

# AZERBAIJAN

## INTRODUCTION

The Law on Mass Media, accepted by the parliament of Azerbaijan in 2000, guarantees freedom of speech, access to information, protection of journalists' rights, and government support of independent media. Overall, the rule of law in Azerbaijan, and legislation regarding freedom of speech and access to information, are harmonized with the standards of the Council of Europe. In reality, however, legal protections for the freedom of speech are hardly implemented. The regional areas, in particular, have a more difficult task in enforcing media laws.

On a positive note, the police and the courts have not been as aggressive in prosecuting journalists as they had in the past. In general, the authorities adhere to the law, due in large part to the active role of journalism associations and the public. These groups have brought the attention of the Council of Europe to various incidents in which journalists' rights have been violated.

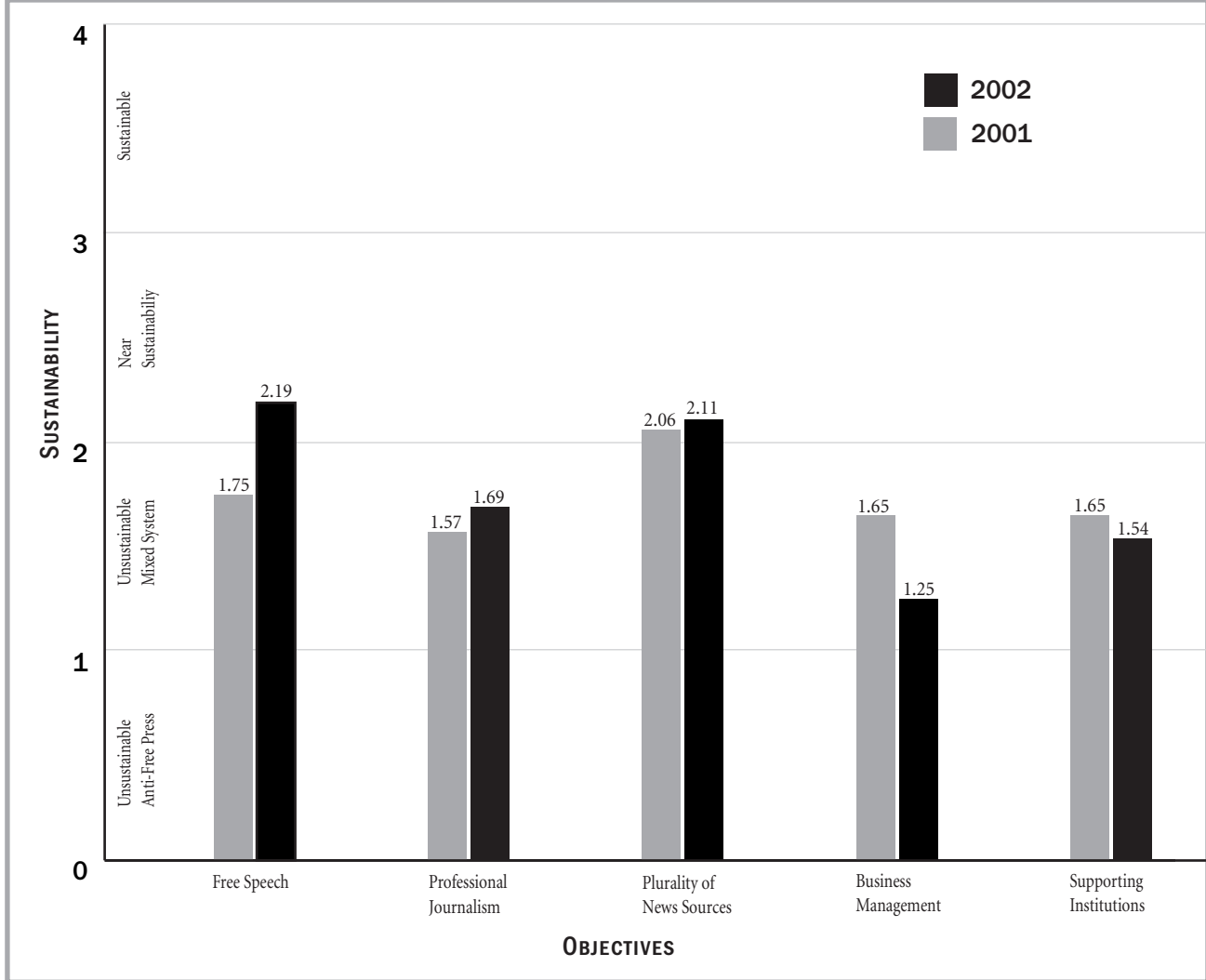
At times the media law lacks clarity in addressing concepts such as ethical standards, slander, and the freedom of information. This ambiguity leads to legal proceedings between government authorities and journalists. Freedom of speech is highly thought of in society. However, the absence of an independent judicial system is a huge barrier to the protection of journalists' rights.

