 and 2013 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.

Opposition politicians 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. Tofiq Yagublu, deputy chairman of the Musavat party, and Ilgar Mammadov, leader of the Republican Alternative movement, remained in prison after being convicted in 2014 on spurious charges of involvement

in mass disorder. Four activists from the opposition youth movement NIDA (Exclamation) who were arrested in 2013 in connection to antigovernment protests also remained behind bars in 2015.

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 political representation of minorities.

C. Functioning of Government: 1 / 12 (-1)

The head of government and national legislative representatives are not elected in a free or fair manner. Aliyev and the YAP, which cemented its domination of legislative processes in the 2015 elections, determine and implement the policies of the government with little opposition.

Corruption is widespread, and wealth from the country's massive oil and gas exports creates ever-greater opportunities for graft. 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. Several investigative reports published by foreign media in recent years have revealed evidence that President Aliyev and his immediate family control prodigious private assets, including monopolies in the Azerbaijani economy's most lucrative sectors. Despite the lack of safeguards against systemic corruption, the establishment of one-stop public service centers and e-government services in recent years may have contributed to improved public perceptions regarding petty corruption. Azerbaijan was ranked 119 of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

In 2012, the president signed a series of legal amendments to allow companies' organizational structures and ownership to remain secret, significantly limiting 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 April 2015, the Extractive Industries Transparency Initiative (EITI), an international platform that promotes good governance and transparency in resource-rich countries, demoted Azerbaijan from its membership to candidate status due to noncompliance with EITI standards for human rights.

Civil Liberties: 11 / 60 (-3)

D. Freedom of Expression and Belief: 3 / 16 (-1)

While the constitution guarantees freedom of the press, the authorities severely restrict the media in practice. Broadcast outlets generally reflect progovernment 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 relatively small. Independent and opposition papers struggle financially and have faced heavy fines and other pressures as retaliation for critical coverage. Local radio broadcasts of international news services, including the British Broadcasting Corporation (BBC) and Voice of America, 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. The few critical outlets that are able to disseminate information in the country – including the independent online television station Meydan TV, which operates from Germany – face constant pressure and risk. In 2015, representatives of Meydan TV and other critical outlets reported that their family members in Azerbaijan had faced threats, interrogations, and arbitrary detentions.

Defamation remains a criminal offense punishable by exorbitant fines and imprisonment. Journalists are threatened and assaulted with impunity, and many have been detained or

imprisoned on fabricated charges of drug or weapons possession, ethnic hatred, high treason, and hooliganism, among others. In January 2015, Seymour Hazi, a journalist known for critical coverage of the government, was sentenced to five years in prison for hooliganism. In September, investigative journalist Khadija Ismayilova was sentenced to seven and a half years on charges of embezzlement, tax evasion, illegal entrepreneurship, and abuse of power. Ismayilova, who hosted a radio show for the RFE/RL Azeri service, had published extensively about human rights violations and corruption among the ruling elites, including the president's family, and had previously faced smear campaigns, threats, and travel bans in connection to her work. In December, Rauf Mirkadirov of the *Zerkalo* newspaper was sentenced to six years in prison for allegedly spying for Armenia. According to the Committee to Protect Journalists, there were eight reporters behind bars as of December.

Rasim Aliyev, an independent reporter and acting chairman of the Institute for Reporters' Freedom and Safety (IRFS), which was shuttered in 2014, died in August after being severely beaten. Although the attack was ostensibly carried out by associates of a soccer player he had criticized on Facebook, Aliyev had reported receiving death threats before his social media post. It remained unclear at year's end whether the assailants' motive was connected to Aliyev's journalistic work.

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 2015. Several meetings of Jehovah's Witnesses were raided during the year, and members of the sect continued to be detained for allegedly violating state restrictions on the practice of religion. In June, the authorities denied reentry to the country's only legally acting Georgian Orthodox priest without providing official grounds. In November, police led a raid in Nardaran as part of an operation to arrest members of the unregistered Muslim Unity Movement, including founder and Shiite cleric Taleh Bagirov. At least four town residents and two police officers died in the raid. Bagirov and 13 others were arrested on several criminal charges, including conspiracy to overthrow the government.

The authorities have long linked academic freedom to political activity. Some professors and teachers have reported being dismissed for links to opposition groups, and students have faced expulsion and other punishments for similar reasons.

Law enforcement bodies are suspected to monitor 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

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. Dozens of people were arrested in connection with a wave of antigovernment protests in early 2013, some of whom remained imprisoned at the end of 2015. In August 2015, police in Mingechevir responded with force to activists protesting the death of a man in police custody, and detained 21 participants.

Other 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 were forced

to suspend operations when their bank accounts were frozen, and in some cases, their offices raided and closed. Officials increased hostile rhetoric towards foreign-funded NGOs, accusing them of undermining political stability.

A number of prominent rights activists were sentenced to prison on spurious charges in 2015. Among many cases, in April, Human Rights Club chairman Rasul Jafarov received a six-and-a-half-year term – later reduced on appeal by three months – for illegal entrepreneurship, tax evasion, and abuse of office. In August, Leyla Yunus, director of the Institute for Peace and Democracy, was sentenced to eight and a half years in prison on similar charges, and her husband, historian and academic Arif Yunus, received seven years in the same case. The two were conditionally released in December and November, respectively, due to deteriorating health. Prosecutors were pursuing separate charges of treason – based on allegations of spying for Armenia – against the couple at year's end.

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 dominated by state-owned enterprises.

F. Rule of Law: 2 / 16 (-1)

The judiciary is corrupt, inefficient, and subservient to the executive branch. In 2015, several politicized trials – including those of Aliyev, Ismayilova, Jafarov, and the Yunuses – provided further evidence of the judiciary being used to punish criticism of the government. A local coalition of nongovernmental organizations estimated that there were 93 political prisoners in the country as of December. 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 a variety of due process violations, including restricted access to legal counsel, fabrication and withholding of evidence, and abuse during arrest and interrogation. Leyla Yunus, among others, reported being psychologically and physically abused by prison officials, who also repeatedly denied her adequate access to doctors. Medical care in prisons is generally inadequate, and overcrowding is common. 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 police harassment and other forms of bias or abuse.

G. Personal Autonomy and Individual Rights: 5 / 16 (-1)

The government has increasingly restricted freedom of movement, particularly foreign travel, for opposition politicians, journalists, and civil society activists. Photojournalist and blogger Mehman Huseynov, for example, faces a travel ban in connection to an ongoing politically motivated criminal case against him. In July 2015, four staff members of Meydan TV were barred from leaving the country, and informed that they appear on a government blacklist. Also in July, the European Court of Human Rights (ECHR) ruled that Azerbaijani authorities' refusal to issue a passport to Popular Front Party chairman Ali Kerimli violated his freedom of movement.

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.

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. The U.S. State Department's 2015 *Trafficking in Persons Report* maintained Azerbaijan's Tier 2 ranking due to the government's increased number of trafficking investigations and the enactment of a new national action plan.

Scoring Key: X / Y (Z)


X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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