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2014 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 6.0

Civil Liberties (1 = best, 7 = worst): 6

Political Rights (1 = best, 7 = worst): 6

Ratings Change

Azerbaijan's civil liberties rating declined from 5 to 6 due to ongoing, blatant property rights violations by the government in a year in which the state also cracked down on the opposition and civil society in advance of presidential elections.

Explanatory Note

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

OVERVIEW

On October 9, 2013, President Ilham Aliyev won a third term in a predictable landslide victory amid significant evidence of massive electoral fraud. As in previous election cycles, the government stepped up the use of intimidation and other tactics to suppress dissent and ensure an unchallenged victory at the polls. During the year, the authorities employed excessive force to break up antigovernment protests, introduced restrictive laws to limit freedoms of expression and association, and jailed journalists and government critics.

A wave of protests swept the country early in the year in response to the perceived corruption of local elites and the deadly abuse of military conscripts. In January, new laws introducing increased fines for participating in or organizing unsanctioned protests came into force, and authorities quickly put them to use. Dozens of protesters were arrested in the first few months of 2013, and some remained in detention at year's end.

Other restrictive measures adopted in 2013 limited the financing and activities of civil society organizations. The nation's strict criminal defamation laws were expanded to include online content, and government critics who were active on social media were fined, detained, and suffered harassment from authorities.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 6 / 40

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. In the October 2013 presidential election, Aliyev won with 84.6 percent of the vote. Jamil Hasanli, who was nominated as a backup candidate by the opposition National Council of Democratic Forces, placed a distant second with 5.5 percent. The council, an umbrella organization formed in May to unite opposition factions and push for reform, had originally nominated well-known filmmaker Rustam Ibragimbekov, but his registration was rejected on the grounds that he had dual Russian-Azerbaijani citizenship.

The Organization for Security and Cooperation in Europe (OSCE) strongly criticized the government's limitations on freedom of expression and assembly surrounding the presidential election, pressure placed on voters and candidates, and widespread fraud at every stage of the voting process. Nevertheless, a delegation from the European Parliament (EP) initially called the elections "free, fair and transparent." Some critics speculated that the positive assessment was the result of successful lobbying efforts on the part of the Azerbaijani government and European business interests in the country. The EP ultimately backed away from its own findings and supported the conclusions of the OSCE, calling on Baku to implement the OSCE's recommended reforms as a precondition for moving forward on a strategic partnership deal between Azerbaijan and the European Union.

The most recent parliamentary elections, held in November 2010, followed the established trend of increasing manipulation, and the ruling New Azerbaijan Party (YAP) emerged with 71 seats, up from 61 in the 2005 polls. The remainder went to 41 independents and 10 minor parties, none of which garnered more than three seats.

B. Political Pluralism and Participation: 3 / 16

The political environment in Azerbaijan lacks pluralism. President Aliyev's YAP has dominated the political playing field in all electoral contests since its founding in 1995. Amendments to the electoral code in 2009 removed candidates' access to public campaign funding and reduced the official campaign period to 22 days, significantly limiting the ability of the opposition to connect with voters; the amendments also shortened the period for processing complaints. Changes made to laws governing freedom of assembly and nongovernmental organizations (NGOs) in 2012 and 2013

further restricted the opposition's capacity to campaign by raising fines for participation in unauthorized rallies and limiting sources of funding for public initiative groups.

Opposition groups are also marginalized by the state-controlled media, which grant them almost no coverage outside of the official campaigning period. Leaders of opposition groups are subject to arbitrary arrests on dubious charges as well as physical violence and other forms of intimidation. International observers determined that in the months prior to the 2013 election, authorities arrested 14 opposition politicians, journalists, and human rights activists, who were still in custody as of the end of the year.

Among those arrested in 2013 were Tofiq Yaqublu, leader of the Musavat party, and Ilqar Mammadov, chairman of the Republican Alternative (REAL) movement, who were detained on February 4 and remained on trial for "organizing social disorder" and "resisting authorities" at year's end. In the spring, several members of the opposition youth movement Nida (Exclamation) were arrested in connection with use of social media to promote antigovernment protests in March. Dashqin Malikov, an active member of the opposition People's Front Party, was arrested on trumped-up drug charges in March and sentenced to two and a half years in prison in July. Also in March, the leader of the Nakhchivan branch of the Musavat party was beaten by unidentified attackers and hospitalized with serious head injuries.

Parties representing minority groups do not play a significant role in politics in Azerbaijan.

C. Functioning of Government: 2 / 12

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 early 2012 revealed evidence that President Aliyev and his immediate family controlled prodigious private assets, including monopolies in the economy's most lucrative sectors. In response, the president in July 2012 signed a series of legal amendments that allowed companies' organizational structures and ownership to remain secret, significantly limiting journalists' ability to uncover corruption.

The consolidation of power within the president's immediate family continued in 2013, with First Lady Mehriban Aliyeva winning an election for deputy chief of the YAP in June. Some observers speculated that Aliyev could be planning to eventually transfer the presidency to his wife. He was named to the same position in 2001, two years before he succeeded his father, Heydar Aliyev, as president.

In 2013, the government created a web portal to provide information about its agencies. However, due to the site's unnecessarily complex login procedure, it was unclear whether it amounted to an improvement in the accessibility of public information.