The Ministry of Information and Publications was dissolved on April 19, 2001, and media censorship was halted soon thereafter. The task of issuing licenses to television and radio stations then fell to the Ministry of Communications. With assistance from the Council of Europe and local media and legal experts, new draft laws regarding licensing and broadcast regulation are being prepared. There is the hope that after the acceptance of these laws, licensing will be a fair and competitive process, instead of one based on political influence.

More than 200 newspapers are published in Azerbaijan, but only 20 of them are published regularly as dailies and weeklies. There are two state television channels, four private television stations, and nine regional television stations. Among the foreign frequencies in Azerbaijan are two official Russian television channels, and two Turkish television stations.

*Since there is no independent judicial system, it is impossible to judge how media freedoms are being enforced. It is particularly difficult in the regions, where local authorities and tax officials exert their influence on independent media.*

## AZERBAIJAN—MEDIA SUSTAINABILITY INDEX



### OBJECTIVE SCORING

The averages of all the indicators are averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

**3 and above:** Sustainable and free independent media

**2–3:** Independent media approaching sustainability

**1–2:** Significant progress remains to be made; society or government is not fully supportive

**0–1:** Country meets few indicators; government and society actively oppose change

### INDICATOR SCORING

Each indicator is scored using the following system:

**0** = Country does not meet indicator; government or social forces may actively oppose its implementation

**1** = Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change

**2** = Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces

**3** = Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability

**4** = Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions

The quality of journalism in Azerbaijan does not meet international standards. Regional media outlets have significant difficulties in this area, compared with those outlets in the capital. Areas of specific concern include the freedom of speech, the lack of modern technical equipment and Internet access, poor professionalism, and the absence of an advertising market.

Unfortunately, most of the print media in Azerbaijan cover political events such as the legal disputes and scandals of political leaders. These newspapers focus far less on social development, ecology, conflict resolution, education, gender, migration, and health. Even less attention is given to the professional growth of journalists, to advertising and distribution management, and to using market research. Additionally, investigative journalism is rare in Azerbaijan. Most journalists cannot afford to devote significant time to investigative reporting, and there is also the risk of threats and arrest from the authorities.

Despite some economic growth in Azerbaijan and the development of local business, independent media have suffered from a decrease in advertising profits. Advertising revenues for media have dipped because of the low purchasing power of the population, and the influence of political and business interests on the advertising market.

The low level of professionalism among journalists and the weak management skills of media managers negatively influence the image of the professional journalist in the eyes of the public. This reaction does not motivate citizens to buy newspapers.

Professional training in Azerbaijan is underdeveloped. The courses conducted by organizations like Internews and the Open Society Institute (OSI) emphasize television journalism and are generally short-term sessions. Little significant work is done to develop the professional skills of print media. The panel proposed urban-rural journalist exchanges and training literature written in the official and minority languages of Azerbaijan. Both practices would be greatly helpful in developing a core group of print journalists, particularly because journalism instruction in schools and universities does not meet the international standards.

The institutions that support independent media in Azerbaijan are active and well organized. Nongovernmental organizations (NGOs) are able to mobilize protests to call attention to violations of the journalists' rights. Yet, despite the activity of media

organizations, they are still in their early stages of development. For this reason, the support network for journalists' labor and professional rights is still weak.

## OBJECTIVE 1: FREE SPEECH

**Azerbaijan Objective Score: 2.19/4.0**—Parliament passed the Law on Mass Media in 2000. The legislation complies with international norms by guaranteeing freedom of speech, access to information, protection of journalists' rights, and support of independent media. The Azerbaijan parliament ratified the European Convention on Human Rights—including Article 10, which guarantees freedom of speech and other media freedoms. The ratification of the Convention was one of the conditions of Azerbaijan's acceptance into the European Union (EU). In February 2001, Azerbaijan was accepted as a full member of the Council of Europe.

