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Freedom House

## Freedom in the World 2019 - Azerbaijan

Not Free

11 /100

### Overview:

In Azerbaijan's authoritarian government, power remains heavily concentrated in the hands of Ilham Aliyev, who has served as president since 2003. Corruption is rampant, and following years of persecution, formal political opposition is weak. The regime has overseen an extensive crackdown on civil liberties in recent years, leaving little room for independent expression or activism.

### Key Developments:

#### Key Developments in 2018:

- In April, President Aliyev was elected to a fourth term in a process that lacked genuine competition, amid evidence of electoral fraud and tight restrictions on the media and opposition.
- In August, opposition leader Ilgar Mammadov was released by an appeals court after five years in prison on politically motivated charges. However, other opposition figures faced arrest and imprisonment during the year.
- The government continued to crack down on the media throughout the year, blocking independent news sites and detaining and prosecuting critical journalists.

### Political Rights and Civil Liberties:

POLITICAL RIGHTS: 2 / 40 (–1)

A. ELECTORAL PROCESS: 0 / 12 (–1)

#### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

The president is head of state and is directly elected to seven-year terms. There are no term limits. Since the early 1990s, elections have not been considered credible or competitive by international observers. A February 2018 presidential decree moved the presidential election, originally planned for October, up to April. President Aliyev—who

succeeded his father, Heydar, in 2003—won a fourth term in a predictable landslide victory amid evidence of electoral fraud. An observer mission from the Organization for Security and Co-operation in Europe (OSCE) found that the election lacked genuine competition due to a restrictive political environment in which opposition candidates did not openly confront or criticize the president.

In 2017, President Aliyev appointed his wife, Mehriban Aliyeva, as vice president. The post had been created via constitutional changes that were pushed through in 2016 without meaningful parliamentary debate or public consultation.

**A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4**

Elections to the 125 seats in Azerbaijan's unicameral Milli Mejlis, or National Assembly, were held in 2015 amid a government campaign against criticism and dissent. The main opposition parties boycotted the vote. According to official results, Aliyev's 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. The international election monitoring mission from the OSCE declined to send observers, saying restrictions placed by the government on the number of observers permitted would make effective and credible observation impossible.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)**

The electoral laws and framework do not ensure free and fair elections. The nomination process for members of electoral commissions places the bodies under the influence of the ruling party. The performance of the Central Election Commission (CEC) during the 2018 presidential election demonstrated its lack of independence, as commissioners expressed no dissenting opinions at public sessions and decisions were made unanimously with little or no deliberation. The CEC also failed to prevent instances of ballot box stuffing and other forms of fraud reported at some polling stations, and disregarded many mandatory procedures meant to safeguard the integrity of the vote.

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.

In 2016, voters approved a package of constitutional changes that were pushed through without meaningful debate or consultation; among other changes, the legislation further concentrated power within the president's office.

*Score Change: The score declined from 1 to 0 because the conduct of the 2018 presidential election demonstrated the electoral commission's lack of independence, its widespread disregard for procedural safeguards against fraud and other abuses, and the biased nature of the electoral framework, which favors the ruling party.*

## B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

### **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 free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

The political environment in Azerbaijan is neither pluralistic nor competitive, and mechanisms for public participation are limited by the dominance of the president's YAP party. A number of laws passed over the past decade limit 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.

### **B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4**

The biased electoral framework and repressive media and political environment make it nearly impossible for opposition parties to gain power through elections. The main opposition parties boycotted the 2015 parliamentary elections and the 2018 presidential election rather than take part in a flawed vote. Opposition figures complained that moving the 2018 election forward from October to April further disadvantaged them by allowing inadequate time to prepare their campaigns.

Opposition politicians and party officials are subject to arbitrary arrest on dubious charges, as well as physical violence and other forms of intimidation. In January 2018, Gozel Bayramli, the deputy chairperson of the opposition Azerbaijan Popular Front Party (APFP), was sentenced to three years in prison on charges of carrying undeclared funds into the country; she maintains that her arrest and prosecution was politically motivated. The nongovernmental organization (NGO) Working Group on a Unified List of Political Prisoners estimated that there were 128 political prisoners in the country as of September.