Civil Liberties: 16 / 60 (-1)

D. Freedom of Expression and Belief: 4 / 16

While the constitution guarantees freedom of the press, the authorities severely restrict the media in practice. Broadcast media 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, some 80 percent 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 imprisonment of their staff. State-owned companies rarely if ever advertise in such papers. Those who supply information to opposition newspapers have at times been subjected to threats and arrest. In early 2012, the state demolished kiosks owned by the private companies Qasid and Qaya, which distributed the independent newspapers *Yeni Musavat* and *Azadliq*. Local radio broadcasts of key international news services, including the British Broadcasting Corporation (BBC), Radio Free Europe/Radio Liberty (RFE/RL), and Voice of America, were banned in 2009.

Defamation remains a criminal offense punishable by exorbitant fines and imprisonment. Journalists are threatened and assaulted with impunity, and several have been jailed on fabricated charges of drug trafficking, ethnic hatred, high treason, and hooliganism, among other offenses. Many are convicted and face long jail sentences. In March 2013, Vugar Gonagov and Zaur Guliyev, the executive director and editor in chief of Khayal TV, were each given three-year suspended sentences and released after being tried on charges of inciting mass disorder and abuse of office for uploading a video to YouTube that depicted the governor of Quba District insulting local residents.

Also in March, newspaper editor Avaz Zeynalli was convicted of extortion and tax evasion and sentenced to nine years in prison. He had been in detention since October 2011, when parliamentarian Gular Ahmadova claimed he tried to blackmail her. Zeynalli had been reporting on allegations of corruption against Ahmadova, who was ultimately convicted in December 2013 and sentenced to three years in prison.

Website editor Nijat Aliyev, who was arrested on drug charges in May 2012 for his activism during antigovernment protests surrounding that year's Eurovision song contest, faced new charges in January 2013 of illegally distributing religious materials, provoking mass disorder, and inciting racial hatred. He was convicted in December and sentenced to 10 years in prison. Youth activist Anar Aliyev, who was also arrested during the Eurovision protests, was convicted in April and sentenced to eight years in prison on multiple charges ranging from disrupting public order to insulting the flag. Separately, blogger Rashad Ramazanov was sentenced in November to nine years in prison for drug possession after regularly criticizing official corruption and human rights abuses online.

Internet-based reporting and social networking have increased significantly in recent years as methods of sidestepping government censorship and mobilizing protesters. The government has repeatedly blocked some websites that feature opposition views and intimidated the online community through harsh treatment of critical bloggers. Defamation legislation was amended in June 2013 to specifically include online content and commentary, even on social media.

The government restricts the practice of "nontraditional" minority religions – those other than Islam, Orthodox Christianity, and Judaism – through burdensome registration requirements and interference with the importation and distribution of printed religious materials. A 2009 law required religious groups to reregister with the authorities and religious figures to be recertified. It also barred foreign citizens from leading prayers. A 2011 amendment to the law significantly

increased fines for distribution of unapproved religious material and prescribed multiyear prison sentences for leaders of unsanctioned religious services. Well-known Islamic theologian Taleh Bagirzade was arrested in April 2013 after he criticized the government in a sermon. He was sentenced in November to two years in prison for drug possession.

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

E. Associational and Organizational Rights: 2 / 12

The government restricts freedom of assembly, especially for opposition parties. In early 2013, a wave of protests broke out in Ismayilli and Baku over perceived corruption among local elites and the abuse of military conscripts. New legal amendments increasing fines for organizing and participating in unauthorized protests came into effect in January 2013. Dozens of people were arrested and more than 20 fined in connection with the local protests under the new rules. In May, further legal restrictions on freedom of assembly were adopted, extending the maximum periods of administrative detention for certain offenses.

Legislation that took effect in February requires NGOs to register all grants and donations with the Ministry of Justice. In addition, under legal amendments introduced in March, NGOs are obliged to inform authorities of all donations over \$250, and those that fail to acquire proper registration are prohibited from opening or maintaining bank accounts. The rules have been used to put pressure on both local and foreign organizations. NGOs reported during the year that the authorities had increased restrictions on their activities, requiring permission to hold even simple trainings and other events.

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: 4 / 16

The judiciary is corrupt, inefficient, and subservient to the executive branch. Arbitrary arrests 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; torture is sometimes used to extract confessions. Prison conditions are severe, with many inmates suffering from overcrowding and inadequate medical care. Protesters detained during 2013 reported ill-treatment in custody. Most were arrested arbitrarily and denied legal counsel in closed pretrial hearings.

Some members of ethnic minority groups, including the small ethnic Armenian population, have complained of discrimination in areas including education, employment, and housing. Although homosexuality was decriminalized in 2001, antidiscrimination laws do not specifically protect LGBT people, who reportedly face police harassment and other forms of bias or abuse.

G. Personal Autonomy and Individual Rights: 6 / 16 (-1)

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.

As part of a citywide redevelopment project, the government evicted many Baku residents in 2011 and 2012 in preparation for the Eurovision Song Contest in 2012, forcibly removing and illegally demolishing the homes of those who refused to be resettled. In general, respect for property rights has plummeted in recent years as the state appears able to seize any property it wishes and options for recourse are extremely limited for ordinary citizens. Significant parts of the economy are controlled by 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 19 seats in the parliament. Domestic violence is a problem, and the country is believed to be a source, transit point, and destination for the trafficking of women for prostitution. A 2005 law criminalized human trafficking, but the U.S. State Department's 2013 *Trafficking in Persons Report* placed Azerbaijan on its Tier 2 Watch List for the sixth consecutive year.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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