In August 1998, President Aliyev signed a decree that removed the state censorship of print media. On May 7, 2001, the President's Office created a special working group tasked with modifying the media law

Legal and social norms protect and promote free speech and access to public information.	
Free Speech Indicators	Legal/social protections of free speech exist and are enforced.
	Licensing of broadcast media is fair, competitive, and apolitical.
	Market entry and tax structure for media are fair and comparable to other industries.
	Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
	State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
	Libel is a civil law issue; public officials are held to higher standards, and the offended party must prove falsity and malice.
	Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
	Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
	Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

in order to provide information to the media community.

Since there is no independent judicial system in Azerbaijan, it is impossible to judge how media freedoms are being enforced. It is particularly difficult in the regions, where local authorities and tax officials exert their influence on independent media. In 2002, President Aliyev met with a group of businessmen to open a dialog with the private sector in hopes of fostering small and medium business growth and creating more favorable tax conditions for the development of regional businesses and media outlets.

Investigative journalists do not feel as if the law protects them. Journalists can be openly accused of breaching the media law by violating ethical standards or committing libel or slander. Slander is dealt with in both the civil and criminal codes. However, the media law does not provide detailed definitions of these concepts, so it is difficult to predict the outcome of related legal decisions. Often the fate of accused journalists is left to the decision-making abilities of individual judges. Journalists lose about 60 percent of their cases because of their own lack of professionalism. Sometimes their reporting on political leaders is not based on sound research or good sources.

According to Article 19 of the revised Law on Mass Media passed in February 2001, the activity of media outlets can be halted only by the ownership or by a court's ruling. This revision differs from the Law on Mass Media passed in 2000, in which a media outlet that has lost three times in court could be closed. All state organizations have structures that deal with accreditation, and they have the right to deny accreditation to any journalist.

On April 19, 2001, the president of Azerbaijan signed a decree that dissolved the Ministry of Information and Publishing. After the ministry was closed, censorship of the media was canceled. The Ministry of Communications then began licensing broadcasting media, but did nothing about print media licensing. Licensing processes have not been neglected in the parliament. Experts from the Council of Europe and local media experts have drafted legislation dealing with the Freedom of Information Act (FOIA), licensing, and public broadcasting. On March 14, 2002, the government announced the formation of an independent licensing organization for electronic media.

The formation of a public television station according to European standards is proceeding slowly. The government has stated that one channel will remain

state-run, while another will become a European-style public channel with an independent board.

Although the licensing of television and radio stations has been suspended, five regional broadcasters were able to obtain licenses previously. These stations are Aygun TV in Zagatala, MTV in Mingachevir, Dunya TV in Sumgait, and Khayal TV and Gutb TV in Guba. The old Soviet style of thinking and the general apathy of some officials hinder these independent television stations' ability to operate. The State Council on Broadcasting was created in January 2002, allowing some regional television stations to get new licenses. Now all television and radio stations have to apply for licenses from this body.

Among electronic media in Azerbaijan, there are two state television channels, AzTV1 and AzTV2; two Turkish channels, TRT and STV; two Russian stations, ORT and RTR; four private television channels, ANS, Space, Lider, and ATV (Azad Azerbaijan); and nine regional television stations. There is also a wide range of radio stations. There are two state radio channels, FM 88 and Araz, and private radio channels such as 102 FM ANS, 104 FM Radio Space, 106 FM Azad Azerbaijan, 107 FM Radio Lider, as well as Russian channels FM 107.7 Radio Europe Plus and Radio Russia. Other foreign stations include Turkish channel Burj FM, Radio Free Europe (USA), and BBC (Great Britain). Voice of America is broadcasting programs on a state-run frequency.

Approximately 10 news agencies operate in Azerbaijan. The panel noted that the most professional agency is Turan. There are more than 200 newspapers in the country, but only 20 papers are issued on a daily or weekly basis.

The media industry has seen some recent improvements. In March 2001, the parliament passed a law exempting media from customs duties. Due to outcry from media organizations, the Council of Europe and the public, the police, and the courts do not subject journalists to as much intimidation as in the past. Journalists now have significantly more freedom to do their jobs, particularly compared with the period from 1992 to 2001, when journalists were arrested, beaten, and barred from reporting certain events.

There is a long list of abuses committed against the independent media in Azerbaijan. According to information from RUH, 150 incidents of violence against journalists were reported in 2001 alone. In July 2001, broadcaster ABA was closed due to alleged tax violations, and its equipment was confiscated. For the

past two years, four of the nine regional television stations were closed for a variety of dubious reasons. On Aug. 7, 2001, the editor of the newspaper *Milletin Sesi* was arrested for publishing an article describing the corruption in the former chairman of the State Committee on Property's administration. The newspaper *Etimad* was closed for printing articles discrediting the head of Muslim Clergy of Azerbaijan, Sheikh-Ul-Islam Allahshukur Pashazadeh.