In August, Ilgar Mammadov, a leader of the Republican Alternative movement, was released following a ruling by the Shaki Court of Appeals. After more than five years of imprisonment on politically motivated charges, the remaining two years of Mammadov's seven-year sentence was commuted to a suspended sentence, during which he cannot leave the country.

### **B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4**

The authoritarian one-party system in Azerbaijan largely excludes the public from any genuine and autonomous political participation.

### **B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4**

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

## C. FUNCTIONING OF GOVERNMENT: 0 / 12

### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

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.

### **C2. Are safeguards against official corruption strong and effective? 0 / 4**

Corruption is pervasive. In the absence of a free press and independent judiciary, officials are rarely held accountable for corrupt behavior.

In 2017, a network of international media outlets exposed a \$2.9 billion slush fund, held within United Kingdom-registered shell companies and linked to the Azerbaijani ruling elite, including the Aliyev family. Leaked banking records from 2012–14 have revealed payments to, among others, former members of the Parliamentary Assembly of the Council of Europe (PACE), London- and US-based lobbyists, and senior officials in the Azerbaijani government.

Britain's *Guardian* newspaper, one of the outlets that exposed the scheme, credited lobbying operations associated with the fund for a move by PACE to vote down a 2013 report critical of Azerbaijan's rights record. In April, an independent investigation body, tasked by PACE to investigate the allegations, stated that Azerbaijan's government exerted "undue influence" on various political processes within PACE in order to minimize criticism of its elections and alleged rights abuses.

### **C3. Does the government operate with openness and transparency? 0 / 4**

Government operations are opaque. Although public officials are nominally required to submit financial disclosure reports, procedures and compliance remain unclear, and the reports are not publicly accessible. There are legal guarantees for citizens' access to information, but also broad exceptions to the right, and authorities at all levels systematically refuse to respond to information requests.

In 2017, Azerbaijan withdrew from the Extractive Industries Transparency Initiative (EITI), an international platform that promotes good governance and transparency in resource-rich countries, having been suspended due to ongoing noncompliance with EITI human rights standards.

## CIVIL LIBERTIES: 9 / 60

### D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

#### **D1. Are there free and independent media? 0 / 4**

Constitutional guarantees for press freedom are routinely and systematically violated, as the government works to maintain a tight grip on the information landscape. Defamation remains a criminal offense. Journalists—and their relatives—faced harassment, threats, violence, and intimidation by authorities. Many have been detained or imprisoned on fabricated charges, while others face travel bans. In January 2018, for example, investigative journalist Afgan Mukhtarli, who was abducted from Tbilisi, Georgia in 2017, was sentenced to six years in prison on smuggling charges, a sentence observers considered politically motivated. According to the Committee to Protect Journalists (CPJ), there were 10 journalists imprisoned in Azerbaijan as of December.

Legal amendments passed in 2017 extended government control over online media, allowing blocking of websites without a court order if deemed to contain content posing a danger to the state or society. Many prominent independent news sites have since been blocked, including four sites that were blocked in August for allegedly defaming government officials. Also in August, progovernment news agency APA and its three affiliate outlets were shut down for apparently misquoting the president on Armenian-Azerbaijani relations and the Nagorno-Karabakh conflict. However, observers suspect that financial issues might have been behind the move.

#### **D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4**

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. In February 2018, the State Committee for Work with Religious Organizations prohibited the publication of a book on Islam by a theologian due to a disagreement over its religious content.

A number of mosques have been closed in recent years, ostensibly for registration or safety violations. Jehovah's Witnesses face continued harassment; in July, a conscientious objector was convicted of evading military service, even though he had suggested alternative public service. No sentence was ultimately imposed.