In October 2000, 40 journalists were dispersed by police during a demonstration against the government reprisals of journalists demanding media reforms. During the second demonstration in December, 26 journalists were beaten, and one was hospitalized.

After the well-publicized meeting between the media community and the president in which he was dubbed the "Friend of the Media," immediate results were seen. Some of the cases against journalists were thrown out, fines were dropped, debts to the state-run publishing house were forgiven, and customs duties were cancelled. The process of issuing credits to media outlets also began. However, many believe the credit system is not transparent and influenced by political interests.

Although custom duties on importing media supplies have been cancelled, media in the regions still have serious financial problems. These problems stem partly from low profit levels from newspaper distribution, and partly from the public's low purchasing capacity. Many do not want to buy a newspaper for 1,000 manats (20 US cents). The advertising market is dominated by business and political interests that squeeze the profit margins of independent media.

According to some independent journalists, there are elements in the country that want to bring about the ruin of independent media. For political reasons, many businesspeople do not advertise in opposition media outlets even if their daily circulation rates are higher than the state newspapers. Independent media do not receive the same government subsidies that the state outlets do. A small number of opposition media have difficulties printing editions through state and private publishing houses due to political pressure.

The transition to the Latin alphabet has adversely affected the financial position of many Azeri-language newspapers. These newspapers have lost one-third of their profits and have lost elderly readers, who find it difficult to learn a new alphabet.

In general, journalists are more constrained in gaining access to information by their own lack of pro-

fessional skills than by the media laws. Some journalists rely on the financial support of political or business interests to supplement their salaries. This reliance is reflected in the objectivity of their work. In some cases, the management of media outlets influences the appointment of an outlet's editors.

The panel noted that there are increasingly fewer reliable news sources. Every year there are fewer independent media outlets—particularly broadcast—as the government seeks to consolidate its power over the media. In the opinion of one panelist, media outlets can maintain their independence through good management. Media is on the way to true independence. If questions regarding advertising, distribution, and editorial influence can be addressed, there is hope.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

**Azerbaijan Objective Score: 1.69/4.0**—There is a distinct lack of independent newspapers in Azerbaijan. Political influence directly affects the objectivity of many newspapers, as the owners are often swayed by political and business interests. Although many journalists recognize an ethical code, not all actually follow the common ethical standards. For the most part, each newspaper and broadcaster has its own internal ethical

Journalism meets professional standards of quality.	
Professional Journalism Indicators	Reporting is fair, objective, and well sourced.
	Journalists follow recognized and accepted ethical standards.
	Journalists and editors do not practice self-censorship.
	Journalists cover key events and issues.
	Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
	Entertainment programming does not eclipse news and information programming.
	Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
	Quality niche reporting and programming exists (investigative, economics/business, local, political).

code. Most recently, media organizations in Azerbaijan have prepared a media code of ethics, to which a number of newspapers have signed on. Ethical principles related to media will be included in a new law on public broadcasting.

Independent newspapers such as *Echo*, *Zerkalo*, and *Ayna* try to present their coverage professionally by using good sourcing from experts, government officials, and third parties. There are a number of other independent newspapers that report on social and human-interest issues. However, these newspapers are poorly financed and do not get consistent support from international donor organizations. The absence of an advertising market means that some papers can be published only once or twice a month.

There are not enough international donor organizations that provide technical support to print media. Newspapers, particularly in the regions, greatly need computers, faxes, copiers, and accounting software. For example, one independent regional newspaper, *Mingachevir Ishiglari*, publishes information on civil initiatives and NGO resources in the regions. This paper has had difficulties in obtaining technical equipment and with printing its editions far away in Baku. Despite support from Internews and the US Embassy in Azerbaijan, the newspaper still struggles to cope.

Although self-censorship among journalists and editors is a common practice, professional journalists at leading newspapers are able to maintain fair and objective coverage. However, regional newspapers and television stations have far more difficulty maintaining independent coverage. At regional broadcasters, even the slightest criticism of local authorities could result in the loss of access to information. For example, journalists from the Ganja Support Center of Independent Media, a group supported by Internews, reported on the electricity shortage in the city of Ganja. The report described how the blackouts hindered the ability of many hospitals to treat injured people. As a result of the report, several heads of medical institutions were removed from their posts, and journalists were forbidden to film in hospitals.