In May, the government pardoned 7 of the 17 members of the Muslim Unity Movement (MUM), a conservative Shiite group, who were sentenced to up to 20 years in prison in 2017 on charges that included conspiracy to overthrow the government. Some members of the group have been tortured in prison. Despite the pardons, the group's members continued to face harassment and arrest in 2018. In March, MUM coordinator Ahsan Nuruzade was sentenced to seven years in prison after being convicted on drug charges.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4**

The authorities have long curtailed academic freedom. Some educators have reported being dismissed for links to opposition groups, and students have faced expulsion and other punishments for similar reasons.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4**

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. In recent years, activists have reported being targeted by spear-phishing campaigns designed to install malware on their computers or steal personal information.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12**

**E1. Is there freedom of assembly? 0 / 4**

National law imposes tight restrictions on freedom of assembly, and under 2016 amendments, the right to free assembly is contingent on not violating "public order and morals." Unsanctioned gatherings can draw a harsh police response and fines for participants.

In March 2018, in advance of a rally in Baku organized by several opposition parties to protest the early presidential election, six party members from the APFP were arrested and detained for between 15 and 20 days, and dozens of other activists were summoned for questioning. The APFP claimed that the pressure placed on party activists by the authorities was meant to discourage the event and intimidate its organizers.

After the attempted assassination in July of Elmar Valiyev, the mayor of Ganja, protesters gathered in support of the detained suspect and demanded an investigation into the mayor himself, who had been accused of corruption. The demonstration turned violent and two police officers were killed. Around 40 people were arrested at the protest, and mobile data service in the area was shut down to restrict the spread of information.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4**

Repressive laws on NGOs have been used to pressure both local and foreign organizations, many of which suspended operations when their bank accounts were frozen or their offices raided. In June 2018, human rights lawyer Emin Aslan, who has

worked on behalf of a number of NGOs, was arrested, held incommunicado, and sentenced to 30 days in jail for allegedly disobeying the police. However, observers asserted that Aslan's detention was connected to his work as a human rights defender.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4**

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: 1 / 16**

**F1. Is there an independent judiciary? 0 / 4**

The judiciary is corrupt, inefficient, and subservient to the executive. Although nominally independent, the Bar Association acts on the orders of the Ministry of Justice, and is complicit in the harassment of human rights lawyers.

**F2. Does due process prevail in civil and criminal matters? 1 / 4**

Constitutional guarantees of due process are not upheld. Arbitrary arrest and detention are common, and detainees are often held for long periods before trial. Opposition figures, journalists, and activists arrested or sentenced in recent years have reported restricted access to legal counsel, fabrication and withholding of evidence, and physical abuse. In July 2018, police arrested a suspect, Yunis Safarov, for the assassination attempt on Valiyev. The government said, without providing evidence, that Safarov is a militant motivated by a desire to impose Islamic rule on Azerbaijan. Critics claimed that the authorities were linking the suspect to extremism in order to deflect anger about corruption and poor governance in Ganja and across the country, which opposition activists argued could be the motive for the attack. Safarov awaited trial at year's end.

A bill passed in 2017 restricts court representation by lawyers who are not members of the bar, giving the politicized Bar Association full control over the legal profession and seriously limiting access to representation.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4**

Reports of the use of torture to extract confessions continue. Prison conditions are substandard; medical care is generally inadequate, and overcrowding is common.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4**

Members of ethnic minority groups have complained of discrimination in areas including education, employment, and housing. Although same-sex sexual activity is legal, LGBT (lesbian, gay, bisexual, and transgender) people experience societal

discrimination and risk harassment by the police. In 2017, police fined or detained dozens of people for weeks in a coordinated crackdown on LGBT residents, which led many to flee the country.

## G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

The government restricts freedom of movement, particularly foreign travel, for opposition politicians, journalists, and civil society activists.

People with disabilities and psychiatric patients are routinely institutionalized; there is no clear procedure to review their confinement.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4**

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.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Domestic violence committed against women, men, and children is a problem. Conservative social norms contribute to the widespread view that gender-based violence is a private matter, which discourages victims from reporting perpetrators to the police. Child marriage remains common throughout the country.

### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4**

Azerbaijan is a source, transit point, and destination for forced labor and sex trafficking. Romany children are particularly susceptible to forced labor, often working in restaurants or as roadside vendors, while some are victims of forced begging. The government has taken some efforts to combat trafficking, including by prosecuting traffickers and providing services to victims.

Explanatory Note:

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

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#### **ecoinet summary:**

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