Another problem for journalists in Azerbaijan is the lack of well-sourced reporting. The absence of authentic and well-checked information gathered from primary sources often results in sensationalist reporting that attracts readers at the cost of providing unreliable and subjective journalism. In many cases, this type of reporting leads to legal action against the journalists.

The development of professional journalism is negatively influenced by several factors. First, the professional preparedness of the graduates of journalism universities is weak. Second, people involved in managing media businesses do not have media experience or significant knowledge of the industry. And finally, media employees' low salaries create opportunities for corruption and instances of brain-drain as journalists leave the country in search of higher wages.

*Newspapers essentially prefer to focus on political scandals and sensationalism, rather than on important themes such as social problems, education, health, and other civic issues.*

The salaries of most journalists, with the exception of television journalists, remain extremely low. Low wages induce some journalists to write custom-made articles for the highest bidder. Another result of poor wages is the exodus of journalists abroad. The most professional journalists attempt to leave the country by finding work in Russia, Turkey, the United States, or Great Britain.

It is necessary to note that few media outlets produce their own programs and publications highlighting human-interest stories that could draw readers' attention. Newspapers essentially prefer to focus on political scandals and sensationalism, rather than on important themes such as social problems, education, health, and other civic issues.

Not many print media outlets actively use multiple distribution channels and PR to sell their papers. In Azerbaijan, two organizations are used to distribute newspapers: the public-service Gasid and an independent service called Gaya. Both distribute newspapers via kiosks and small news agents.

There is very little overlap of media coverage among the urban and regional media outlets. In the regions, the population is poorly informed about events in the capital city. In Baku, the society has very little knowledge about current events in the regions.

The panel agreed that the print media are in dire need of training and technical help to improve the professionalism of journalists in Azerbaijan. Training is needed to improve the overall quality of journalism, to

develop business-management skills, and to instruct journalists in the use of the Internet.

A variety of international organizations are active in media training. Internews provides training to improve the professionalism of television journalists; it also holds investigative journalism competitions. The Open Society Institute in Azerbaijan supports local media organizations by helping them publish educational brochures and by conducting training in Baku and the regions. This training focuses on instructing the journalists in how to work with NGOs, civil society groups, and journalistic networks. The US embassy in Azerbaijan also supports training in educating journalists about media legislation. The Eurasia Fund promotes local media organizations in drafting effective media legislation and in developing the stability of media. The International Center for Journalists (ICFJ) operates media training and exchange programs that are available to journalists from the broadcast and print media. These programs work to develop a broad range of media-related skills, from business management, to professional skills, to journalistic ethics, to advertising and distribution.

The panel agreed that there are not nearly enough journalists who specialize in niche topics such as civil society, gender issues, and conflict resolution. There are even fewer investigative journalists who can professionally present a story and address the problems of a changing world—issues such as refugee crises, internally displaced persons (IDPs), and repatriation.

Training is important for journalists, but it must begin at the university level. Journalism courses are offered at the Baku State University, at the private university Khazar, and at a number of other educational institutions. However, the teaching techniques and training materials do not meet international standards for journalism instruction. For example, admission to the journalism programs does not require applicants to have a preliminary interview. This process leads to the influx of untalented or uninterested students into journalism schools.

### OBJECTIVE 3: PLURALITY OF NEWS SOURCES

**Azerbaijan Objective Score: 2.11/4.0**—Most media outlets specialize in local and national themes. Yet in many parts of the capital and the regions, vulnerable groups cannot afford to buy print media. Only income-earning people in the regions have the means to

Multiple news sources provide citizens with reliable and objective news.	
Plurality of News Sources Indicators	A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
	Citizens' access to domestic or international media is not restricted.
	State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
	Independent news agencies gather and distribute news for print and broadcast media.
	Independent broadcast media produce their own news programs.
	Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
	A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

buy newspapers. Pensioners, refugees, and the poor in the cities and villages have no money for newspapers. In the Azeri capital, people can find local and foreign printed editions. Again, the question remains whether people can afford them.

The population has access to the Internet in Baku and in the regions. In the regions, however, bad connections and high Internet access fees decrease overall usage rates. Journalists and the public have experienced difficulty in finding and disseminating information.

Independent media outlets in Azerbaijan attempt to provide objective coverage of the government, the opposition, and civil society. To the greatest degree possible, this is accomplished by broadcaster ANS, newspapers *Echo* and *Ayna*, and periodicals *Turan* and *Trend*. In Azerbaijan, news agencies print political, economic, and social bulletins; prepare analytical and sociological reviews; and distribute materials to media organizations, businesses, embassies, and international organizations.

If necessary, a person can find out who owns media outlets. Local and international experts are involved in maintaining the transparency of the media industry and in providing equal opportunities for new entrants into the media sector.

In Azerbaijan, there are a myriad of newspapers published that represent minority groups. For example,

newspapers cater to Slavs, the Lezghin, Jews, Talishs, Tatars, Kurds, and others. However, these papers can have serious financial difficulties. Due to the low circulation of these newspapers and the lack of advertising opportunities, the minority papers are forced to rely on state aid or grants. The state provides some financial help, but it is not enough. Furthermore, there are not enough journalists specializing in minority issues such as culture, history, and social rights, so those outlets that do survive struggle to provide quality reporting.

## OBJECTIVE 4: BUSINESS MANAGEMENT

**Azerbaijan Objective Score: 1.25/4.0**—Azeri newspapers are currently experiencing serious difficulties in print production. The state and private publishing houses demand high prices, and the cost of paper has also increased. Additionally, some opposition newspapers refuse to patronize certain private publishing houses because the newspapers do not want to damage their relation with the ruling political elite.

After the meeting between media representatives and the president, some debts owed by media outlets to the publishing house Azerbaijan were forgiven.

The financial difficulties of newspapers, the lack of business-management skills in the media industry, and the inefficient distribution network have led to the rise of “reket journalists.” Such journalists threaten to

produce negative reporting unless they are paid by the organization or company they have targeted. During 2002, some reporters were taken to court for practicing reket journalism.

Print media regularly use advertising agencies, of which there are more than 40 in Azerbaijan. According to Article 13 of the Media Law, print media are allowed to derive no more than 40 percent of their income from advertising, and broadcast media no more than 25 percent.

Protectionism, and not healthy competition, can result from the battle for advertising revenue. However, this competition can also motivate independent broadcasters to search for creative programming ideas and improved business practices.

The independent press does not receive state grants, except for children’s editions and literary publications.

Local media make little use of marketing research and other data that would help them provide more professional reporting and serve as government watchdogs. There are very few market research organizations operating in Azerbaijan. Those that exist do not always use the most professional methods to obtain their results.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

**Azerbaijan Objective Score: 1.54/4.0**—The Union of Journalists in Azerbaijan carries out various meetings, seminars, and competitions in support of journalists in Azerbaijan. However, it is still too early to gauge whether the union is capable of protecting the labor and social rights of journalists.

Local NGOs such as Yeni Nesil and RUH work to protect the rights and interests of journalists in Azerbaijan. These groups seek to improve media legislation and expand media freedoms. There are a number of government-sponsored organizations. The Association of Journalists is a network of journalists that promotes civic education. Journalism NGOs in Azerbaijan—such as Free Person, the Association of Women Journalists, and the International Eurasia Press Fund—carry out various training programs for journalists on issues ranging from social and legal topics to communications. However, much of the work of these organizations is short-term and depends on the support of international donors.

The panel underscores the importance of professional media training, especially for print media. Basic

Independent media are well-managed businesses, allowing editorial independence.	
Business Management Indicators	Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
	Media receive revenue from a multitude of sources.
	Advertising agencies and related industries support an advertising market.
	Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
	Independent media do not receive government subsidies.
	Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
	Broadcast ratings and circulation figures are reliably and independently produced.



<b>Supporting institutions function in the professional interests of independent media.</b>	
<b>Supporting Institutions Indicators</b>	Trade associations represent the interests of private media owners and provide member services.
	Professional associations work to protect journalists' rights.
	NGOs support free speech and independent media.
	Quality journalism degree programs that provide substantial practical experience exist.
	Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
	Sources of newsprint and printing facilities are private, apolitical, and unrestricted.
	Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

and advanced training should be conducted in Baku and in the regions by skilled trainers in the areas of business management, basic journalism skills, niche reporting, and legal comprehension. There should be an effort to print training materials in the Azeri language, and to stimulate professional journalism through small grants and short-term exchanges with other countries.

The level of journalism instruction at universities does not meet international standards. There are no new textbooks and few opportunities for practical internships and hands-on learning.

Due to assistance from international organizations, journalists get the opportunity to produce independent television programs, publish newspapers, participate in training, use modern technologies, improve media legislation, and develop journalism networks and partner with journalists from other countries.

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